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A Dissertation
Presented to the Faculty of the Graduate School
of Yale University
in Candidacy for the Degree of Doctor of Philosophy

by
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[May 1998]
Abstract

[Migration and Social Change: The 'Ulama of Ottoman Jabal 'Amil in Safavid Iran, 1501-1736]
[Rula Anis Jurdi]
[1998]

The formation of the Safavid dynasty (1501-1736) marks an important watershed in the history of Twelver Shi’ism. The early Safavid monarchs were determined to convert Iran to orthodox Shi’ism and to spread a literate urban version of Twelver Shi’ite doctrine. Thus, they invited the Shi’ite 'ulama from Arabic-speaking countries – Iraq, Bahrain, and Jabal 'Amil in modern day Lebanon – to reinforce those in Iran. Among these, the contribution of the scholars and divines of Jabal 'Amil became especially notable as they started to accumulate significant power and prestige under Safavid patronage. By the seventeenth century a large number of these scholars residing in Safavid Iran – around 158 scholar – were of a 'Amili background.

The mainstay of my study is a historical inquiry into the social, religious, and intellectual foundations of the 'Amili community in sixteenth century Iran. The dissertation highlights Jabal 'Amil’s socio-religious milieu, the development of Twelver Shi’ism and the historical conditions shaping the rise of the renowned 'Amili schools (madrasas) during the late fifteenth century. Furthermore, this study throws light on the relations between the 'Amili communities and jurists on the one hand and Mamluk and Ottoman Sunnite
political establishments on the other and the conditions leading to the immigration of ‘ulama families from Jabal ‘Amil to Iran during the sixteenth and seventeenth centuries. Once in Iran, leading ‘Amili scholars maintained close ties with the Safavid court, occupied the highest religious offices and created the principal tools for the consolidation of Safavid rule whether they inherently accepted it or contrived to surpass it in time. The large majority of the ‘Amili scholars, who advanced either a rationalist (‘usuli) or a traditionist (akhbari) legal perspective imbued the jurist with authoritative knowledge while solidifying Safavid sovereignty. On the popular level, the ‘Amilis saw themselves as the custodians of a defined orthodoxy and fathomed new bridges with Iran’s social order and supplied pertinent justifications for how an exegetic use of the past in Twelver Shi’ite thought is relevant to the present. In essence, the ‘Amilis made significant modifications in the legal-political foundations of Twelver Shi’ism and their writings left an unequivocal impact on the course of clerical authority in Iran and the Shi’ite world. By the eighteenth century the ‘Amili collective clerical authority declined and its fortunes at the Safavid court were on the wane. The ‘Amili legalistic-political precepts, however, continued to carry a particular utility for Iranian society and its juridical class which adapted and remolded them to fit their needs in a creative historical process.
To the Memory of Husayn Muroeh
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INTRODUCTION

The mainstay of my study is a historical inquiry into the social-intellectual foundations of the scholastic community of Jabal 'Amil (in modern day Lebanon) and its political transformation in Safavid Iran (907-1135/1501-1722). Essential data was derived from original manuscripts, historical chronicles, biographical précis and travel accounts. The impersonality of the biographical dictionaries and the chronicle obituary called for the further utilization of the 'Amili legal literature, prose and poetry, all of which opened new pathways for social history.

The study of the 'ulama of Jabal 'Amil in Safavid Iran is of great significance in as much as it lends us insight into the inner social mechanisms and local histories of Twelver Shi'ite societies.¹ There is also a need to understand the nature of doctrinal and legal production and modes of scholastic exchange among Shi'ite centers of learning across ethnic and geographic lines. By focusing on the 'Amili 'ulama in Iran, we delineate the contribution of each cultural matrix, the Arab and the Persian to the development of Shi'ite political theory, which hitherto provides a comparative basis for the understanding of contemporary Shi'ite thought. My study tries to redress the paucity of studies on the historical formation of Shi'ism in

modern day Lebanon and the social transformation of the Shi‘ite clerical class during the early Ottoman period that led to the clerics’ large-scale emigration to Safavid Iran. Furthermore, this study gives central weight to the significance of 'Amili theological formulations for the Safavid monarchs and Iranian society at large and highlights the relationship the 'Amili jurisconsults (mujtahids) forged with temporal authority during the sixteenth and seventeenth centuries.

Another contribution which the dissertation aspires to make, falls within the confines of the historiographical literature on Lebanon. The region of Jabal 'Amil and its Shi‘ite community have been largely neglected if not severed from the making of modern Lebanon. In the meantime, modern Lebanese history, is presented as a perennial struggle between the feudal leadership of the Maronite Christians and the Druze over political ascendancy, to the exclusion of other religious communities.² This in turn cultivated the image of a marginal enclave of Shi‘ite presence in "the south", perceived as an addendum to the embryonic state entity we call Lebanon. Here we bring 'Amili history to the center and show the integral and constant involvement of 'Amili leaders in the politics of their surrounding with its varied sectarian texture and ruling elites.

² Examples of such works are, K.S.Salibi, The Modern History of Lebanon (London, 1965); A House of Many Mansions: The History of Lebanon Reconsidered (Berkeley, 1988); Iliya Harik, Al-Tahawwul al-Siyasi fi Tarikh Lubnan al-Hadith (Beirut, 1982).
Jabal 'Amil, the historical circumstances which elected Jabal 'Amil, a somewhat insignificant mountain region of southwestern Syria, to intellectual prominence. Moreover, we capture the efflorescence of the madrasas (religious schools) of Jabal 'Amil, whose founding fathers creatively reshaped the juridical heritage of Hilla in Iraq, and Sunnite Syrian and Egyptian scholarship to fit the demands for religious expertise in their 'Amili locales.

Between being depicted as dissimulating (tagiyya) practitioners of their faith and 'derivate' thinkers vis-a-vis the Sunnite jurists, active 'Amili 'ulama write a story of a complex social and intellectual exchange with Sunnism and of political conflict with Mamluk (648/1250-923/1517) and Ottoman (923/1517-1337/1918) authorities. The overarching presentation of Shi'ites as passive-persecuted subjects is abandoned in favor first, of interpreting the social 'utility' of Sunnite legal-political concepts for 'Amili thinkers, and second, of their manipulation of and active resistance to the Sunnite political establishment.\(^3\) Far from

\(^3\) The theoretical underpinnings of the dissertation owe in no small way to the works of Husayn Muroeh (d.1987) and Rifa'at Abou El-Haj. See Husayn Muroeh, Al-Naza'at al-Madiyya fi al-Falsafa al-'Arabiyya al-Islamiyya, vol.1, (Beirut, 1988), 161-8, 642. Muroeh approaches intellectual production in general, and the philosophical tradition in specific, as a "social tool" that expresses a social consciousness during a specific historical moment. Muroeh successfully shows that there is no contradiction, in essence, between the view that thought is shaped by material historical conditions on the one hand, and the belief in the relative independence of this thought during later phases of its expression. See also Rifa'at Abou El-Haj, "The Social Uses of the Past: Recent Arab Historiography of Ottoman Rule" JUMES 14(1982): 185-201. Abou El-Haj, without minimizing the importance of the external origins of an intellectual tradition or scholarship, proposes that both have to be understood "as forming part of the literary and cultural production that supports the ideology of a beneficiary class." As such he investigates the principle of "utility" of ideas around which a more
being a recipient entity, caught in a process of mechanical "borrowing" from Sunnism, Shi'ism attempted to systematize its corpus of fiqh (law), and redefine hadith (tradition) parameters in accordance with its internal needs. The socioeconomic changes encompassing sixteenth-century 'Amili society, the changing outlook of its clerical class, and the establishment of Twelver Shi'ite government under Safavid leadership, led to a reformulation of the ghayba (Occultation) complex and its supporting orthopraxy. The detachment from state structures, however inconstant it was among the affluent Shi'ite military-administrative classes and the clerics, posed Shi'ism as a 'counterculture' to secular sovereignty. Gradually this situation became difficult to maintain, giving way to the consolidation of Shi'ism as a state religion; an entity of political affirmation rather than of negation. When we assessed the political competitions and complex interplay of class and

penetrating social history could be written. See page 198.

4 See Devin Stewart, "Twelver Shi'ite Jurisprudence and its Struggle with Sunni Consensus" Ph.D. diss., University of Pennsylvania, 1991, 1-5, 53-64. Although Stewart makes important observations concerning the Sunnite legal methods which Shi'ite scholars used, he explains that the Sunnite delineation of heresy through the concept of mukhalafat al-ijma' (violating the consensus), threatened to exclude Shi'ite jurists from the system of legal education and scholarship. Disregarding the internal socio-historical mechanisms leading to the adaptation of juridical norms in various Shi'ite societies, Stewart concluded that Shi'ites were forced to 'borrow' from Sunnite jurisprudence lest they be stigmatized as heretics.

5 See 'Abbas Amat, Resurrection and Renewal: The Making of the Babi Movement in Iran, 1844-1850 (Ithaca, 1989), 2-4. The representatives of the Shi'ite establishment were confronted with the Mahdist expectations imbued by the ghayba (Occultation) doctrine in Shi'ite society and which almost exclusively fell within the domain of heterodoxy. One also needs to analyze that different societal arrangements for Shi'ism before and after the sixteenth century that augmented the theological dilemmas induced by the Occultation.
status across religious lines in Jabal 'Amil we unraveled a
more profound and well-rounded picture of historical
development that did not succumb to the all-too-familiar
model of 'primordial' Shi'ite-Sunnite schisms and feuds.

The second chapter captures the advent of the 'Amili
scholastic families to Iran, and illuminates the
circumstances that led to their migration from Jabal 'Amil to
Iran during the sixteenth and seventeenth centuries. From the
'Amilis' legal tracts, biographies, personal history and
literature we tried to piece together the political order
they lived in, the policies of the Safavid Shahs, and the
reaction of the Iranian notables and intellectuals to the
jurists' views and actions. A set of critical inquiries
investigated the relations between the Safavid monarchs and
leading 'Amili jurists, and the circumstances leading to the
growth in the latter's power and juristic prerogatives. The
development of a distinctive 'Amili system of ideas and the
issues it articulated found their justification in the
Iranian social ambit that nurtured or reworked them.

As this chapter demonstrates, the Safavid period is of
special importance for the student of Shi'ism because it
captures the postliminary phase of a rigorous
institutionalization of Shi'ite religion in its 'orthodox',
mainstream form. A historical investigation of this phase
allowed us to examine the attitudes of the mujtahids toward
Shi'ite government, and the transformation of their socio-
economic base and political outlook.
At the time when Andrew Newman had dismissed the 'Amili migration to Iran as a "myth" devoid of any factual basis, we were able to find at least one hundred and fifty-eight 'Amili 'ulama of the first, second and third generation migrants to Safavid Iran. Consequently, our findings allowed us to question Newman’s theoretical assumptions and conclusions about the nature of the Safavid-'Amili relations and the Shi'ite 'ulama's approach to temporal authority. From this immigrant scholastic community we bring attention to nine theologians who led glamorous careers and produced works of great import and relevance to Iranian society in specific and the 'Shi'ite International' in general. These 'Amili scholars all enjoyed close ties with the Safavid court, occupied the highest religious offices in Iran and created the principal tools for the routinization of Safavid rule irrespective of whether they inherently accepted its legitimacy or contrived to surpass it in time. Moreover, they made significant modifications in the foundations of legal

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6 Andrew J. Newman, "The Myth of the Clerical Migration to Safavid Iran: Arab Shi'ite Opposition to 'Ali al-Karaki and Safavid Shiism" Die Welt des Islams 33(1993): 66-112. For a list of the 'Amili 'ulama of Safavid Iran see appendix A. Our survey revealed the presence of at least 146 scholar and there must have been more. Hossein Modarressi asserted that several catalogues of manuscripts in Iranian libraries include 'Amili scholars who were never mentioned in the general biographical or historical works.

7 Chibli Mallat, The Renewal of Islamic Law: Muhammad Baqer as-Sadr, Najaf and the Shi'i International (NY, 1995). We used Mallat's 'Shi'i International' to point to the international scholastic-religious ties of Shi'ite seminaries and centers of learning around the world.

8 These 'Amili scholars were 'Ali b. 'Abd al-'Ali al-Karaki (d.940/1533), Husayn al-Mujtahid (d.1001/1592), Husayn b. 'Abd al-Samad (d.984/1576), Baha' al-Din al-'Amili (d.1030/1621), Mir Damad (d.1041/1631-2), Ahmad b. Zayn al-Abidin (d.1054/1644), Lutfullah al-Maysi (d.1032/1622-3), 'Ali b. Muhammad b. al-Hasan b. Zayn al-Din (d.1103-4/1691), and Muhammad al-Hurr al-'Amili (d.1111/1699).
Shi'ite thought and a number of their ideas left an unequivocal impact on the course of clerical authority in Iran.

This study departs from the dominant historiography that first, gives primary significance to the external Sunnite origins of 'Amili elaboration of the Islamic legal tradition, and second, casts the Safavid-'Amili intellectual production as unique for Arab culture. There is a tendency either to praise 'Amili contributions to Iran or to present them as a superimposition on Iranian culture and hence, treat Safavid-'Amili jurists and their scholarship as non-assimilative, alien, and particular to their ethnic background. The 'transmission' of political-legal ideas from the 'Amili-Arab to the Iranian cultural setting should be understood in terms of the social and structural dispositions of the 'hosting' society of Iran. The dispositions rather than 'Amili-Arab culture per se have defined the 'utility' of the

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9 See 'Abd al-Husayn Salihi Shahidi, "Madrasa-yi Falsafi-yi Qazvin dar 'Asr-i Safavi" Hoseh, 58 (1372/1952): 169-192. Shahidi depicts several 'Amili mujtahids and scholars as rigid akhbaris who drew little upon the philosophical and literary traditions of Persia. Others perceived the 'Amili theologians in terms of their "influence" and "contributions" to Iran through their commitment to the consolidation of the Ja'fari madhab (school of law) and the foundation of formidable clerical institutions. See Murtada Mutahheri, Al-Islam wa Iran (Beirut, n.d); 'Ali Muroeh, Al-Tashavvu' bayna Jabal 'Amil wa Iran (London, 1987); Ja'far al-Muhajir, Al-Hijra al-'Amiliyya ila Iran fi al-'Asr al-Safawi: Asbabaha al-Tarikhiyya wa Nata'ijaha al-Thaqafiyya wa al-Siyasiyya (Beirut, 1989). Others still, discern the "Arab" and "Persian" features of Shi'ism as determining factors in understanding the varied legal approaches to Safavid sovereignty. See Andrew Newman, "The Myth of the Clerical Migration to Safavid Iran" Die Welt des Islams 33 (1993): 66-112. The opinions conveyed orally to me by 'Ali Naqi Munzavi and Ahmad Munzavi, reflect one trend of nationalist thought that considers 'Amili ideas intrusive and alien to the theological world of Iran and its Gnostic tradition emphasizing theosophy and sufism.
'hosted/transmitted' scholarship of the 'Amili jurists and its mitigating ideas. The process we describe is one of appropriation rather than passive transportation of knowledge from Ottoman Jabal 'Amil to Safavid Iran, for we cannot continue to view the 'hosted' scholarship, be that the Sunnite Arab or the 'Amili, as static and unadulterated products of the original religious arena and cultural milieu that witnessed their first appearance. As such we delineate the form in which 'Amili ideas were adapted, molded and absorbed by diverse Iranian classes and circles of 'ulama and highlight the process of selection by which some of these ideas took root in Iran and spread out while others were undermined.

Chapter three focuses on the relationship among the 'Amili 'ulama, the Safavid Shahs and the Iranian military and administrative elites during the seventeenth century. The shifting class boundaries, change in the Shahs' internal policies, the socio-economic developments in Iran redefined the role and meaning of 'Amili legal-political thought. We also delve into the nature of the conflicts and alliances between high-ranking 'Amili jurists and the changing character of the Iranian elite.

In chapter four, we discuss the legalistic developments surrounding the status of salat al-jum'a (Friday prayer) after the ascent of the Safavids and demarcate the new interpretations of Shi'ite doctrine and law made by the 'Amilis and which espouse a close affinity with secular
sovereignty. The early Safavid Shahs attempted to institute highly visible practices like Friday prayer, which required the presence of a fāqīh (jurist), and whose enactment restored the Shi‘ite community to political normalcy. Whether usulis or akhbaris, the leading 'Amili scholars studied here had participated effectively in governmental offices and strengthened the foundations of Safavid rule without abandoning their aspiration for a total recovery of Shi‘ite authority. Our findings lead us to question the extent to which the recognition of temporal authority and the authoritative role extended to the clergy in the elaboration of law and doctrine were exclusively inculcated in the 'usuli school. During the sixteenth century, the 'Amili 'ulama did not see themselves as part of an ideologically well-defined legalistic and political akhbari-'usuli schism.10 No systematic and coherent formulation of a polarized akhbari-'usuli controversy was discerned before the late seventeenth century. More important, as the boundaries among the social classes of Safavid society shifted, so did the positions of the 'usulis and the akhbaris on Friday prayer. Concomitant with these developments was, as S.A. Arjomand suggested, a monarchic reclamation of authority against the incessant growth in the prerogatives of the mujtahids.11

In chapter five, we make a general classification of

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10 In different parts of the dissertation I have demarcated the dynamic interdependence of akhbarism and usulism in legal and political questions. For that, I am indebted to Hossein Modarresi Tabataba'i. 11 S.A. Arjomand, The Shadow of God and the Hidden Imam: Religion, Political Order, Societal Change in Shi‘ite Iran from the Beginning to 1890 (Chicago, 1984), 137-151.
'Amili works and assess the dominant patterns in their scholastic output; in the legalistic, doctrinal, philosophical, linguistic and literary domains. Dramatic increase or decrease of production in some of these domains was indicative of fundamental alterations in the monarchs' political agenda, elite composition and the societal order. Far from remaining self-absorbed clerical experts, the 'Amili jurists mediated their ahkam (rulings) and teachings effectively through a network of followers and officials appointed by the Safavids for that purpose. Noteworthy was the translation of Shi‘ite fiqh texts into Persian, disseminating points of doctrine and ritual through a vast network of students and followers. We also examined some of the legal questions on which the 'Amili jurists were supposed to adjudicate and issue fatwas (injunctions).

In chapter six, we focus on the role of the 'Amili jurists' in Iranian society and the approach they took to various socio-religious groups. We highlight the complex interaction among legalistic Shi‘ism, folk/Sufi beliefs and philosophical-theosophical trends exemplified in the 'ulama's encounters with occupational groups among the artisans, or with opposing doctrinal tendencies carried by the Sufis and the Sunnites. Drawing upon the arguments championed among others by 'Abdol Hossein Zarrinkoob, we distinguished between 'low'/popular and 'high' intellectual Sufism, and underscored the adaptation of legal and Sufi precepts by Sufis and jurists respectively. In a dialectic of opposition and co-
optation, state-backed jurists were able to score important victories against popular Sufism which was the actual source of their disenchantment.\textsuperscript{12} By the end of Safavid rule, much of the archetypal austerity, \textit{karamat} (miracles) and spiritual excellence of the Sufis was claimed by the guardians of the \textit{shari'a} and its officially uncontested interpreters.

\textsuperscript{12} See 'Abdol Hossein Zarrinkoob, \textit{Josteju Dar Tasavyuf-i Iran} (Tehran, 1366/1987).
Map 1 Lebanon
CHAPTER 1

JABAL 'AMIL IN PRE-MODERN TIMES: SHI'ISM AND SOCIAL CHANGE

The meager references to Jabal 'Amil in Mamluk (648/1250-923/1517) and early Ottoman (923/1517-1918) chronicles and travel accounts have left us with an incomplete picture of its socio-religious milieu and historical development in the pre-modern period. Due partly to the scarcity of sources and partly to the 'official' ideological cast of early Lebanese historiography, authors and social scribes did not attempt comprehensive connections between political and social history. Both contemporary and later studies fell short of illuminating the social structure, political outlook and intellectual traditions of Jabal 'Amil. Jabal 'Amil and its Shi'ite community also figure poorly in the historiography on modern Lebanon, which was presented for the most part as a perennial struggle between Maronite Christians and the Druze over political ascendency, to the exclusion of other socio-religious groupings.¹ The internal social developments of 'Amili society and its provincial politics, were to a large extent, differentiated if not severed from the circumstances leading to the formation of the Lebanese nation-state. Except for a handful of studies, the 'Amili feudal lords and their exchange with the Ottoman provincial rulers of Mount Lebanon

¹ Philip Hitti, Lebanon in History (London, 1957); Nicola Ziadeh, Syria and Lebanon (London, 1957); Malcolm H. Kerr, Lebanon in the Last Years of Feudalism, 1840-68: a Contemporary Account by Antun Dahir al-'Agigi and Other Documents (Beirut, 1959); Iliya Farik, Al-Tahawwul al-Siyasi fi Tarikh Lubnan al-Hadith (Beirut, 1982).
like Amir Fakhr al-Din II, al-Ma'ni (r. 999/1590-1045/1635) and Amir Bashir I (1109/1697-1119/1707) merely served as a footnote to the history of Mount Lebanon. Such a scant depiction of 'Amili life in the pre-modern and modern periods fostered an image of the community as a marginal Shi'ite presence removed from the national Lebanese arena, one added almost artificially to an already formed Lebanese entity. We do know, however, that by the early sixteenth century, Jabal 'Amil was a renowned center for Shi'ite learning where jurists and students were forming pivotal changes in law and political thought. This indicates that much needs to be pieced together from available sources to redress the state of oblivion accorded to which Syrian-Lebanese Shi'ite communities.

The Historical Geography of Jabal 'Amil

Today, Jabal 'Amil is recognized as South Lebanon. As some 'Amili historians lead us to conclude, the exact geographical boundaries of Jabal 'Amil were ill-defined during the early modern period. Muhsin al-Amin, a pioneering

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3 See Albert Bourani, "From Jabal 'Amil to Persia" *RSAOS* 49 (1986): 137-8.

'Amili scholar and historian of the early twentieth century, stated that Jabal 'Amil was delineated from one side by the coast of the sea of Syria and from the other by Damascus. To its west lies the Mediterranean Sea, to its south, Palestine, to its east, Jordan, the valley of al-Taym, the Bqa' lands and part of Mount Lebanon (see map 1). To its north runs the Awwali river or what is closer to it, namely, the Faradiis river. Today, a considerable section of it has been attached to Mount Lebanon such as Jizzin, Mashghara and Jabal al-Rayhan. The coastal city of Tyre was historically part of Jabal 'Amil while Sidon most probably was not.

Along with the name Jabal 'Amil, we find a few others given to the region such as Jibal 'Amila, Jibal bani 'Amila, Jabal al-Jalil and Bilad al-Bishara. 'Amila is described as a mountainous range facing Tabarayya toward the sea and

5 Al-Amin, Khitat, 51.
6 Ibid., 61. Al-Amin bases his statements on the inextant work, Al-Jawhar al-Mujarrad by the Shi'ite scholar 'Ali al-Subayti; Safa, Tarikh Jabal 'Amil, 24-25 also relies on al-Subayti's study.
7 Safa, Tarikh Jabal 'Amil, 24. In his "Banu 'Amila," Al-'Irfan 31(1942): 219-220, Ahmad Rida offers a geographical account of Jabal 'Amil's boundaries, similar to that offered by Safa but more detailed. See also Khitat, 66. Based on Nukhbat al-Dahr fi 'Aja'ib al-Barr wa'l-Bahr by Abu Rabwa, a fourteenth-century scholar, and the Ottoman chronicle Tarikh al-Amir Haydar al-Shahabi, al-Amin concluded that Jizzin and the provinces connected to it alongside Jabal al-Rayhan up to Mashghara in the Biqa', were all part of Jabal 'Amil. Yet it is not clear whether Sidon fell within Jabal 'Amil or not.
8 Khitat, 64-67.
included at one time Mount Galilee and its inhabitants. Henri Lammens also observed that Arab historians of the twelfth and thirteenth century continued to use the names 'Amila and Galilee synonymously to refer to Jabal 'Amil. It is important to note, however, that at least since the Mamluk period, the term "'Amili" was extended to all Twelver Shi'ites outside Jabal 'Amil proper, in the Biqa' and southern coastal cities of modern-day Lebanon.

A number of nineteenth and early twentieth century scholars posited that the 'Amilis were of a Persian descent. D. Lortet claimed that the Shi'ite populations of Syria were originally Turkish but had settled in Persia for a long period before undergoing massive migrations to the Syrian regions during the thirteenth century. Lammens advanced an early view that the 'Amilis descended from Persian mercenary soldiers who settled in that area during the reign of Mu'awiyah (41/661-61/680), the first Umayyad caliph. Lammens, however, came to recant this opinion which he could not substantiate historically. The nineteenth century Syrian-Lebanese historian Tannus al-Shidyak argued that the extent of similitude in religious dogma between the Shi'ites of Lebanon and Iran can be attributed to an early Persian domicile in Jabal 'Amil. Philip Hitti, expressing the same

10 Khitat, 49-51.
11 Lammens, "'Amila", 327.
12 D. Lortet, la Syrie d'aujourd'hui (Paris, 1884): 116.
13 Henri Lammens, sur la frontiere nord de la terre promise (Paris, 1921): 6, 46.
views, resuscitated Persian roots for the 'Amilis. As one dismantles the constructions provided by Lortet, Lammens, al-Shidyaq and Hitti, it becomes clear that their conceptual frameworks are founded on the premise that Shi'ism is racially and culturally Persian and consequently alien to both the Arab and the Lebanese context. Investing a nationalist Lebanese perspective, al-Shidyaq and Hitti were also keen on allotting specific racial roots to the sectarian communities that composed modern Lebanon as to construe which of these could lay an 'authentic' claim to the land and history of Lebanon. With this ideological cast in place, they were prepared to view the 'Amilis' congenial ties to Persia and the Shi'ite commonalties with Iranians as an anomaly. Their generalizations must be approached with caution because they are actually more informative about the scholarship of sectarianism in the case of al-Shidyaq and of the state ideology in the case of Hitti. The latter's paradigms, consolidated in the aftermath of the French Mandate (1920-1943), are more an expose of the carefully-worked official idea of "Lebanon", than of the 'Amilis.

Leading twentieth century 'Amili scholars like Ahmad Rida, Muhsin al-Amin, Shaykh Sulayman al-Zahir and Muhammad Jabir Al Safa, sketched a disparate and confident self-image, reinstating the Arab origins of the 'Amilis and their unmistakable ties to Arab culture. The early inhabitants of Jabal 'Amil, they asserted, descended from well-known

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15 Khatat, 70-1.
Yemenite tribes whose date of migration from Yemen to Syria was unfortunately unclear.\textsuperscript{16} Muhsin al-Amin further explained that the pattern of im\textlita, the pronunciation of a shaded toward e in the vernacular tongue of the 'Amilis did not pertain to a Persian survival but figured as an Arabic dialect conforming with the reading of war\textlita in the Qur'an.\textsuperscript{17} Texts referring to the thirteenth century indicate that Jabal 'Amil was a great ethnic and religious mixture, receiving Arab peoples from the Lakhm, Judham, 'Amila, Kinda, Qays and Kinana tribes on the one hand, and Persians on the other.\textsuperscript{18} 'Amili scholars have argued that at least since the tenth century, its Twelver Shi'ite community portrayed a marked linguistic and cultural Arab identity. The early inhabitants of the 'Amila Mountains who belonged to the 'Amila tribe traced their origins to a Yemenite by the name of 'Amila b. Saba'.\textsuperscript{19} There are clear indications that the 'Amila tribe, migrating from Yemen some time before the eleventh century, settled in the southern part of Lebanon which was later known as Jabal 'Amil.\textsuperscript{20} Even if one were to doubt such contentions, little can be gained from a study of racial "origins" since the 'Amili social context must by historical necessity

\begin{itemize}
  \item \textsuperscript{16} Ibid., 47-51; Rashid Rida, "Al-Matawila aw al-Shi'a fi Jabal 'Amil" Al-'Ir\textlita 2(1910): 237, 239, 286, 320, 381, 444; Safa, Tarikh Jabal 'Amil, 24-28; Muhammad Taqi al-Faqih, Jabal 'Amil fi al-Tarikh, (Beirut, 1986), 81-84.
  \item \textsuperscript{17} Kh\textlita, 50, 69-71; Rida, "Banu 'Amila", Al-'Ir\textlita, 31(1942): 218-221; al-Faqih, Jabal 'Amil fi al-Tarikh, 81-88; Muhammad Kazim Makki, Al-Harakat al-Fikriyya wa'l-Adabiyya Fi Jabal 'Amil (Beirut, 1963): 14-17.
  \item \textsuperscript{18} Kh\textlita, 49-50. al-Amin based his conclusions on al-Ya'qubi's \textlita al-Buldan and others.
  \item \textsuperscript{19} Kh\textlita, 50; Safa, Tarikh Jabal 'Amil, 25.
  \item \textsuperscript{20} Lammens, "'Amila," 327.
\end{itemize}
Map. 2 Jabal 'Amil or South Lebanon, copied from Amal and the Shi'a (Austin, 1988) by Augustus Norton.
transformed the various cultural or geographical traits these origins embodied, giving way to a unique self-image of 'Amilis and their history.

Rise and Development of Twelver Shi'ism

Strongly embedded in 'Amili oral history and later upheld by modern 'Amili thinkers was the view that Shi'ism made its debut in their region during the first Islamic century, and, more specifically, through the agency of Abu Dharr al-Ghifari (d.31/651), one of the earliest Companions of the Prophet and a resolute 'Alid.\textsuperscript{21} The 'Amilis prided themselves on being among the earliest if not the first converts to Twelver Shi'ism. Muhammad al-Hurr al-'Amili (d.1104/1693), the celebrated traditionist, went to some length to prove the seniority of 'Amilis in their profession of Shi'ism and the privileged position they held in Shi'ite history.\textsuperscript{22} Al-Hurr related a rare Tradition (hadith) stating that Imam Ja'far al-Sadiq (d.148/765) was once asked to reveal the course of action which Twelver Shi'ites must take during the Occultation (ghayba) of the Imam and after the Riser's (Qa'im's) advent, and to specify his awliya' (legal guardians) and identify the righteous among the Shi'a who adhere to the teachings of their Imams. Imam Ja'far al-Sadiq foretold that there would be houses by the seashore in the

\textsuperscript{21} Rida, "Al-Matawila aw al-Shi'a," 237, 239, 286, 320, 381, 444; Safa, Tarikh Jabal, 233; Khitat, 83-84; M. Makki, Al-Haraka, 17, 18; al-Faqih, Jabal 'Amil fi'-Tarikh, 42-43.

lower mountainous regions of Syria where the choicest of his Shi'a resided, diligently awaiting their Imam. Al-Hurr understood this vague depiction to mean Jabal 'Amil and its Shi'ite inhabitants. Al-Hurr's views, however, can hardly be corroborated by historical evidence because Shi'ism took root in Khurasan and Yemen a long time before it was detected in Jabal 'Amil's religious spectrum.\textsuperscript{23}

Abu Dharr, as is generally known, was expelled from Medina to Damascus by the caliph 'Uthman b. 'Affan (24/644-36/656). In essence Abu Dharr was opposed to the socio-economic policies of 'Uthman, but the Shi'ites emphasize that the latter grew weary of Abu Dharr's support for 'Ali's (d.41/661) claims to the caliphate. But after a short while, Abu Dharr was recalled to Medina when Mu'awiya, then the governor of Syria, complained about Abu Dharr's agitation of the people and inciting of opposition to his own rule. From Medina Abu Dharr was again expelled to al-Rabadha, a desert area north of Medina.\textsuperscript{24} It is believed that during Abu Dharr's stay in Syria, Mu'awiya had forced him from the Damascene urban centers, causing him to circulate among remote villages where he started to spread a fervent Shi'ite sentiment and nurtured 'Alid loyalties. Furthermore, some


hagiographic sources reported that Imam 'Ali's two sons accompanied Abu Dharr when he was banished from Medina by 'Uthman. Twenty Amili mosques, possibly including a shrine (mashhād) that survived to our times, carry the name of Abu Dharr, one in Mays and the other in al-Sarafand. No conspicuous historical signs verify Abu Dharr's role in "transporting" Shi'ism to the Amili region. Yet Muhsin al-Amin refers to vague statements made by Ibn Sa'd in his Kitab al-Tabaqat al-Kabir and al-Tabari in his Tarikh to the effect that Abu Dharr had converted numerous people to Shi'ism in the Syrian lands. The assumption that this remote Syrian region was none other than Jabal Amil was also upheld in Khitāt al-Shām by the nineteenth-century Syrian historian Muhammad Kurd 'Ali. But Kurd 'Ali merely reiterated that a 'Amili oral tradition, transmitted through generations, affirmed that the 'Amilis came to embrace the 'Alid cause through the efforts of Abu Dharr. If one looks closely at the accounts of Ibn Sa'd and al-Tabari, one can see an emphasis on Abu Dharr's righteousness and his compassion for the poor during the reign of 'Uthman. Abu Dharr clearly criticized 'Uthman's policies that had alienated earlier supporters and several Companions of the Prophet, some of

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26 Khitāt, 83-84; A'yan, vol. 4, 236-239.
28 Ibid.
whom were expelled by 'Uthman or simply pushed out of Mecca. But nowhere in Ibn Sa'd's or al-Tabari's histories were a bias toward 'Alid Shi'ite ideology clearly stated as a basis for Abu Dharr's denunciation of 'Uthman's government.\textsuperscript{30} When 'Uthman sent Abu Dharr to Syria, Mu'awiya complained about the manner in which he "afsada al-nas bi'l-Sham" ("corrupted the people in Syria"), in the sense that he won a following among them in his protest against social and economic inequity.\textsuperscript{31} But again, reliable accounts give no indication that Abu Dharr instigated 'Amili Shi'ite support.

As for the 'Amili shrine and mosque which bore his name, they must have been built after his time because we know definitively that Abu Dharr died in 32/652 in al-Rabadha. The two sites were not connected to his presence in that region.\textsuperscript{32} This latter-day acceptance of the origins of 'Amili Shi'ism in a mechanical and anachronistic manner, as if historically-proven facts, monuments and other reliable data actually supported tradition and innuendo, is hardly convincing. Abu Dharr could only have propagated a very diffuse 'Alid sentiment at the time, one which was far from the full-fledged Shi'ite theology that evolved and crystallized in Jabal 'Amil during later centuries.\textsuperscript{33}

One can purport with some certainty that a number of

\textsuperscript{30} Ibid., 166. Ibn Sa'd related some accounts that show that Abu Dharr had willingly moved to al-Rabadha and would not openly defy and agitate against 'Uthman. The overall picture, however, point to Abu Dharr's clear disenchantment with 'Uthman and Mu'awiyya's practices.

\textsuperscript{31} Ibid.

\textsuperscript{32} Khitat, 303; Haarman, "Abu Dharr," 286

\textsuperscript{33} See Etan Kohlberg, "From Imamiyya to Ithna-'ashariyya," in Belief and Law in Imami Shi'ism, (Hampshire: Great Britain, 1991), 521-3.
Yemeni tribes with clear Shi'ite leanings, such as the tribe of al-Harith al-Hamdani, from whom the celebrated 'Amili scholar Husayn b. 'Abd al-Samad (d.984/1576) descended, were settled in Jabal 'Amil before the tenth century. The term "'Amila" itself refers to a Yemenite or South Arabian tribe called 'Amila.\textsuperscript{34} The Hamdan tribe was likely to have professed a well-formulated Twelver Shi'ite creed that distinguished it from Zaydism and Isma'ilism. Based on a number of Traditions, it is asserted that Imam 'Ali praised the courage and perseverance of the Hamdani tribesmen in the battle of Siffin (37/657) and commended their religious zeal.\textsuperscript{35} The notables (\textit{ashraf}) of the Hamdan tribe seemed to have joined the army of Ibrahim b. Malik al-Ashtar which marched against 'Ubaydullah b. Ziyad.\textsuperscript{36} The presence of Shi'ite émigrés in Jabal 'Amil, however, does not of itself explain its Shi'ite character. Using Husayn Muroeh's analytical framework, one can argue that Shi'ism was one option among many for the 'Amili communities but that for them, a positive and inviting dialectical relationship between the theological construct of Imamism and its social milieu gave precedence to the Shi'ite possibility.

Even though records on the religious history of the 'Amili region are wanting, it is possible to derive some clues based on comparisons with the earliest Iraqi

\textsuperscript{34} Khitat, 51; Lammens, "'Amila," 327.
\textsuperscript{35} Dalal 'Abbas, \textit{Baha' al-Din al-'Amili, Adiban wa Fagihan wa 'Aliman} (Beirut, 1995), 81-2.
\textsuperscript{36} Michael G. Morony, \textit{Iraq After the Muslim Conquest} (New Jersey, 1984), 493.
communities that converted to Shi'ism. Muroeh provides a viable theory for explaining the concentration of Shi'ism, with its different varieties, in Kufa and later Basra. Both cities nurtured an oppositional ideology to the Umayyad caliphate (41/661-133/750) which brought great agricultural and commercial prosperity primarily to the administrative and military elites.\(^{37}\) This was especially the case after conquering Arab armies were allowed for the first time to own lands conquered in Persia and Iraq.\(^ {38}\) Local resistance and armed revolts against the Umayyads came from a mixed constituency of their political opponents. "Embryonic" class distinctions were accentuated by overall socio-economic deterioration and the relatively debased position of the Persian clients, the mawali of Arab tribes, who resented the sharper social and ethnic distinctions introduced by the Arab ruling elite.\(^ {39}\) When Yazid b. Mu'awiya succeeded his father, the first to oppose him were the Kufans, who sent delegations to Husayn b. 'Ali (d.61/680), the third Shi'ite Imam, asking him to lead a revolt against the Umayyads. It is noteworthy that Yemen must have also become a fertile ground for Shi'ism because Imam Husayn was advised by 'Abdullah b. 'Abbas, a cousin of his father 'Ali, to seek to enlist Yemen for his support group. When Imam Husayn approached Kufa instead, he found many sympathizers there who, nonetheless, defected at


\(^{38}\) Ibid., 475.

\(^{39}\) Ibid.
the last minute due to the severe oppression of the Umayyads. One would assume that 'Amili society may have hosted several disgruntled groups that found in Twelver Shi'ism a useful vehicle of protest at a time when a more polished Imamite doctrine was on the intellectual horizon of Yemenite émigrés. The latter, as W.M. Watt argued, were exposed to a dynastic principle that asserted the superhuman qualities of the political ruler. Likewise, the Persian mawalis also experienced a slow assimilation of the Zoroastrian, Christian, Perso-Aranean culture of Southern Iraqis and their intellectual heritage. The existence of Iraqi Persians who did not support the nascent 'Alid cause does not dismiss the importance of the mawali dynamic, especially for Kufa. This "Persian explanation," dismissed by Michael Morony, actually carries great weight as an embodiment of an early Shi'ite social disposition toward developing its own norms, a political opposition to the Umayyad rulers, and self-described ethnic categorization.

In Syria, Aleppo which figures occasionally in the scholastic heritage of the 'Amilis, had turned into a fertile ground for Twelver Shi'ism during the tenth century and entertained a distinguished juristic tradition in the centuries to follow under scholars of the Banu Zuhra such as 'Izz al-Din Abu al-Makarim Hamza b. 'Ali al-Husayni al-Halabi (d.585/1189). Under the patronage of the Hamdanid dynasty in

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41 Muroeh, Al-Naza'at, 543.  
42 See Morony, Iraq After the Muslim Conquest, 496.
North Syria (333/944-381/991), Shi'ite religious currents in Aleppo spread out, including the Nusayriyya movement proclaiming 'Ali al-Hadi (254/868), the Imam, and his son Muhammad (d.249/863), the Mahdi.\textsuperscript{43} Although the Hamdanids may have professed a Nusayri faith, their Shi'ite leanings popularized Shi'ism in general and encouraged the unfettered achievements in its scholasticism, particularly since later writers of the Nusayri sect acknowledged all twelve Imams descending from 'Ali and Fatima.\textsuperscript{44} The cultural and material interaction between Jabal 'Amil and Aleppo may have reinforced nascent local development of Twelver Shi'ism in the 'Amili locales before the ascent of Fatimid rule in Egypt (359/969-570/1174) which spread over Jabal 'Amil. This can be confidently drawn from a number of treatises and literary accounts. Despite the theological differences that developed during the twelfth century between Twelver Shi'ism and the Isma'ili foundations of Fatimid rule, Isma'ili dogma and jurisprudence preserved fundamental Imamate roots as is evident in the scholastic and popular religious culture of Jabal 'Amil. One need only turn to the legal and doctrinal compendia produced by Qadi al-Nu'man (d.364/974), the highest judicial functionary of the Fatimids and the central organizer of their Isma'ili cause (\textit{da'wa}).\textsuperscript{45} Similarly, whether in the general formulation of an Imamate theory in his \textit{Kitab al-Idah}, in the legal (\textit{fiqh}) provisions of his

\textsuperscript{43} Moojan Momen, \textit{Introduction to Shi'i Islam} (New Haven, 1985), 58.
\textsuperscript{44} Ibid., 76.
Da'aim al-Islam, or in the Traditions he cites for religious duties ('ibadat) and worldly affairs (mu'amalat), Imam Ja'far al-Sadiq figures as a central source of transmission. The imprint of an Imamate outlook is indisputable in this work. Isma'ilism retained the Twelver Imamate worldview concerning the everlasting need for an infallible spiritual guide. As we will show in the following section, the commitment of 'Amili 'ulama to a Shi'ite interpretation of Tradition and jurisprudence did not start with the arrival of the Fatimids, but it was formally strengthened by the intellectual renaissance at al-Azhar, the illustrious Fatimid center of learning.

Before the Fatimid-Ismaili da'wa was to find any resonance in Syrian lands, a vivid cultural exchange took place between the 'Amilis and leading Shi'ite scholars of 'Iraq which contributed to a mutual systematic observation of the Ja'fari school of law (madhhab) and Shi'ite doctrine. This scholastic interweaving continued to thrive and evolve even after the demise of the Fatimids and the retreat of Isma'ilism. Among the few clues preserved on the 'Amili-'Iraqi exchange is an elegy which the 'Amili poet Abu Muhammad 'Abd al-Muhsin b. Muhammad b. Ahmad b. Ghalib b. Ghalbun al-Suri (d.419/1028) wrote in memory of al-Shaykh al-Mufid (d.413/1022).

Al-Suri lived in dire poverty and was believed

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49 Ahmad b. Muhammad b. Abi Bakr b. Khallikan (d.681/1282), Wafayat al-
to have remained within the vicinity of his native city Tyre except for short visits to Damascus and Palestine. In the elegy, al-Suri expressed profound and intimate feelings toward al-Shaykh al-Mufid that reveal his close acquaintance with the latter's works and acknowledged his import in Shi'ite tradition. Al-Suri wrote,

Unique in his knowledge, Muhammad [al-Shaykh al-Mufid] had passed away
And how impossible it is for fate to bring us his equal!\textsuperscript{51}

It is also possible that al-Suri knew him personally, as al-Amin speculated. Furthermore, al-Suri dedicated several poems to Fatimid officials and eulogized a number of military officers who had established a stronghold in al-Ramla in Palestine.

We also learn that Abu'l-Fath al-Saydawi from Sidon was the student of 'Abd al-'Aziz b. Nihrir b. al-Barraj, the judge (qadi) of Tripoli who was in turn the student of al-Sharif al-Murtada (d.436/1044).\textsuperscript{52} There is some confusion concerning Abu'l-Fath al-Saydawi, for he could be the same as Abu'l-Fath Muhammad b. 'Uthman b. 'Ali b.'Uthman al-Karajaki (d.449/1057) who was the student of al-Sharif al-Murtada and al-Shaykh al-Mufid. Al-Karajiki resided in al-Ramla in Palestine and died in Tyre. Meanwhile, he stayed

\textsuperscript{50} A'yan, vol.8, 95-8.
\textsuperscript{51} Ibid., 98. The verse in Arabic is "Mada mustaqillan bi'l-'ulumi, Muhammadu/ wa hayhata ya'tina' l-zamanu bi mithlihi".
\textsuperscript{52} A'yan, vol.2, 393. See A'yan, vol.9, 401.
intermittently in the cities of Tripoli, Sidon, and Tyre, all of which cultivated a marked Twelver Shi'ite tradition. Al-Karajiki dedicated to the scholars of Sidon two of his Shi'ite works, namely Intifa' al-Mu'minin and Kitab al-'Usul fi Madhhab Al al-Rasul. Additional evidence for religious and scholastic ties between leading 'Iraqi and 'Amili 'ulama can be gleaned from the fact that al-Sharif al-Murtada composed a number of treatises, known as "al-Masa'il al-Saydawiyya" and "al-Masa'il al-Tarabulsiyya" respectively, in reply to legalistic questions he received from the 'ulama of Sidon and Tripoli. Al-Sharif al-Murtada seemed to have written "Jawabat al-Masa'il al-Saydawiyya" probably in response to questions raised by the Shi'ite scholars of Sidon. On the other hand, the scholar Abu Ya'la Muhammad b. al-Hasan b. Hamza al-Ja'fari (d.463/1070) corresponded with 'ulama from Sidon, as his "Jawab al-Mas'ala al-Warida min Sayda" shows. At four different occasions, Tripoli's scholar Abu'l-Fadl Ibrahim b. al-Hasan al-Abani consulted al-Murtada about several doctrinal and legalistic points including the Imamate, inimitability of the Qur'an (i'jaz), transmutation of animals (maskh al-musukh), the language of ants (nutq al-naml) and legal punishments (hudud).

55 Ibid., 226-7.
56 Al-Dhari'a, 226-7.
Traveling through Tyre in 437/1045, the Persian philosopher-poet Nasir-i Khusraw (d.ca.481/1088) recorded in his Safarnameh that most of its residents were Shi'ites although its gadi was a Sunnite called Ibn 'Aqil.57 He reflected that most of the inhabitants of Tripoli in northern Lebanon, outside Jabal 'Amil proper, were also Shi'ites. Ibn 'Asakir (d.571/1175), also recollected that during his ten-year residence in Tyre he faced strong opposition to his views from several recusants ("rafida") - a pejorative term denoting the Shi'ites' rejection of Abu Bakr and 'Umar's political legitimacy.58 Another distinguished Muslim traveler, Ibn Jubayr (d.614/1217), mentioned in his travel account (rihla) that Shi'ites outnumbered Sunnites in Damascus, dividing the former into Imamis, "Rafidis", Zaydis, Isma'ilis and Nusayris.59 Around the same time, Yaqut al-Hamawi (d.526/1228) was almost killed for speaking ill of Imam 'Ali during a debate he had with a 'Iraqi Shi'ite in Damascus in 613/1216-7, and some sources add that he was actually forced out of Syria for that reason.60 Equally noteworthy is al-Dhahabi's statement in Mukhtasar Tarikh al-Islam, that the Iraqi scholar Abu'l-Qasim b. al-Husayn al-'Uud (d.679/1280) had to leave Aleppo for Jizzin, "the resort

57 Khitat, 85.
58 Ibid; Al-Amin noted that he found this account in one of Ibn 'Asakir's biographies, offered by al-Yafi'i in Mir'at al-Jinan.
of the *rafida*".\(^6^1\)

In brief, the above data furnish evidence that first, Shi'ism could and did grow in a more-or-less Arabized environment, and second since a complex and formalized corpus of Shi'ite thought was evident by the tenth century, a longer period of spontaneous assimilation of Shi'ism by the whole society must have preceded it. The latter 'high' Shi'ite tradition in turn promoted ideas and forms of expression that were relatively autonomous from the primary social forces that had shaped its evolution. Among these was a specialized Islamic legal lexicon and popular lore.

Intellectual Pedigree and Scholastic Revival

Since medieval times, the pursuit of knowledge or *talab al-'ilm* carried venturing travelers to novel intellectual and social realms. These scholars' literal and cultural journeys that became a unifying force among the scholars and students they encountered in geographically distant locales. The scholarly journey, or *rihla*, often involved multiple endeavors - pilgrimage, educational "licensing", trade and physical adventure - and thus became a multi-layered experience. The traveller scholar could reflect upon and incorporate the spectrum of intellectual possibilities he found were enmeshed within distinct regional traditions.\(^6^2\)

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Exposed to an interplay of simultaneous and overlapping trajectories of historical change, the Shi'ite centers of learning in the Near Eastern lands served as reservoirs and maturing tanks for a steady stream of reciprocal influences and interconnections as travel for 'ilm (knowledge) became a normative pattern and a "self-defining concept" for scholars and learned men. The cities of Hilla, Aleppo, Jabal 'Amil as well as Rayy and Mazandaran, functioned in the thirteenth and fourteenth centuries as "historical referents which bestowed a kinship" on all Shi'ite scholars "regardless of birthplace and domicile". It was then intellectual pedigree and their authority, derived from what they had studied and with whom, that situated the 'ulama in different ranks of distinction and functioned as criteria for appraising their credentials. Among a gradually shifting hierarchy of Shi'ite centers that were vying for pre-eminence and where critical excellence was taking form.

Before Jabal 'Amil could make its claims for scholastic leadership, Hilla in Iraq gained the attention of serious scholars as a reputable entrepot of learning, which in turn contributed to the legal expertise and religious thought of the 'Amilis. During the twelfth to the fourteenth centuries, several 'Amili scholars traveled to Hilla, studying and receiving authorization or licenses (ijazas) from its leading scholars. It is believed that Isma'il b. al-Husayn al-'Udi al-Jizzini (d.580/1190) initiated the scholastic journeys

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63 Ibid., 56.
64 Ibid., 51.
from Jabal 'Amil to Hilla in order to receive religious-juridical training. Before returning to his hometown Jizzin, he paid homage to Imam Husayn on a pilgrimage to Iraq's holy shrines. Among the more visible 'Amili "graduates" of Hilla was the jurist Jamal al-Din Yusuf b. Hatim al-Shami who could confirm through his resume-like ijazas his tutelage under al-Muhaqiq al-Hilli (d.676/1277) and Ibn Tawus al-Hilli (d.664/1265). Yusuf addressed a number of legal questions to al-Muhaqiq al-Hilli, whose answers he compiled in "Al-Masa'il al-Baghda'diyya". Other ijazas reveal his acquaintance with other Hilli instructors like Najib al-Din Yahya b. Ahmad b. Sa'id al-Hilli (d.690/1291), the author of Jami' al-Shara'i'.

With Najm al-Din, otherwise known as Tuman al-Manari al-'Amili (d.728/1327), we find early signs of the establishment of local 'Amili instruction in religious disciplines which nonetheless remained inferior to the Hilla curriculum and wanting in comprehensive legal knowledge. After studying with al-Shahid's father in Jabal 'Amil, Tuman went to the Hilla seminaries and received ijazas from a number of their scholars in the mid-thirteenth century. Notable 'Amili

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65 A'yan, vol. 10, 319.
68 Rawdat, vol.2 (Beirut, 1411/1991), 143; Mirza 'Abd Allah Afandi, Riyad al-'Ulama' wa Hiyad al-Fudala', vol.3, (Qum, 1981), 22-3; A'yan, vol.7, 402, 728. Muhsin al-Amin doubts this information on Ibn Tuman although it was stated in Amal al-Amin and Rawdat.
'ulama like Salih b. Mushrif al-Tawusi al-'Amili, the great grandfather of Zayn al-Din al-'Amili, known as al-Shahid al-Thani (d.966/1558) and 'Izzuddin Hasan b. Shams al-Din b. al-Husam expanded their legal education under the tuition of al-'Allama al-Hilli (d.726/1325) and his son Fakhr al-Muhaqqiqin (d.771/1370), respectively.\(^69\)

The plethora of scholastic-juristic centers of the "Shi'ite international" - as Chibli al-Mallat termed it - committed to the administration of sacred law, produced varied elaborations on Islamic law (shari'a) and exhibited changing levels of interaction among them. Thus, the 'Amilis and the Hillis enjoyed a longer, more extensive, and more focused intellectual exchange while the 'Amilis and the Jaza'iris in the Shat al-'Arab region of southern Iraq developed a more limited exchange. For instance, Abd al-'Ali al-'Amili al-Karaki, the great grandfather of al-Muhaqqiq al-Thani was one of the teachers of 'Ali b. Hilal al-Jaza'iri (d.909-915/1504-10) who in turn tutored al-Muhaqqiq al-Thani.\(^70\)

During the fourteenth century some 'Amili regions and coastal cities like Sidon, Tyre and Sarafand earned wide acclaim as centers of Islamic learning where numerous traditionists and Qur'an reciters gathered.\(^71\) At least

\(^69\) A'yan, vol.7, 377; vol.5, 24-5, 236; vol.9, 141; 'Abd Allah Afandi, Riyad al-'Ulama, vol.1, 162-3. 'Izzuddin Hasan b. Shams al-Din b. al-Husam was given a general ijaza in (753/1352) by Fakhr al-Muhaqqiqin (d.771/1370). Moreover, in 825/1421 a concise ijaza was given by Ibn Fahd al-Hilli to Shams al-Din Muhammad b. al-Hasan al-Hulani al-'Amili.


\(^71\) Kurd 'Ali, Khitat al-Sham, vol.4, 31; Ibn 'Asakir, Tarikh Ibn...
seventeen noteworthy Shi'ite 'ulama from Jabal 'Amil are known to have been at various sites during this time. Except for Hilla, where the number of jurists increased from thirty-four to forty-seven during the same century, nowhere in the Shi'ite regions was there a comparable change in the scholastic and legalistic output like that witnessed in Jabal 'Amil.\textsuperscript{72} Moojan Momen, who assesses the geographical spread of Shi'ism in the Middle East, furnishes that from the thirteenth to the fourteenth centuries, the number of 'Amili scholars jumped from four to seventeen, that is, a four-fold increase.\textsuperscript{73} The accuracy of Momen's findings can be corroborated by the leading bio-bibliographical dictionaries dealing with the 'Amilis.\textsuperscript{74} A slight increase was also witnessed among the Qummi and Damascus scholars.

The 'Amilis formulated their own distinct intellectual spheres and made dynamic contributions and appropriations of the Hilla tradition in their own locales. In an ongoing dialectic, scholars drew on the knowledge and experiences in Hilla and carried it to a larger audience in Jabal 'Amil. In turn, they defined the utility of legal knowledge according to the social components of their own communities.\textsuperscript{75} Shams al-Din Muhammad b. Makki al-'Amili al-Jizzini, known as al-

\textsuperscript{72} Momen, \textit{Shi'i Islam}, 97, 122-3.
\textsuperscript{73} Ibid.
\textsuperscript{74} For a comprehensive assessment consult \textit{Amal al-Amil, Rawdat, Riyad, Ta'lisat Amal al-Amil, Takmilat Amal al-Amil} and \textit{A'yan}.
\textsuperscript{75} This will be illustrated in the section dealing with the biography and intellectual contributions of Shams al-Din Muhammad b. Makki al-'Amili al-Jizzini, known as al-Shahid al-Awwal or al-Shahid (d.786/1384).
Shahid al-Awwal or al-Shahid (d.786/1384), a foremost scholar and jurist, received *ijazas* from three Hilli scholars, namely, Fakhr al-Muhaqqiqin (d.771/1370), the son of al-'Allama, and his nephews, namely, 'Amid al-Din and Diya' al-Din.\(^76\) Fakhr al-Muhaqqiqin proclaimed that he had drawn more benefits from al-Shahid than the latter had from him. This statement, though verging on the rituals of courtesy, is nonetheless indicative of the quality and mode of intellectual exchange between the two as the 'Amilis strove to take their place in the Shi'ite scholarly pantheon.\(^77\) Although we have no direct evidence that al-Shahid received *ijazas* from local 'Amili instructors, Muhsin al-Amin does not rule out this possibility.\(^78\) Al-Shahid had his early introduction to the religious disciplines with his father, Makki b. Muhammad, who was deemed most qualified to issue *ijazas* and confer merits and credentials on worthy students.

Upon his return from 'Iraq at the age of 20 and in a short period of time, al-Shahid was able to found a vital learning center in Jizzin which became the meeting place for 12 distinguished scholars. Among these were Fatima, the sister of al-Shahid, who was known as al-Mujtahida or Sit al-Mashayikh (Chief of Scholars), who took legal decisions and

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\(^76\) Tehrani, *Tabaqat A'lam al-Shi'a: Al-Qarn al-Thamin*. ed., A. Munzavi, vol.3 (Beirut, 1975), 218; *A'yan*, vol.10, 59-61. With yet another scholar, namely Qutb al-Din Muhammad al-Buwayhi al-Razi, al-Shahid studied the works of logic by 'Ali b. 'Umar al-Ratibi al-Qazwini (d.673/1274 or 675/1276-77), a student of the celebrated Nasir al-Din Tusi (d.672/1274).


\(^78\) *A'yan*, vol.10, 61.
issued legal injunctions (fatwas) concerning all religious observances and social obligations pertaining to women.\textsuperscript{79} It is noteworthy that the celebrated Ahmad b. Fahd al-Hilli (d.841/1437) traveled from Iraq to study in Jizzin, obtaining an ijaza from 'Ali, son of al-Shahid, and another from the latter's student.\textsuperscript{80}

A transitional phase which featured a combined 'Amili-Hilli training can be traced from 'Izz al-Din Hasan b. Ayyub, known as Najm al-Din al-Itrawi al-'Amili, the grandfather of al-Muhaqqiq al-Maysi (d.933/1526), from Itra'. He acquired his learning through the two-fold expertise of Hilli scholars and al-Shahid. He could boast an intellectual pedigree that linked him to Fakhr al-Din, Diya' al-Din and 'Amid al-Din, the son and nephews of al-'Allama respectively, on the authority of whom he transmits several accounts.\textsuperscript{81}

The scholastic and social experiences which the leading 'Amili scholars reaped in Hilla opened to them new vistas for juridical and intellectual activity predicated internal socio-political developments in sixteenth century 'Amili history. The doctrinal positions, legal debates and jurisprudential scope of analysis vividly exchanged in the Hilla learning centers were negotiated, adapted and

\textsuperscript{79} Al-Burr, \textit{Amal al-'Amil}, vol.1, 192-3; Makki, \textit{Al-Haraka}, 30-1.
\textsuperscript{80} Qummi, \textit{Al-Kuna wa'l-Alqab}, vol.1, 369; \textit{Al-Haraka}, 71.
\textsuperscript{81} Riyad, vol.1, 162-3; vol.5, 24-5. Itra' does not seem to exist today or its name may have been altered. Among the students of Najm al-Din al-Itrawi was Shams al-Din Muhammad known as al-'Aridi al-'Amili. Several of the latter's fatwas (legal injunctions) were collected together with those of al-Shahid under the title "Al-Masa'il al-Mufida bi'l-Alfaz al-Hamida lidhawii al-Albab wa'l-Basa'ir al-Salida", copied in 853/1449; \textit{Rawdat}, vol.2 (Beirut, 1411/1991), 288.
selectively infused in the works of 'Amili 'ulama as a product of their concerns as a social group and the historical needs of their society.

The Religious Schools (Madrasas): The Making of an Educational Infrastructure

By the late fifteenth and early sixteenth century, Jabal 'Amil became the foremost center for Shi'ite learning and, as an “accrediting” Shi'ite site, it produced no less than 158 licensed scholars, many of whom settled in Iran, Iraq, and Mecca. Before the main impetus for migration to Safavid Iran (907/1501-1149/1736) commenced among leading 'ulama families, one could actually find 70 jurisconsults (mujtahids) gathered at a 'Amili funeral during the first half of the sixteenth century.\(^{82}\) The sites of intellectual activity and acquisition shifted from Hilla in 'Iraq to Jizzin, Mays, Juba', and 'Aynatha in Jabal 'Amil, then to Najaf in 'Iraq, and later to Iran (see maps 1 and 2). By the end of the 11th/17th century 100 scholars are known to have come in the 'Shi'i International' from Jabal 'Amil in comparison to 33 from Bahrain, 15 from Astarabad and 11 from al-Jaza'ir in South 'Iraq, ten from Khurasan, and eight from each of Shiraz and Najaf. The Iranian provinces of Persia, on the other hand, were home to no less than 50 scholars from Jabal 'Amil.\(^{83}\)

A number of historical factors can be brought to bear on the question of why Jabal 'Amil flourished at such a distance

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\(^{82}\) *Khitat*, 74.

\(^{83}\) Momen, *Shi'i Islam*, 97, 122-3.
from the thriving Ottoman urban centers. We will attempt to show that Jabal 'Amil's remoteness, rural character and its supportive kinship system; the incremental changes in the socio-economic conditions of its juridical class; and the potential Ottoman support of clerical professions all contributed to the development of the 'Amili "prodigy".

During the early fifteenth century local religious schools (madrasas) sprang in a number of 'Amili villages. In 'Inatha, and under the leadership of the jurist Zahir al-Din b. al-Husam al-'Amili, a Shi'ite school attracted students like Nasir b. Ibrahim al-Buwayhi (d.853/1449), an Iranian descendant of the Buyid family and a jurist (faqih) and poet who remained in Jabal 'Amil until his death by plague. In addition to his commentaries on fiqh and jurisprudence, al-Buwayhi was erudite in arithmetic, which he taught to several 'Amili students including Zayn al-Din 'Ali b. Yunus al-Nabati al-Bayadi (d.877/1472), the author of at least 11 works on logic (mantiq) as well as works on dogmatic theology (kalam), doctrine, and philosophy.

Another 'Amili madrasa was founded in Mays al-Jabal by the notable scholar 'Ali b. 'Abd al-'Ali al-Maysi (d.933/1526), known as Ibn Muflih, whose respected legal verifications (tahqigat) in jurisprudence won him the title of al-Muhaqqiq al-Maysi. Although the school lacked the

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85 Al-Haraka, 75. Al-Bayyadi's interest in philosophy is reflected in his treatise "Risalat al-Bab al-Muftuh ila ma Qila fi'l-Nafs wa'l-Ruh". 86 Khitat, 362-3; Yusuf al-Bahrani, Lu'lu'at al-Bahrayn fi'l-Ijazat wa Tarajim Rijal al-Radith (Najaf, 1386/1966), 170-2.
desired religious endowment (waqf), it hosted numerous
jurisconsults including al-Shahid al-Thani and 400 students.
The school of Mays al-Jabal outlived its founder, if only for
a short period of time. Among its renowned jurists was Shaykh
Lutfullah al-Maysi (d.1040/1630) who was invited by the
Safavid monarch Shah 'Abbas (r.995/1587-1038/1629) to serve
as the shaykh al-Islam in the flourishing city of Isfahan.\(^{87}\)

Karak Nuh, which falls in the western Biqa' to the south
of Mount Lebanon, became the site of yet another famed
madrasa under the tutorship of Shaykh 'Ali b. 'Abd al-'Ali
al-Karaki, known as al-Muhaqqiq al-Thani (d.940/1533), who
inaugurated, with great success and style, the jurists'
association with Safavid authority and spearheaded the
movement toward the standardization of Shi'ite law in Iran.
Finally, a more obscure school in Jabal 'Amil was that of
Juya, founded by Muhammad b. 'Ali b. Khatun in the late
eighteenth century (see map 2).\(^{88}\)

Distinct pedagogical and intellectual streams
intermingled in 'Amili scholarship and reflected the
interplay of sixteenth-century Najafi legal thought. In Najaf
al-Muhaqqiq al-Karaki rose above his peers and made such
welcome advances to the Safavid court that eventually he won

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\(^{87}\) Carl Brockelmann or Fuat Sezgin? had mistakenly pronounced "al-Maysi"
as "al-Misi" and assumed the existence of a village of "Mis" instead of
Mays or Mays al-Jabal in Jabal 'Amil. In general, Brockelmann's
coverage of Shi'ite fiqh and kalam for the fifteenth and sixteenth
century is wanting. See Brockelmann, Zu S. 411, (GAL?) 574-581.
\(^{88}\) Khitat, 267; A'yan, vol.8, 44, 235. Both sources list his name as
His father is 'Ali b. Khwatun al-'Amili who died after 1220/1805 in the
prison of the Ottoman governor, Jamal Pasha al-Jazzar or by one of his
military officers.
him the patronage of Shah Isma'il (r. 907/1501-930-1524). Decades later, Hasan, Sahib al-Ma'alim (d.1011/1602), the son of al-Shahid al-Thani, and Muhammad, Sahib al-Madarik (d.1009/1600), his nephew (son of his sister), cultivated fiqh, hadith and mathematics under Najaf's scholars like al-Maqaddas al-Ardabili (d.993/1585) and Mawla 'Abdullah Yazdi.\textsuperscript{89}

Al-Shahid al-Thani founded a school and gradually defined his scholastic niche in Juba', the place where his own father, his children and grandsons all received their religious training in Shi'ite jurisprudence. Typical of a great number of 'Amili scholars, al-Shahid al-Thani received early legal and linguistic instruction under his father Nur al-Din 'Ali, known as Ibn al-Hujja or al-Hajja al-Nahariri, who granted him a sum of money for every advancement he made in his studies.\textsuperscript{90} Twelve of al-Shahid al-Thani's descendents became distinguished 'ulama who along with the progeny of al-Shahid became known by the appellation "silislat al-dhahab", "the gold chain", in recognition of their achievements and piety. In addition, more than 30 'alim had graduated from the madrasa of Juba' which incurred regional fame and provided a curriculum for Islamic sciences of the first caliber.\textsuperscript{91}

\textsuperscript{89} A'yan, vol.5, 93. Although Khwansari tends to believe that Sahib al-Madarik and Sahib al-Ma'alim received this knowledge in Najaf itself, but Hasan al-Shahidi (d.1103-4/1691-2), the grandson of al-Shahid al-Thani asserted that this took place in Jabal 'Amil.

\textsuperscript{90} Rawdat, vol.3 (Beirut, 1411/1991), 337-8. The earliest biographical data on al-Shahid al-Thani was put forward by his student Ibn al-'Udi (the origin is al-'Uwaydhi from Jizzin) who accompanied him from 945/1538 until 962/1554 when the latter departed to Khurasan. See Tehrani, Tabaqat A'lam al-Shi'a, Thya' al-Dathir min al-Qarn al-'Ashir, ed., 'Ali Munzavi, (Tehran, 1366), 90-2.

\textsuperscript{91} Khatat, 341; Al-Haraka, 32.
Al-Shahid al-Thani also held a teaching post for several years at the madrasa of al-Nuriyya in Ba'labak where he reaped great social and professional rewards during what he considered the most luminous episodes of his life. 92 Unlike the 'Amili schools mentioned above, the curriculum of al-Nuriyya allowed instruction in the Ja'fari madhhab alongside the Shafi'ite, the Hanbalite, the Malikite and the Hanafite madhhab. 93

A growing interest in religious and other instruction can be ascertained through the growth in the 'ulama's importance and social role. To give but one example, in 1008/1599, the 'Amili scholar 'Ali b. Muhyiddin al-Jami' was approached by his fellow scholars from Kunin, who asked him to write a mathematical "Risala fi al-Mawarith" with the purpose of simplifying its mathematical formulae and the arithmetical rules of fraction, congruence, dissimilarity, and the like. Reflecting on his preoccupation with other matters and weariness from extensive travel, as he possessed neither a book nor a notebook, he explained that the demand for such a work forced him to compose it. He hoped to write two additional tracts on that matter if circumstances permitted. 94

Linguistic, legalistic and doctrinal disciplines were the canon of the 'Amili curricula and included the study of

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93 Khitat, 341; Al-Haraka, 32.
94 A'yan, vol.8, 345.
Arabic grammar (sarif), syntax (nahu), literature (adab), logic (mantiq), doctrine (i'tiqad), Qur'anic exegesis (tafsir), kalam, fiqh, jurisprudence (usul al-fiqh) and arithmetics (hisab). There was a general lack of focus on historical, philosophical and medical branches except among the more ambitious 'Amili scholars who sought Damascene and Cairene expertise in these areas. Al-Shahid al-Thani, for instance, briefly studied some medical works with Shams al-Din Muhammad b. Makki in Damascus and was exposed to algebra, astronomy and the Illuminationist (Ishraqi) philosophy of Shihab al-Din Yahya al-Suhrawardi, known as Shaykh al-Ishraq, who was executed in Aleppo in 587/1191.

Philosophy and Sufism remained for the most part marginal to the intellectual circles of Jabal 'Amil. Al-Shahid, who reflected a moderate version of Sufism and was inclined to write gnostic ('irfani) poetry, warned against the adherence to a Sufi order (tariga) which would cause a deviation from Twelver Shi'ite foundations. More emphatic was his denunciation of 'externalist' (zahiri) Sufis who roamed around with their tattered clothes and rosaries. On that basis it is difficult to substantiate Mustafa al-Shaybi's contention that al-Shahid joined in a general scholastic movement of wedding Sufism to Twelver Shi'ism. This movement, he claimed was started by Ibn Maytham al-Bahrani (d.679/1280) and al-'Allama al-Hilli and reached its

zenith with Haydar al-Amuli (alive 766/1364).\textsuperscript{98}

By the early sixteenth century, Jabal 'Amil achieved a level of self-sufficiency and renown for offering a full educational curriculum and expertise in the religious disciplines. This explains why a number of outstanding scholars who left their mark on Shi'ite law and Tradition, such as al-Muhaqqiq al-Maysi, Sahib al-Madarik and Sahib al-Ma'alim, received little instruction outside the 'Amili villages. Sayyid Hasan al-A'raji, with whom al-Shahid al-Thani studied in Karak Nuh in 932/1525, transmits exclusively from 'Amili scholars like al-Muhaqqiq al-Maysi and al-Muhaqqiq al-Thani but mostly from his mentor Shams al-Din Muhammad b. Dawud known as Ibn al-Mu'adh Rhin al-Jizzini.\textsuperscript{99} Even in the early seventeenth century we find that Sahib al-Ma'alim, and Sahib al-Madarik had for the most part - except for a two-year stay in Najaf - acquired their training in Jabal 'Amil itself.\textsuperscript{100} The impetus for cultivating the legal sciences in Jabal 'Amil was eclipsed temporarily after al-Shahid's death at the hands of quietist jurists, who either avoided his political assertiveness or lacked his eclecticism and the ability to assess objective historical conditions that shaped his life and thought.

Beyond the scholastic-social ties which bound the founders of the 'Amili madrasas and their disciples together, a network of kinship relations, both consanguinal and

\textsuperscript{98} Mustafa K. al-Shaybi, \textit{Al-Sila bayna al-Tasawwuf wa'l-Tashayyu} (Beirut, 1982), 135-6.
\textsuperscript{99} \textit{A'yan}, vol. 5, 35, vol.9, 409.
\textsuperscript{100} Ibid., 95-6.
marital, reinforced the solidarity and elitism of the clerical community. Several villages were known for the presence of specialized faqih families which purposefully cultivated scholarship from father to son. Access to shari'a knowledge tended to concentrate in these tightly-knit family groups and became the esteemed inheritance and livelihood of its immediate descendants. On the one hand, the rural setting of 'Amili life gave more value and cachet to this unique clerical expertise. On the other, it provided potential jurists with a familial economic support system that might have been difficult to maintain in the great urban cities. It is important to note, however, that the 'Amili schools were not very far from trade posts in relatively thriving cities like Sidon and Tyre.

Rather than becoming rigorously institutionalized, the 'Amili madrasas fostered the retention of individualized relations among their disciples and masters, tailored as they were to personal and social bonding between and among the faqih families. For example, Asad al-Din al-Jizzini was the teacher of al-Shahid, the paternal uncle of his father, and his father-in-law.\textsuperscript{101} Al-Muhaqqiq al-Maysi was the uncle (husband of the maternal aunt) of al-Shahid al-Thani and later became the father of al-Shahid al-Thani's first and eldest wife.\textsuperscript{102} Considered an authoritative source on diraya (method for sifting hadith) and (biographies of men) rija'.

\textsuperscript{101} Ibid., vol.8, 44.
\textsuperscript{102} Al-Durr, vol.2, 158-9; Rawdat, vol.3, (Beirut, 1411/1991), 338; Tehrani, Thya' al-Dathir, 124, 165.
he also became the highest-ranking mentor for al-Shahid al-Thani in terms of sanad (chain of authorities).  

Al-Shahid al-Thani was also tutored by Ja'far al-A'raji al-'Amili, the maternal cousin of al-Muhaqqiq al-Thani, who in turn relates legal knowledge from Shaykh 'Ali al-Maysi. 'Ali, the grandfather of al-Hurr al-'Amili, married the daughter of Hasan, the son of al-Shahid al-Thani. The daughter of al-Hurr on the other hand was married to Muhammad b. Sharaf al-Din b. 'Ali Nur al-Din al-Juba'i (d.1113/1701), the brother of Muhammad Sahib al-Madarik.

Given such inter-family connections, it is not surprising that a 'high' intellectual tradition of Shi'ism developed in what was a marginal enclave in Ottoman Syria, as Albert Hourani noted. Due to this rural setting, Jabal 'Amil was probably saved much of the political instability and economic disruptions to which major urban cities are typically exposed. In addition, the social networks of rural life helped sustain the high value the 'Amili people placed on sustaining their educational tradition, as familial

105 Hourani, "From Jabal 'Amil," 134.
106 See Gellens, "The Search for Knowledge in Medieval Muslim Societies," 62. Gellens gives the example of eleventh-century Nishapur that experienced the devastating effects of being a "strategic nexus on the trade routes to China and India".
and marital ties translated into reciprocal financial support.

The 'Amili madrasas' relative autonomy in nurturing a focused and systematic training in Shi'ism and Ja'fari law provided a base for new social configurations that contributed to local economic stability and supported a class of jurists with a considerable clientele. Historical records underscore the prosperity and relative autonomy which Jabal 'Amil experienced under the leadership of the powerful Shi'ite feudal family of Bishara, whose grandfather, Abu'l-Hasan 'Ali b. Bishara al-'Amili al-Shaqqawi, was a student of al-Shahid. In 824/1420 Ahmad b. Bishara rebuilt Tyre and its markets (suqs) and his family continued to administer the city directly until the early sixteenth century, when, for reasons that remain largely unknown, they withdrew from the political scene in 909/1501. In the late Mamluk period, when it rivaled Beirut's trade links with Damascus, Sidon was another major coastal city whose proximity to Jabal 'Amil must have contributed to the latter's well-being. Overall, we can venture to postulate that some form of patronage by the Bishara feudal lords was extended to the 'Amili learning centers and their jurists; a patronage that declines by the first decade of the sixteenth century. After the Bisharas' demise, feudal disintegration erupted as more families, such as that of Nasir al-Din al-Hanash, controlled smaller 'Amili

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108 Ibid., 268-9.
109 Ibid., 270.
areas and Shi'ite locales in the Bqa'.

The existence of a 'high' 'Amili scholastic tradition also provided openings, albeit limited, in the late Mamluk and early Ottoman period for jurists in clerical professions. One of the effects of the region's stability from the late fifteenth to the early sixteenth century was the emergence of adept professional 'ulama who could not be absorbed by the administrative infrastructure of the Ottoman empire. Several factors contributed to their ultimate marginalization: the demise of the Bishara feudal family, the subsequent diminished autonomy of Jabal 'Amil, the decline in waqf revenues, the exclusion of many Shi'ite jurists from the more lucrative official posts. In turn, the madrasas declined as large-scale migration of 'ulama to Mecca, Iraq, Iran and India became one expression of the dramatic change in Jabal 'Amil's socio-political milieu, of the meager professional openings in the Ottoman system, and of the diminishing hope of actively applying their expertise in local and wider Shi'ite society.

Syrian Shi'ite Communities Under Sunnite Governments

As we have seen, 'Amili religious thought and the legal literature of its madrasas, like most Shi'ite popular traditions, grew and developed without a sustaining Shi'ite political center or legitimate government. This suggests that our account of 'Amili social history remains incomplete without an examination of the political order and social
formations shaping Shi'ite religious identity and self-image. In this section, we hope to draw an accurate picture of the relationship between the 'Amili Shi'ite community and its clerical structure on the one hand and the ruling Sunnite elite on the other. In order to arrive at valid conclusions about this relationship and the political conditions of the Shi'ites living under Sunnite authority, we will look at two pertinent and well-documented developments in 'Amili-Shi'ite history during the Mamluk period (659/1260-923/1517). These developments were, first, the destruction of the Shi'ite community of Kasrawan, north-east of Beirut in the earlyfourteenth century, and second, the execution in 786/1384 of al-Shahid, a leading jurist of Jabal 'Amil and the Shi'ite world. In addition, the early Ottoman-'Amili period, we have one other documented confrontation between al-Shahid al-Thani, another prominent 'Amili jurist (d.966/1558), and the Ottoman authorities of this period. Together, these three incidents allow us to contextualize the social and political interaction between the Twelver Shi'ites and the Sunnite governmental establishments of Mamluk and Ottoman Syria.

Understanding the social order within which the Shi'ites operated entails a reexamination of 'Amili provincial politics impacting Mamluk and Ottoman policies. Our analysis chiefly underlines the inadequacy of the dominant literature on the relations between the Shi'ite populations of Mamluk and Ottoman Syria and their Sunnite governors. In their
works, Urbain Vermeulen and C.H. Imber, treated the multifaceted and protracted social relations between Shi'ites and Sunnites somewhat anachronistically and considered them indiscriminately under one analytical category. This category assumed the existence of a well-articulated and systematic religious "policy" on the part of the ruling Sunnites to dispense with the Shi'ite presence. The proponents of this approach invariably reduce the wealth of social configurations and historical possibilities into a case of primordial religious hostility, persecutions, and counter-persecutions. The insistence on a fixed religious policy abridges and undermines the complex social context of the encounters among the 'Amilis, the local elite, and the Mamluk and Ottoman authorities.

'Abdul-Rahim Abu Husayn and Andrew Newman advance other approaches to this question. They tend to refract Sunnite-Shi'ite relations through the same arbitrary prism of religious dogma but suggest instead that the Twelver Shi'ite populations of Kasrawan, north of Beirut, and Jabal 'Amil did not experience any political pressures, let alone persecution of their leading jurists. Abu Husayn, like Newman, remains silent on the execution of the famous Shi'ite scholar al-

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Shahid (d.786/1384), while Newman marginalizes the socio-religious motives behind the execution of yet another notable scholar, namely, al-Shahid al-Thani (d.966/1558). Granted, two hundred years passed between the two executions. However, not only are Abu Husayn’s and Newman’s constructs of the 'Sunnite-Shi’ite' relations confused and problematic, but by overlooking the historical significance of the two Shahids' biographies, these authors dismiss the priceless cache of social history included in the lives of the two Shahids. Thorough analysis of this material should lead to an improved understanding of the nature of Shi'ite encounters with Mamluk and Ottoman rule.

The survival of Shi'ism in Jabal 'Amil allows us to deduce that the Mamluk and Ottoman officials did not undertake or even envision large scale, purposeful, or consistent policies for the eradication of Shi'ites. Notwithstanding, the official apparati of both societies projected a conscious image of Shi’ites as non-orthodox Muslims and embellished the theme of the Shi’ite "rafd", the pivotal element of which is the rejection of the foundations of Sunnite political rule. Therefore, it should not surprise us that a profoundly articulated Shi'ite creed and an impressive body of fiqh survived in Jabal 'Amil under restrictive - but not impossible - circumstances. The dominant Sunnite government always regarded the proclivity for dissent in Shi'ite political thought as threatening. Abu Husayn denies that any discrimination against the Shi'ites
was evident in the Ottoman records of *muhimme defterleri*, and contends that accusations of 'heresy' and 'apostasy' were usually directed against Nusyaris and Druze. Newman argues similarly that, as an indication of the freedom which the 'Amilis enjoyed in their homeland during the sixteenth century, Ottoman officials set up no checkpoints to identify or search the luggage of traveling Shi'ites.\(^{112}\)

In contradistinction, we propose to show that first, Shi'ites were indeed very much part of the constructed spheres of 'heresy' to which the many religious versions of Imamism were relegated by Sunnite officialdom. One can see this in a Mamluk ordinance issued in 764/1363 which forbade the inhabitants of Sidon and Beirut and its provinces from adhering to the faith of the Shi'ite *rafida*, identified as a 'heretical' group in Beirut and its suburbs which was said to be spreading blasphemous beliefs such as temporary marriage (*mut'a*), the cursing of the Companions of the Prophet, and the defamation of his wife, 'A'isha.\(^{113}\) We cannot assume either that the popular expression of Twelver Shi'ism was distinguished from other 'extremist' Nusayri, Druze and Isma'ili practices. Those distinctions were realized, however, by the clerical elite and the learned. Even if an "official" position against Shi'ism was established, it does not in itself explain the motives behind all the varied punitive actions against a Shi'ite community or active


\(^{113}\) Shihab al-Din Ahmad al-Qalqashandi (d.821/1418), *Subh al-A'sha fi Sina'at al-Insha*, vol.13 (Cairo, 1337/1918), 248-9.
Shi'ite 'ulama in Jabal 'Amil throughout the Mamluk and Ottoman eras.

The Mamluk and Ottoman understanding of the exact beliefs of each sectarian community, whether that of the Shi'ite or the Druze, is only partially relevant to the political actions they took against some of its representatives. Rather, the internal social network of relations and events during each encounter engendered a number of changeable "policies" over time. Whether the Mamluk officials recognized Shi'ism as Islam proper or placed it within the theoretical boundaries of orthodoxy only dimly illuminates the other reasons which led them to launch their decisive campaigns against the Shi'ites of Kasrawan. For various political purposes, the Mamluks first "re-invented" the Druze, Isma'ili, Nusayri or Twelver Shi'ites as non-Muslim and then treated as heretical any of their members who proved to be a menace to the dynasty's stability and sovereignty. Once 'transformed' into infidels, the rights of the affected groups were forfeited and their members' lives were at stake.

Shi'ism and 'Heresy': Mamluk Sovereignty in the Mountains of Kasrawan, 692/1292-705/1305

Between 692/1292 and 705/1305, the Mamluks launched four campaigns in the Kasrawan mountain, a highland region north-east of Beirut then declared an Islamic holy war (jihad) to
eradicate Shi'ite 'heresy' in the area. The Hanbalite scholar Taqi al-Din Ahmad Ibn Taymiyya (d.728/1328) became the mouthpiece of Islamic orthodoxy during these campaigns which he presented to the public as a sacred war against unbelief and blasphemy. Ibn Taymiyya had already started his religious movement which called for the purification of Islam from the changes introduced to it by Sufis, jurists, and theologians of all Sunnite madhhabhs.

The official version of the Mamluk expeditions contains neither a consistent presentation of Mamluk motives nor a clarification of the specific identity of the Shi'ite sect implicated in the Kasrawani rebellions. Contrasted to some Mamluk sources which underscored religious reasons for the campaigns, the Mamluk chroniclers Baybars al-Mansuri (d.725/1325) and Qutb al-Din al-Yunini (d.726/1326) argued that they were a political measure against the Kasrawanis' collaboration with the Mongols. Al-Yunini explained that in 699/1299 Jamal al-Din Aqsh al-Afram spearheaded a

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115 al-Shaybi, Al-Sila, 130.

military force against "Jabal Kasrawan wa'l-Durziyya" in retribution for their mistreatment of the Mamluk army over a nearly 40-year period. The Kasrawanis were accused of having given refuge to retreating Mongol soldiers after the battle of 'Ayn Jalut in 659/1260 and of mistreating Mamluk soldiers who had fled from the Biqa' valley and Wadi al-Taym during a Mongol raid in 686/1287. Two later chroniclers, Shihab al-Din Ahmad al-Nuwayri (d.732/1331-2) and Salih b. Yahya (d.ca.850/1446) portrayed the last three campaigns as a retaliation for the atrocities which the Kasrawanis committed against the Mamluk soldiers after their defeat at the hands of the Mongols in the battle of Wadi al-Khaznadar in 699/1299.

Before the Mamluks embarked on their final expedition in 705/1305, the Kasrawanis had refused to defray the high fiscal penalty exacted upon them as compensation for their harsh treatment of the Mamluk soldiers. In this context, the Kasrawani challenge to Mamluk authority can be seen in the same light as the revolts against abusive Mamluk taxation which fomented several uprisings in Syrian towns and had on occasion drawn massive popular support. Al-Yunini asserts

117 Guo, "The Bahri Mamluks," 130. It is noteworthy that al-Yunini, a Hanbalite who expressed Shi'ite sympathies, did not give a marked religious significance to the campaigns.
119 Little, Mamluk Historiography, 45; Amitai-Preiss, Mongols and Mamluks, 1, 223.
120 Ira Lapidus, Muslim Cities in the Later Middle Ages (Harvard, 1984),
that in the 699/1299 assault which took less than two weeks, the Kasrawanis were defeated, their lands were confiscated and they were forced to pay a large amount of money and return what they had taken from the Mamluk army.\textsuperscript{121} Around 50,000 Mamluk soldiers led the final expedition, devastating the Kasrawani villages and killing a large number of their inhabitants, while forcing the rest to flee the region to Jizzin and its vicinity, the Biqa' and Ba'labak. The latter areas were known for their Twelver Shi'ite population suggesting that the main religious sect involved in the confrontation was Twelver Shi'ite.\textsuperscript{122} Major historical chronicles underscore the influx of Turcoman and Christian families to the Kasrawani area in the aftermath of the subjugation of Kasrawani Shi'ites.\textsuperscript{123}

Philip Hitti, claiming to have relied on the accounts of the seventeenth-century Maronite historian Istifan al-Duwayhi, concluded that Kasrawan was "populated by Christians (Maronites and Jacobites), Druze, Shi'ites and Nusayris."\textsuperscript{124}

\textsuperscript{121} Guo, "The Bahri Mamluks," 130.
\textsuperscript{122} Ibn Yahya, \textit{Tarikh Bayrut}, 28-9, 96. It is noteworthy that Ibn Yahya, himself a Druze, does not mention any connection of the Druze with the campaigns, which would lead one to assume that he intentionally downplayed any Druze involvement or that it was marginal in essence.
\textsuperscript{124} Istifan al-Duwayhi, \textit{Tarikh al-Azmina} (Lebanon, 1976), 287-88. It is curious that al-Duwayhi reports that "the Druze, the Kasrawanis, and other apostates" were implicated in the Kasrawani insurrection and adds that with their demise, Kasrawan was "cleansed". He did not refer to Christians and it is inconceivable that he would express such thoughts about his Christian co-religionists. Philip Hitti, \textit{Lebanon in History} (NY, 1962), 325-6.
Hitti, followed by Robert Irwin, reflected that the dominant religious sect in Kasrawan were the Druze and claimed that Ibn Taymiyya's fatwa was mainly directed against them and the Nusayris. In the same vein, Albert Hourani wrote that the Mamluk's punitive actions against Kasrawan were directed not so much against the Twelver Imamis as against the more extreme and uncompromising groups, the Isma'ilis and the Nusayris, who, living as they did near to the Mediterranean coast, could be regarded as posing a political as well as a religious danger.\(^{125}\)

But judging from the motives of the expedition expounded above and the authorities' deliberate confusion of the identities of the Shi'ites, the Druze and the Nusayris, we are driven to a different conclusion. In Subh al-A'sha, al-Qalqashandi (d.821/1418) proclaimed that Ibn Taymiyya's fatwa was directed against the Druze who belong to a "fourth" Shi'ite group, one whose combat is worthier and more essential or, conversely, more insidious to Islam than that of Armenians because the latter are enemies outside the abode of Islam (dar al-Islam) while the former are inside enemies.\(^{126}\) But al-Qalqashandi's observations prove unreliable for he himself admits, when listing the beliefs of the Imami Shi'ites of the "second" group, that he has no knowledge of the areas they inhabit in the Syrian provinces.\(^{127}\) One may add that al-Qalqashandi was not acquainted with Kasrawan itself nor could he identify its dominant sect at the time of the Mamluk campaigns, let alone

\(^{125}\) Albert Hourani, "From Jabal 'Amil to Persia" BSAOS 49(1986): 133.
\(^{127}\) Ibid., 235.
the historical significance of the Mamluk punitive expeditions against it.

In fact, in the early fourteenth century Kasrawan was overwhelmingly Twelver Shi'ite, with a minority of Druze and possibly a small community of Christians.\textsuperscript{128} There seems to be no visible presence of Christians in Kasrawan before 704/1304. Al-Maqrizi writes in his \textit{Al-Suluk} that after the defeat of the Kasrawanis, the "jabaliyya" (reference to Christians) moved to the area and tilled its mountains when the hands of the "rafida" was lifted from it.\textsuperscript{129} As Kamal Salibi convincingly argued, both the Maronites and the Druze sustained good relations with Mamluk authorities at the same time that the loyalties of Twelver Shi'ites were circumspect. To modify Albert Hourani's observation, the Twelver Shi'ites were more danger to the Mamluks and not the heterodox Isma'ilis and that peril grew more visible due to the strategic location of Kasrawan near the Mediterranean coast. Moreover, the Isma'ilis, with whom the Druze and the Nusayris are affiliated, had been brutally crushed by the Mongols in Alamut in 654/1256 and could not be perceived as congenial to their cause against the Mamluks. Twelvers, unlike Isma'ilis, had a better standing with Mongol Persia and Iraq than they ever had with Mamluk Syria and received court favors and high administrative and political posts. It is plausible to posit that Twelver Shi'ites led the rebellion against the Mamluks in alliance with a few Druze and Nusayris, all of whom were

\textsuperscript{128} Salibi, "Mount Lebanon," 19.
\textsuperscript{129} Al-Maqrizi, \textit{Kitab al-Suluk}, vol. 2, 15-16.
bound by socio-economic interests but not all of whom forged similar individual political ties with the Mongols.

As for the choice of Ibn Taymiyya as the Mamluk propagandist for the campaign, it is noteworthy that he was a controversial figure among Sunnites themselves, a number of whom considered him "at the very least an heretic".¹³⁰ Highly telling of the fluctuating categories of 'orthodoxy' and 'heresy' and the propagandistic nature of Ibn Taymiyya's fatwa is the fact that he ended up in Mamluk prison a number of years after making the proclamation. The portrayal of the military campaigns as a jihad should not be taken at face value, for it was clearly an attempt to drum up all the necessary religious propaganda to subvert the political nature of the conflict in question. Furthermore, Ibn Taymiyya's fatwa against the Kasrawanis denounced a number of tenets that could not be coherently nor systematically attributed to one Shi'ite group. His denunciation of their "heresy" even extended to the doctrines of scholars like Nasir al-Din Tusi (d.672/1274). Only within a few scholastic circles was it possible for Sunnites to clearly differentiate a Druze, a Nusayri, or a Shi'ite on the basis of general doctrinal statements.¹³¹ It is not surprising then that al-Shahid was depicted by the Mamluk officials as a Nusayri and accused of nurturing beliefs that conformed with the Druze.

During the Ottoman period too, another leading Shi'ite jurist, al-Muhaqqiq al-Karaki (d.940/1533) was considered by some Syrian scholars to be a Druze.\footnote{Ibn Hajar al-'Asqalani (d.852), 

For political-economic purposes, the Mamluks overlooked distinctions between these groups and with the above campaigns drew a sharp line separating Shi'ism per se from Sunnism per se, where in fact no such line existed. In the same vein, the authorities marginalized both the variations in the manifestations of Shi'ism of the lay community, and the legalistic-scholastic presentations of Shi'ism of the 'ulama. The former was a melange of beliefs syncretized from both Shi'ite and Sunnite concepts and practices which nurtured messianic tendencies and 'extremism' ('\textit{ghuluw}'), which seem in the longrun and overall to have been popularly suppressed for a more orthodox version of Shi'ism.\footnote{\textquoteleft Ali b. al-Hasan b. Abi'l-Fadl b. Ja'far b. Muhammad b. Kathir al-Halabi was killed in 755/1354. He was depicted as a "rafidite" in the Sunnite source, \textit{Al-Durar al-Kamina} which claims that while passing through a funeral at the Umayyad Mosque, he had cursed the injustice of the house of Prophet Muhammad. Upon that, 'Imad al-Din b. Kathir incited the crowd against him and took him to qadi Taqiyy al-Din al-Subki and "he confessed". The Maliki representative decreed that he be decapitated after being encouraged to "repent" for his alleged blasphemy. But he insisted he was innocent of such charges and refused to repent. He was killed and his body was burnt. The accusations against him were circumscript and "the house of Muhammad" seem a vague statement. As Muhsin al-Amin noted in \textit{A'yan}, vol. 8, 183, the author of \textit{Al-Durar} did not witness the incident and it is plausible to believe that Ibn Kathir deliberately agitated the populace against him for reasons that remain largely unknown.} One can say that evidently Sunnite-Shi'ite relationships were complex and multi-faceted and a simple label of 'tolerant' or 'hostile' interaction leaves much unexplained.
Intellectual Transformation and the Political Structure: The Case of Al-Shahid (d.786/1384)

Although a marked increase in intellectual and social exchange between Shi'ite and Sunnite scholars is evident from the fourteenth century, the struggles between the Mamluk-Mongol and Ottoman-Safavid dynasties minimized the opportunities for ambitious and active Shi'ite jurists to pursue their scholarly endeavors and social goals. An increase in the number of highly-trained 'Amili jurists during the fifteenth and sixteenth centuries and their growing visibility and acceptance as religious guides for their community went hand in hand with a reformulation of politically- and socially-charged areas of fiqh, such as legal inference based on rational reasoning (ijtihad), a method for evaluating hadith (diraya), land tax (kharaj) and Friday Prayer. Like other Shi'ite clerics, 'Amili jurists worked in a context where a number of legal functions were controlled by the Mamluk and Ottoman governments, among which were the convening of congregational prayer, the prayers said at the feasts (‘id al-fitr and ‘id al-adha), the enforcement of religious punishments and the collection of Islamic taxes.¹³⁴ 'Amili mujtahids were thus incapable of assuming an effective role because they could not carry out such functions within a Sunnite system. Any attempts to impose Shi'ite-formulated legal punishments (hudud) or legal

opinions would be considered deviations from the foundations of the Sunnite government and signs of rebellion. Under these conditions, Shi'ite scholars had little choice but to concentrate on the academic study of the law rather than its actual practice and in the process to learn about the foundations of Sunnite law as a way to refine their own legal methodology and bring its sources into greater focus.\textsuperscript{135} This brings us to the question of Shi'ite "borrowings" from Sunnism, the focus of Devin Stewart's dissertation, "Twelver Shi'i Jurisprudence and its Struggle with Sunni Consensus". Stewart places a major emphasis on the normative predicament felt by Shi'ites due to the Sunnite charge that they were violating the consensus (\textit{ijma'}) and the foundations of legal orthodoxy.\textsuperscript{136} He noted that,

What has generally been seen as a break in the system of authority in Twelver Shi'ism caused by the Occultation of the Imam should rather be seen primarily as a sustained reaction to the system of legal orthodoxy which developed in Sunni Islam between the third/ninth and fifth/eleventh centuries.\textsuperscript{137}

He maintained that in trying to avert the stigma of heterodoxy or worse, they were driven to "borrow" from Sunnism. Important as the notion of legal orthodoxy may be, Stewart's position tends to dissociate formulaic legal change from the internally-generated historical transformations in Shi'ite society, thereby ascribing the Shi'ites' socio-legal adaptations exclusively to the applied and perceived

\textsuperscript{135} Hossein Modarressi, \textit{Introduction to Shi'i Law} (London, 1984), 49.
\textsuperscript{137} Ibid., 140.
pressures on them from the dominant Sunnite legal system. Furthermore, if the need for "borrowing" from Sunnism was an attempt by Shi'ites to dislodge the stigma attached their own systems, then there is a need to explain why such a stigma did not cause the type of fundamental adaptations of Sunnite concepts into Shi'ite figh before the mid- and later fourteenth century, when several leading Shi'ite clerics functioned within the framework of quite strenuous and restrictive Sunnite caliphates. Central adaptations of Sunnism were made by al-'Allama al-Hilli under the Mongols (r.656/1258-736/1335), that is, without the pressure of a ruling Sunnite political or legal system. The extent to which al-'Allama's Shi'ite conceptions and views gained ascendancy can be attested during the reign of Sultan Oljeitu Muhammad Khudabanda (r.1304-1316) who converted to Shi'ism.

The pending politico-legal action connected to the occulted Imam was challenged by historical changes in the 'Shi'ite international', and by internal transformations in Shi'ite communities. These called for selective and creative Shi'ite adaptations of Sunnite thought. The political order taking form during the late Mamluk period and the shifts in social boundaries within Shi'ite society over time necessitated a redefinition of the fagih's prerogatives. When the "social utility" of the Shi'ite adaptations of Sunnite concepts is illuminated, they cease to conform to the

notion of "borrowing" which implies an active Sunnism and a passive derivative Shi'ism.\textsuperscript{140} In fact, once the Sunnite ideas 'reappear' in the body of Shi'ite legal thought, their Sunnite identity cannot be retrieved as such, and they would only be meaningful within their Shi'itized form.

The evolution of legal knowledge in Shi'ism coincided with and was symbiotic with changes in society as a whole and was made manifest in the experiences of leading clerics. To give but one example, economic and social developments in the Safavid period produced a shift in the land tax regulation and enforcement. At this time, Shi'ite jurists obtained critical governmental posts and received large pensions and grants on state revenues from the Shah for the first time.\textsuperscript{141} Hossein Modarressi asserted that these pensions became a preponderant source of livelihood for several jurists. This is a stark departure from the jurists' traditional position that state profit extorted illegally from peasants was unlawful and was consequently to be rejected as an income source. Sunnite scholars and the more retreatist Shi'ite clerics alike, experienced similar moral and legal challenges, releasing new intellectual expressions. It is clear that changing Shi'ite ideas were not necessarily inspired by a mechanical or protectionist 'borrowing' from Sunnism but owe their formation to Shi'ite accommodation to changing historical realities. However, their more overt

\textsuperscript{140} For an analysis of social utility and historical change, see Rifa'at Abou El-Hajj, "The Social Uses of the Past: Recent Arab Historiography of Ottoman Rule" \textit{IJMES} 14(1982), 185-201.
\textsuperscript{141} Modarressi, \textit{Kharaj}, 48.
efforts to employ Sunnite ideas, including al-Shahid's ability to "open new grounds for Shi'i law," drew a few Shi'ite scholars into the limelight of Sunnite scholastic circles, which made them all the more profoundly aware that the suppressive political system which denied them the form of visibility and economic security offered to their Sunnite counterparts. Commingling with leading Sunnite 'ulama also exposed the more politically-assertive Shi'ite jurists to the wrath of the local Sunnite authorities who were able to be more directly acquainted with their practices.\footnote{142}

Al-Shahid (d.786/1384) was famous for consolidating a distinct school of legal-doctrinal thought, and he inaugurated the "second stage" of development in Shi'ite law. He turned it into a more independent and systematic legal structure.\footnote{143} When he returned to Jabal 'Amil from his scholastic trip in Hilla, he was only 21 years old. Like al-'Allama al-Hilli before him, he had departed from the then-current tendency to study exclusively under Shi'ite mentors, except where dissimulation dictated otherwise. He recommended participation in Sunnite scholastic circles and the utilization of facets of their legal theories so as to effect a renewal in the corpus of Shi'ite law. Whether in the area of diraya or ijtihad, al-Shahid proved to be a creative contributor to al-'Allama's thought and methodology.\footnote{144} While

\footnote{142 For a close examination of the legal contribution of al-Shahid, see Modarressi, Shi'i Law, 49.}
\footnote{143 Ibid., 48-49.}
\footnote{144 Tunukabuni, Qisas al-'Ulama (Iran, 1320/1902), 241. Tunukabuni notes that al-Shahid studied with a thousand Sunnite and Shi'ite scholar altogether; Momen, Shi'i Islam, 95.}
it was not rare that Shi'ite scholars appropriated Sunnite concepts and juridical methods, it certainly was not popular. While in Baghdad, al-Shahid had studied under a number of Sunnite scholars, including the Hanbalite Traditionist Jamal al-Din 'Abd al-Samad al-Baghdadi and the Shafi'ite Shams al-Din Muhammad al-Kirmani al-Baghdadi al-Qurashi. In his ijaza to his student Ahmad b. Muhammad b. Khatun al-'Amili, al-Shahid indicated that he had obtained ijazas to transmit freely and to cite the opinions of 40 Sunnite scholars from several regions including Mecca, Medina, Baghdad, Damascus and Jerusalem.

A number of Shi'ite and Sunnite sources reveal that al-Shahid was actively spreading his teachings among 'Amili students and playing a visible role in his local community. He found it permissible for Shi'ite jurists during Occultation to implement hudud and apply rulings (ahkam) in their communities. The same sources show, on the other hand, that his activities were resisted and challenged by some 'Amili social groups. Two of al-Shahid's students, namely, Taqi al-Din al-Jabali al-Khiyami and Yusuf b. Yahya were believed to have defected from Twelver Shi'ism, adopting

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146 Majlisi, Bihar al-Anwar, vol.107, 190; A'yan, vol.10, 59. Majlisi included the names of the Sunnite scholars with whom al-Shahid studied and highlighted their careers.
147 Andrew Newman, "The Development and Political Significance of the Rationalist (usuli) and Traditionalist (akhbari) schools in Imami Shi'i History From the Third/Ninth to the Tenth/Sixteenth Century A.D." Part 2, (Ph.D. diss., UCLA, 1986), 662.
an "extremist" stand against his teachings. Yusuf b. Yahya even submitted a report to the Mamluk authorities in support of al-Shahid's 'heresy', signed by 70 people of Jabal 'Amil who seemed to have renounced an earlier adherence to Twelver Shi'ism. A thousand of the inhabitants of the coastal areas such as Sidon and Beirut who were depicted in Shi'ite sources as "psuedo-Sunnites" (al-mutasanninin) also supported the accusations of Ibn Yahya in a report submitted to the qadi of Beirut. Even more significant is a rare allusion to a Kurdish student of al-Shahid called Muhammad al-Yalushi who rose up in Jabal 'Amil claiming prophethood and was put to death by the Mamluks during the reign of Sultan Barquq (779/1377-802/1399). As for al-Shahid's purported suspect activities, Rawdat al-Jannat is one of the few sources that listed magic (sihr) among the several subjects which al-Shahid learned, presumably in al-Huwayza in Bahrain. He was also found capable of counteracting the effects of magic exerted by one of the claimants to prophethood in Jabal 'Amil. An obscure 'Arafat, depicted in Shi'ite sources as a Nusayri and executed shortly after, was vaguely associated with al-Shahid. Furthermore, a rebellious movement against the Mamluks described in the original account of Ibn Yahya as

148 A'yan, vol.10, 61; Lu'lu'at al-Bahrain, 146.
149 Other sources state that the report was submitted to the qadi of Sidon. See Tehrani, Tabagat A'lam al-Shi'a, vol.8, (Beirut, 1975), 205-7; Majlisi, Bihar al-Anwar, vol.107, (Iran, 1315/1897), 185-90.
150 Ibn Fahd al-Makki (d.871/1467), Lahz al-Alhaz (Damascus, 1928-29), 168.
151 Rawdat, 617.
152 Ibn Fahd, Lahz al-Alhaz, 168.
153 'Asqalani, Inba' al-Ghumr, (Cairo, 1389/1969), ?
either an apostasy ("riddiyya") or a Kurdish insurrection ("haraka Kurdiyya") was also tied to al-Shahid, even though there was little evidence to support it.\textsuperscript{154} Al-Shahid seems to have written a refutation against some Kurdish 'extremists' (ghulat) like Muhammad al-Yalushi.\textsuperscript{155} Finally, textual studies show, it is difficult to sustain Ja'far al-Muhajir's anachronistic and weak argument that al-Shahid was a military leader who aimed at implementing in full the all-too-modern notion of the deputyship of the jurist (wilayat al-faqih).\textsuperscript{156}

We also learn that the Shafi'ite qadi 'Abbad b. Jama'a, who took the decisive juridical step that led to the execution of al-Shahid, had strong personal motives in implicating him with heresy. A number of al-Shahid's opponents, possibly among the 'ulama, seem to have tried to eliminate him during the reign of Baydamur, who imprisoned al-Shahid then quickly released him, refusing to take any actions against him. Imprisoned the second time for a year under the reign of al-Zahir Sayf al-Din Barquq (r.784/1382-791/1389), al-Shahid was put on trial by four jurists of the Shafi'ite, Hanafite, Malikite and Hanbalite schools of law.\textsuperscript{157}

\textsuperscript{154} Tehrani, \textit{Tabacat A'lam al-Shi'a}, vol.8, 205-7. Tehrani relies on an early edition or manuscript of Ibn Yahya's \textit{Tariikh Bayrut} where the rebellious movement against the Mamluks is described as "haraka Kurdiyya" (a Kurdish movement). But the latest edition of \textit{Tariikh Bayrut}, points to a "haraka ridiyya" (a movement of apostasy).
\textsuperscript{155} Ibid. Tehrani noted that al-Yalushi was a Nusayri.
\textsuperscript{156} al-Muhajir, \textit{Al-Hijra}, 80-3. Al-Muhajir's observations are based on an inaccurate use of historical and biographical data. The word 'amiliyyan' ('Amili), misspelled 'amilan' in one chronicle and attributed to al-Shahid, is mistaken for 'political agent'. A much earlier assessment by Muhsin al-Amin had convincingly showed that it was a simple error and that the original term referred to a resident of Jabal 'Amil. See \textit{A'yan}, vol.19, 59-61.
\textsuperscript{157} \textit{Lu'lu'at}, 146; \textit{A'yan}, vol.10, 61; Majlisi, \textit{Bihar}, vol.107, 185.
One of the significant features of religious life under the Mamluks was their implementation of all four madhhabs which proved highly congenial to state interests as legal decisions were rendered in favor of state policies.\textsuperscript{158} On another level, the recognition of four schools of law was advantageous for the representative 'ulama of each school who formed their separate network of alliances and ties to the court.\textsuperscript{159}

Some time before his imprisonment, al-Shahid masterfully debated a legal matter with Ibn Jama'a which infuriated the latter.\textsuperscript{160} Ibn Jama'a, by way of denigrating al-Shahid's small physical stature, commented: "I hear a sound coming from behind the ink pot but I see no one." So al-Shahid replied: "The son of one person (al-Wahid) [as opposed to a jama'a, "a number of people"] cannot be bigger than that", upon which Ibn Jama'a remained sufficiently perturbed as to await an opportunity for revenge.\textsuperscript{161}

There was no question that al-Shahid's religious identity and contacts with Iraqi Shi'ite scholars were well known in Damascene scholastic circles.\textsuperscript{162} Ibn Hijji indicated that al-Shahid was known for his 'rafd' but acknowledged his

\textsuperscript{159} Little, "The Detention of Ibn Taymiyya," 326.
\textsuperscript{160} A'yan, vol.10, 61.
\textsuperscript{161} Ibid.
\textsuperscript{162} Ibn Shuhba (851/1448), \textit{Tarikh Qadi Ibn Shuhba}, vol.1, ed. by Adnan Darwish, (Damascus, 1977), 135. Ibn Shuhba believed al-Shahid to have been a 'Iraqi who resided in Jizzin.
knowledge in usul and gira'at. In a more illuminating statement made by al-Jazari, al-Shahid is depicted as a leading scholar among the Shi'ites and the jurisconsult (mujtahid) in their madhhab, adding that he knew him over a lengthy period without ever hearing from him anything that ran counter to Sunnite orthodoxy. Both Shi'ite and Sunnite sources indicate that al-Shahid joined Shafi'ite circles of learning and yet the former emphasize his practice of dissimulation (taqiyya). This drives us to revisit the dynamics of tāqiyya which seemed to have been a general inclination and means among Shi'ites in a predominant Sunnite community to avoid controversy, rejection or harassment. As an initial precautionary defense, tāqiyya facilitated al-Shahid's participation in educational Sunnite guilds but as these guilds become more familiar to him, tāqiyya actually meant avoiding any direct implementation of Shi'ite arguments or doctrines. In a number of cases 'Amili scholars had disclosed their identity and theological opinions to few Sunnite confidants, while managing to avoid disclosing it to the Sunnite public at large. The complex features of al-Shahid's facile use of tāqiyya are clearly reflected in the biographical accounts on him. He frequently crossed the line between Sunnism and Shi'ism in an attempt to conform with the proclaimed orthodoxy of the rulers.

While al-Shahid was on trial, Ibn Jama'a tried to

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163 Ibid.
convince him to admit all the accusations of heresy directed against him which would lead to only one year of imprisonment, followed by his release. After much resistance, al-Shahid consented, whereupon Ibn Jama'a refrained from acquitting him or adjudicating further in the matter, deliberately turning it over to the Malikite gadi whose legal decision could only be that of execution.

Within the context of the sometimes fragile, sometimes tolerant conditions that allowed Shi'ite kalam, fiqh and other theo-legal doctrines to develop in the 'Amili milieu, al-Shahid’s death sentence is shocking. It is evidence of the complexity of Sunnite-Shi'ite interaction on several levels, although the actual charge against him was heresy.

Clearly, the 'Amili milieu hosted a number of popular Shi'ite persuasions and nurtured syncretic religious trends. Jabal 'Amil was home not only to Shi'ites but also to heterodox sects like the Druze, the Isma'ilis, and the Nusayris. The literature produced by 'Amili scholars on the religious milieu of Jabal 'Amil is methodical in its denunciation of any heterodox predilections among Shi'ites and clings to the belief that the Twelvers remained bound to a mainstream legally-based praxis. But we have evidence that at least one of the students of al-Shahid claimed prophethood in the form of the Mahdi, two others were suspected of embracing the Nusayri faith, and a number of his followers either pretended to adhere to Twelver Shi'ism or seemed to
have defected from it at a later stage.\textsuperscript{165} There are also references to psuedo-Sunnites and dissimulating Shi'ites changing positions for political expediency. This leads us to believe that first, different streams of Imamism and Sunnism intermingled in a fluid and changing mode, and second, at least on the popular level, it was possible for Shi'ite, Nusayri and Druze sectarian to overlap. The theological and legal foundations of each sect were not always as clearly demarcated by the layperson and outsiders, including Sunnites, as they were for the educated classes and the religious elite. It seems likewise plausible that expressions of Shi'ite 'ghuluw', millenarianism and heterodoxy were woven into the popular fabric of the 'Amili world.

Al-Shahid, on his part, remained faithful to a mainstream legalistic Shi'ism that shunned 'ghuluw', a fact that explains his reservations about the Sarbadarids whose ruler 'Ali b. al-Mu'ayyad summoned him to lead his community in the proper Twelver Shi'ite practices.\textsuperscript{166} The Sarbadarids, who were among several local dynasties that replaced the Ilkhanid Mongols after 736/1335, emerged from a militant Sufi movement, known as the Shaykhiyya-Juriyya, to set up a Shi'ite-proclaimed pro-Timurid state in Khurasan between 738/1337 and 783/1381. Arjomand underscored the antagonistic features of the Sarbadarid religious milieu which seemed simultaneously to have propagated Mahdistic expectations and

\textsuperscript{165} Majlisi, Bihar al-Anwar, vol.107 (Tehran, 1956-72), 185-90; Lu'lu'at (Beirut, 1986), 146; A'yān, vol.10, 59-60.  
\textsuperscript{166} See S.A. Arjomand, The Shadow of God, 68-71.
anti-dervish chiliasm during the reign of Ibn al-Mu'ayyad. Al-Shahid's work, Al-Lum'a al-Dimashqiyya, was laid down in response to the request made by the Sarbadarid councilor Muhammad al-Awi to compose a book on Shi'ite law and religious observances. It is possible, as Newman reflected, that the Mamluk authorities were informed about this interaction between al-Shahid and their pro-Timurid enemies.\textsuperscript{167} Threatened by a potential local Shi'ite support for the Timurids in Syria, the Mamluks became ill-disposed against al-Shahid.

On the political level, then, one concludes that al-Shahid came first to the attention of the Mamluk officials not through a confrontation with a Sunnite scholar or official but rather through his involvement in a social struggle on the local level among a number of contending groups, presumably with different Shi'ite leanings and motivated by various social interests. On the religious level, he seemed also to have faced a number of competitors for religious leadership and had to strive to maintain his professional and social position. Finally, from the point of view of the gadi of Sidon, the reports against him pointed to an open involvement in spreading Shi'ite teachings which ran counter to orthodox Sunnism. Added to that was the animosity he has incurred from scholars like Ibn Jama'a who occupied critical political posts in the Damascene court of Sultan Barquq. The list of accusations against him in Sunnite

\textsuperscript{167} Newman, "The Development," 691.
accounts include his "rafd", his defamation of 'A'isha and the first two caliphs, along with following the Nusayri faith and declaring wine-drinking licit.\textsuperscript{168} He was killed by the sword, then crucified, stoned and burned.\textsuperscript{169} His case provides a concise example of the complex, interwoven themes of religious sectarianism, orthodoxy, state politics, local social conditions, and personal animosities and ambitions.

The 'Amili 'Ulama Under the Ottomans: The Case of Al-Shahid al-Thani (d.966/1558)

Among ambitious and active 'Amili 'ulama, then, the fear of persecution at the hands of the central authorities was always present. This is even clearer in the case of al-Shahid al-Thani who, at least ten years before his execution, was living in disguise and struggling to escape the watchful eye of the Ottomans after having previously enjoyed both Ottoman and sectarian repute.\textsuperscript{170} He exercised extreme caution during his early practice of \textit{ijtihad} in 944/1537 and was forced to obscure his identity so much so that his student Ibn al-‘Udi al-Jizzini, was amazed by his prolific production of legal works of distinction during this period.\textsuperscript{171} As an example of his precarious living conditions, 946/1539 in

\begin{itemize}
\item \textsuperscript{168} Ibn Shuhba, \textit{Ta'rikh Qadi}, vol.1, 134-5.
\item \textsuperscript{169} \textit{Amal al-Amil}, vol.1, 183.
\item \textsuperscript{170} 'Ali b. Zayn al-Din, \textit{Al-Durr}, vol.2, 183.
\item \textsuperscript{171} Ibid; \textit{Rawdat}, vol.2, 287-8.
\end{itemize}
Aleppo, he was on the verge of canceling a trip to Mosul, Iraq when his Shi'ite identity became known to a few men who were traveling in the same caravan with him.\footnote{\textit{Rawdat}, vol. 3, 348. Based on Ibn al-'Udi's account, one of the brothers of an Uzbeg sultan was on his way back from pilgrimage accompanied by a Sunni prayer leader and two Persians, one Shi'ite and the other Sunnite. In the course of the trip, the Shi'ite Persian deserted the prayer leader to pray with al-Shahid al-Thani of whom he grew very fond, consequently encouraging the wrath of the prayer leader and the Sunnite Persian, who conspired to make a public declaration of al-Shahid al-Thani's Shi'ite identity in Baghdad. The latter was about to interrupt his trip and return to Jabal 'Amil, when the Sunnite Persian, who was very old and fatigued, decided to stay in Mawsil, thus relieving al-Shahid al-Thani from harassment.}

In 937/1530, four years after the death of his mentor Shaykh 'Ali al-Maysi (d.933/1526), known also as al-Muhaqqiq, al-Shahid al-Thani traveled to Damascus where he was exposed, probably for the first time, to philosophy, astronomy and medicine and was introduced to the illuminationist philosophy of al-Suhrawardi under the Sunnite scholar Shams al-Din b. Makki. These fields of study seemed lacking in the curriculum at the madrasas of Jabal 'Amil in general and Mays al-Jabal in particular where al-Shahid al-Thani first embarked on his studies under al-Maysi in 925/1519.\footnote{Ibid., 339.} He also studied the shahr (commentary) of "Ashkal al-Ta'sis" on geometry by al-Chaghmini and Qadi Zada, the Ottoman scholar with whose grandson he was able to establish friendly ties.\footnote{Ibid., 342, 351; A'yan, vol. 7, 149; Al-Durr, vol. 2, 170-4.}

In 942/1535 the arrangements for his trip to Egypt were made by a person known as Hajj Shams al-Din Muhammad b. Hilal.\footnote{\textit{Rawdat}, vol. 3, 339-40.} Little is known about Ibn Hilal's identity and whereabouts except that he was ruthlessly murdered ten years
later in his house with his wife and children. Sources try to
tie his murder to his association with al-Shahid al-Thani,
but the meager data surrounding his death and the fact that
he was killed twenty-four years before the execution of al-
Shahid al-Thani make it dubious to assert that both were
killed for the same motive and conditions.

As for al-Shahid al-Thani's methodology, Modarressi
asserted that by the fourth/tenth century, ijtihad, as a
rational mode of reasoning, was utilized by Shi'ite scholars
and became a dominant methodological approach toward legal
matters.176 Despite that, al-Shahid al-Thani expressed great
cautions in disclosing his ijtihad activities, which leads us
to believe that he feared the repercussions of the Ottoman
authorities, which under the alleged belief that the "door of
ijtihad had been closed" endorsed their own legitimacy
through imitation (taqlid) and suppression of ijtihad
activities among Sunnites and Shi'ites alike.177 But the
ijtihad endeavors of al-Shahid al-Thani soon became
widespread by 948/1541 and Sharaf al-Din al-Sammak suspected
he was a mujtahid as early as 946/1539.178 His application of

176 Modarressi, Shi'i Law, 29-30.
177 See Muhammad Rashid Rida, Kitab Muhawarat al-Muslih wa'l-Mugallid
wa'l-Wahda al-Islamiyya (Cairo, 1324/1906), 135. Rashid Rida asserts
that numerous 'ulama used ijtihad after the proclamation that the door
of ijtihad was closed. See also Wilfred Madelung, La notion d'autorite
au Moyen Age: Islam, Byzance, Occident (Presses Universitaires de
France, 1982), 169. Ijtihad in Shi'ism and in Sunnism stems from the
recognition that an indisputable meaning of the divine scriptures and
the "true intent of the divine lawgiver, is in some instances at least,
unattainable".
account in al-Durr reveals that al-Shahid al-Thani was extremely
discrete about his use of ijtihad, thus "kana fi Ibtida'i amrihi
ijtiham was evident early in his commentary (sharh) on Irshad al-Adhhan by al-'Allama, which he produced piecemeal and departs from previously set canons in Shi'ite scholarship. His approach was synthetic (mazji), mixing the text (matn) with the commentary, a common feature of Sunnite works. Quite consciously, al-Shahid al-Thani reflected in Al-Rawda al-Bahiyya - itself a commentary on al-Shahid's fiqh work, Al-Lum'a al-Dimashqiyya - that having found such synthesis well-grounded in Sunnite commentaries he desired to transport its equivalent into Shi'ite commentaries as well.179 Similarly, few Shi'ite scholars, including Abu'l-Salah Taqi al-Din b. Najm al-Din al-Halabi (d.447/1055-6), Jamal al-Din Ahmad b. Tawus (d.664/1266), and 'Ali b. 'Abd al-Hamid al-Najafi al-Nili composed works on diraya.180 Al-Shahid al-Thani's work on it was given such great significance that Ibn al-'Udi inaccurately assumed his teacher to have been the first to compose diraya works based on Sunnite collections, only to be followed by Husayn b. 'Abd al-Samad and his celebrated son Baha'i al-Din al-'Amili, known in Iran as Shaykh-i Baha'i.181

Al-Shahid al-Thani's vast knowledge and contributions did not translate into economic success, for in Juba' he led an austere and hard life, teaching during the day, carrying wood logs for his family on his donkey during the night, and

180 Al-Dhari'a, vol. 3, 57; vol. 8, 54-5. Abu'l-Salah al-Halabi seemed to have written a work on diraya entitled "Al-Bidaya".
occasionally tending to his vineyard.\textsuperscript{182} During Ottoman times, although Twelver Shi'ites were considered part of the Muslim community and thus were excluded from the minority (millet) status, this was not without its cost.\textsuperscript{183} They did not enjoy the "judicial autonomy" accorded to the millet members and had no independent courts. Consequently, their jurists and students were deprived from a source of revenue and independent power.\textsuperscript{184}

By the third decade of the sixteenth century there was a clear decline in the condition of the schools in major cities like Ba'labak and a drain on their religious endowments (awqaf) was felt.\textsuperscript{185} In consequence, numerous teachers and scholars turned to trade and only those with means and influence could obtain a post. Typical of most clerics of Jabal 'Amil, al-Shahid al-Thani could barely survive without access to teaching posts in the Ottoman empire. In fact, his

\textsuperscript{182} Rawdat, vol.3, 345.
\textsuperscript{183} Meir Litvak, "The Shi'ite 'ulama of Najaf and Karbala and the Tanzimat" Harvard Middle Eastern and Islamic Review, no.1, 2 (Spring, 1995):73,77-78.
\textsuperscript{184} It is also noteworthy that although the Ottoman learned hierarchy had provided the state with a steady supply of able scholars, it was vitiated by increasing power of its high-ranking 'ulama and the preferential treatment they extended to their own family descendants. At some time during the sixteenth century it became the rule, for example, for sons of judges (kazaskers) to be appointed directly to a 40-akce madrasa, on becoming candidates for office after completion of their school education (mulazims), and for sons of Muftis and Bojas to be appointed directly to external (haric) and even internal (dahil) schools. The integrity of this establishment suffered and many injustices befell adept and qualified candidates. See Richard Repp, "Some Observations on the Development of the Ottoman Learned Hierarchy" in Scholars, Saints and Sufis: Muslim Religious Institutions in the Middle East since 1500, ed. Nikki Keddie (LA, 1972), 30-1.
grandson 'Ali b. Muhammad al-'Amili indicates that al-Shahid al-Thani engaged in commerce, selling some type of ropes and had to travel to distant locations to distribute them.\footnote{Al-Durr, vol.2, 162; al-Amin, A'yan, vol.7, 147.} This grandson added that al-Shahid al-Thani was forced under great economic burden to evade the Ottoman tax by concealing half the amount of the goods (ropes or stripes) he was carrying through a place called Qutayya in Syria, around 942/1535.\footnote{Al-Durr, vol.2, 162. Qutayya refers to a watercourse between the mountains of Tay and Taym in Syria. See Yaqut, Mu'jam al-Buldan, vol.4 (Beirut, 1990), 439.} Although his natural inclination was to remain bound to a life of austerity and piety and to stay away from glittering government posts, al-Shahid al-Thani ultimately decided to seek out social contacts in Istanbul. In a somewhat apologetic tone, he describes how he finds himself in 951/1544 receiving "divine signs" that urged him - an urge that went against his "temperament and reasoning - to travel to the seat of Ottoman power and contact the temporal ruler, Sultan Sulayman.\footnote{Rawdat, vol.3, 348-9; A'yan, vol.7, 145, 150.} He spent three months in Istanbul where he met the prominent Ottoman scholar Sayyid 'Abd al-Rahim al-'Abbasi whom he had previously known and praised on several occasions.\footnote{Al-Durr, vol.2, 176.} All in all, al-Shahid al-Thani describes his visit favorably and there is no hint whatsoever that he was accused of 'rafḍ' or put on trial by Sunnite 'ulama, as Mirza 'Abd Allah Afandi denoted in his Ta'iligat Amal al-Amil.\footnote{'Abd Allah Afandi Ta'iligat Amal al-Amil, 52-3.}
Within the broader picture of 'Amili history, such accounts strongly indicate that the Shi'ite 'ulama were tilting toward power and association with the political sovereign and that a worldly ambition was eroding their formerly idealistic emphasis on retreat from governmental posts.

Al-Shahid al-Thani's juridical activities first came to the attention of the Ottoman authorities through the provocation of a 'Amili called Ma'ruf who asked him to arbitrate between him and another man. Ma'ruf was disgruntled when al-Shahid al-Thani's decision was in his rival's favor and decided to disclose his arbiter's juridical proclivities and identity to the gādi of Sidon. The gādis of the Ottoman courts tended to be drawn from the local population, in this case Jabal 'Amil or its vicinity.191 Some confusion surrounds the gādi himself, for in other accounts it is mentioned that he is Ma'ruf himself. In any case, the gādi considered al-Shahid al-Thani guilty of deriving legal decisions that ran counter to the four Sunnite schools of law and declared him an innovator, thus incurring the most severe punishment. Immediately after, al-Shahid al-Thani decided - as a pretext for hiding - to leave Jabal 'Amil for pilgrimage in a covered caravan.192

A few years before any complaints against al-Shahid al-Thani were raised to the gādi of Sidon, the latter had already grown resentful of the former following a friendly

interlude, "suhbatan wa mudakhala".\textsuperscript{193} One finds that there was a personal dimension to the hostility between the two which was augmented by the \textit{ijtihad} activity of al-Shahid al-Thani and manipulated to serve the qadi’s interests in eliminating an influential and outstanding competitor.\textsuperscript{194} Before embarking on a trip to Constantinople in 952/1544-5, al-Shahid al-Thani had avoided asking him for a recommendation in support of his candidacy to a teaching post at one of the Ottoman madrasas.\textsuperscript{195} The qadi, however, made sure al-Shahid al-Thani understood that without his recommendation he could not obtain any post even if he was Imam Abu Hanifa himself.\textsuperscript{196} It was a common procedure that when a scholar applied for a teaching post, the qadi of his original district, in this case Sidon, had to endorse his worthiness for the post. But al-Shahid al-Thani, whose greatest professional fears sprang from his frayed relationship with the qadi of Sidon, had hoped to impress the influential notables of Constantinople on his own merits so as to dispense with the qadi’s recommendation entirely.\textsuperscript{197} Sure enough, the high-ranking Ottoman qadi of the military Muhammad b. Qadi Zadah al-Rumi found al-Shahid al-Thani’s scholarly merits praiseworthy, especially after the latter presented him with his treatise on ten questions of \textit{fiqh},

\textsuperscript{193} A'yan, vol.7, 151.
\textsuperscript{194} Al-Durr, vol.2, 170-4; Rawdat, vol.3, 351.
\textsuperscript{195} Al-Shahid al-Thani declined from going to the qadi himself and condescendingly sent his student Ibn al-'Udi to allude to him about his trip to Constantinople with the intention of obtaining a teaching post, without asking the qadi directly for the recommendation which he needed.
\textsuperscript{196} Rawdat, vol.3, 352.
Qur'anic exegesis and other disciplines which he had composed during the first 18 days of his arrival to Constantinople on the 17th of Rabi' al-Awwal, 952/1545. Yet the Ottoman jurist's recommendation proved insufficient to win him a teaching post, and al-Shahid al-Thani had to provide one from the gadi of Sidon.

Curiously, despite his discord with al-Shahid al-Thani, the gadi made it possible for him to obtain a teaching post at the madrasa of al-Nuriyya in Ba'labak in 953/1546. At al-Nuriyya school, he taught the Sunnite and Ja'fari madhhab and several religious disciplines. More significantly, he succeeded in attracting Shi'ite and Sunnite students and befriended Ba'labak's people with their varied religious persuasions, maintaining an ideal friendship (ahsana suhbatan) with all of them. Al-Shahid al-Thani recalled the Ba'labak days with great joy as a rare period of professional and social fulfillment in a life filled with socio-economic frustrations and religious discretion. As an instructor (mudarris) his post also allowed him to become a local gadi. He prided himself for ranking among the top jurists as the the deliverer of legal opinion for every religious sect in accordance with its school of law (mufti kul firqa bima yuwafigu madhhabaha). The threat on his life from various competitors grew in proportion to his fame, for two

201 Repp, "The Ottoman Learned Hierarchy," 26.
202 Ibid.
years after starting to teach at al-Nuriyya school, he was forced to hide in the house of his student Ibn al-'Udi al-Jizzini. Fearing for his life, he commenced writing his biography, sections of which remained extant through Ibn al-'Udi's statements.\textsuperscript{203}

All of this leads us to conclude that at least until the time he was teaching at al-Nuriyya school, the qadi had not yet raised his major accusations against al-Shahid al-Thani to the Ottoman sultan who later decided to bring him to his court where leading Sunnite 'ulama would uncover his true religious beliefs. It is widely accepted among Shi'ite scholars that al-Shahid al-Thani was killed on his way to Constantinople in 966/1558 at the age of 44.\textsuperscript{204} The officer whom the sultan ordered to bring al-Shahid al-Thani alive to his court, decided instead to kill him on his way back from Mecca, lest he inform the Sultan of the cruel treatment he received from him. This is further corroborated by the fact that the officer himself was executed by the sultan for his act, mostly with the encouragement of Sayyid 'Abd al-Rahim al-'Abbasi, who had denounced and lamented the death of al-Shahid al-Thani.\textsuperscript{205} It is also important to note that the Ottoman authorities, having signed the Amasya treaty with the Safavids three years before the death of al-Shahid al-Thani in 962/1555 were prone to preserve the modus vivendi and were less inclined to take severe action against their Shi'ite

\textsuperscript{203} Ibid., 183-4.
\textsuperscript{204} Rawdat, vol.3, 362-3.
\textsuperscript{205} Ibid., 352, 364.
subjects. Evidently, when seen in the above assessment, al-Shahid al-Thani’s execution was not part of a standard
Ottoman policy of random Shi'ite persecution but the outcome
of several interconnected factors of a socio-political rather
than religious nature.

The 'Amili reaction to the tragic death of al-Shahid al-
Thani released another set of narratives about the scope of
social relations with the Sunnite 'ulama. Hasan, the son of
al-Shahid al-Thani, known as Sahib al-Ma'alim (d.1011/1602)
attributed his father's death to his extensive interaction
with Sunnite scholars, 19 of them, and his uncanny disclosure
of politically-charged Shi'ite concepts in works of usul,
fiqh and hadith.206 In the same vein, al-Hurr al-'Amili finds
al-Shahid al-Thani's extensive interaction with Sunnite
scholars blameworthy and the source of his fate.

It seems plausible to believe, that with the two
Shahids, a number of reasons informed the process of
adaptation of Sunnite ideas by the mid-sixteenth century. One
reason was the growing urge on the part of the 'ulama to
assume an assertive social and political role in their
communities and to suppress the Mahdistic tenet, so
profundly embedded in the Shi'ite worldview. These
considerations were reflected in the biographical literature
on al-Shahid and a few of his students who became claimants
to Mahdihood. As such, there was a gradual reformulation of

206 Rawdat, vol.3, 364; A'yan, vol.7, 153-4. Among these Sunnite
scholars were Shams al-Din b. Tulun al-Dinashqi, Muhyi al-Din 'Abd al-
Qadir al-Ghazzi, Shams al-Din b. Abi'l-Lutf al-Maqdisi, Mulla Muhammad
Astarabadi, and Mulla Muhammad Gilani.
the eschatological, theological, and political implications of the return (raj'a) of the designated Mahdi and the restoration of Shi'ite social order.\textsuperscript{207} Owing to various historical expectations, and a restructuring of Shi'ite societies and its classes - including the clerical one - both ghayba and the Mahdistic vision were continually undergoing modification to meet temporal needs. Slowly transported from a quietest to an assertive approach, the Shi'ite clerical elite was in need of new sources of legitimacy for its political role. Having been strongly tied to temporal institutions, to say nothing of the Caliphate, accommodation with and adaptation of some of the more pragmatic aspects of Sunnism had already opened the vistas for the jurist's active political role, the lack of which in Shi'ism had became more pressing for the community and its clerical elite.

Another reason was the presence of a relatively more relaxed atmosphere of exchange between Shi'ism and Sunnism since the Mamluk and Mongol period. We need only turn to al-'Allama al-Hilli who enjoyed great privileges at the Mongol court and who, as Modarressi explained, had made two lasting contributions to Shi'ite law. The first is his expansion of the section on legal transactions based on Sunnite law and the second is his introduction of mathematics into the law.\textsuperscript{208}

There seems to be an evident correlation between a more


\textsuperscript{208} Modarressi, Shi'i Law, 47-8.
pronounced adaptation of Sunnite concepts and a socially and politically visible role for Shi'ite jurists of that period. Finally, there was a clear shift in the two Shahids' social status and professional standing relative to other 'ulama of Jabal 'Amil who received little recognition outside the Shi'ite clerical community. This, in turn, encouraged a conscious drawing upon the type of Sunnite precepts that could be pragmatically adapted to Shi'ite use in general and to the strengthening of their social interests in particular. It is interesting to note that as much as the later Shi'ite scholarly community may have come to appreciate the developments in Sunnite-Shi'ite interactions — personified by the two Shahids — their own contemporaries nonetheless found or concocted grounds to execute them for their ideas. One sees a salutary lesson in this for the historian to try to assess data objectively, over time.
CHAPTER 2

'AMI'LI SCHOLARS AND THE SHAHS IN THE SIXTEENTH CENTURY: THE PROMULGATION OF A DISTINCT POLITICO-RELIGIOUS DISCOURSE

The period of the Safavid dynasty (907/1501-1135/1736) is an important watershed in the history of Iran. For the first time after the rise of Islam, Iran becomes a self-contained independent state, experiences significant religious and political change and achieves a degree of status and power that had eclipsed for centuries.¹

Shortly after the investiture of Shah Isma'il (907/1501-930/1524) as the first Safavid monarch, Twelver Shi'ism was declared the religion of the new empire.² Shah Isma'il and succeeding monarchs were determined to convert Iran from Sunnism to Shi'ism and to spread a literate urban version of Twelver Imami doctrine (as distinct from the folk Shi'ism of


² The attempts to establish Twelver Shi'ism as the official religion of the state occurred briefly in Mongol Iran during the fourteenth century under the ruler Oljeitu Khudabanda. Yet the 'ulama's efforts at converting the Mongols to Shi'ism remained largely futile because the latter were indifferent to both Sunnism and Shi'ism and indeed to all religious denominations. They were more inclined toward shamanism and Buddhism. See Alessandro Bausani, "Religion under the Mongols," The Cambridge History of Iran, vol. 5, (Cambridge, 1968); Bertold Spuler, Die Mongolen in Iran (Berlin, 1968). Michel Mazzaoui, The Origins of the Safawids: Shi'ism, Sufism and the Ghulat, (Weisbaden, 1972), 63-65 analyses the role played by 'Allama al-Hilli (d.726/1325) in converting the Mongol ruler Oljeitu (Khudabanda) to Twelver Shi'ism; Momen, Shi'i Islam 92-93.
the Turkoman nomads). Within the larger political framework of Ottoman-Safavid relations, the process of conversion to Shi'ism is best understood, as an attempt to demarcate Safavid territory against Ottoman encroachments, insulating its inhabitants from Sunnite leanings. Along with a sustained suppression of millenarian movements, the Sufi orders and various philosophical-theosophical activities, the Safavids deliberately sought out teachers who could disseminate the Shi'ite creed and jurists who would define and apply the shari'a in accordance with the Shi'ite madhhab. Thus the early Safavid monarchs, specifically Shah Isma'il and his son Shah Tahmasp (930/1524-984/1576), invited Shi'ite 'ulama from Arabic-speaking countries - Iraq, Bahrain and Jabal 'Amil - to reinforce those in Persia. Among these, the contribution of the scholars and divines of Jabal 'Amil became especially notable as they began to accumulate significant power and prestige under Safavid patronage. By the seventeenth century many of the 'ulama residing in

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3 See Roemer, "The Safavid Period", 195-198, for a discussion of the Shi'ite character of Safavid Sufism. Roemer questions the extent to which Shah Isma'il's beliefs exhibited a gradual transition from folk Islam to 'high' Shi'ite tradition. He argued that Shah Isma'il was actually proclaiming a Shi'ite theocracy with himself at its head as a god-king. See also Jean Aubin, "La Politique religieuse des Safavides," in Le Shi'isme imamite (Paris, 1970), 239. Aubin elucidates the symbiosis between the decline of heterodox elements and the state adoption of Twelver Shi'ism. For a discussion of the process of the "Shi'itization of Sunnism" in northwestern Iran and Anatolia, see Claude Cahen, "Le Probleme du Shi'isme dans l'Asie Mineure Turc Preottomane," in Le Shi'isme imamite, 126.


5 Albert Hourani, "From Jabal 'Amil to Persia," 137; Arjomand, The Shadow of God, 126-127.
Safavid Iran – around 158 scholars – had a ‘Amili descent.⁶ Once in Iran, most found an institutional niche in the more restricted religious office of shaykh al-Islam, the highest religious dignitary of the important cities, and as prayer leaders (pish-namaz) for the royal court and the great city mosques. In addition, they held posts as teachers in the madrasas transmitting their knowledge to a network of students and followers.⁷

In the early years after the Safavid victory, the ‘Amilis were among the vanguard of a pivotal socio-religious change that left its imprint on Iran’s history and political identity. The orthodox version of Shi‘ism with its many detailed ordinances already in a legalistic framework coincided with Safavid political vision and empowered it with the aura of legitimacy. However, the Safavid world which lent the ‘Amilis their wide acclaim was socially and politically different from the homeland they left, a remote enclave at the periphery of Ottoman Syria. The Safavids’ openly syncretic religious milieu, the competition and rifts of the ruling elite, the royal princes’ turbulent lives, and the courtiers’ disputes and intrigues, were new and complex factors for the more rustic early ‘Amilis at the court.

This chapter focuses on the interaction among the ‘Amili ‘ulama, the Shahs, and the local elites in the sixteenth century. We look closely at al-Muhaqqiq al-Karaki; Husayn b. ‘Abd al-Samad and Husayn al-Mujtahid the grandson of al-

⁶ Momen, Shi‘i Islam, 123; Arjomand, The Shadow of God, 125-130.
Karaki, all of whom contributed to the politico-religious discourse on Shi’ite government and society and occupied center stage at the courts of Shah Isma’il I, Shah Tahmasp (930/1524–984/1576) and Shah Isma’il II (984/1576–986/1578) respectively.

In the context of the Safavid court, this chapter delineates the ‘Amilis’ theological, social and political proclivities which occasioned specific juridical and doctrinal precepts and practices, many of which have been the center of periodic debates even today. The ‘Amilis were warmly admitted into the service of the Safavid royalty, with its preoccupation with imperial rivalry, and actively created the principal tools for the Safavids to solidify their rule irrespective of whether the ‘Amilis inherently accepted its legitimacy or eventually contrived to surpass it. Based on the tracts they wrote, the fatwas they issued, and the questions they deliberated, one can show beyond doubt that the ‘Amilis strove to wed Twelver Shi’ism to a firmly-established state. It is clear that they envisioned the Safavids to be the accepted temporal rulers who would make it possible for Shi’ism to become an overt and assertive faith rather than a marginal sect.

Over time ‘Amili jurists proved that they were not simply an addendum to the Shah’s religious staff. They supplanted much of the heterodox and popular Shi’ite precepts and with them the patterns of conduct established by earlier representatives of religious affairs. They brought to their

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official posts more than a professional's eagerness to excel and please his superiors. They proselytized for a new era that required a redefinition of the 'alim-jurist's role in society, and they actively called for a new attitude toward temporal authority and the Shi'ite state. It is not surprising then that by the end of the 11th/17th century people "showed a greater devotion to the mujtahid" than to any other official for that matter, the Shah.  

Of all the 'Amili court scholars, none enjoyed the power of al-Muhaqqiq al-Karaki, given the difficult tasks he encountered as a pioneer in this religious mission. He was successful in endorsing several of his legal opinions which engendered great political controversy among the local elite and resistance from a number of 'ulama. Not all the 'Amilis received equal treatment from the Shahs and they may have at times also competed among themselves for the Shah's favors. Disagree as they might on various legal, doctrinal and philosophical issues, their 'Amili ties, translated into a socio-economic and professional support system, allowed them to control the kind of rivalries that were commonplace among several groups of 'ulama.

For the entire Safavid period, we have at least 158 'alim - listed in appendix A - of the first, second, and third generation emigrants to Iran.  

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9 A comprehensive survey of the principal sources on the 'Amili jurists, listed in appendix A, allowed us to arrive at this number. Our findings confirm the general pattern provided by Momen for the increase in the number of jurists emerging from Jabal 'Amil relative to other Shi'ite regions during the sixteenth and seventeenth centuries. Arjomand had
of the 'ulama who came to Iran belonged to the region of Jabal 'Amil proper (in modern-day southern Lebanon) and the Biqa'. The 'Amili villages were Juba', 'Aynatha, Jizzin, Mays al-Jabal, Shahrur, Itra' (which no longer exists), Insar or Insariyya, Tibnin, Nabatiyya, Bint Jubayl, al-Bazuriyya, 'Ayn Qana, and Bani Hayyan (see map 2). The Biqa'i villages were Karak Nuh, Ba'labak, Fruzul, and Mashghara.\(^\text{10}\)

The emigrant scholars' family names refer either to a close or distant ancestor. From Juba' came the families of 'Abd al-Samad; Abi Jami'; "Silsilat al-Dhahab" of Shahid al-Thani (his father Ibn al-Hajja al-Nahariri); Nur al-Din, who descended from Abu al-Hasan al-Musawi; and al-Hurr b. Yazid, who later moved to Mashghara. The families of al-Shahid, namely, Ibn Makki al-Matlabi and al-'Udi, came from Jizzin. The families of 'Abd al-'Alis, Muflih, and Sawdun came from Mays al-Jabal. From 'Aynatha came the families of Khwatun and Yunus al-Zahiri. The al-Futuni family came from Upper Nabatiyya while the Muhyiddins came from al-Bazuriyya.


\(^{10}\) See M. al-Amin, Khitat under the names of the 'Amili villages discussed.
family. The village origins of several other 'Amili migrants remain unknown.\textsuperscript{11} Other emigrants resided for some time in Najaf and Mecca prior to their advent to Iran.

Once in Iran, the 'Amili immigrants of various classes and vocations resided, for the most part, in the cities of Herat, Isfahan, Mashhad, Qazvin, Shiraz, Farah, Gilan, Tus, Ardabil, Tustar, Najafabad, Qum, Azerbaijan, Tabriz, Kashan, and Tehran (see map 3). In this and the following chapter, however, we will focus our attention on the pioneering and high-ranking scholars, whose life conditions are well documented and whose ideas and legal production left an unequivocal impact on Shi'ite thought in the Iran and the Arab regions. Other 'Amili immigrants lived in the regions of Haydarabad and India, but maintained strong ties with the 'ulama of Iran and worked under the rubric of an eclectic Indian-Persian-Arab scholasticism.

Kinship ties and marital alliances reinforced intra-group transmission of religious knowledge and clerical training. From incomplete and truncated genealogical lines emerges a pattern of selective kinship knowledge among the 'ulama class based on the awareness of the connection of a scholar to other reputed kin members.\textsuperscript{12} The structure of kinship knowledge in biographical literature underscores the practical meaning of patrilineage. Memory of deceased kin

\textsuperscript{11} Ibid.
\textsuperscript{12} The names and families of most 'Amili women are absent in the truncated family trees, which prevented us from forming clear ideas about inter-kin and inter-village marriages and their frequency or for that matter, inter-kin understanding their socio-political import.
became part of the social personality of the 'Amili 'alim in a collective corporate manner and translated into access to defined and preferred economic-professional situations. As shown in the first chapter, the legal profession was a valuable enterprise to be passed down within an exclusive class. Clerical knowledge was 'inherited' through close-knit kinship networks and marital alliances. Consequently, the 'Amili control over religious offices of the Safavid court was enhanced by their own self-awareness of their origins, their blood and intermarriage kin, and their growing hold on self-described "inherited" professionals and their status at court and in the government at various levels.

The teacher-student relationship within and outside the kin group added a dimension of "social paternity" to any original biological one. To give but one example, the mother of Ibn al-'Udi al-Jizzini, the student of al-Shahid al-Thani, objected to a journey that her son intended to make to Egypt with al-Shahid al-Thani around 941/1534. She was unable to persuade him from embarking on it and turned to al-Shahid al-Thani for assistance. The latter strictly forbade Ibn al-'Udi from taking the trip. Evidently, the authority which al-Shahid al-Thani had over his student was equal to if not greater than that of his family.

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The Mujtahids of Jabal 'Amil: Marginality, Migration and the Safavid Vision

Under Shah Isma'il I the first major contact between the 'Amili scholars and Safavid Iran occurred. The reasons and incentives involved in the advent of a large number of Shi'ite scholars going from Jabal 'Amil to Iran to execute Safavid religious policies deserves a thorough analysis. Sources on the development of the Safavid Sufi order indicate that Shah Isma'il I received little if any theological Shi'ite training characteristic of the 'ulama's tradition. H.R. Roemer argued that "It would appear that the young Isma'il and his advisers were not even aware of the meaning of the concept of specific designation (nass)" that was central to Shi'ite theology.\(^{14}\) We know very little about the period and manner in which the Safavids first became profoundly acquainted with Shi'ite theory such as the concept of infallibility ('isma) and designation.\(^{15}\) Consequently, Roemer gives credibility to the major reason afforded by Hasan-i Beg Rumlu (d.985/1577) and later adopted by Iskandar Beg Munshi (d.1043/1633) that the invitation which Shah Isma'il extended to the Arab 'ulama, the most important of which were the 'Amilis, was inevitable for the purpose of instituting a proper and court-sanctioned religious

\(^{14}\) Ibid., 338.
\(^{15}\) Ibid., 340-341.
socialization for both common and educated Iranians.\textsuperscript{16}

We can glean from a number of early Safavid chronicles that Iran, against the widespread belief among Western and Middle Eastern historians alike, did not lack indigenous religious scholars with sufficient qualifications to function as the Safavids' religious spokesmen and who espoused Twelver Shi'ism. In Habib al-Siyar (1520s) Amir Mahmud Khwandamir refers to a number of early 'ulama at the time of Shah Isma'il who were trained in legalistic disciplines according to the Twelver Shi'ite madhhab, such as Amir Nizam al-Din 'Abd al-Hayy and Mawlama 'Abd al-'Ali, who cultivated a knowledge in "masa'il-i furu' va usul" (questions of positive law and jurisprudence) and hadith respectively.\textsuperscript{17} To name but one, Amir Sayyid Giyath al-Din Muhammad b. Amir Yusuf, a provincial sadr during the late period of the reign of Isma'il I, is described as having studied the customary religious sciences and had been previously appointed by the Timurid ruler Sultan Husayn Mirza (875/1470–911/1506) to a post in a madrasa in Herat. In 916/1510, when Khurasan joined Safavid dominion, Shah Isma'il I appointed Amir Ghiyath al-Din gadi of Khurasan and allowed him a free hand in all shari'a matters.\textsuperscript{18} Before the fifteenth century came to a

\textsuperscript{16} Ibid., 338, 345; Hasan-i Beg Rumlu, Ah\textsuperscript{hs}an-u Tavarikh, ed. 'Abd al-Husayn Nava'i, (Tehran, 1357/1938), 86. Ah\textsuperscript{hs}an-u Tavarikh covers Safavid history from 900/1494 to 985/1577. Rumlu, who accompanied the Shah on all his major trips between 948/1541 and 980/1572, was a direct witness to the historical events of that period.


\textsuperscript{18} Ibid., 98; Roger Savory, "The Provincial Administration of the Early Safavid Empire" in Studies on the History of Safavid Iran (London, 1987), 124.
close and after, Iranian scholars were serving as shaykh al-
Islam and addressing legal matters (umur shar‘iyya), and some
of them were adept in both subsidiary principles of religious
law (furū‘) and principal elements of religion (‘usul). 19
Several Persian scholars who lived around the turn of the
sixteenth century had studied hadith, rational (‘aqli) and
traditional (naqli) sciences and Qur’anic exegesis and
document. Some were knowledgeable in legal matters and issued
fatwas, as was the case with Mawlana Sharaf al-Din ‘Ali.
Others like Qavam al-Din Husayn became grand jurist (agda al-
gada‘i) in Isfahan and applied Ja‘fari rules in juridical
questions. Likewise, Amir Kamal al-Din Hasan al-Husayni, a
Jurjani sayyid took up the joint gada‘ post with Amir Nizam
al-Din ‘Abd al-Hayy Astarabadi, arbitrating on the basis of
Twelver Shi‘ism. Mawlana Nur al-Din Muhammad Tabsi took up
the post of gada‘ under the Safavids for three to four years
at Herat. In addition, a number of scholars of the Jami
family occupied the post of shaykh al-Islam in the period
before this position reached its political zenith.

Despite this information, Hasan-i Rumlu asserted that
around 906/1500, the Iranian populace were ill-informed about
the fundamental legalistic foundations of Twelver Shi‘ism
because no texts on Shi‘ite fiqh were in circulation. To
illustrate his point, he noted that Qadi Nasrullah Zaytuni

also al-Muhajir, Al-Hijra, 183-4. Al-Muhajir, drawing on Rawdat, refers
to Husayn b. Sharaf al-Din al-Ardabili, another Persian scholar who had,
at the request of Shah Isma‘il, composed the first works in Persian of a
legalistic Shi‘ite nature.
(10th/16th), in attending to legal religious questions, merely relied on the first volume of Qawa'id al-Islam by 'Allama al-Hilli (d.726/1325).\textsuperscript{20} Given this evidence that a number of scholars with a proficient knowledge of the shari'a and Islamic disciplines existed in Iran, Rumlu's statements add new dimensions to the story. We can conclude that first, while a large number of religious scholars were working among the population, their educational training was fundamentally different from that acquired by the graduates of the conventional Islamic madrasas. When they came to Iran, the 'Amilis not only contributed their own works but also reintroduced works of former Shi'ite authors to the Iranian scholastic milieu. A survey of the manuscript catalogues of Iranian libraries such as Danishghah-i Tehran and Ayatullah Mar'ashi supports this fact and suggests that several 'Amilis even brought with them their personal libraries.\textsuperscript{21} Second, and more important, one suspects that many of the local Iranian scholars had a general Sunnite training and lacked a thorough specialization in Shi'ite dogma, hadith and theology. Thus their mastery and commitment to a comprehensive Shi'ite tradition was circumspect.\textsuperscript{22} Third, it is plausible to

\textsuperscript{20} Rumlu, Ahsan-u Tavarih, 86. His exact words were: "Dar an awan [marduman az] masa'il-i madhbih-i haqq-i ja'fari va qava'id-i va gavanin-i millat-i a'imme-yi ithnay 'ashari ittala'i nadashtand. Zira keh az kutub-i figh-i imamiyye chizi dar mayan nabud...". See Iskandar Beg Munshi (d. 1043/1633), The History of Shah 'Abbas the Great (Tariq-e Alamara-ye 'Abbasi), vol.1, trans., Roger Savory, (Boulder, 1978), 233.

\textsuperscript{21} Hossein Modarresi highlighted this fact in his personal notes and mentioned Muhammad b. 'Ali b. Khwatu'in al-'Amili al-Tusi (d.1057/1647), known as Ibn Khwatu'in, the nephew of Shaykh-i Baha'i, as an example of the 'Amilis who carried their personal libraries to Iran.

\textsuperscript{22} Mawlana Sharaf al-Din 'Ali, despite his meager scholarly production
suggest that the Safavids felt it politically expedient to admit into their service an alien group of 'ulama with an unswerving Shi'ite faith who possessed no fundamental ties to any of Iran's contending political groups or ethnic denominations and who could pose little threat were they to rise to the highest religious ranks. These factors clearly influenced Safavid choices but do not explain why the 'Amilis and not the Iraqis or the Bahrainis (including the Qatifis) were empowered to define and lead Safavid-sanctioned changes in religious policy. Even after the death of al-Muhaqqiq al-Thani in 940/1533, Shah Tahmasp declared that none except a mujtahid from Jabal 'Amil would occupy al-Muhaqqiq al-Karaki's position as shaykh al-Islam. A description of four events which unfolded at the same historical juncture will help complete our picture.

First, while Hilla in Iraq had stood as the most important center of Shi'ism in the pre-Safavid era, during the sixteenth century it declined markedly and not one prominent scholar resided in that city. At the same time, Karbala was growing in importance, and toward the middle of the sixteenth century Najaf began to gain much of its fame under the influence of Ahmad b. Muhammad al-Ardabili, known

has a commentary on Shafi'iite works which points to a general involvement in a Sunnite scholarly tradition. Another scholar Mawlana Khwaja Isfahani who was quite adept in hadith and is suspected to be the author of the historical work Vagavi'u Ahval-i Ya'qub Mirza is described as a man of great spiritual virtues but that being "a Sunnite zealot" he decided to leave from Azerbaijan to Herat around the time of Safavid ascent to power. See Khwandamir, Habib al-Siyar, vol.3, part 4, 112-3. Hourani, "From Jabal 'Amil to Persia," 137; Arjomand, The Shadow of God, 126-127; See Rawdat, vol. 3, (Beirut, 1411/1991), 361-2. Riyadh, vol.3, 90.
as al-Muqaddas (d.993/1585) who drew to his teaching circles numerous students from Iran and Jabal 'Amil.25 Furthermore, during the early part of the sixteenth century the Twelver Shi’ite populations of Mosul in north Iraq and Aleppo in northern Syria decreased dramatically. The latter gradually lost its importance as a Shi’ite center of learning. In comparison, from the time when the writings of al-Shahid had influenced two generations of scholars and until the close of the fifteenth century, Jabal 'Amil was becoming the foremost center for Shi’ite learning, followed to a lesser extent by Bahrain. Until the seventeenth century, the most important Twelver Shi’ite teaching was still conducted in the 'Amili villages of Juba’, Mays and Karak-Nuh, to which many students traveled from Iran.26 To give but two examples, the prominent Iranian jurist 'Abdullah b. Husayn al-Tustari studied in 'Aynatha in 987/1579 as did 'Abdullah b. Mahmud b. al-Sa'id Shihab al-Din al-Tustari al-Khurasani, known as al-Shahid al-Thalith (d.997/1588).27 The legacy of Jabal 'Amil in Shi'ite history must have been acknowledged in Iran since the time when the Sarbadarid ruler 'Ali b. al-Mu'ayyad al-Khurasani (d.788/1386) had invited al-Shahid to establish Twelver

25 Modarressi, Shi‘i Law, 51-2; Da‘irat al-Ma‘arif al-Islamiyya al-Shi‘iyya, vol. 3, s.v. "al-Najaf", "Halab", "al-Hilla." It is important to note that Najaf was a center of learning during the time of al-Muhaqqiq al-Thani and Ibrahim b. Sulayman al-Qatifi, slightly earlier than the advent of al-Muqaddas al-Ardabili. See also Momen, Shi‘i Islam, 123. Momen notes that by the eighteenth century, there were around 100 'Amili 'ulama in comparison to 33 from Bahrain, 15 from Astarabad, and 8 from Najaf.
26 Momen, Shi‘i Islam, 120, 122-3.
Shi'ism in Khurasan. Thus, the pre-eminence of Jabal 'Amil as a Twelver Shi'ite scholastic center and the import of the two Shahids on Shi'ite tradition must have been well-established in Iran by the sixteenth century.

Second, the 'Amilis had firsthand encounters with Ottoman Sunnite rule which they grew to perceive as religiously hostile and, as the 'Amili-Safavid inter-relationship developed, politically antagonistic. More specifically, the execution of al-Shahid al-Thani seemed to guarantee an anti-Ottoman stance on the part of the 'ulama and a continued growing loyalty to the Safavids. Several Safavid historical chronicles made sure to underscore the injustices that befell the 'Amilis under the Ottomans, and they almost unanimously presented the departure of Husayn b. 'Abd al-Samad (d.984/1576) from Jabal 'Amil as a reaction to the execution of his teacher al-Shahid al-Thani. Modern 'Amili historians like Ahmad Rida, Muhammad al-Safa, Muhsin, and Hasan al-Amin perceived the rise of the Safavid empire as a historical turning point for the 'Amilis, praising its

\[28 \text{A'yan, vol.10, 59-64.}\]
\[29 \text{Munshi, The History of Shah 'Abbas, vol.1, 247-8; 'Abdi Beg Shirazi, Takmilat al-Akhbar: Tarikh-i Safaviyye az Aghaz ta 978 Hijri Qamari, (Tehran, 1369), 112-3. It is related that during 965/1557 (the correct is 966/1558) al-Shahid al-Thani, depicted as Shaykh Zayn al-Din Jabal 'Amili, the illustrious Shi'i mujtahid, was captured while circumambulating the Ka'ba and was taken to Istanbul where he was executed. Muhsin al-Amin pointed to some historical and chronological discrepancies in the biography of Husayn b. 'Abd al-Samad and advanced his own version of Husayn's life conditions. A'yan, vol.6, 60; See also Riyad, vol.2, 119. On the same question see Devin Stewart, "A Biographical Notice on Baha' al-Din al-'Amili (d.1030/1621)" Journal of the American Oriental Society 111 3(1991): 563-571. Stewart convincingly argued that Husayn had arrived in Iran seven years prior to al-Shahid al-Thani's death.}\]
support and patronage of scholars like al-Muhaqqiq al-Thani and Shaykh Lutfullah al-Maysi (d.1032/1622-23).³⁰

Third, the 'Amilis' profound knowledge of Sunnite doctrine, jurisprudence, and polemical literature was an advantageous asset for their position as religious spokesmen of the Safavid empire. By the fifteenth century it was common for leading 'Amili scholars to participate in Sunnite scholastic circles.³¹ Prominent 'Amilis were among the later Shi'ite 'ulama who drew heavily upon the method and terminology of Sunnite jurisprudence, a tendency which had been under way since the time of al-'Allama al-Hilli. Understanding the principles and foundations of Sunnite law became decisive in the 'Amili exposition of Shi'ite legal sources.³² The appropriation of Sunnite precepts perceived as a conscious "borrowing" - provoked sharp criticism among 'Amili and non-'Amili scholars alike, especially those with marked akhbari tendencies.³³ In Hidayat al-Abrar ila Tariq al-A'imma al-Athar, Husayn b. Shihab al-Din al-Karaki (d.1076/1675-6) makes several allusions to this 'borrowing', and notes that for earlier scholars like Ibn Babuyah al-Qummi (d.381/991), al-Sharif al-Murtada (d.436/1044), and Shaykh al-Ta'ifa, Abu Ja'far Muhammad al-Tusi (d.460/1067) it was inevitable that they studied and discussed Sunnite books on

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³¹ For more details see Stewart, "Twelver Shi'i Jurisprudence," 198-9.
³² Modarressi, Shi'ite Law, 49.
dogmatic theology and jurisprudence. In their cases, this situation was dictated by the Sunnite prevalence in the major scholastic institutions and necessitated the practice of Shi‘ite scholars’ dissimulation (taqiyya).34 Among later scholars, like al-‘Allama al-Hilli (d.726/1325) and al-Shahid al-Thani, however, Husayn b. Shihab al-Din finds such ‘borrowing’ reprehensible as he interpreted it a conscious attempt to apply some Sunnite methods to Shi‘ite jurisprudence. Though an indication of the remarkable enrichment of Shi‘ite dogma and the expanding needs of Shi‘ite society, such accusations of ‘borrowing’ were manipulated by rivaling scholars who attempted to discredit each other on a particular legal issue. But in essence such appropriations were not alien to the Shi‘ite intellectual circles and continued to occur despite protesting voices.

At the heart of the Safavids’ interest in employing the ‘Amilis lay their need for an ideological defense and legitimation not merely from within their social order but from without, that is, to be acknowledged as having an avowed Islamic status and have their own Safavid-Shi‘ite shari‘a acknowledged as deriving from a fifth Islamic madhhab. If the ‘Amilis were not at least potentially prepared to help transform Shi‘ism from a religion of the community to a state religion, the Safavid rulers would have looked elsewhere for scholars who could and would fulfill such task. The existence of a powerful expansionist Ottoman empire at Iran’s borders

34 Ibid.
was a decisive factor in the Shahs' choice not only to adopt Twelver Shi'ism but to choose their spokesmen from a juristic tradition of 'high' Shi'ism, which could also, as the 'Amilis provided, perceptively and pragmatically comprehend and co-opt Sunnite precepts.\(^{35}\)

This brings us to the fourth point. The nascent Shi'ite tradition in Jabal 'Amil which emphasized rational inference of legal precepts (ijtihad) and thus gave legitimate leeway to tolerating proposed changes in political theory made the 'Amilis favorably equipped to take part in the Ottoman-Safavid polemical confrontation and proved congenial to the Safavids' interest in circumventing Ottoman propaganda.\(^{36}\) To be sure, the evolution of the Safavid Sufi order into a ruling power in the sixteenth century entailed fundamental transmutations in its politico-religious construct, particularly so to enable it to withstand the Ottoman threat at its borders.\(^{37}\) A coerced ideology would only yield short-term changes and would in itself hardly instigate the

\(^{35}\) See Roger Savory, "The Emergence of the Modern Persian state under the Safavids," _Iranshinasi_ 2, 2 (1971): 1-44. Savory argued that the Safavids were naturally inclined toward Twelver Shi'ism because the mainstay of their armed forces was Qizilbash tribesmen who were deeply imbued with "extremist" Shi'ism. H.R. Roemer also gave precedence to religious considerations over political motives, asserting that the deep convictions of Shah Isma'il I led him to proclaim Twelver Shi'ism, the state religion. See Roemer, "The Safavid Period," 189-90. We are inclined to give more weight to the political factor and the Ottoman threat to the newly-won Safavid territories. See also 'Adel Allouche, _The Origins and Development of the Ottoman-Safavid Conflict_ (906-962/1500-1555) (Berlin, 1983), 146-150.


\(^{37}\) See Lambton, "Quis Custodiet," 137-141.
universally-accepted state control the Safavids needed within the various sectors of Iranian society. Instead, the Safavids sought to bestow on their monarch a conferred sense of religious leadership which would be accepted by the peoples of the Safavid empire. The Safavids needed and encouraged the 'Amilis, the invited, proclaimed 'ulama, to pursue their own inclinations to make significant modifications in the foundations of Shi'ite legal thought, to open new vistas in the interpretive capacity of shari'a manuals, to expand their application in legal-political areas previously untouched, and to shape the theo-cultural systems of an ideal Imamite rule.

The making of a shari'a-based society meant a standardized religious praxis, which, as Arjomand argued, neither the Qizilbash nor the erudite Iranian notables were equipped to instill in the new dynasty. Building mostly on the Hilla tradition and later on that of Najaf, leading 'Amili scholars since the time of al-Shahid emphasized, through the application of ijtihad, a socio-political role for the jurist and a greater reliance on rationalist arguments to appraise Shi'ite hadith. By the early seventeenth century the 'Amili-based legalistic methodology gave way to a more usuli predisposition, which led to a growth in the more overt juristic prerogatives and political power of the mujtahids or jurisconsults. In this respect, the arguments advanced by two modern Iranian scholars, Ali Naqi

38 Allouche, Ottoman-Safavid Conflict, 146-150.
Munzavi and 'Abd al-Husayn Salihi Shahidi that the majority of the 'Amilis were akhbari (defined below), cannot be historically substantiated.\(^{40}\) Both Munzavi and Shahidi tended to identify akhbarism with a rigid legalistic approach which excludes philosophical speculations or appreciation of literature and arts, while they depicted usulism is depicted as a more flexible and dynamic approach not only toward the application of religious law, but toward philosophy and literature. Furthermore, Munzavi made a distinction between the akhbarism of the 'Amili Arabs and that of the Persian scholars of northern and eastern Iran, stating that the latter integrated some rationalist arguments and accepted a wider scope of interpretation of the shari'a. To support his argument, Munzavi gave the example of Muhammad Amin Astarabadi (d. 1036/1626-7) who, though being an akhbari, used to forbid blind imitation (taqlid), in contrast to the 'Amili 'ulama who denied ijtihad. In their presentations, Munzavi and Shahidi expressed some of the burgeoning backlash against the 'Amili influence over the later Safavid theo-political milieu.

A survey of 'Amili writings reveals the overwhelming emphasis on the legal and doctrinal religious sciences at the expense of historical, philosophical, and Sufi production. This proves true irrespective of whether the 'Amili authors were self-declared usulis or akhbaris. A close analysis shows

that the jurisprudential and legalistic scholarship of the 'Amilis clearly challenged the views of Munzavi and al-Shahidi. Among the immigrant 'ulama, many have addressed questions dealing with the validity of the traditions as a source of law and the relevance of logic and philosophy in Islamic scholarship.\footnote{Modarressi, \textit{Shi'i Law}, 52-54. Modarressi furnished that Husayn b. 'Abd al-Samad, in compliance with the views of al-Shahid al-Thani found that \textit{ijtihad} was not the only source for deriving legal norms. Yet, in most of his works, Husayn opposed the imitation of the 'ancients' or earliest Shi'ite scholars.} Although several of their works had contributed to the traditionist trend, a fully-fledged akhbari position can be traced to but a handful of leading figures, including Husayn b. Shihab al-Din al-Karaki (d.1076/1665) and Muhammad al-Hurr al-'Amili (d.1104/1692). In his biographical (\textit{rijal}) work, Mirza Muhammad al-Akhbari noted that the first ones to speak against the later 'ulama who resisted the earliest Shi'ite scholars' exclusive reliance on \textit{hadith} as a source of legal precepts were, according to rank: Muhammad Amin Astarabadi (d.1036/1626-7); Mulla Muhsin al-Fayd Kashani (d.1091/1680) in \textit{Safinat al-Najat}, al-Hurr al-'Amili in his \textit{Al-Fawa'id al-Tusiyya}, and Husayn b. Shihab al-Din al-Karaki al-'Amili in \textit{Hidayat al-Abrar}.\footnote{\textit{A'yan}, vol.6, 36-37. For a biographical account of Shihab al-Din al-Karaki (d.1076/1665), see Ibn Ma'sum, \textit{Sulafat al-'Asr} (Cairo, 1324), 356. Less prominent 'Amilis who forwarded akhbari arguments are mentioned briefly by Husayn b. Shihab al-Din al-Karaki in his work \textit{Hidayat al-Abrar ila Tariq al-A'imma al-Athar} (Baghdad, 1977), 221-222. These are Zayn al-Din b. Muhammad b. al-Hasan b. al-Shahid al-Thani, Husayn b. Zahir al-'Amili (Lived at the time of Sahib al-Ma'alim (d.1011/1602), and Muhammad al-Harfushi al-'Amili (d. before 1096/1684).} Thus aside from al-Hurr and Husayn b. Shihab al-Din, we do not find many akhbaris nor to that matter extremist
anti-usulis among the 'Amilis. This suggests that with their evolved political status the 'Amilis had also developed the acumen to stay a relatively moderate course in promoting Twelver Shi'ism and retaining court and popular favor.

A further dimension of the above question is Munzavi's misleading approbation of ijtihad as a principle of free rationalist speculation and the view that usulism breeds unbridled intellectual thought. To be sure ijtihad has a limited rationalistic scope, restricted to the foundations of Shi'ite legal tradition, and can only be utilized in areas not clearly explained by the Qur'an. Therefore, jurists who propose the most daring use of this principle do not necessarily accept or embrace the epistemological and eschatological features of 'high' or popular Sufi and philosophical thought. This remains true for the 'Amilis as well, whether they be the early immigrants or their Iranian-to-be descendents. Few shunned away from clerical ranks and fewer still received social and court recognition as poets were 'Ali b. Sa'id al-Jabal 'Amili, with the pen name Mehri Arab (alive late 11th/17th), and Mirza Ghiyath al-Din Ahmad b. Muhammad b. 'Abd al-Hasib al-'Alawi, known by the pen name Khayal (d.1134/1721). Several other 'Amilis combined legal expertise with significant literary talent, but only few tackled the philosophical and Sufi disciplines which most of

them saw as adulterated and illegitimate avenues of knowledge.  

The 'Amili 'ulama remained in demand even until the early seventeenth century. Leading 'Amili clerics, given their unprecedented access to power primarily through the post of shaykh al-Islam and their proximity to the Shahs, were inclined to expand the scope of their juridical interpretations to accommodate the demands of their societies. Even Safavid provincial rulers made use of the 'Amili expertise, as is clear in the case of 'Abd al-Latif b. Abi Jami' al-'Amili who was invited to Huwayza in 1003/1594 by its governor Mubarak al-Musha'sha'i. The process through which 'Amili jurists were absorbed into the religious institutions of the Safavid empire not only reflects the Safavid-'Amili/monarchic-Imamite political alliance but also reveals sources of its hidden tension.

The Safavid Empire: Domestic Contests and Peril at the Frontiers

Soon after his ascent to the throne, Shah Isma'il I strove to spread Twelver Shi'ism in all the conquered regions. The Turkoman Qizilbash who were a significant

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45 See appendix C.
46 To name but few, 'Abd al-Latif b. Abi Jami' al-'Amili, a student of Baha'i was invited in 1003/1594 to Huwayza with other 'ulama by Mubarak al-Musha'sha'i, nicknamed al-Azraq (d.1026/1617), a Safavid governor. Another 'Amili called Shaykh Mansur al-'Amili was invited to Kashan. See Zirikli, vol.4, 60; Darrabi, Tarikh Kashan, 294; A'yan, vol.9, 42-3.
47 Al-Zirikli, Al-A'lam, vol.4, 60. 'Abd al-Latif resided in Huwayza for some time then migrated to Tustar where he became shaykh al-Islam.
48 Khwandamir, Habib al-Siyar, part 4, vol.3, 34; Yahya b. 'Abd al-Latif Qazvini, Lubb al-Tavarikh, (n.p., 1363), 394. Lubb was completed.
force behind the consolidation of the Safavid empire partook in the establishment of its military system and ranks. In comparison, the Qizilbash had no such dominance in the ranks of the Safavid civil administration. They were rarely appointed to the treasury or to posts in the sector of senior civil service, such as the chancellery, which were usually relegated to Iranian professionals and bureaucrats. The same was true for the judiciary and religious posts, and the administration of the religious endowments (awqaf) vested in the office of grand sadr to which the Qizilbash rarely laid claim. Notwithstanding, on a number of occasions the Qizilbash did challenge the appointment of Iranians to posts in the civil administration, but aspired only once to the post of shaykh al-Islam in Herat. Taken this context, it becomes clear that the offices which the 'Amili 'ulama occupied were sought by the Iranian notables rather than the Qizilbash, and that the latter may have at several occasions found common cause with the 'ulama against their Tajik rivals.

Disruption of the accepted distinction between the Turkoman Qizilbash as the military and Iranians or "Tajik" as

948q/1541.
50 Ibid., 228-9. Roemer argued that the Tajik-Qizilbash division was not consistent. He also noted that it was common to find descendants of one and the same Iranian family in successive posts throughout several dynasties.
51 Savory, Iran Under the Safavids, 31-2; Roemer, "The Safavid Period," 213.
civil servants was a reflection of shifts in their power at different historical intervals. We need only give the examples of Qazi Muhammad Kashi, an Iranian notable who became sadr and amir simultaneously, and of the time when a deputy (vakil) functioned as both commander-in-chief (amir al-umara') and grand vizier (vazir-i a'zam). When an Iranian, Shaykh Najm al-Din Mas'ud Rashti was the first to occupy this office, this action sternly and openly curtailed Turkoman eminence in critical offices. From the time of Rashti's death in 915/1509 until 920/1514, the power of Iranian notables in these heretofore military offices was on the ascendancy. This must have triggered the resentment and frustration of the Turkoman aristocracy who could only understand it as a preferential treatment for Iranians and a trespass on their acquired privileges. This was all the more so since the curbing of the powerful military occurred only with the approval or acquiescence of the Shah, as Roemer accurately suggested. Furthermore, succeeding Najm al-Din was another Iranian, Yar Ahmad Khuzani, better known as Najm-i Thani, who took over both the military and civil functions simultaneously. Before his situation caused open discord with the Qizilbash he died in the battle of Ghudjuvan against the Uzbeks in 918/1512.

In terms of their social and religious background, the

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54 Ibid., 230-1. Shah Isma'il's "Iranophile" policy, discussed by Roemer, was purposeful and somewhat conscious, aiming at balancing out the power of the Turkish military. Even at the time of the Aq Qoyunlu (780/1378-908/1502) attempts at Iranicisation took place.
55 Ibid., 230.
Iranian notables differed dramatically from both the Turkoman tribes and the incoming 'Amili 'ulama. As the biographical narratives state in Habib al-Siyar, those appointed to the administrative posts of the Safavid state had received an educational training which emphasized philosophy, general religious studies, grammar and logic, mathematics, astronomy, rhetoric, literature, and the composition of puzzles.⁵⁶ Before the turn of the sixteenth century, more specifically at the time of Khaqan Mansur, the father of Sultan Husayn Bayqara (875-1470-911/1506), who was the last of the Timurid rulers, the schools of Ghiyathiyya, Sultaniyya, Ikhlasiyya, Madraseh-yi Sultani, Madraseh-i Mahd-i Ulya Goharshad, and others in Herat instructed their students in general religious subjects of positive law (furu'), usul and hadith, but mostly in philosophy/theosophy, dogmatic theology, logic, mathematics, astrology, and puzzles.⁵⁷ Constant as it may have remained, the outlook of the Persian elite was only partially shaped by culture as for the most part it was social and indigenously institutional in determination. Cultural traits illuminate important differences between the 'Amili 'ulama, and the educated Iranian literati but they fail to explain away the social context which occasioned the rivalry between members of both sides and do not fully

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⁵⁷ Khwandamir, Habib al-Siyar, part 4, vol.3, 111, 116, 338, 340, 343. Other subjects of study possibly offered at these schools were, music and Sufism. See also Rumlu, Ahsan-u Tavarikh, 60.
account for the dissimilarity of their intellectual traits. Systematic conventional training in Twelver Shi'ite dogma and fiqh produced a more or less similar outlook in ethnically dissimilar students. A high degree of uniformity of thought is seen among scholars who attended the standard Shi'ite scholastic circles whether they were in the local madrasa of a 'Amili village or the centers of Najaf and Mashhad and whether the students were Persians or Arabs of different denominations. Therefore, the sources of the rivalry must be sought elsewhere.

Under Shah Isma'il I (907/1501-930/1524), Iranian notables exerted considerable political influence to check the power of the Turkoman amirs, something which must have been possible only with the acquiescence of the Shah. His "Iranophile" policy was consciously planned to prevent the Qizilbash from seizing all power. Of the five principal posts of state under Shah Isma'il I, the Qizilbash officers occupied the top three, namely that of vice-regent of the Shah (vakil-i nafs-i nafis-i humayun), amir al-umara of the army, and cavalry commander (qurchibashi). The latter two carried great import and imbued their holders with extraordinary powers of command. The remaining two posts of super-minister (vazir) and sadr went to the Iranian aristocracy. But even between 918/1512 and the year of his death in 930/1524, when the Shah selected three Iranian notables to the office of vakil, he was unable to achieve

59 Savory, Iran Under the Safavids, 32-5.
such balance between the Qizilbash and the Tajiks. As soon as the Qizilbash detected that the Shah had become receptive to the ambitions of the second vakil, the Iranian Mirza Shah Husayn Isfahani, they had him murdered in 929/1523.

Along with realizing the Ottomans in the west would be their future enemies, the Safavids had to contend with yet another foe, the Uzbeks of eastern Iran, who emerged as a threatening force in Transoxiana around 901/1495 under the leadership of Muhammad Shaibani Khan. The aimed at annexing the territory of the Timurids and regaining its capital city, Herat. Between 930/1524 and 947/1540 the Safavid military contingents were constantly engaged in wars against the Uzbeks and thwarted their expeditions. The governorship of Khurasan, together with the capital of Herat, were entrusted to Shah Tahmasp’s son Sam Mirza although real control was possessed by his tutor, Durmish Khan Shamlu. In 936/1529, and before securing the total retreat of the Uzbeks, the Shah marched to Baghdad to crush a revolt encouraged by the Ottomans and enacted by Zu’l-Faqar Beg Mawsillu. In two attacks launched by Sultan Suleiman against Persia, the first in 955/1548 and the second in 961/1554, the Ottomans achieved no substantial gains. When it became clear to both sides that no decisive victory was evident for either the Amasya treaty was concluded on 8 Rajab 962/ 29 May 1555. This was the first

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60 Ibid., 38-9.
61 Roemer, "The Safavid Period," 236, 239. The governorship of Khurasan with its capital Herat was in 943/1537 transferred from Sam Mirza to Muhammad Khudabanda, the eldest son of Shah Tahmasp, assisted by his tutor from the Takkalu tribe.
62 Ibid., 236.
official peace between them, and it lasted until 986/1578.\footnote{Ibid., 243-4.} The Ottomans, however, were able to secure Baghdad and Mesopotamia along with the fortress of Van.

In addition to these external dangers occupying Shah Tahmasp, the internal wars were taking place among individual Qizilbash tribes of the Rumlu, Ustajlu, Takkalu and Shamlu. These conflicts grew in intensity and magnitude from 932/1526 and spread out from the north-west of Persia to several neighboring territories, the most central of which was Khurasan.\footnote{Ibid., 233-4. From 933/1527 the Rumlu tribe became dominant, followed by the Takkalu. In 937/1530-1, a clash broke out between the Takkalu and the Shamlu whose leader Husayn Khan was the governor of Herat, and who was related to the Shah through his mother. He was ousted and killed three years later.} Shah Tahmasp (930/1524-984/1576) was only ten years old when he ascended the throne and as such was more vulnerable to Qizilbash demands as they strove to counteract the continuation of his father's policy of recruiting Iranians into the highest military posts and even administrative ranks. From 932/1526 until after 937/1530-1 Iran experienced an interlude of rampant inter-tribal Qizilbash wars.\footnote{Ibid., 233; On Safavid-Uzbek conflicts see M.B. Dickson, "Shah Tahmasb and the Uzbeks (The Duel for Khurasan with 'Ubayd Khan: 930-946/1524-1540)." Ph.D., diss., Princeton University, 1968.} From 930/1524 until 940/1533, the Qizilbash wielded effective political power not the Shah.\footnote{Roemer, "The Qizilbash Turcomans: Founders and Victims of the Safavid Theocracy" in Intellectual Studies on Islam: Essays Written in Honor of Martin B. Dickson, eds. Michel M. Mazzaoui & Vera B. Moreen, (1990, Utah), 33.} Their supremacy was shown by the fact that they firmly seized the office of vikalat, which played a decisive role in electing
the sadr. Only in 940/1533 was the Shah able to wrest his imperial prerogatives from the Qizilibash and gradually reinstate his command over state affairs, which he maintained for forty years to come. However, as we will show in this chapter, the ascendancy of the position of mujtahid under the prominent al-Muhaqqiq al-Karaki, and its increasing challenge to the class of sadrs transpired in the early period of the Shah’s rule when the Qizilibash were effectively in power and eager to suppress the Iranian aristocracy. For the most part, the Shah was forced to comply with the Qizilibash’s plans even though it in fact meant the encouragement of al-Karaki, the arch enemy and competitor of the Iranian aristocrats.

The sadr was not only the highest authority in the Safavid’s religious institution but this position also controlled other religious classes, drawing authority from the political institution itself. More significantly, sadrs for the most part, simultaneously occupied military ranks and like qadis, frequently took up military command. Their function was to impose doctrinal uniformity, largely seen in terms of eliminating Sunnite propaganda and ensuring peoples’ loyalty to the Safavid state. The sadr of the first decades of Safavid rule was responsible for eradicating 'heresy' through coercive measures that were at odds with the approach

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67 Savory, "The Principal Offices of ....Isma'il I (907-30/1501-24)," 103-4; "The Principal Offices of the Safavid State during the Reign of Tahmasp I (930-84/1524-76)" in Studies on the History of Safavid Iran, 70-72.
69 Savory, "The Principle Offices of ....Tahmasp I," 103-4; See also Lambton, 'Quis custodies," 133.
70 Savory, Iran Under the Safavids, 34-5.
to be taken later by the 'Amili mujtahids and shuyukh al-Islam and specifically championed by al-Muhaqqiq al-Karaki.\textsuperscript{71} It was usually under the sadrs' command that persecution of Sunnite scholars was ruthlessly and swiftly carried out, as was the case with Qadi Mir Husayn Yazdi in 909/1503-4, the orators (khatibs) of Kazirun the same year, and the shaykh al-Islam of Khurasan, Farid al-Din Ahmad b. Yahya b. Muhammad b. Sa'd al-Din al-Taftazani in 916/1510-11. In contrast, al-Muhaqqiq al-Karaki reprimanded the sadrs for such crude measures. He preferred to use his power of argumentation to refute Sunnite theological beliefs publicly among both Sunnites and Shi'ites in order to affect profound conversions to Twelver Shi'ism based on the converts' freely chosen, unequivocal adherence to the rightful cause of the Imams.\textsuperscript{72}

This, he believed, would initiate a wave of conversions to Shi'ism in Herat therefore achieving several subtle points: the more peaceful spread of Shi'ism; the decrease in military use and consequent decrease of associated costs to the treasury; a vitiating of the sadr's military role and power; and increased respect for the mujtahid's role on both popular and court levels.

"Inventing" Shi'ite Praxis: 'Ali b. 'Abd al-'Ali al-Karaki (d.940/1533) and the Safavid State

\textsuperscript{71} Ibid., For information about the educational background of the sadr class see Rawdat, vol.7, 183.
\textsuperscript{72} A'yan, vol.8, 209.
Nur al-Din Abu'l-Hasan 'Ali b. al-Husayn b. 'Abd al-'Ali al-Karaki, known as al-Muhaqqiq al-Thani (d.940/1533) was the first major scholar to emigrate in the early sixteenth century from Jabal 'Amil to Najaf and from there to Iran. He features in most biographical accounts as the "pure" mujtahid and certified usuli, and Safavid records praise him for his profound religious knowledge and piety. Born to a family of jurists from Karak Nuh in Ba'labak, al-Karaki studied with Ibn Khwatu'n al-'Amili and 'Ali b. Hilal al-Jaza'iri who stood in the intellectual line of descent from al-Shahid. Beyond the confines of the 'Amili centers of learning, al-Karaki sought further scholastic training in Syria, Egypt and Iraq. In 910/1504-5, almost a year after moving to Najaf's Shi'ite seminaries, he embarked on a visit to Shah Isma'îl in Isfahan. At this time, Shah Isma'îl was actively seeking to enlist the support of religious jurists in the newly-conquered provinces of eastern Iran where they were expected to propagate and spread Twelver Shi'ism. Six years elapsed, however, before al-Karaki along with a number of Shi'ite scholars in Najaf received an invitation to Herat and Mashhad. Al-Karaki made in succeeding years few trips to the Safavid court where he had the opportunity to witness the military preparations for the battle of Chaldiran against the

75 Tehrani, Ihya' al-Dathir, 160-1; Muhammad Mushin Tehrani, Al-Mashyakha (Najaf, 1356H/), 55-6.
Ottomans in 920/1514. Toward the end of Shah Isma'il's reign, al-Karaki finally moved to central Iran and became so firmly established in his profession as to be mentioned with praise by Khwandamir, the Safavid court historian. The definitive opportunity for al-Karaki to rise to the supreme head of the Safavid religious order, however, came after the death of Shah Isma'il. Embroiled as he was in the 'extremist' beliefs of his Sufi order and the Qizilbash perception of him as the incarnation of God, the Shah was not forceful in upholding legalistic Shi'ism.

During the reign of Shah Tahmasp recurring incidents of conflict between the sadr and the 'Amili mujtahid al-Karaki implied that the latter had gained enough stature and power to challenge the authority of the former, and that on two occasions the 'Amili mujtahid was able to cause the dismissal of a sadr. This is quite telling of his position because traditionally, Shah Tahmasp had a profound sense of trust in

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76 Riyad, vol.3, (Qum, 1401), 441-460. This observation is curious taken the fact that the Qizilbash who expected to win the battle on the basis of Shah Isma'il's alleged divine powers did not undergo serious military training for the battle.


79 Hasan-i Rumlu, Ahsan al-Tavarikh, ed. N.Seddon, (Calcutta, 1931), 254; Munshi, The History of Shah 'Abbas, vol.1, 233; Savory, "The Safavid Administrative System," in The Cambridge History of Iran, vol.6, 362-3. Savory argued that the position of sadr declined during the time of Shah Tahmasp. During the latter part of Shah Tahmasp's reign, however, the post gained a hereditary tendency which became its distinctive feature under Shah 'Abbas I. This can be interpreted as a reinstatement of the notables' hold on the sadr office after a period of Qizilbash dominance in the early reign of Shah Tahmasp. See Savory, "The Principal Offices....of Tahmasp I," 80.
the class of sayyids, whose interests were consistently promoted through the office of sadr. Wielding the power of the sadr, sayyids and turbaned clerics administered awqaf and expended stipends to reputed persons of the religious classes. The sadr’s position, Munshi explained, "was never entrusted to anyone other than a seyyed of high repute, learning and personal integrity." 80

Amir Ni’matullah al-Hilli, a ‘Iraqi scholar and notable was appointed sadr in 935/1528-9 and was soon displeased by al-Karaki’s impact on court decisions. For some time he had been a student of al-Karaki, but under circumstances now obscure, al-Hilli developed an aversion toward him and withdrew from his study circle. Al-Hilli then contacted Shaykh Ibrahim al-Qatifi (d. after 945/1539), a well-known Arab jurist who had written a number of treatises in refutation of al-Karaki’s legal opinions on Friday prayer, land tax, and the licitness of accepting the gifts of the temporal ruler. Al-Qatifi harbored a personal disaffection toward al-Karaki that went beyond the disagreement on theological questions. 81 We learn that around 937/1530-1, a group of Shi’ite ‘ulama who were not recognized by the Safavid court had allied themselves with al-Hilli against al-Karaki. Among these were al-Mawla Husayn al-Ardabili, and al-Qadi Musafir, who encouraged al-Hilli to debate in front of Shah Tahmasp with al-Karaki on the subject of Friday prayer during ghayba. They hoped to support him in his confrontation

with al-Karaki and thus to manage a strong blow to al-Karaki's status and credibility. As such, they found common cause with the main social group opposed to al-Karaki at the court, namely the Iranian aristocrats of the Safavid bureaucracy. To illuminate even further the opposition which al-Karaki received from the aristocratic-administrative class, we have only to turn to some of the names mentioned in the Safavid chronicles. Among the princes and state officials of the royal empire ("umara va arkan-i dawlat-i shah-i") siding with Amir Ni'matullah al-Hilli were Mahmud Beg Mohrdar (the keeper of the seal) and "Malik Beg Khu'i and others".⁸² Among the opponents whom al-Karaki faced was Jamal al-Din Muhammad Astarabadi, who acted as sadr under both Shah Isma'il I and his son; he remained true to the interests of his social group and did not prevent the skirmish with al-Karaki even though he participated in the latter’s study groups. After first joining the fiqh lessons of al-Karaki, Astarabadi later pretended to be ill and absented himself from his lectures, specifically those during which al-Karaki advanced his commentary and that of Al-Qawa'id of al-'Allama al-Hilli.

So deep was the resentment against al-Karaki that an anonymous enemy or enemies forged a letter charging al-Karaki with obscene attacks and slurs against Shah Tahmasp.⁸³ The

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⁸² Rumlū, Ahsan-u Tavarikh, 255; Muhammad Yusuf wa Alihi Isfahani, Khuld-i Barin, (Tehran, 1372H/1952), 428; Rawdat, vol. 4 (Beirut, 1411H/1991), 357; See also Ghulam Sarwar, History of Shah Isma'il Safawi (Aligarh, 1975), 102.

letter was dropped in the Tabrizi court of the Shah in Sahib Abad, but the Shah investigated the matter and found that Amir Ni'matullah al-Hilli was implicated because he had knowledge of it. In consequence, the Shah expelled him from Persia to Baghdad.

Another member of the aristocratic class, Mir Ghiyath al-Din al-Dashtaki al-Shirazi (d.948/1540) had become the joint sadr with Amir Ni'matullah al-Hilli. For some time after al-Hilli's exile, Giyath al-Din acted as the sole sadr and strove to balance the representation of Turkomans and Iranians in the highest state offices, consciously attempting to prevent the Qizilbash from seizing all power. He soon "got off on the wrong foot with Shaikh 'Ali". 84 The sadr was a descendant of a famous and well-respected Dashtaki Husayni family which traces itself to Muhammad the son of Zayd. The Dashtakis seemed to have been originally Sunnite and were believed to have carried through Safavid times no more than a veneer of dissimulatory Shi'ism. 85 It was only with Mir Sadr al-Din Mansur, the father of Mir Ghiyath al-Din, that the Dashtakis started to integrate Shi'ite hadith in their writings instead of relying exclusively on Sunnite sources. 86 Mir Sadr al-Din Mansur was the founder of the Mansuriyya school in Shiraz and had served as one of the viziers of the Timurid ruler Husayn Mirza Bayqara. Khwandamir noted that Mir Sadr al-Din Mansur was the first among the Dashtaki family to

85 Rawdat, vol.7, 183.
86 Ibid; Munzavi, Ihya' al-Dathir, 220.
desert Sunnite hadith books.\textsuperscript{87} In contrast, other sources claimed that the commitment of Mir Ghiyath al-Din to the Ja'fari madhab was dubious as was the case with his father, who was not included in the works of his contemporaries nor considered by Shi'ite scholars a reliable source of information.\textsuperscript{88} Taken that the Sunnite origins of the Dashtaki family were well-known, it is noteworthy that Mir Ghiyath al-Din was offered not only the sadarat but was charged with some religious functions. For one, the Shah ordered him to send a reply to the Ottoman sultan who had condemned the Safavid practice of vilifying the three caliphs, 'Umar, Abu Bakr and 'Uthman. Additionally, he was to expound in his reply to the sultan the justification for prostrating to the Shah, when the Ottomans found that prostration was permissible only to God.\textsuperscript{89} The propositions of Ghiyath al-Din in support of the former practice were devoid of the conventional legalistic and hadith-based arguments advanced by adept Shi'ite jurists. As for prostration to the Shah, he found it analogous to the way the angels prostrated to Adam when it was revealed to them by God to do so. On this score, al-Karaki showed no compunction about denouncing prostration altogether, insisting that it encouraged Sunnites to view Shi'ism as non-Islamic and by implication 'heretic'. Al-

\textsuperscript{87} Mir Ghiyath al-Din composed works in dogmatic theology, philosophy, medicine, language and ethics. See Rawdat, vol.7, 169.
\textsuperscript{88} Ibid., 166-9. One reason for al-Karaki's opposition to Mir Ghiyath al-Din, as provided by Khwansari, is the latter's neglect of the rules of the shari'a, as it was related to al-Karaki on his second visit to the Safavid court from 'Iraq Arab.
\textsuperscript{89} Rawdat, vol.7 (Beirut, 1411/1991), 182.
Karaki's arguments may have encouraged the Shah to eliminate this practice.

Ghiyath al-Din, who had called al-Karaki an "ignoramus", must have like other notables resented his intrusion in matters the sadrs once governed and regulated. He disagreed with al-Karaki on a number of legal questions relating to practical religious observances, especially the direction of prayer (gibla) which al-Karaki had altered in the regions of Iraq Arab and Khurasan.90 Mir Ghiyath al-Din insisted that designating the gibla fell within the expertise of mathematicians, not jurists. Arguing from what seemed a fully legitimate and logical position, he declared that al-Karaki's attempt to change the gibla in all the mosques of Iraq 'Ajam with the full approval of Shah Tahmasp, even if proven correct, could not be delivered without a geometric illustration that would display all the calculations and provide justification for what did not fall within al-Karaki's expertise. 'Abdi Beg Shirazi, a leading Safavid historian, reflected that although al-Karaki emerged unscathed in these debates, Ghiyath al-Din did not succumb to his ijtihad.91 This is a most revealing statement on the rejection which Ghiyath al-Din's social class expressed to al-Karaki's claims to authoritative religious leadership. Tellingly, on the gibla issue, too, the Shah upheld al-

90 Munshi, The History of Shah 'Abbas, vol.1, 230-1; Rawdat, vol.4, 357-8, vol.7, 168-9. See Shirazi, Takmilat al-Akhbar, 193. Shirazi, who was clearly sympathetic to Mir Ghiyath al-Din, felt that the latter's objections to al-Karaki's designation of the gibla were not in essence offensive but that court officials blew the issue out of proportion.
91 Shirazi, Takmilat al-Akhbar, 66-7.
Karaki's viewpoint, and he eventually dismissed Ghiyath al-Din from office in 939/1532.92

During the same year, and as a visible sign of al-Karaki's eminence at the court, Shah Tahmasp issued a farman declaring him the vice regent/deputy (na'ib) of the Imam and the seal of jurisconsults (khatam al-mujtahidin).93 His ardor in defending the Shi'ite faith against Sunnite incursions placed al-Karaki on the same pedestal with Nasir al-Din Tusi (d.672/1274). With so much rigor and alacrity did al-Karaki reinforce the legalistic rules of religious observances and go "to such extreme limits in disseminating the Imami madhhab that some nicknamed him "the inventor of Shi'ite religion."94 With Mir Ghiyath al-Din removed, the office of sadr, in accordance with the wishes of "the seal of the mujtahids" (that is, al-Karaki), was then conferred on Mir Mu'izz al-Din Muhammad Esfahani (938/1531-2 to 944/1537-8), who in Munshi's words was "a paragon of scholarship and a practical man".95 But during the interim preceding the advent of Mir Mu'izz al-Din, al-Karaki acted as the sole sadr with full authority to appoint deputies and agents. This unprecedented and unique incident in which a leading 'Amili jurist acted as sadr pointed to the shifting social boundaries between the aristocratic elite and the clerical elite supporting al-Karaki and reflected the instability and fluctuating nature

94 A'yan, vol.8, 208.

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of the sadarat during the early reign of Shah Tahmasp. In the period following the Shah’s control over the Qizilbash in 940/1533, the office of sadr was once more firmly regained by the Iranian aristocracy. Mir Mu’izz al-Din remained sadr for six years and was succeeded by Mir Shams al-Din Asadullah Mar’ashi Shushtari, who remained in office until his death in 963/1555-6. Mir Taqi al-Din Muhammad Esfahani took his place but later raised the Shah’s suspicions and was removed from office in 970/1562-3. In his place, Mir Muhammad Yusuf Astarabadi and Mir Sayyid ‘Ali Shushtari the son of Mir Asadullah were selected to serve as joint sadrs. This appointment showed the Shah’s greater control over this office and his attempts to curb the concentration of power in one person.

The volatile nature of the office of sadr, evident throughout the early reign of Shah Tahmasp, is indicative of the uneasy relationship the Shah had with the ambitious aristocratic candidates and his attempts to appease the powerful Qizilbash. Al-Karaki, caught in the vicissitudes of Safavid politics, may have on occasions left the court under the request of the Shah to avoid conflict and threats, particularly when the Shah could not avoid acquiescing to some of the pressures of the Iranian aristocracy.96 For

96 See Riyad, vol.3 (Qum, 1401), 441-460; Al-Muhaggiq al-Karaki, Rasa’il al-Muhaggiq al-Karaki, vol.1, eds., M. al-Hassun & M. al-Mar‘ashi (Qum, 1409/1991), 237; Al-Muhajir, Al-Hijra, 128-9. Al-Muhajir argued that al-Karaki complained in the introduction of his treatise “Qati‘at al-Lijaj fi Tahqiq Hill al-Kharaj” that he was forced to reside in Iraq for reasons he deemed inexpedient to discuss. Al-Muhajir interpreted this statement as referring to one of the instances where he was forced to leave the court. “Qati‘at al-Lijaj,” however, cannot substantiate al-
example, following his confrontation with Mir Ni'matullah al-Hilli, al-Karaki was given permission to leave for Iraq Arab where he stayed for some time.\footnote{Shirazi, Takmilat al-Akhbar, 66-7.}

Safavid sources do not so much as hint to a silent alliance between al-Karaki and the Qizilbash. In Takmilat al-Akhbar we are told that in 936/1532 when Chuha Sultan was appointed the tutor of Bahram Mirza, he left from Herat to Yazd, and from there to the winter quarters of Isfahan. He was accompanied on this trip by "mujtahid al-zaman", al-Karaki, and the two arrived together at Isfahan. Immediately after supplying this information the author relates the open disputes that emerged between al-Karaki and the sadr Ghiyath al-Din Mansur Shirazi.\footnote{Savory, "The Principal Offices...of Isma'il I," 95-6; Roemer, "The Safavid Period," 228-9.} The Turkoman amirs, one can safely note, would not have viewed al-Karaki's influence with suspicion, for only once did they vie with the Iranian aristocracy over the post of shaykh al-Islam.\footnote{Savory, "The Significance of the Political Murder of Mirza Salman," in Studies on the History of Safavid Iran, 167.} Clearly, they never gave the religious ranks much attention. In fact, the only vakil with whom the Qizilbash had no friction was the Iranian notable Najm al-Din 'Abd al-Baqi (d.920/1514) mostly because he devoted more time to religious matters than to secular administration.\footnote{Savory, "The Significance of the Political Murder of Mirza Salman," in Studies on the History of Safavid Iran, 167.} The sadrs on the other hand, having seen how the Shah invested al-Karaki with power,
titles and economic grants, were in the much more difficult position of a professional class whose territory had been mercilessly trespassed and whose control over religious duties had become precarious. After a few decades of Safavid rule, the sadrs originally the executives of Safavid religious policies, eventually lost their early image as Shi'ite zealots, and their import in religious matters gradually waned.\textsuperscript{101} The mujtahids, instead, sought a strict application of the shari'a, advancing one 'orthodox' approach toward religious experience against 'heterodox' others. As such, they were occasionally accused of being the actual zealots. Munshi could not help but express his disapproval of the khatib from Astarabad, Mir Sayyid 'Ali, who

went too far in enjoining believers to do what is right and forbidding them to do what is evil. The result was that he appeared to be either a hypocrite or to have some worldly motive for behaving in this way.\textsuperscript{102}

Our assessment gives a slightly different picture of the position of Shah Tahmasp vis-a-vis the local elites from that advanced by Erica Glassen and Arjomand. For while it is true that the Shah seemed determined to promote the Shi'ite hierocracy, it is not altogether evident that he did it out of a totally independent position.\textsuperscript{103} On the one hand, he felt secure in strengthening the position of the 'Amilis who had no fundamental ties to any of the powerful and contending groups in Safavid society, and who could easily become bona

\textsuperscript{101} Savory, "The Principal Offices of ...Tahmasp I," 81-3.
\textsuperscript{102} Munshi, The History of Shah 'Abbas, 237, 245-6.
\textsuperscript{103} Arjomand, The Shadow of God, 33-6; Erica Glassen, "Schah Isma'il I und die Theologen seiner Zeit," 254-68.
fide servicemen. This did not prevent al-Karaki, however, from playing in to the fears and inexperience of Tahmasp. On the other hand, one cannot fail to realize that the personal choices the young Tahmasp took in terms of religious policies and their political implications facilitated the goals of both the Qizilbash and al-Karaki, odd allies as they were. The most decisive of these choices was the extent to which Shah Tahmasp started to succumb to the scripturalist, legalistic regulation of religious life and move away from the more heterodox and chiliastic feature of his Sufi upbringing.104 Nonetheless, for him to resist the Iranian notables' pressures to the extent shown clearly meant that their opponents the Qizilbash had tacitly if not actively endorsed the Shah's movement toward a 'Amili-fostered Twelver Shi'ism.

The alliance between the 'Amili court scholars and the Qizilbas and the competition between them and the Iranian notables eventually became articulated in ethnic terms. Nowhere is this more clear than in Khwandamir's assessment of the Arab 'ulama of Iran as contrasted to that of the Turkoman historians Rumlu and Munshi.105 It is not difficult to sense with what social group Khwandamir's loyalty lies, for he clearly compares a number of Arab scholars on whose professional careers he comments with other Arabs from their

105 Hasan-i Rumlu, born in Qum in 937/1530, was the great grandson of Amir Sultan Rumlu, a famous Qizilbash sardar (army commander), during the reign of Shah Isma'il I and Shah Tahmasp. See Rumlu, Ahsan-u Tavarikh, 14-16, 21.
geographical region but not with any Iranians. The naqib Shams al-Din 'Ali who arrived in Khurasan from Najaf is described as a reputedly erudite scholar of noble pedigree in Arabistan. In another place, Khwandamir explains that the Arab scholar Shaykh Zayn al-Din 'Ali who took up the posts of shaykh al-Islam and agda al-qada'i in Herat, the seat of the empire (dar al-saltana) after 928/1522 was a leading figure "among Arab 'ulama". In the same vein, he ranked Sayyid Ni'matullah al-Hilli, who accompanied Shaykh Zayn al-Din on his way home to Arabistan some time after 920/1552, among the prominent 'ulama of Hilla. In contrast, Sayyid Qavam al-Din was a notable Iranian scholar who surpassed "Arabs and Persians alike" by his unique pedigree and status. As Arjomand accurately showed, the Persian historian Qadi Ahmad Ghaffari (d.975/1567-8), a clerical notable had projected the deep-seated resentment which his class carried for the 'Amili clerics and questioned their imprudent requisition of the title 'ulama, "the learned". In comparison, Rumlu drew al-Karaki in a favorable light and even where he praised the scholarly merits of Mir Ghiyath al-Din he ranked him second

107 Ibid. Khwandamir describes the homeland of Shaykh Zayn al-Din in general terms as "the Arab lands" or "Arabistan." Zayn al-Din was probably from 'Iraq since he was accompanied by Sayyid Ni'matullah al-Hilli "on the way home." He may be the same as Zayn al-Din 'Ali b. Shaykh Ahmad b. Qutb al-Din, the copyist of the work "Rawdat al-Jannat fi Awsaf al-Herat," a history of Herat from early times to the beginning of the reign of Abu'l-Ghazi, Sultan Husayn. The work was compiled in 897/1491 by Mu'in al-Zamji al-Asfizari. See Charles Rieu, Supplement to the Catalogue of the Persian Manuscripts in the British Museum (London, 1895), 64.
after al-Karaki. Munshi showed great admiration and respect toward other 'Amili 'ulama with the exception of Husayn al-Mujtahid, the grandson of al-Karaki, whose blatant display of arrogance triggered a mild criticism from him.

Al-Karaki's nomination of Mir Mu'izz al-Din Muhammad Isfahani for the sadarat, and later the highly respected Mir Asadullah Shushtari, reveals a network of allies and followers which al-Karaki managed to establish throughout his life in Iran. Al-Karaki also forged important ties with Iranian families through intermarriage; at least two of his daughters married into the Astarabadi family. Among the Astarabadis, he also had friends, students and followers in juridical method. The life of al-Karaki and other 'Amilis in general hardly upholds the idea that they stood ethnically apart from Iranian society as a non-assimilative group. This seems to be the general analytical framework of Ali Naqi Munzavi and extends to Andrew Newman's emphasis on the ethnic background of the 'Amilis in explaining their legal

110 Rumlu, Ahsan-u Tavarih, 392-3.
111 In addition to those listed in the second chapter, several 'Amili descendants married into prominent Persian families. 'Abdullah b. Jabir al-'Amili (d.11th/17th) who transmits from the students of al-Muhaqqiq al-Thani, is a descendant of the paternal aunt of al-Mawla Taqi Majlisi, the father of Muhammad Baqir Majlisi (d.1111/1699). The maternal grandfather of Muhammad Taqi Majlisi was the 'Amili scholar Darwish Muhammad b. al-Hasan al-Natanzii. Again Mir Salih Khwatunabadi, the son-in-law of Muhammad Baqir Majlisi, was the maternal uncle of another late 'Amili scholar, namely Abu'l-Hasan Sharif b. Tahir al-Futuni. Other sources noted that the mother of Majlisi was the daughter of al-Futuni himself. See Munzavi, 'Ilm al-Dathir, 59; Shihab al-Din al-Mar'ashi al-Najafi, Al-Ijaza al-Kabira aw al-Tariq wa al-Ma'ajija ila li-Thamarat al-Muhja (Qum, 1414/1993), 335; A'yan, vol.9, 189.
opinions on issues like Friday prayer and association with temporal authority. The two pay little attention first, to the new social landscape of Safavid Iran within which the immigrant 'Amilis lived and to which their legal output responded. Second, with regard to the second-generation 'Amilis in Iran, whatever Arab ethnic traits could be retained by them, these cannot be deemed responsible for their political outlook then and now. Tensions between the Arab and Persian scholars were mainly the outcome, stated in ethnic verbiage, that the cause of their competition over decision-making policies and posts at the court. Al-Qatifi and al-Hilli, both of Arab backgrounds, had no compunction about opposing al-Karaki and siding with notable members of the Iranian elite.

The discussions and debates on the question of Friday prayer during the reign of Shah Isma'il I and the early reign of Shah Tahmasp must in turn be juxtaposed against contemporary socio-political circumstances. Although al-Karaki had written his treatise on Friday prayer in 921/1516, it was only much later in the 930s/1524s that it became the center of heated debates. This means that at the time of its composition and the inception of Friday convening, the position of the sadr class was still unchallenged and that Shah Isma'il did not subscribe to al-Karaki's views to the same extent as Shah Tahmasp later did. Al-Muhaqqiq al-Karaki's support for convening Friday prayer, especially with his emphasis on the pivotal role of the faqih, must have been

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yet another source of alarm to the sadrs. Al-Karaki not only pointed to the absolute necessity (mutlaq al-wujub) to perform Friday prayer but also tied to it the required presence of the jurist, who would fulfill all the conditions of the deputy of the Imam either through a general or specific appointment.\textsuperscript{113} Given the great political significance of congregational prayer and the sermon (khutba) connected with it, al-Karaki could only be promoting the jurist’s role in the very process of legitimizing Safavid rule and lending validity to its religious foundations.

Aside from attesting to the unprecedented power that a jurist like al-Karaki managed to obtain in a relatively short period, the historical situation discussed above also illustrates the eventual outcomes of al-Karaki’s juridical-political formulations, now better seen in terms of his relations with the Shah and the local elites. The question of Friday prayer remained inconclusive despite Hilli’s utter failure to bring the Shah to disapprove of al-Karaki. Several Iranian bureaucrats and administrators openly challenged Friday prayers, which may explain why it remained in abeyance several decades after al-Karaki’s death.\textsuperscript{114}

The farman which Shah Tahmasp issued recognizing al-Karaki as the deputy of the Imam extended, for the first time in Safavid history, an exclusive authority to a Shi’ite


\textsuperscript{114} Isfahani, Khuld-i Barin, 433-434
jurist. The idea itself was not an innovation, for earlier Shi'ite scholars had discussed some form of deputyship in matters of religious law and practice which the jurist was supposed to assume during the ghayba of the awaited Imam. It is true that under the Safavids this concept remained largely depoliticized, referring only to a religious form of deputyship (niyaba), yet al-Karaki had pursued it with great intensity, furnishing the jurist with a greater opportunity for modifying legalistic matters which were also of considerable political weight. As early as 916/1510 and preceding the explicit royal recognition in the farman, al-Karaki seems to have designated himself the deputy of the Imam. His intention to draw Shi'ism out of its scholastic puritanism and confinement to the communal level, not to mention its marginalization within a Sunnite state structure, had preceded his advent to Iran, perhaps explaining in part why Shah Isma'il I had taken notice of him.

As a Shi'ite he was eager to awaken the political locus of Shi'ism and resolve the paradoxical situation caused by the Occultation of the Imam, namely that political or earthly advancement for individuals and groups would remain in stasis until the remanifestation of the Imam or a designate appeared. As an intellectual descendant of al-Shahid, he had inherited a tradition which gave weight to the role of the

jurist as a *alim, the guardian of the *shari'a and the sole representative of the Imam. As a 'Amili who cultivated years of learning in Syrian and Egyptian centers, he was acquainted with Sunnite methods of sifting *hadith and arriving at legal rulings which he appropriated in response to the new historical situation his society and the class of 'ulama faced. The various impeti for the changes he envisaged were previously suggested by 'Allama al-Hilli, yet they needed an authoritative basis to become fully and widely applied. With the rise of a powerful state which declared Shi'ism as the official religion, al-Karaki and others found it possible to inscribe a Shi'ite reinterpretation of temporal authority and create, through the jurist, more solid connections between state and society and between political and religious jurisdiction.

Equally significant, as Arjomand affirmed, was the fact that the *farman was the earliest indication of the privileged economic status which the Shi'ite "hierocracy" had begun to enjoy in Iran. The *farman decreed that

the agricultural estate of Kabisa and Dawalib...adjacent to the river of the holy Najaf....the cultivated lands of Umm al-'Azmat and the Khain al-Wa'd lands of Ramahiyya that he [al-Karaki] has brought into cultivation be made endowment (waqf) for him, and for his descendents after him, according to the correct procedure of the Sacred Law as specified in the deed of endowment....The officials must give the above sum priority over all receipts and drafts and not pay a single dinar to anyone until it has reached his deputies (vukala').

Shah Tahmasp conferred on al-Karaki extensive land

holdings valued at 700 tumans annually as a hereditary wagf. Also in terms of the official recognition of al-Karaki, his son 'Abd al-'Ali and his grandson Husayn each was given the appellation the "Mujtahid of the Age"; this was not afterwards extended to other 'ulama. Jean Chardin, writing during the second half of the seventeenth century, confirms that the acclaimed mujtahids were very few, and at times there may be none alive.\footnote{Ibid., 143; See J. Chardin, Les Voyages du Chevalier Chardin en Perse, vol.5, ed. L. Langle, (Paris, 1811), 194-5} The notable Iranian elite received such titles for the 'Amili 'ulama with unease.\footnote{Arjomand, The Shadow, 142.} 'Abd al-'Ali was moreover even more recognized by Shah Tahmasp than his brother Hasan, although both enjoyed little of the influence and glamour accorded to their father, al-Karaki. 'Abd al-'Ali, depicted as the undisputed "second mujtahid" of his time, did not hold any significant posts in the Safavid capital. Rather, he resided in Kashan where he was involved in delivering regular teaching sessions away from the heated political scene of the court.\footnote{Munshi, The History of Shah 'Abbas, 244-5.} As for Hasan, his brother, no biographical records are present for him in the major Safavid chronicles or biographical dictionaries. This raises several questions; whether there was a conscious attempt after al-Karaki's death to curtail the influence of his family and to avoid turning his position into a hereditary post. The complaints about al-Karaki's influence may have caused the Shah to distance himself from
al-Karaki's successors, at least for some time. 'Abd al-'Ali and Hasan, however, may have been offered humble posts on the basis of their modest scholarly credentials and abilities.

At the time of al-Karaki's death in 940/1533, the sayings and actions of 'Amili jurists bore great moral and socio-political weight. Before the year 940/1533 came to a close, an otherwise unknown Sayyid Muhammad Jabal 'Amili (d.968/1560), the prayer leader (pish-namaz) of the imperial camp of Shah Tahmasp, saw the Prophet in a dream portending that if the Shah were to interdict prohibited acts, the Shah would achieve a victorious conquest of his enemies' regions.\(^{121}\) Although no specific detail is given, the years from 939-940/1533-34 feature Shah Tahmasp first in Herat with the intention of invading Transoxania and defeating the Uzbeks and subjugating their leader, 'Ubayd Khan.\(^{122}\) But also during the same year, the Shah received the alarming news that Sultan Sulayman had invaded Azerbaijan and Persian Iraq which forced him to direct his military expeditions westward.

When Sayyid Muhammad Jabal 'Amili related his dream to the courtiers and viziers, they decided to act upon it but could not understand what those prohibited acts were to which the Prophet was referring in the dream. Hoping to be guided by another vision or sign, the following night a certain "Nawwab Kamiyab" (distinguished notable) saw in a dream humans and demons prostrating to the tenth Imam "Mir Hadi Musavi Muhtasib" 'Ali al-Hadi (d.254/868) holding his hand

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\(^{121}\) Shirazi, Takmilat Al-Akhbar, 76, 118.
and repenting for alcohol drinking, adultery and homosexuality. Upon the distinguished notable's narrating his dream to the princes, they professed repentence from such practices among themselves and among government officials. Then, they issued a command prohibiting alcohol, gambling and other similar acts.\textsuperscript{123} They further decreed that the large amount which was allotted each year to the taverns, gambling houses, brothels, and places that served electuary (a medicinal paste or drink made in part with honey and herbs, known to be fermented) would be deducted from coffers the of the collective provinces and offices. Furthermore, whoever violated this command would incur yasa.

Undoing Some of al-Karaki's Rulings and Reactivating Traditions: Husayn b. 'Abd al-Samad al-Harithi al-Juba'i (d.984/1576)

Husayn b. 'Abd al-Samad al-Harithi al-Juba'i, the father of Baha' al-Din al-'Amili or Shaykh-i Baha'i was another outstanding 'Amili jurist who made a significant impact on the Safavid court of Shah Tahmasp was. When Husayn b. 'Abd al-Samad first arrived in Iran around 960/1552 he spent three years engaged in the teaching of religious sciences, first in 'Iraq 'Ajam and later in Isfahan, before being noticed by Shah Tahmasp in 963/1556.\textsuperscript{124} Thanks to the efforts of Shaykh

\textsuperscript{123} Ibid.

\textsuperscript{124} Riyad, vol.2, 120. Riyad's account is based on the biographical report related by Muzaffar al-Din 'Ali Shah, through his teacher Shaykh-i Baha'i and furnishes the most accurate chronology and information about Husayn b. 'Abd al-Samad, his father. See also, Isfahani, Khuld-i
'Ali al-Minshar, a student of al-Karaki and the shaykh al-Islam of Isfahan, Husayn b. 'Abd al-Samad was sent the robe of honor and royal gifts and summoned to Qazvin. It is not clear when he became shaykh al-Islam in Qazvin, but it is certain that he spent around seven years there in the service of Shah Tahmasp.\textsuperscript{125} Ja'far al-Muhajir indicated in his study of the treatise of Husayn b. 'Abd al-Samad, namely, "Risala fi Tathir al-Husur" (A Treatise on the Purification of Mats), that he took up the post of shaykh al-Islam in Qazvin in 968/1561, that is, five years after arriving in Qazvin. This can be substantiated by the fact that in 968/1561 Husayn b. 'Abd al-Samad wrote a response to the Ottoman Sultan Suleiman on behalf of Shah Tahmasp and under his request, discussing the fate of Suleiman's fugitive son Bayezid.\textsuperscript{126} Bayezid had rebelled against his father and taken refuge in Persia in 967/1559, the year when the Sultan's letter to Shah Tahmasp concerning his son was written.\textsuperscript{127} It is scarcely conceivable that Husayn b. 'Abd al-Samad was designated and established as the shaykh al-Islam of Qazvin before that time. In addition, the Safavid chronicler Ghaffari reported that on 21 Muharram 968/12 October, 1560 he and Shaykh 'Ali al-Minshar were eyewitnesses to the arrival of Bayezid in the main

\textsuperscript{125} See Al-Muhajir, Al-Hijra, 146. Iskandar Beg Munshi makes no mention of the post of shaykh al-Islam in Qazvin which may indicate that he either occupied it only for a short period of time or that Munshi's account is not comprehensive.
\textsuperscript{126} Al-Dhari'a, vol.5, 1st edn., (Tehran, 1363-64), 193. Agha Buzurg Tehrani noted that it was published in Fada'il al-Sadat.
\textsuperscript{127} Nameha-yi Shah Tahmasp, 373.
square of Qazvin.\textsuperscript{128} Thus, although being on familiar terms with al-Minshar, nowhere in Ghafari’s account does he mention Husayn b. ‘Abd al-Samad being the \textit{shaykh al-Islam} there or then. Whatever the case, it seems clear that Husayn b. ‘Abd al-Samad spent a considerable time in Iran before being invited to the Shah’s court.

The turbulent and profane life of the royalty and the restrictive conditions of serving the Shahs combined to create a general sense of vanity and emptiness about Husayn Ibn ‘Abd al-Samad’s life in Iran. This however, did not deter him from engaging in and fulfilling the titular conditions of his official posts. In many respects the great honors and reverence extended to al-Karaki and later to his grandson Husayn al-Mujtahid exceeded those given to Husayn b. ‘Abd al-Samad, who in fact tried to undo a number of the legal rulings and practices instigated by "al-Shaykh al-'Ala'i", as he referred to al-Karaki. In fact, these efforts helped bring into the open – at least in scholastic circles – the sometimes contentious issues of nascent \textit{akhbari} and \textit{usuli} in Safavid Shi’ite jurisprudence.

The efforts of Husayn b. ‘Abd al-Samad brought several changes to the religious establishment, the most memorable of which ran counter to the legal opinions and recommendations of al-Karaki. First, he reinstituted the reading of \textit{hadith} books in Persia and worked diligently on the verification of Twelver Shi’ite traditions in a manner reminiscent of al-

\textsuperscript{128} See introduction to \textit{Takmilat al-Akhbar} by Shirazi, 305.
Shahid al-Thani, his teacher. During this period, he dedicated a number of works including legal treatises to Shah Tahmasp, such as "Risala fi al-Husur wa al-Bawari wa Sahm al-Imam" (A Treatise on Mats and the Imam's Share), completed at the end of Dhu'l-Qa'da month in 968/1560. His opening statements exalted to the Safavid empire, praying to God that it might remain victorious over its enemies until the Day of Judgment. In his discourse, he explained that a group of contemporary scholars endorsed the widespread legal opinion of late Shi'ite 'ulama on the purification of mats without verifying the sources from which they derived such opinion. Even though the topic in question might seem trivial, Husayn b. ‘Abd al-Samad’s legal methodology and argumentation building up to his final opinion was carefully expounded to be critical of his immediate predecessor al-Karaki. He complained that even when he traced the sources of the 'ulama's arguments and provided vivid proofs against their opinion, these 'ulama remained un convinced. Their rigid denial of his arguments had indeed pushed him to compose this tract. Husayn b. 'Abd al-Samad does not specify who the "late 'ulama" were but one can deduce that al-Karaki is included since he had written a treatise on this same subject. Husayn

130 Husayn b. 'Abd al-Samad, "Risala fi'l-Husur wa'l-Bawari wa Sahm al-Imam" in Fihrist-i Kitabkhana-yi Majlis-i Shuray-i Milli, by 'A. Ha'iri and others. Collection 1836, Copy no. 12, (Tehran, 1305-57 sh.): 217-230. The treatise also addresses the legal status of the Imam's share, be that of khums or votive offering (nazr) during ghayba and whether a portion of it may be distributed to needy Sayyids.
b. 'Abd al-Samad stated that when exposed to urine, a mat is impure and it is not permissible to judge otherwise except by supplying a legal and final proof. It is preferable, however, to declare it impure on the basis of rational reasoning, tradition (naql), and prudence (ihtiyat). Here again his concern for the verification of traditions is evident and clearly places him in an akhbari category. However, on other legal matters such as the imitation of a dead mujtahid, Friday prayer and the association with secular government, Husayn b. 'Abd al-Samad draws on the usuli positions and outlook which confirms the interconnectedness between the two trends up until the late seventeenth century.

Noteworthy too in "Al-Husur" was Husayn b. 'Abd al-Samad’s denunciation of the idea that an 'alim can reach the highest degree of ijtihad and become the ultimate religious authority alive. Instead, he declares that, "...No mujtahid has been saved from a critic, nor a person from a deficiency." Husayn b. 'Abd al-Samad seemed to be alluding to al-Muhaqqiq al-Karaki and his grandson Husayn al-Mujtahid, both of whom had assumed the title of "the seal of mujtahid". Indirectly too, Husayn b. 'Abd al-Samad was casting doubt on the validity of Shah Tahmasp's judgments since he had sanctioned such claims. He must have felt that the Shah was not equipped to scrutinize or evaluate eager claimants to ijtihad nor safeguard society from false mujtahids.

Husayn b. 'Abd al-Samad also opposed al-Karaki’s

131 Husayn b. 'Abd al-Samad, "Al-Husur wa’l-Bawari," folios 1a-1b.
132 Ibid., folio 3a.
delineation of the qibla of 'Iraq al-'Ajam and Khurasan in a treatise entitled "Tahqiq Qiblat 'Iraq al-'Ajam wa Khurasan." He explained in proper mathematical calculations and geometric illustrations the correct angle at which the qibla should be situated. Here, he openly criticized the taqlid of "Shaykh 'Ali" in qibla rulings, reminding readers that al-Karaki himself had denounced taqlid and proclaimed it impermissible.\textsuperscript{133}

As for the impetus behind the court's tolerance, not to say encouragement, of such finely drawn statements on religious issues, since his early youth, Shah Tahmasp suffered greatly from an obsession with cleanliness and ritual purity and was at times severely debilitated as a result of it. His disturbed psychological state may have contributed to the production of works explicating rituals of prayer and purity in Shi'ite fiqh. Around 969-70/1562-3, he asked Husayn b. 'Abd al-Samad to write a work on mania (waswas), concerning which he expounded the proper delivery of religious obligations, including daily worship and ritual ablutions. The outcome was a treatise (risala) entitled Al-'Iqd al-Husayni (Al-Tahmasbi) in which Husayn tried to comfort the Shah by explaining the circumstances under which a person suffers from mania and tried to provide him with a remedy for it.\textsuperscript{134} The Imams, he stated, asserted that the

\footnotesize{133} Husayn b. 'Abd al-Samad, "Tahqiq Qiblat 'Iraq al-'Ajam wa Khurasan," obtained from Devin Stewart, folio 8. It may be the same as "Tuhfat Ahl al-Iman fi Qiblat Iraq al-'Ajam wa Khurasan".

\footnotesize{134} Husayn b. 'Abd al-Samad, 'Iqd al-Husayni (al-Tahmasbi), ed. Sayyid Javad Modarressi Yazdi, (Yazd, n.d.), 3. This book is a collection of treatises dealing with Friday Prayer, including "Al-Bujja fi Wujub Salat
devil (shaytan) who is the source of this malady causes one to have a severe obsession for purity and an imbalance in the delivery of ritual worship and prayer. He specified two ways to counteract mania: first, by adhering to God’s revelation, invoking His name and cursing Satan, and through the recital of the Imams’ prayers (du’a). Second, Husayn advised a practical conformity to the literal meaning of the religious law (shar’), and the Imams’ rulings on purity and impurity.\textsuperscript{135}

With this advice, Husayn provided a powerful argument in support of the juridical regulation of social life, granting explicit legitimacy to the jurists who administer and apply the sacred law. Furthermore, Husayn reminded the Shah that his political sovereignty and temporal authority would always be limited by divine will and that this should not prevent the “able” and “shrewd” ruler from devoting some time to God and shunning material entanglements which are antithetical to true worship of God.\textsuperscript{136}

\textit{Al-’Iqd} meant to take its readers through discursive topics of interest the way the thread of a necklace travels through gems and beads of various sorts and colors.\textsuperscript{137} Using an accessible literary language that departs dramatically from the diction of specialized legalistic tracts, Husayn b. 'Abd al-Samad makes a plea in another section of \textit{Al-’Iqd} for the necessity of convening Friday prayer as an obligation of

\begin{flushleft}
\textsuperscript{135} Ibid., 4-6.
\textsuperscript{136} Ibid., 45-6.
\textsuperscript{137} Ibid., 31-33; Scarcia-Amoretti, "Religion in the Timurid and Safavid Periods," 642-3.
\end{flushleft}
the Shah for the benefit of the faithful. Although we have devoted Chapter four to the full scope of discussions surrounding Friday prayer, we will briefly outline Husayn b. ' Abd al-Samad's position by way of showing first, how it diverged from al-Karaki's legal views and, second, how it encapsulates the socio-political significance of such a stance for the Safavid Shah.

Husayn b. ' Abd al-Samad disengages Friday prayer from the condition that a jurist be present who is the appointed deputy of the Imam in a general or specific manner of designation. While he agrees with al-Karaki that it is permitted to hold Friday prayer, he opposes him and his grandson al-Mujtahid on their view that it must be optional rather than obligatory. The text of Al-'Iqd reveals that much time has lapsed during which Friday prayer had been deserted due to the leading Safavid 'ulama's disagreement over its status and conditions. \(^{138}\) Through major contemporary and later Safavid chronicles we know that the performance of Friday prayer was systematically transported under Husayn b. ' Abd al-Samad's guidance to the major Iranian provinces, and so we can infer that his plea to Shah Tahmasp has been heard. In a way, Husayn b. ' Abd al-Samad who unlike al-Karaki had kept a low profile amidst court intrigues and competitions, had tried to disentangle the question of Friday prayer from the realpolitik of the early era of Shah Tahmasp's reign. By undermining the necessity for the "deputyship" of the faqih

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\(^{138}\) Husayn b. ' Abd al-Samad, 'Iqd al-Husayni 31-33; See also, Munshi, Shah 'Abbas, vol.1, 247; Isfahani, Khuld-i Barin, 434.
and undercutting in the Shah-mandated Friday prayer, Husayn b. 'Abd al-Samad must have dispelled any compunction the Shah and the administrative-military elites had about the mujtahid's power to sanction and give approbation to Safavid sovereignty. Therefore he tried to convince the Shah that convening Friday prayer was above all simply a religious necessity and a symbol of the legitimate sovereignty of the empire amidst Sunnite allegations of the Safavids' "un-Islamic-ness". The socio-political role of the jurist within this framework was relegated to a minor position.

About two years after writing Al-'Iqd, that is around 971/1564, and based on the ijazas he gave to one of his students and to his two sons, we know that Husayn b. 'Abd al-Samad was in Mashhad spending no less than three years there as shaykh al-Islam, a seeming "demotion" to be discussed later.¹³⁹ He was then summoned to a more challenging and important post in Herat, most of whose inhabitants, Muzaffar al-Din 'Ali reflected, were totally ignorant about Twelver Shi'ism and the conduct of prayer rituals and worship in accordance with the beliefs of the descendants of the Prophet.¹⁴⁰ For almost eight years, Husayn b. 'Abd al-Samad was shaykh al-Islam of Herat, laboriously inculcating the knowledge and practice of Shi'ite doctrine and edicts. His contemporaries believed that he succeeded in affecting a movement of conversion from Sunnism to Shi'ism in that region. In 974/1566 the Shah empowered him to act as the

¹³⁹ Al-Dhari'a, vol.1 (Beirut, 1403H/1983), 185.
governor's deputy in Khurasan in general and the provincial
capital Herat in particular.\textsuperscript{141} Students, and even scholars
and jurisconsults, both Iranian and Transoxianian, flocked to
him from surrounding regions to collate and compare Shi'ite
Traditions with him and strengthen their knowledge in matters
of religious law.\textsuperscript{142} In return for his services, the Shah
extended to him the ownership and associated \textit{waqf} of three
villages in Herat.

It has been posited by Ja'far al-Muhajir and Devin
Stewart that Husayn b. 'Abd al-Samad had fallen from the
Shah's favor around 970/1562, when he suddenly lost the
prestigious seat of \textit{shaykh al-Islam} of Qazvin, the capital
city of the empire since 955/1548.\textsuperscript{143} Al-Muhajir and Stewart
both agree that the move to Herat was a demotion and a step
almost resembling a trip into exile. Stewart, furthermore,
advances an elaborate argument in support of the view that
Husayn b. 'Abd al-Samad was intentionally dismissed from his
post in Qazvin in favor of another 'Amili scholar, Husayn al-
Mujtahid. Indeed, Husayn b. 'Abd al-Samad had questioned and
harshly criticized a number of legal opinions advanced by al-
Karaki and upheld by Husayn al-Mujtahid, al-Karaki's
grandson. Yet to date we have no piece of historical evidence
suggesting that the circumstances surrounding the careers and
proceedings of Husayn b. 'Abd al-Samad and al-Mujtahid with

\textsuperscript{141} Munshi, \textit{The History of Shah 'Abbas}, vol.1, 247.
\textsuperscript{142} Ibid; \textit{Riyad}, vol.2, 120; \textit{A'yan}, vol.6, 57-60.
\textsuperscript{143} Al-Muhajir, \textit{Al-Hijra}, 149; Devin Stewart, "The First Shaykh al-Islam
of the Safavid Capital Qazvin" \textit{Journal of the American Oriental Society}
(JAOS) vol.116, no.3 (July-September, 1996), 402-404.
the Shah overlapped, or that these two even met in a passing encounter or altercation. Munshi asserted that al-Mujtahid was recognized as a mujtahid in his own right and makes no mention of Husayn b. 'Abd al-Samad among those who could have questioned the former's ijtihad.\footnote{Munshi, The History of Shah 'Abbas, vol.2, 631-2} It is difficult to decide why Munshi had downplayed Husayn b. 'Abd al-Samad's removal from Qazvin in the biography he wrote on him and his son Baha'i. It was hardly a deliberate, tactful evasion on Munshi's part not to present information about the growing rift between Husayn b. 'Abd al-Samad and al-Mujtahid for time and again, Munshi discloses with no hesitation the controversies and rivalries between al-Karaki and several figures. Again, neither Baha'i's own biographical accounts, nor those of his students Nizam al-Din al-Sawi al-Qurashi and Husayn b. Hasan b. Haydar al-Karaki touch upon Husayn b. 'Abd al-Samad's alleged grievance against al-Mujtahid should not for that matter, be suspected of intentionally camouflaging the situation if it existed.

A close examination of Safavid chronicles and the writings and correspondences between Husayn b. 'Abd al-Samad and his son Baha'i shows that the position the former received at Herat, the capital city of Khurasan was as prestigious as, if not at times more so, than that at Qazvin. As the seat of the late Timurid dynasty (795/1393-911/1506) and of the contentious region where Safavid-Uzbek struggles were occurring in the mid - and later - seventeenth century,
Herat figured prominently in Safavid chronicles. Munshi could not help but admit in his Tarikh-i 'Alamara-yi 'Abbasi that he had devoted for Khurasan an overwhelming section of his history at the expense of other Safavid regions. His great emphasis on Khurasan, which was "adjacent to Transoxania and was always subject to Uzbek incursions" along with its two main capital cities Herat and Mashhad, attests to their political, military and economic importance. Covering the historical incidents of 985/1577, Munshi reflected that from the time that Khorasan first became part of the Safavid empire, Herat had always been the seat of one of the princes of the blood royal [royal blood], and it would not be possible to defend the province if this support were withdrawn.

Like Tabriz, Herat was included among the former capitals of mighty royal princes such as the young 'Abbas Mirza (Shah 'Abbas I), and Munshi depicts it in 951/1544-45 as a place of resort for leading officials, where they can enjoy such pastimes as hunting and discursions in its pleasant gardens. Upon holding the post of shaykh al-Islam in Herat, Shah Tahmasp's son and potential successor Prince Muhammad Khudabanda was residing there. Shah Tahmasp commanded Amir Quli Sultan Yakan A'la, the ruler of Khurasan, to send Mirza Muhammad Khudabanda every Friday after prayer to the congregational mosque in Herat to be instructed in hadith and fiqh by Husayn b. 'Abd al-Samad. He demanded that

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145 Ibid., vol.1, 109. Munshi was covering the events of 944/1537 when he made the above observation.
146 Ibid., 364.
147 Ibid.
148 Ibid., 162, 341-2.
the Prince comply with all of Husayn b. 'Abd al-Samad's decisions as to set an example for others to obey the latter's rules and acknowledge him as the highest and most authoritative religious source there. Again in Isfahani's Khuld-i Barin, the post at Herat is described in admiring terms as an "adorned seat of figh" while Herat itself, referred to here and elsewhere as dar al-saltana, is presented in such flowery words as a captivating, "pleasant" and "exhilarating" country.  

Even more revealing is how Husayn b. 'Abd al-Samad and his family felt about Herat, seen in a 100-verse poem about the city in the rajaz meter composed by Baha'i. Entitled Al-Zahira (The Radiant [City]), Baha'i supposedly produced it in one day in Qazvin as he lay ill of ophthalmia (inflammation of the eyes). Al-Zahira opens with a general description of Herat, and its succeeding sections describe its waters, weather, women and fruits. He recounts some intimate memories of his time at the Herati school of Mirza and in the area of Garizgah, and he ends the poem by strongly lamenting his departure from Herat. His vivid longing for Herat hardly resembles the feelings one carries toward a disagreeable place let alone a site of exile where he and his father were forced to remain against their will. Furthermore, some letters composed in poetry form which Baha'i sent to his father in Herat during his own stay in Qazvin indicate how he felt about both places. Two of these letters written in

149 Isfahani, Khuld-i Barin, 434.
979/1571 and 981/1573, respectively, express a strong desire to be joined with his father in Herat. In the first letter he complains about his long separation from his father in these words,

In Qazvin is my body while my soul dwells in the land of Herat and with its people
The former departed from its kinsfolk and the latter settled in its homeland.¹⁵¹

Despairing about his stay in Qazvin, Baha’i nonetheless has continued his studies in rational sciences and has dedicated a treatise on Tahqiq Migdar al-Karr (Determining Water Measure) to Shah Tahmasp.¹⁵² The Herat period gave an unmistakable sense of worth and belonging to Baha’i and his father and that the latter’s service carried considerable weight for Safavid sovereignty at the western frontiers.

Taken all together, the above assessment reveals the well-established position of Husayn b. 'Abd al-Samad vis-a-vis the Safavid monarch and his persistent drive to support to the leadership of the Safavid state. His assignment to Herat was highly significant within the framework of evolving Sunnite-Shi'ite relations and for the creation of lasting roots for the Shi'ite faith in a predominantly Sunnite area. Husayn b. 'Abd al-Samad’s close connection to al-Shahid al-Thani, on the one hand, and his thorough knowledge of Shi'ite

¹⁵¹ A'yan, vol.9, 247.
¹⁵² Dalal 'Abbas, Baha' al-Din al-‘Amili: Adiban wa Fagihan wa 'Aliman (Beirut, 1995), 110. 'Abbas' offers the most comprehensive historical coverage of Baha'i's life to date, furnishes us with an accurate chronology, and advances solid arguments about several of his works. Al-Dhari'a, vol.17, (Beirut, 1983), 288. Tahqiq Migdar al-Karr was published with Al-Habl al-Matin, (Qum: Basirati, n.d.).
dogma and polemical literature on the other, must have added
great merit to his already well-established credentials.
Safavid chronicles emphasized Husayn b. 'Abd al-Samad's
connection to al-Shahid al-Thani to underscore the
authoritative origins of his scholasticism but, more
importantly, to highlight the 'Amilis' own struggle against
Ottoman injustices that had made al-Shahid al-Thani a martyr.
These factors furnished significant grounding for Husayn b.
'Abd al-Samad's credibility and valor.\textsuperscript{153}

Among the works of Husayn b. 'Abd al-Samad is a treatise
entitled "Munazara ma'a Ba'di 'Ulama' Halab fi'l-Imama" (A
Debate with an Aleppine Scholar on the Imamate), documenting
a lengthy polemic between him and a Sunnite friend, described
as an Aleppine notable. The doctrinal discussions had
initially unfolded in Ottoman Syria in 951/1544, at least 10
to 15 years before he introduced them for the first time in
writing in Iran. Therefore, the "Munazara"'s historical
function is foreseen for its use in the Iranian context,
where it became popularized and later was translated into
Persian as "Munazare-yi Juba'i ba Danishmand-i Sunni".\textsuperscript{154} The
"Munazara" develops into a full scale presentation of the
major arguments which adept Twelver Shi'ite scholars advance
to verify the rightful Imamate of 'Ali b. Abi Talib and his

\textsuperscript{153} Munshi, The History of Shah 'Abbas, vol.1, 247; 'Abd al-Husayn
Khwatanabadi, Vagayi', 467, 481.
\textsuperscript{154} Husayn b. 'Abd al-Samad, "Munazara ma'a Ba'di 'Ulama' Halab fi'l-
Imama," in Fihrist-i Nuskhahay-i Khatti-yi Kitabkhane-yi 'Umumi-yi
Mar'ashi, by Ahmad al-Husayni, Collection 1161, (Qum, 1395q), 5 folios.
The "Munazara" will be thoroughly analysed in Chapter 6 that deals
with Sunnism and the Safavid state.
descendants. Attesting to Husayn b. 'Abd al-Samad's own profound knowledge of Sunnite hadith and doctrine and his sagacity and tactfulness in converting his Sunnite friend to Shi'ism, the treatise became a confirmed model for Safavid scholars to use to fortify their society's legal defenses and in their confrontations with Uzbek 'ulama. The theological discussions presented by Mawlana Muhammad Mishkaki Rustamdari to the Uzbek scholars of Transoxiana at the time of 'Abdullah Khan Uzbek in 997/1588-9 carrying many of the same arguments included in "Munazara".155

Around 982-3/1574-5, Husayn b. 'Abd al-Samad visited Qazvin for the second time, requesting the permission for himself and Baha'i to go on pilgrimage to Mecca. The Shah granted him the permission but denied it to Baha'i, in whom he possibly envisaged the succeeding religious guide for the city of Herat.156

From his final residential station in Bahrain, Husayn b. 'Abd al-Samad sent his son Baha'i an exhortation about choices in life left a memorable impact on the son's outlook. In a simple ruba'iyya (quatrain) he discourse

If this world is what you seek,
then leave to India
If the hereafter is what you desire,
then you must come to Bahrain
But if you seek neither this world nor the next,
then reside in Persia!157

156 A'yan, vol.6, 58.
157 Ibid., 60; Riyad, vol.2, 121. Muhsin al-Amin felt that these lines

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In non-poetic terms, Husayn b. 'Abd al-Samad showed great ambiguity about his - and his son's potential - relationship with the Safavid empire. He was expressing an apparently widespread view that the wealthier Mughal court offered greater material rewards for their scholars, especially their poets, within whose ranks Husayn b. 'Abd al-Samad counted his able son, Baha'i. Despite the fact that the Safavids in general and Shah Tahmasp in particular were generous patrons of poets several poets had contacted the Mughal court.\textsuperscript{158} In choosing Bahrain and not Iran, however, as the abode for the next life, Husayn b. 'Abd al-Samad indicated his ambiguous relationship with the Shahs. In addition to upholding austerity and spiritual retreat (available in Bahrain) as the ideal norm for scholars, he was unlike most 'Amilis, favorably inclined towards Sufi heritage and literature.\textsuperscript{159} One cannot fail to deduce from his ruba'iyya his deep discontent with the Shahs' lifestyle and moral conduct and his sense of alienation from Safavid society as a whole. Further elucidating Husayn b. 'Abd al-Samad's social discontent, is a rare account he transmitted of poetry merely express a disdain for worldly gains and they should not be interpreted as a criticism of the Shahs who showed the 'Amilis the respect and admiration they were denied in their own homeland.\textsuperscript{158} Savory, \textit{Iran Under the Safavids}, 205-7.

\textsuperscript{159} See Husayn b. 'Abd al-Samad, \textit{Nur al-Faqqa wa Nawr al-Hadiga} (Qum, 1403H/1983) on ethics. Al-'Iqd is also a good example of Husayn b. 'Abd al-Samad's Sufi predilections. His metaphorical constructs of God as king and the divine as the royal hadra (presence) along with the themes of physical deprivation and toiling to please God, are reminiscent of general Sufi and pietistic traditions. His open references to Ibrahim b. Adham, Bishr al-Hafi and ahl al-Kahf, the archetypal Sufi figures, triggered great disapproval from traditional jurists and scholars. See 'Iqd al-Husayni, 46; A'yan, vol.6, 60; Riyad, vol.2, 115.
through some "well-trusted" state officials, suggesting that al-Muhaqiq al-Thani was murdered by poison.\textsuperscript{160} While this seems difficult to substantiate in the face of numerous contradictory reports, it is more telling of Husayn’s troubled state of mind and suspicion of the Safavid authorities than of the actual circumstances leading to al-Karaki’s death. Beyond protesting the misgivings of the Shah he hoped for a more rigorous control of the social order by the Shi’ite jurists. At the same time, he struggled to restrain the use of \textit{ijtihad} by his fellow jurists and opposed any rigid designation of clerical leadership that would allow some mujtahids to claim exclusive and authoritative knowledge as al-Karaki and his grandson have done. New historical circumstances favored the stance of Husayn b. ‘Abd al-Samad, including the improvement in Shah Tahmasp’s internal political fortunes, alongside the opposition he faced from the Iranian elite and the clerical ranks for encouraging al-Karaki’s claims for the deputyship of the Imam.

A Historical Detour with Sunnism: Shah Isma’il II and Husayn al-Mujtahid (d.1001/1592-3)

After the death of Shah Tahmasp, all Turkoman tribes except for the Ustajlu upheld prince Isma’il II as the successor. In the royal family, Princess Pari Khanom, the daughter of Shah Tahmasp, and a group of her followers and her Circassian uncle Shamkhal Sultan, endorsed Isma’il II’s

\textsuperscript{160} Khwansari, \textit{Rawdat}, vol.4 (Beirut, 1411/1991), 358.
succession to the throne in 984/1576. Shah Isma'il II (984/1576–985/1578) seemed determined to divert a number of religious policies advocated by his predecessors and to embark on a new political venture. He deviated from the more controversial Safavid propaganda invested by his father and adopted a reconciliatory approach toward Sunnism.

Safavid sources, for the most part, implicate the Shah's sadr, Mirza Makhdum al-Sharifi, in these anti-Shi'ite measures. Mir Makhdum, an Iranian notable and descendant of a scholarly-oriented family, was the son of Mir Sharif Shirazi and grandson of Qazi Jahan Sayfi Husayni Qazvini (d.974/1566), who had occupied the post of grand vizier at the time of Shah Tahmasp. He also claimed descent from the reputed Sunnite scholar, Sayyid Sharif Jurjani (d.824/1413). In Shi'ite texts, Mir Makhdum is depicted as the archenemy of Shi'ism whose evil enticements altered the Shah's beliefs and outlook. The mainstay of Mir Makhdum's scholastic training was the study of tradition and exegesis of the Qur'an. He served at the court of Shah Tahmasp but failed to incur much favor with the Shah, presumably due to his Sunnite predilections. He was known to be an eloquent

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164 Mir Makhdum nurtures the same views on the weakness of the Shah in standing up to the Qizilbash and his ability to manipulate Isma'il II. See, "Al-Nawaqid," folio 82b.
preacher whose sermons mustered a large following in the Haydariyya Mosque at Qazvin. Thus, amidst the suspicion of being a dissimulating Sunnite, Mir Makhdum nonetheless "drew large crowds".165 Neither Shah Tahmasp nor any major group of the local elite took any measures against him and the fact that he continued to nurture some connections with the court shows that his religious identity was not a central issue of contention as long as it did not take the form of political machinations against Safavid sovereignty. In fact, compared to the secondary posts he held later under the Ottomans as a self-declared Sunnite, his career under the Safavids placed him in the limelight of the court's affairs.166 He became the Safavid's grand jurist in Mecca and later occupied similar but lesser posts under the Ottomans.

Mir Makhdum claimed in his "Al-Nawaqid fi al-Radd 'ala al-Rawafid" that al-Muhaqqiq al-Karaki was responsible for denigrating him and turning the heart of Shah Tahmasp against him.167 He attributed to al-Karaki deliberate harm in agitating the Shah against his family, whose wealth was turned to poverty and power to disgrace. It is significant, however, that he purported on several occasions that his honorable descent imbued him with sufficient immunity as to save him from a worse fate. If it were not for his family's revered and "pure" genealogy, he reflected, none of them could have survived the wrath of Shah Tahmasp. Mir Makhdum's

statements in "Al-Nawaqid" should be carefully scrutinized for he was preoccupied with boosting his status in Ottoman eyes by presenting Safavid Shi'ism in the worst possible light. It was the weight of his connections to the local Iranian elite and the less-than-serious attempts on his life that explain his presence at the highest administrative levels.

Under Shah Isma'il II, Mir Makhdum received one half of the post of sadr; the other half went to Shah 'Inayatullah Isfahani, the chief (naqib), who had been the chaplain of the army (gazi-yi mu'askar) under Shah Tahmasp. Gradually, Mir Makhdum succeeded in nurturing a good relationship with the Shah.

With the assistance of Mir Makhdum, Shah Isma'il II strove to reverse the "excessive" practices of Shi'ite theologians especially with regard to the defamation of 'Aisha and the ritual cursing of Abu Bakr, 'Umar, and 'Uthman which were widespread among the populace since the early days of Safavid rule. In reality, he was keen to comply with one of the Ottoman demands of the Amasya peace treaty in 962/1555, which called for an end to the vilification of the

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168 See al-Sharifi, "Al-Nawaqid," folio 42b, 46b; See also Abu al-'Abbas Ahmad b. Yusuf b. Ahmad al-Dimashqi, known as Al-Qarmani, Akhbar al-Duwal wa Athar al-Duwal fi al-Tarikh (Beirut, n.d.), 345. Al-Qarmani reported that Shah Isma'il II converted from Shi'ism to Sunnism after being visited by a dream where Imam 'Ali reprimanded him for his animosity toward Abu Bakr, which leads him to repent, that is become a Sunnite. The historical utility of this account is elucidated not by what actually happened to the Safavid Shah but rather by the Ottoman delineation of it.


170 Rumlü, Ahsan-u Tavarih, 86. The ritual cursing of the first three caliphs was observed by the Safavids as early as 905-6/1499-1500.
three caliphs, possibly in order to win some concessions from
the Ottomans and build peaceful bridges with the Sultan.\textsuperscript{171}
On several occasions, Shah Isma'il II openly sided with the
Sunnite position against the deliberations of the Shi'ite
clergy, thus undermining their position and exposing them to
ridicule. The majority of the Shi'ite 'ulama avoided a
confrontation with him but discreetly resisted his
policies.\textsuperscript{172} In the place of "zealot" Shi'ite scholars like
the Astarabadis, the Shah appointed Sunnite notables such as
Mowlana Mirza Jan Shirazi and Mir Makhdum Lala. To this
group of loyal supporters, Khwansari adds the Qalandari Sufis
the mere mention of whom ignited great hatred among the
clerics as well as the 'Amili 'ulama, including al-Karaki,
who issued \textit{fatwas} proclaiming the Qalandaris religiously
deviant and called for their severe retribution.\textsuperscript{173}

The leading scholar who ardently and defiantly stood up
against the Shah and who in turn became the target of Mirza
Makhdum's counterschemes, was none but Husayn al-Mujtahid
(d.1001/1592-3), the maternal grandson of al-Karaki. The Shah
believed that "Mir Sayyid Husayn," as he was called, and the
Astarabadis with whom the Karakis enjoyed marital and
friendship ties, turned the Qizilbash against him.\textsuperscript{174} Well-

\textsuperscript{171} Roemer, "The Safavid Period," 252.
\textsuperscript{172} Munshi, \textit{The History of Shah 'Abbas}, vol.1, 318-319.
\textsuperscript{173} See al-Karaki, "Fatawa Khatam al-Mujtahidin" in \textit{Rasa'il al-Muhaggig
\textsuperscript{174} Munshi, \textit{The History of Shah 'Abbas}, vol.1, 237, 319. Mir Sayyid
'Ali, the \textit{khatib} of Astarabad, was among the "zealots" criticized by
Munshi for going beyond reasonable limits in enjoining the good and
forbidding evil. Munshi openly doubted his sincerity and credibility.
The close exchange between the 'Amilis and the Astarabdis goes further
back to the late fifteenth and early sixteenth century. Three of the
aware of the distinguished status which several of the 'Amili 'ulama had obtained at the time of his father, Shah Isma'il II protested: "Through praise and hypocrisy, they [the 'ulama] deceived my father; I will not be deceived by them." He ordered all the books of al-Mujtahid to be impounded and sealed, and for him to be evicted from his residential quarter. Along with al-Mujtahid, the Shah viewed another 'Amili scholar with distrust, namely the scribe (katib) at the court "Mir Seyyed 'Ali", or Taj al-Din 'Abd al-'Ali, the son of al-Karaki. In a Persian treatise written as a commentary on the biography of Baha'i by one of his students, it is indicated that Shah Isma'il II made an attempt against 'Abd al-'Ali's life, after which the latter fled from Qazvin to Hamadan to escape the Shah's wrath.

Husayn al-Mujtahid, however, could not be easily thwarted and unlike his maternal uncle 'Abd al-'Ali, decided to remain in Qazvin. Charged with exceptional power under Shah Tahmasp he must have become the confidant of some courtiers, who would approach him with "all the knotty problems which no one could solve, not even the royal princes", and his requests were invariably accorded. He


commanded the court secretaries and assistants to inscribe a list of titles for his seal which was to be attached to legal documents. Among these titles were the following:

The leader of the verifiers of the truth, the authority of those versed in the fine points of the law, the inheritor of the world of the Prophets and Messengers, the Seal of the mojtabahds. 178

Although his name became strongly associated with the reign of Shah Isma'il II, a considerable period of al-Mujtahid's life was spent in the service of Tahmasp who extended to him great deference and esteem. When the news about Shah Tahmasp's death went out,

representatives of the doctors of religion and the law, led by Mir Seyyed Hoseyn Jabal 'Ameli the mojtabahd, at the request of the emirs went to the palace, washed the Shah's body according to the dictates of canon law, and buried it at Yort Sirvani, between the harem garden and the palace. 179

At least from 979/1571-2, al-Mujtahid, was among the few and select 'ulama upon whom Shah Tahmasp bestowed exceptional privileges, to the extent that none dared to criticize him openly for his notorious assumption of pompous titles which he insisted should be attached to his name as well as his claim to supreme ijtihad. 180 Al-Mujtahid, this new "breed" of 'Amili scholars, not only advanced his scholarly credentials and legacy as a descendant of al-Karaki but manipulated the "pedigree-conscious" society he lived in, being eager to show

178 Ibid. Munshi, unlike Khwandamir, compares Husayn al-Mujtahid to Iranian and Arab 'ulama alike. Although he is uneasy about al-Mujtahid's pompousness, he would assert that the latter exceeded Arab and Iranian 'ulama in "eloquence of expression".
179 Ibid., vol. 1, 205.
180 Ibid., 204; Qadi Ahmad Qummi, Khulasat al-Tavarikh, ed. & trans., Hans Muller, (Weisbaden, 1964), 6, 13, 17, 93.
both his newly acquired noblesse and his descent from the line of the Prophet (siyada).

So great was the moral import which the status of a sayyid carried in the eyes of Shah Tahmasp, that not only did a number of them occupy the highest ranks in his service but some also "attained a degree of intimacy never before reached by anyone in the service of any prince."\textsuperscript{181} Similarly, during the enthronement ceremony of Shah Isma'IL II (984/1576-986/1577-78), sayyids, 'ulama and mujtahids were the first to follow after the royal princes in the ceremony of kissing the Shah's feet. Walking behind them were other high-ranking emirs, the Qizilbash nobility, the viziers and other members of the bureaucracy.\textsuperscript{182} Being both a descendent of the celebrated al-Karaki and a sayyid with great command and an obvious following, al-Mujtahid could not be easily eliminated by Shah Isma'IL II or his allies. It is not surprising then that Shah Isma'IL II, who severely castigated most of the performers of ritual cursing (tabarra'is) by mutilating parts of their bodies, could not exact a similar punishment on al-Mujtahid.\textsuperscript{183}

In his treatise "Al-Nawaqid", Mir Makhdum saves his most severe and zealous outbursts for al-Mujtahid, noting that "the hearts of the Qizilbash inclined toward him, for until now he is an obeyed mujtahid in their eyes".\textsuperscript{184} This is but one of the few historically-revealing statements made by Mir

\textsuperscript{181} Munshi, The History of Shah 'Abbas, vol.1, 229.
\textsuperscript{182} Ibid., vol.1, 307.
\textsuperscript{183} Mir Makhdum al-Sharifi, "Al-Nawaqid," folio 107b.
\textsuperscript{184} Ibid., folio 102a.
Makhdum amidst the proselytizing and deliberate recasting of the events of that period. Mir Makhdum is most disdainful of the claim to general deputyship (da'wa al-niyaba al-'amma) that a number of 'Amili 'ulama, including al-Mujtahid, assumed and who issued "more than 20,000 false fatwas that no one can understand but him!" Here and elsewhere the exaggerations abound but we can still salvage the facts that, first, al-Mujtahid enjoyed excellent relations with Qizilbash leaders, and second, Shi'ite and Sunnite 'ulama alike voiced their resistance to claims of authoritative ijtihad. Mir Makhdum and other scholars inaccurately presumed that such resistance stemmed exclusively from a Sunnite position. On the one hand, as we pointed out in Chapter One, al-Shahid al-Thani pursued his own ijtihad efforts which ran counter to all Sunnite madhhab, and on the other, the content of "Sunnite" and "Shi'ite" ideas are developmental and constantly changing which makes it difficult to see them as final and definite theological vantage points.

On one occasion, Shah Isma'il II decided to do away with the inscribed names of the Twelve Imams on the coinage. To test the limits of his authority, he expressed his views among the princes, notables and military leaders, deceivingly stating that he feared the Imams' names will be disgraced were they to fall in the hands of infidels. Instead he

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185 Ibid., folio 101b, 102a.
186 Ibid., folio 110a. Al-Shahid al-Thani rejected al-Karaki's insistence on the presence of the designated mujtahid-deputy of the Imam for convening Friday prayer during Occultation and called for its obligatory implementation. Al-Sharifi interpreted it as a Sunnite position stemming for al-Shahid al-Thani's residence in Ottoman Syria.
advised that the inscription be that of the royal tax (ghurma). Of all those present al-Mujtahid decided on a strategy to prevent such change, advising the Shah to inscribe a poetry verse by the famous Persian poet Mawla Hayrati which includes the cursing of the three caliphs. Infuriated but cautious, the Shah was forced to dismiss the subject lest it incurs the support of several courtiers. He decided, however, on a plot to murder al-Mujtahid by imprisoning him in a hot bath which the latter was able to survive. But the Mujtahid could not be dissuaded from supporting the retinue charged with roaming the city, cursing 'A'ishah and the three caliphs, a practice known by (tabarra'iyyun), declaring

I will never renounce it [tabarra'iyyun], even if the Shah were to kill me, let him do so then our successors will say: "Another Yazid had killed another Husayn who committed no sin, and they will curse him the way they cursed the first damned ignoble Yazid!"187

Al-Mujtahid's entanglement in the empire's internal political affairs went beyond the defense of the Shi'ite creed to a search for possible substitutes for the Shah. Sultan Ibrahim Mirza, the nephew of the Shah, "a most talented and cultured man, an artist, outstanding musician and poet" seemed to have been strongly favored by al-Mujtahid, and he secretly endorsed him as an alternative candidate for the throne.188 Al-Mujtahid's plans took form at a time when the Qizilbash were already disconcerted about

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both the Shah's deviation from the path of his forefathers and his severe and extensive measures against a large number of royal princes and officials. As one example, Bolgar Khalifa, who occupied the high position of khalifat al-khulafa, was reprimanded by Shah Isma'il II and cast as a "simple-minded Turk" for having argued in support of ritual cursing of the three caliphs. Some of the Shah's loyal officers informed him that Bolgar Khalifa was made to memorize this argument in the presence of Sultan Ibrahim Mirza, Mir Sayyid Husayn the mujtahid, and Khwaja Afzal. The Shah felt his position was becoming increasingly precarious, knowing that the 'ulama, led by al-Mujtahid and allied to the Qizilbash emirs, and some royal members and their adherents among the Persian notables were advocating Sultan Ibrahim Mirza as his own replacement. The Ustajlu Qizilbash, whose regions were virtually razed by Shah Isma'il II for their support of Haydar Mirza, were but one constituency grossly alienated from the Shah.\footnote{Michel Mazzaoui, "The Religious Policy of Safavid Shah Isma'il II" in Intellectual Studies on Islam: Essays Written in Honor of Martin B. Dickson, eds. M. Mazzaoui & V.B.Moreen, (Utah, 1990), 53.} A fundamental grievance among the other malcontents, however, was the Shah's economic policy, illuminated by Michel Mazzaoui, which rested on the sequestering land grants (suyurghals) from the sayyids and the Shi'ite 'ulama.\footnote{M. Mazzaoui, "Religious Policy," 53. Mazzaoui's insightful analysis is based on a brief statement made by Rumlu in Ahsanu-t Tavarikh.} Upon the Shah's commands, Prince Ibrahim Mirza was murdered in Qazvin.\footnote{Munshi, The History of Shah 'Abbas, vol.1, 318.} Quick to suspect any conspiracies against him, the Shah took severe measures
toward any family members suspected of aspiring to the throne. As such, he put to death several of his cousins and all his brothers except one on the basis of pure conjecture. Previous to that, and driven by pure suspicion, he had ordered the execution of several royal princes including six in Qazvin. The Shah's timely death from poison or intoxication alone saved prince 'Abbas Mirza, the future Shah 'Abbas I, from assassination at the hands of 'Aliqoli Khan, the governor general of Herat, in compliance with the Shah's wishes.192

Some evidence exists about the congenial ties between the 'ulama - among whom was no doubt al-Mujtahid - and the Qizilbash even before the rise of Shah Isma'il II to power. Under the reign of Shah Tahmasp the 'ulama came to play a mediatory role between him and a Qizilbash official who fell from the favor of his "perfect guide" (murshid-i kamil), that is the Shah.193 During an insurrection in Gilan in 979/1571-72, Bektash Beg, the son of the governor of Gilan Allah Quli Sultan was accused of dereliction of duty. The Qizilbash Sufis, who normally acted collectively in punishing a miscreant among their own ranks, forbade him to enter the palace gates. For three months, Bektash Beg would wait at the palace gates imploring the Shah for forgiveness, but to no avail. Finally, the sayyids and prominent 'ulama interceded on his behalf during the month of Ramadan and succeeded in gaining the forgiveness of the Shah who offered him

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192 Ibid., 324.
193 Ibid., 187-8.
permission to leave the palace in peace. The Shah did not harm him and the Takkalu tribe was only able to put Bektash Beg to death after the Shah’s death. Naturally, these 'ulama must have been well connected to both parties, the Shah and the Qizilbash, in order to undertake let alone succeed in their mediatory role.

The resistance to Shah Isma’il II, overtly projected as one against Mirza Makhdum al-Sharifi grew much stronger, especially when 12 gurchis exacted a deadly beating on the tabarra’i Darvish Qanbar for interrupting the sermon of Mirza Makhdum by reciting two verses which allude to cursing.194 The incident stirred up anger and grief among the populace after which Qizilbash loyalty to the Shah, already shaken, was on the wane. In a last attempt to hold the reins of power and appease the Qizilbash and his people, the Shah arrested Mir Makhdum, and refrained from any discussion of religious affairs during his own assemblies. But already a group of Turcoman and Takkalu emirs was plotting to remove him and enthrone Sultan Hasan Mirza, son of Muhammad Khudabanda, who was residing in Tehran.195 In circumstances that remain largely vague the Shah was found dead. Few attributed it to natural causes, but many believed he was poisoned either by Pari Khanom or some Qizilbash emirs who grew weary of his actions.196

Different explanations have been proffered for the Shah

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194 Ibid., 319.
195 Ibid., 323.
196 Ibid., 325-7. Munshi seems to believe that he was murdered.
Isma'il II's assumed reinstatement of Sunnism. One precarious explanation gives weight to his dependence on drugs during the 18 years of his imprisonment in the fortress of Qahqaha, which caused severe mental and psychological impairments that led him to oppose the previous Safavid policies. Roemer, on the other hand, argued that his change of policy was a manifestation of hostility toward his father and thus toward the latter's efforts at spreading Twelver Shi'ism.\footnote{Roemer, "The Safavid Period," 251.} It is more accurate to conclude, however, that Isma'il II may have aspired for a rapprochement with the Ottomans for various economic or political considerations, and he had accordingly cooperated with Persian notables of Sunnite leanings. It is equally possible that he resented the Shi'ite clerics' increasing power which he sought to minimize through a re-admission of Sunnism to Iran.\footnote{Ibid., 252; See also Gholsorkhi, "Isma'il II," 485.} Arjomand accurately concluded that none of the contemporary Safavid historians like Bidlisi, a Sunnite, and Qadi Ahmad Qummi and Iskandar Munshi, both Shi'ites, considered the Shah's attempt to attract Sunnite elements fundamentally irrational.\footnote{Arjomand, The Shadow, 120.}

Crypto-Sunnites remained an element to contend with at the court, and there was no systematic exclusion of their affluent members from the state's administrative ranks. An almost silent agreement existed that as long as no overt expression of their views was evident, no real harm would befall them. In Munshi's words, it was only when Mir Makhdum
exceeded reasonable bounds in regard to his Sunni beliefs and made no effort to conceal them, he was eventually unmasked as a Sunni and dismissed from office."

Even later, when Mir Makhdum was suspected by the majority of the Qizilbash of being "a Sunni at heart", and despite his claims that they plotted to murder him, he did survive.\textsuperscript{201} A most illuminating section in "Al-Nawagid" is his depiction of 'Abd al-'Ali, the son of al-Karaki, whose \textit{ijtihad} efforts he ridiculed but who had an unrestrained demeanor, a knowledge in some questions of [Shi'ite] \textit{usul} and \textit{furu'}, an agreeable nature, and a compromising approach toward the [Sunnite] madhab\textit{b}, so much so, that if a self-professed non-Twelver Shi'ite were to seek his help, he would not fail to shelter him and save him from harm. And is there anyone more undisguised in his Sunnism than myself? At the end of my tether when - with God's permission - I pleaded with him, may God furnish him with perfect faith and good deeds, he did not fail to protect me and knew my worth.\textsuperscript{202}

Mir Makhdum had studied with 'Abd al-'Ali and had even asked the hand of his daughter in marriage, to which he initially consented. In reaction, "the \textit{rafada}", criticized him and prevented the marriage. For his part, 'Abd al-'Ali had "forced the Shah [Tahmasp] to appoint him (Mir Makhdum) for the \textit{gada}' of all the Persian provinces", for the Shah had to fulfill the requests of "the mujtahid son of the mujtahid, in whose Imamate he almost believed!"\textsuperscript{203}

Evidently, Mir Makhdum's autobiographical notes paint a complex picture of the socio-religious exchange among Shi'ite

\textsuperscript{200} Munshi, \textit{History of Shah 'Abbas}, vol.1, 237.
\textsuperscript{201} Ibid., 314; Gholsorkhi, "Isma'il II," 483-4.
\textsuperscript{202} Mir Makhdum al-Sharifi, "Al-Nawagid," folio 102a-102b.
\textsuperscript{203} Ibid., folio 102b.
and Sunnite scholars. Despite his pro-Ottoman "advertising" tone and persecution hyperbole, Mir Makhdum shows us the significance of the Sunnite elements at the highest levels of government in the early Safavid period. Our observations confirm those of Rosemary Stanfield Johnson, who successfully showed how problematic it is to "describe the sectarian tension of this period, as a whole, as simply 'Shi'i-Sunni' or as the product of the Safavid revolution." In fact, Sunnites remained a force to be reckoned with as members of the bureaucracy at the highest political levels, and it was only when they lost their "political restraint" that the state tried to take measures against them.

In brief, the 'Amili 'ulama of sixteenth-century Iran promulgated a distinctive politico-religious system of ideas, shaped by the Shahs' needs and the shifting power of the upper social strata, characterized for the most part by Tajik-Turkoman binarism. The early Safavid reign witnessed the most unrestrained advances in the prerogatives of the Shi'ite faqih, only to trigger resistance from other clerics and the Iranian aristocracy. Of all the Safavid Shahs, Tahmasp placed the greatest trust in the 'Amilis, in general, and the Karakis, in particular, who with periods of marked Qizilbash ascendancy were able to embellish their roles as mujtahids against resistance from the ranks of the 'ulama and the Iranian elite. Like other high-ranking clerics, the

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'Amilis' outlook was conditioned by historical circumstances that signalled a Shi'ite future for the Safavid empire and the transition from a communally-practiced Shi'ism to a state-operated Shi'ism. The material and social changes emanating from their association with the Safavids which affected the clerical class have made the earlier Shi'ite belief in the suspension of temporal authority almost moot. The fundamental legal and doctrinal points projected by the Safavid-appointed 'Amilis served the threefold purpose of legitimizing the state's authority rather than the Shahs' divine rights, harmonizing ideological Shi'ite links between the concepts of state and society, and promoting the social interests of the clerical class. 'Amili and Shi'ite political alliances and complex religious controversies clearly cut across ethnic and religious lines and were primarily overshadowed by socio-economic considerations. But far from still determining the course of religious change in modern Iran, the 'Amilis operated within the already established and historically unique confines of the Safavid world. As a dialectical process, their thought and legacy were nurtured by the historical factors of that juncture, and in a semi-autonomous manner, influenced the character of Iranian society.
CHAPTER 3

'AMILI CLERICAL AUTHORITY IN TRANSITION: FROM SHAH 'ABBAS I (996/1587-1038/1629) TO THE LAST SAFAVIDS

This chapter carries our historical inquiry into the social and political context of the 'Amilis-Shahs relations from the period of Shah 'Abbas I (995/1587-1038/1629) until the demise of the Safavid empire in 1149/1736. As we enter the seventeenth-century, we encounter shifting class boundaries, a restructuring of the relations between the ruling elite and the state, and a redefinition of monarchical sovereignty and clerical leadership. In comparison with the sixteenth century, where no more than 20 immigrant 'Amili jurists could be counted, around 130 'Amili immigrants of the first, second, and third generation appear during the seventeenth century.¹

In the period following the death of Shah Isma'il II, 'Amili names seemed to have receded from the court analis, and even the flamboyant Shaykh-i Baha'i was faintly recognized by Shah Sultan Muhammad Khudabanda (985/1578-995/1587). With the ascent of Shah 'Abbas, the fortunes of Jabal 'Amil's legal experts rose anew encouraging the migration of the established scholar Lutfullah al-Maysi (d.1032/1622-23) and his family from Jabal 'Amil to Isfahan. Shah 'Abbas employed and/or recognized the largest number of 'Amili jurists, the most prominent of which are discussed in this chapter, namely, Baha' al-Din al-'Amili, known as Shaykh-i Baha'i

¹ See appendix A.
(d.1030/1621), Muhammad Baqir b. Shams al-Din Muhammad Astarabadi, known as Mir Damad (d.1041/1631-2), Ahmad b. Zayn al-‘Abidin al-‘Alawi (d. 1054/1644), Lutfullah al-Maysi and his son Ja’far, and Muhammad b. ‘Ali b. Khwatun al-‘Amili (d. around 1111/1699). All of them owed their positions to the Shah himself who was able to centralize the state’s authority after subduing the Qizilbash. Enormously weakened, the Qizilbash could not pretend to boost the ‘Amilis’ positions nor play a major part in the court alliances as they did in the early sixteenth century. In a relaxed intellectual milieu, Shah ‘Abbas entertained selective Sufi and philosophical inclinations that reinforced legal expertise and commitment to the administration of shari‘a in the daily lives of Iranians. The political order he envisaged was as much revealed in Isfahan’s art and architecture as it was remolded and negotiated in his jurists’ legal literature.

With the rise of anticlerical sentiments under Shah Safi I (1038/1629-1052/1642) and Shah ‘Abbas II (1052/1642-1077/1666), descendants of al-Karaki, namely Mirza Habibullah b. al-Husayn al-A’raji al-‘Amili (alive in 1050/1640) and his son Mirza Muhammad Mahdi (d.1080/1669) find their way to the state’s sadarat and vizierate away from the religious seminaries. As the seventeenth century comes to a close, ‘Amili scholars continue to be welcomed into the Shahs’ courts, but the posts they occupy become less significant or they face serious competition from local Iranian clerics. This is illustrated in the cases of Muhammad al-Hurr al-

The Qizilbash Political Resolve and the Downfall of Mahd-i 'Ulya (d.987/1579)

Shah Sultan Muhammad Khudabanda came to power amidst a renewal of Qizilbash intertribal strife and army factionalism, giving Safavid rivals a golden opportunity to overrun large regions of Iran.² The Ottomans subjugated northern Azerbaijan and most of Georgia in 986/1578 and less than a decade after, in 993/1585, the provincial capital of Tabriz was captured and the whole of Azerbaijan fell into their hands.

In 987/1579, Khair al-Nisa' Begum, known as Mahdi-'Ulya, the tenacious wife of Shah Muhammad Khudabandeh and mother of the future Shah 'Abbas, who had considerable sway in state affairs, was assassinated by the Qizilbash.³ The incident carried a clear message; the reinstatement of Qizilbash control in Safavid politics following Mahd-i 'Ulya attempts to weaken their hold on the empire's internal politics. They accused her of extending patronage to the Mazandaranis and offering them provincial governorships and grants of money.

² Munshi, The History of Shah 'Abbas, vol.1, 341-2, 351-2, 356. Munshi expressed open disapproval of Qizilbash activities condemning their greed, and internal struggles as "crimes" which allowed the Ottomans to take over Safavid territory including Shirvan. On one occasion, Munshi noted that Mahd-i 'Ulya voiced some "reasonable criticisms" against the Qizilbash emirs, after their recapture of Shirvan in 988/1580.
³ Ibid., 367-72.
They were particularly angered, however, by the Shah's deferment to her political ambitions. Their elimination of Mahd-i 'Ulya culminated in a wave of persecution for several members of the Iranian aristocracy. Only the notables who had forged solid ties with Turkoman emirs among them, emerged unscathed.  

When Shah 'Abbas rose to the throne in 995/1587 he made sure that the seditious Qizilbash army officials would be replaced by others whose status and interests derive from their specific tie and loyalty to him.  

The reign of Shah 'Abbas introduced new contending groups into the political arena, causing a shift in the older class boundaries and eventually minimizing the power base of the Turkoman tribes. Rather than leading to a total demise of tribal Turkoman elements in Safavid history, as Roemer otherwise concluded, the major reforms of Shah 'Abbas marginalized them in the military and administrative systems.  

Qizilbash figures, instead of corporate tribal groupings reemerge, forging new forms of alliances and reshaping their relations to the Shah. With the new policies of Shah 'Abbas, the army recruited Muslim converts of various ethnic backgrounds, like Georgian, Circassian, Caucasian and Armenian. By the end of Shah 'Abbas' reign several such converts, rising from modest

7 Roemer, "The Safavid Period," 265.
backgrounds, yielded great power at the court.

Shah 'Abbas encountered a different political and economic landscape from that of his forefathers; one in which European countries, through international trade relations and commerce, were becoming a force to reckon with. He concluded a peace treaty with the Ottomans, namely the Peace of Istanbul on March 21, 998/1590 which ended, but for a while, a twelve-year hostility between the two parties. The treaty deprived Persia of much of the Safavid territories, including Tabriz. In 1011/1602–3, however, he regained almost all Safavid territory, and eventually concluded another peace treaty with the Ottomans ensuring the same terms of the treaty of Amasya promulgated under Shah Tahmasp.\(^8\) Soon, Shah 'Abbas I turned to the Uzbeks who had occupied Khurasan for almost ten years. After "a number of inconclusive campaigns" against 'Abd al-Mu'min Khan, son of 'Abdullah Khan Uzbek, the Safavids succeeded in regaining Khurasan's two capitals, Herat and Mashhad in 1007/1598–9 and reaffirming Safavid sovereignty.\(^9\) But the Shah still had to deal with his domestic foes and waves of internal rebellions in Isfahan, Shiraz, Kirman, Gilan, Mazandaran, and Lorestan.\(^10\)

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\(^8\) Munshi, *Shah 'Abbas*, vol.1, 540-1.


\(^10\) Munshi, *Shah 'Abbas*, vol.1, 539.
Shaykh-i Baha'i (d.1030/1621): The Clerical Vocation and Social Animus

The reign of Shah 'Abbas marked the zenith of 'Amili eminence in Iran and the last phase of their close association with the Safavid court. No scholar of a 'Amili background, however, had achieved in Iran the posthumous acclaim of Baha' al-Din al-'Amili, better known in the Iranian context as Shaykh-i Baha'i (d.1030/1621). Baha'i was born in Ba'labak proper in 953/1546 to the northeast of the family's hometown Juba' in Jabal 'Amil.\textsuperscript{11} He was around 6 or 7 years old when his father migrated with the family to Iran as we explained in the earlier chapter. The advise his father gave him in the ruba'iyya he sent from Bahrain, must have left its imprint on his thought and shaped the nascent traits in his personality.\textsuperscript{12} From his Kashkul which includes sketches of his travels, comes forth the self-image of a pious austere scholar roaming in the clothes of a dervish and enduring the harshness of travel to acquire the knowledge and spiritual fulfillment that court posts could not offer. His wish to retreat from public office was strongly embellished in Munshi's account. He,

relinquished these offices [in Isfahan] in order to go on the pilgrimage to Mecca and on his return adopted an austere, ascetic way of life. He took to traveling on his own, dressed as a dervish, in Arabian Iraq, Syria,

\textsuperscript{11} Lu'lu'at, 26; A'yan, vol. 6, 56, 58-9.
\textsuperscript{12} A'yan, vol.6, 60. The ruba'iyya was discussed in chapter 2.
Egypt and the Hejaz. He also visited Jerusalem.\textsuperscript{13} This goal, one would find, was truly what Baha'i aspired to embrace but to which he was not altogether faithful. Andrew Newman correctly noted that Baha'i was not as divorced from the political and social affairs of the dynasty as it was implied by the image of the dervish-like traveler roaming for years outside Iran.\textsuperscript{14} As it was further established by Devin Stewart and Dalal 'Abbas, Baha'i's travels outside Iran could not have taken more than two years and a half.\textsuperscript{15} At a young age, he was very much part of the court's scholarly circles, and in 984/1576, after the death of Shaykh 'Ali al-Minshar, his father-in-law, he assumed the post of shaykh al-Islam and supervised the application of religious law as vakil-e halaliyyat in Isfahan.\textsuperscript{16} Some sources suggest, however, that his first official post was actually in Herat as shaykh al-Islam or the administrator of religious law, filling the gap left by his father's departure for pilgrimage around

\textsuperscript{13} Munshi, Shah 'Abbas, vol.1, 248-9; Isfahani, Khuld-i Barin, 434-5.


\textsuperscript{15} See Devin Stewart, "Review of C.E. Bosworth, "Baha' al-Din al-'Amili and His Literary Anthologies," \textit{Studia Islamica} 19(1990): 275-82; "Taqiyyah as Performance: The Travels of Baha' al-Din al-'Amili in the Ottoman Empire (991-93/1583-85)", Private Circulation (Published also in \textit{Princeton Papers}, Department of Near Eastern Studies, Princeton), 1-88; Dalal 'Abbas, \textit{Baha' al-Din}, 117-138. Stewart drew out in detail, the biography of Baha'i, showing that the thirty-year period of travel attributed to him by Ibn Ma'sum in \textit{Sulafat al-'Asr} cannot be corroborated by any solid data. Stewart believes that Baha'i's entire journey in Ottoman lands took less than nineteen months. 'Abbas dealt in depth with this issue arriving at conclusions similar to Stewart's, closely investigating the motives and establishing that Baha'i's travels within and outside Iran took four years. See Appendix

\textsuperscript{16} \textit{Amal}, vol.1, 155-60; \textit{Riyad}, vol.5, 88-97; \textit{A'yan}, vol.9, 234-49; \textit{Lu'lu'at}, 16-23; \textit{Rawdat}, vol.7 (Beirut, 1411/1991); Shah 'Abbas, vol.1, 247-9.

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983/1575.\textsuperscript{17} We do not seem to know a lot about Baha'i's engagements or whereabouts in the period following his father's departure. It is possible to conjure though, that during the reign of Shah Isma'il II and in the aftermath of his murder, Baha'i remained aloof from the dynasty's affairs, somewhat engulfed with a sense of frustration and restlessness. He had dedicated a Persian treatise, "Awzan-i Shar'i" (Legal Meters), to Shah Muhammad Khudabanda during his early reign in 985/1577-8 but did not succeed in becoming the foremost scholar of his court.\textsuperscript{18} The Shah must have been well-acquainted with him, for during the former's youth in Herat, he sat through the Friday sermons of Baha'i's father, and was instructed by him in Shi'ite doctrine. Yet, we have no hint that the Shah extended but a common appreciation of Baha'i's talents.

Baha'i spent around two years voyaging through Iranian territories from 988/1580 until 990/1582.\textsuperscript{19} Following that he embarked on a trip into the Ottoman provinces, consulting

\textsuperscript{17} Rawdat, vol.7 (Iran, 1392), 58; Riyad, vol.5, 88-97; A'yan, vol.9, 234-49. Husayn b. Haydar al-Karaki stated that together with his teacher Baha'i, they had traveled to Herat "allati kana sabigan huwa wa-waliduhu fiha shaykh al-Islam" (where he and his father were shaykh al-Islam). Stewart felt that the Arabic structure of this statement was peculiar, and devised a different syntactical order that would eliminate the possibility of Baha'i's assumption of this post in Herat. In our view, despite the vagueness of the Arabic account, it is difficult to justify the alteration of the word order and Baha'i might have actually served as shaykh al-Islam in Herat but only for a short period of one or two years which explains Munshi's silence on it. See Stewart, "A Biographical Notice on Baha' al-Din," 563-71; See 'Abbas, Baha' al-Din, 115-6.

\textsuperscript{18} The treatise is also known in Arabic as "Mizan al-Maqadir" and "Al-Tuhfa". It is divided into twelve chapters dealing with units of weight, the quantity of water and the like. See al-Dhari'a, vol.23, (Beirut, 1983), 321.

\textsuperscript{19} 'Abbas, Baha' al-Din, 124-6.
their scholastic circles where his outstanding merits had already been discovered. Stewart suggested a number of motives for Baha'i's journey, two of which are highly illuminating, namely, the need to adopt a more ascetic lifestyle, and to expand his knowledge by interacting with reputed Sunnite scholars from Egypt, Jerusalem and Syria, following in the footsteps of renowned 'Amilis.  

20 The trip brought him fame and prestige in the eyes of scholars and followers alike who were eager to study and controvert with him.  

21 We should add, however, to these motives, the argument of D. 'Abbas that Baha'i was disappointed with the lack of attention he received from the two Shahs succeeding Shah Tahmasp, and the incessant tribal wars that weakened the empire. In a poem that Baha'i wrote in 1001/1592 to Sayyid Mir Rahmatullah al-Fattal al-Najafi, a close acquaintance of his father and the past prayer leader of Shah Tahmasp's camp, D. 'Abbas illuminated Baha'i's perturbed state of mind.  

22 The poem which she traced to this period is filled with a sense of betrayal and despair which he felt he could only resolve by travel. Decanting the anguish of an agitated soul, he wrote,  

I will wash off the filth of humiliation with a revival

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20 Stewart, "Taqiyyah as Performance," 8-9. Stewart hinted at the possibility that his travel was an "escape from some political problem in Iran, involving either the Shah or some other important political figure".
22 Ibid; 'Abbas, Baha' al-Din, 117-9, 139-40; A'yan, vol.6, 469. Mir Rahmatullah who resided in Isfahan was a student of al-Shahid al-Thani and was considered an outstanding scholar in jurisprudence and the Qur'anic exegesis.
in which settling is less and wandering is more. 23

Travel carried a mixed task, combining study, pilgrimage, and an escape from current frustrations.

A grim view of public office and scholastic leadership embroiled in social competition and royal whims remained vivid through his writings. He proclaimed: "If my father had not come to Iran, I would not have been afflicted with the company of the Shah".24 The Sawanih Safar al-Hijaz better known as Nan va Halva, most of which was composed during his trip to Hijaz, provide an introspective dimension into his personal worries and conflicting urges. In one of his "sawanih" (thoughts) which he composed during his travel to the Hejaz he reflected,

The companion of the king is envied among the select and the commoners alike, but in reality he is doomed by what he receives of numerous veiled solicitudes which people can neither detect nor encompass in their vision. For that reason, wise men had said: "The weilder of power is like the rider of a lion, for when it seems that the lion is the rider's horse in reality the rider is the lion's horse!" 25

Many were the instants when he expressed a nostalgic urge to live simply in a manner reminiscent of his father's teacher, al-Shahid al-Thani who built his own house, and would tend his vineyard at night, and tutor during daytime. Since the time when Baha'i was warned by his father about the price he had to pay for serving the kings, he seemed constantly beset by conflicting motives. Trying to keep himself busy during

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24 A'yان, vol.9, 240; Baha' al-Din, Al-Kashkul, vol.1, 213.
25 Al-Kashkul, vol.1, 212. Baha'i included several excerpts of Sawanih Safar al-Hijaz in the first volume of Al-Kashkul.
his "long stay in Qazvin", Baha'i wrote a revealing Arabic poem, included in Al-Kashkul:

All the calamities have come together in the camp
Let us flee, let us flee
Many are the variations of their affliction
for they have no shape or limit
And futile I find the forms of my hopes
and in it, Oh Sa'd, my causes are reversed
Let us depart from them, for among them no justice can be sought
and they possess a limitless 'ujma (fault).²⁶

The poem, as 'Abbas convincingly noted, seem to be written during the period of Shah Isma'il II or the phase following his assassination. The "calamities" he witnessed in Qazvin, with the factional struggles and seemingly personal disappointments, made his hopes seem morbid. Curiously, Baha'i uses the Arabic word 'ujma, an improper pronunciation of Arabic by Persians, to depict either the faults of the Shahs, the fighting factions or some influential rivals with whom he had clashed. Baha'i who was no more than nine years old when he arrived to Iran, had grown up as an Iranian who draws upon his 'Amili descent.²⁷ He harbored profound feelings for Iran, for one cannot fail to notice the nostalgia for Isfahan reflected in his poetry, after his visits to the Arabian Peninsula, Egypt, and Syria. D. 'Abbas also furnished that Baha'i neither visited Jabal 'Amil on his trip into Ottoman territories, nor to that matter nurtured such hope, as hearsay and legend otherwise has it.²⁸ As such, the choice of the term 'ujma in the above poem is hardly a

²⁶ 'Abbas, Baha' al-Din, 118-9.
²⁷ Ibid., 93-4.
²⁸ Ibid., 132-3.
criticism of his Iranian cultural background or to that matter a rejection of it. 'Ujma is derived from 'Ajam meaning Persians and is used pejoratively in Arabic to denote deficiency, fault or misgiving. By flirting with the term 'ujma, Baha'i seemed to have consciously or unconsciously manipulated the Arab bias embedded in it, mostly to protest a failing socio-political and personal situation in Iran at that time.

In comparison to Husayn al-Mujtahid, Baha'i, at least seven or eight years after the ascent of Shah 'Abbas I to the throne, had not been recognized as the most distinguished scholar. He is mentioned only twice in Khulasat al-Tavarikh, once after Husayn al-Mujtahid and referred to as the "'Allama shaykh" and second as "khuddam-i fereshteh ihtiram Shaykh-i Baha' al-Din".29 Instead, al-Mujtahid was the foremost court 'alim of that period; a fact overshadowed by the emphasis on his connection to the reign of Shah Isma'il II. The "Mujtahid al-Zaman Mir Sayyid Husayn" was present at major official ceremonies and directly involved in resolving social and legal matters for the court Princes.30 It was not until 1008/1600 that Baha'i became shaykh al-Islam; that is after the court was moved from Qazvin to Isfahan in 1006/1598.31

29 Qadi Ahmad Qummi, Khulasat al-Tavarikh, 6, 13, 17, 93 in the Persian text & 29, 33, 36, 93 in the German translation.
30 Ibid., 93-4.
31 Roemer, "The Safavid Period," 270; 'Abbas, Baha' al-Din, 147. 'Abbas advanced the view that Baha'i was hesitant about accepting the Shah's offer of the post of shaykh al-Islam. She was unable, however, to provide evidence for it beyond a vague dream. In the dream dating to the year 1007/1599, Baha'i saw his father handing him a piece of paper upon which the eighty-third Qur'anic verse of Al-Qasas was written: "tilka al-daru al-akhira naj'aluhu lliilladhina la yuriduna 'uluwwan fi'il-ardi
As the internal social composition of Safavid society was undergoing a change under Shah 'Abbas, especially with the new policy of introducing Circassian and Georgian elements into the military, novel and thorny legal questions with respect to Muslim-Christian relations had to be addressed. It is not surprising then, that both Husayn al-Mujtahid and Baha'i produced Dhabhiyya (Slaughter Animals) treatises around that time. Baha'i wrote two such treatises, one entitled "Risala fi Hukm Dhaba'ih Ahl al-Kitab". The sense of urgency which engulfed the treatise was explained by the fact that Shah 'Abbas had requested it in order to silence the Ottoman Sultan whose envoy, at one of the court assemblies, rebuked him for prohibiting the consumption of animals slaughtered by Christians and Jews. Elucidating all the legal justifications for the prohibition, Baha'i's reply was sent to the Ottoman Sultan to circumvent the slander of Twelver Shi'ism. The ramifications of these legal opinions are unclear but on the part of Shah 'Abbas it pertained to a political concern with the Ottoman attempt to manipulate this question among the Christian Armenian and Jewish subjects, whose affluent merchants were well-connected to the court and agitate against the Safavid empire's interests. In another treatise entitled "Risala fi Nijasat Dhaba'ih al-Kuffar wa

wala fasadan wa'l-'aqiba lilmuttaqin" (That is the Last Abode; We appoint it for those who desire not exorbitance in the earth, nor corruption. The issue ultimate is to the godfearing). See Arberry, The Koran Interpreted, 401. This account seems to be an indication of the struggle Baha'i experienced either prior or after his close association to the court, as he sought the final purpose of his clerical career and religious vocation.

Sana'i'ihim" (Treatise on the Impurity of the Slaughter Animals of the Infidels and their Hand-made Objects", Baha'i proclaimed the illicitness (hurma) of the clothes, gold, silver and other items which the "infidels" make or work with. This opinion indirectly protects the business of Iranian Shi'ite artisans and laborers against possible competition from foreign sources. It may as well reflect the interests of high-ranking guildsmen and merchants. Again in Jami'i 'Abbasi, Baha'i is made to attend to other dimensions of Muslim conquest of Christian regions, giving a detailed treatment of jihad against infidels and highlighting the sanctions surrounding the status and fate of the sons and wives of Christians.  

On the internal local level, the juridical points to which Baha'i attended underscored the interests of the new converts among the military elites of Armenian and Georgian background. Shah 'Abbas approached Baha'i with eighteen legal questions on furu' which the latter briefly answered in an undated collection identified as "Pasukh-i Baha'i beh Shah 'Abbas" (The Replies of Baha'i to Shah 'Abbas). Baha'i delineated several matters of a politico-religious nature that concerned the Shah or members of his army and administration. Baha'i's replies lend us insight into the

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33 Ibid. "Risala fi Nijasat Dhaba'ih," must be a different treatise from "Risala fi Hukm Dhaba'ih," because the former includes a section on the hand-made products of Christians and Jews which the latter does not address.
34 Arjomand, The Shadow of God, 192.
problems he was asked to resolve. In one such response he stated that the Shi'ite 'ulama decreed that it is impermissible to destroy a church which takes, in the land of infidels, the place of a mosque, nor to eradicate its affairs. The act is illicit, for the church cannot become any person's property.  

In another reply, Baha'i goes to length in explaining the stand of Shi'ite law on the kinds of food permitted to Christian Georgians, and those permitted to Muslims in the presence of Georgians. He affirmed that it is not obligatory to forbid Christians, more specifically Georgians, from eating pig's meat or drinking wine. He found it permissible for Muslims who happen or are forced to live around Christians, or find a benefit for Islam in that, to commingle socially with them. It is also permissible for Muslims to dissimulate by declaring that they eat pig's meat and drink wine. Yet, it is impermissible for them to consume these items for whatever benefit, because they loose their rewards by weakening the Islamic faith. Similarly, he expounded the conditions under which it is possible to consider grape syrup, honey, or vinegar to be religiously pure, if offered to a Muslim by a Georgian.

Baha'i also tackled older legal matters in the light of new social developments and complexities. In one section of this collection of treatises, Baha'i explained the legal rulings concerning the possessions and inheritance of the

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37 Ibid., folio 2.
38 Ibid., folio 3.
deceased slave and the rights of his owner and family members. The remainder of the treatise deals with diverse topics including prayer, the legal period of waiting for a woman before remarrying (‘idda), the reasons behind forbidding the making of bamboo and rattan canes among Shi'ites. As the Safavid jurists were diligently instilling systematic Shi'ite rituals, high-ranking officials were making more inquiries about such rituals and calling for constant reinterpretations in the legal dictums. Baha'i was consulted by the governor of Gilan on two contradictory legal ahkam pertaining to fasting, which he skillfully resolved in his risala, known as "Pasukh-i Baha'i beh Hakim-i Gilan". Baha'i decreed that tooth picking (takhil) was impermissable for the fasting person and yet it is possible to fulfill the conditions of fasting even if part of what was in the mouth had reached the stomach. As such, Baha'i attempted to bridge and reconcile two somewhat contradictory fatwas that caused some confusion to the 'ulama in Gilan.

The more fame Baha'i reaped, the more restricted he became by the protocol of courtly life. Nowhere is this constraint more evident than in the Shah's attempt to regulate and control his 'ulama's relationship to the Sufis and dissenters. Tunikabuni has it that Shah 'Abbas was informed that Baha'i, then the shaykh al-Islam, frequented

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39 Baha' al-Din al-'Amili, "Pasukh-i Baha'i beh Hakim-i Gilan," or "Javab-i Shaykh-i Baha'i beh Hakim-i Gilan," in 'A. Ha'iri & others, in Fihrist-i Kitabkhana-yi Majlis-i Shuray-i Milli (Tehran, 1305-57 sh.), collection 1805, no. 57, 9:281-2. This work is also known as "Al-Jam' wa al-Tawfiq bayn al-Fatwayayn".
40 Ibid., folio 1-2.
the quarters of the poor, commingling and spending time with them. It was usually from amidst such depressed social sectors that popular protest and challenges to the official interpretation of religious and political legitimacy erupted. Disturbed by such news about Baha'i, that must have seemed not merely uncanny, but threatening to the Shah, he approached Baha'i saying,

I have heard that one of the great scholars commingled with the poor and the vile in their cottages which is improper." Baha'i answered: "This is not true, for many are the times I spent in these places and it never happened that I encountered any such scholar there!".\footnote{41}

Although Baha'i enjoyed a fair relationship with the Shah, many were the times when he doubted the worthiness and religious value of the service he rendered to him. For despite the Shah's public acts of piety, he was still entangled in the diversions of the royal family, namely wine-drinking, drugs, and various other forms of entertainment like dancing, singing and the like.\footnote{42} So fond was the Shah of alcohol, that he ordered his personal doctor to compose a work on its benefits and the mannerism of wine-drinkers.\footnote{43}

Moreover, marihuana houses (kokenarkhaneh) were only forbidden around the time of death of Baha'i to be readmitted

\footnote{41} Muhammad Mu'min Tunikabuni, Qisas al-'Ulama, (Tehran?/1296/1879), 184; A'yan, vol.9, 236-7.
\footnote{42} Nava'i, Shah 'Abbas: Majmu'ayi Asnad-i, vol.1, 168; Munshi, Shah 'Abbas, vol.2, 1038-9, 1111; Qisas al-Khagani, 186,189. Major Safavid chronicles depict Shah 'Abbas as a pious man who expressed a strong commitment to religious affairs in accordance with Twelver Shi'ism. He is famous for his charity during the month of Ramadan, and his numerous visits to Shi'ite shrines and holy places like Mashhad, Karbala and Najaf.
\footnote{43} 'Abbas, Baha' al-Din, 72-3; Falsafi, Zindigani-ye Shah 'Abbas, vol.2, 52-3.
after the death of the Shah.44 Shah 'Abbas was also known to celebrate the Lights' Festivity, an occasion he improvised and held at random dates during the year.45 During the festivity, a myriad of lanterns and torches were lit while foreign ambassadors, merchants, and travellers were invited to a high lighthouse from where the lights could be clearly seen. In 1018/1609, the Shah decided to hold this festivity during 'Ashura, the tenth of Muharram sacred memorial, infuriating the Shi'ite clerics. Yet, where Shah 'Abbas had maneuvered and regulated the power of his jurists, few possessed the courage to oppose him. Baha'i, however, did not hesitate to confront him with his impermissible conduct, possessing enough leverage to deliver such moral counsel. When Safi Mirza, the son and successor-designate of Shah 'Abbas was killed under his father's order, he remained in mud for four hours, until Baha'i ordered that his body be carried away, washed and properly buried. Baha'i blamed Shah 'Abbas for his henious act in words that left him with a deep remorse throughout his life.46

One of the major themes that run through Gorbeh va Mush, Baha'i's popular literary work, is the occasional naivete of sovereigns who succumb to the deceit of their courtiers or offer patronage to unworthy claimants to wisdom. This is clearly illustrated in the story of the king of Khurasan who was greatly moved by a poor recital of defective poetry by

one of the novices of a famous dervish. The king rewarded the novice with a good sum of money. The dervish concluded that he could gain more material rewards than his student where he to recite proper, metrically-accurate poetry. When the monarch heard his poetry he condemned him to death. In order to save his life, the dervish claimed that he could perform miracles and told the monarch that he will make him a magnificent turban that only those of well-known descent, that is non-bastards, can see. The vizier and the courtiers who saw no traces of such a turban praised it, nonetheless, lest they be accused of bastardy. To the monarch, they elaborated on the unique craftsmanship that went through the making of this turban which he was unable to see. The gullible monarch was led to doubt his own origin until his mother warned him about the treachery of his courtiers and the circumspect claims of the dervish. The dervish admitted that he had fabricated the story of the turban to save his life. The monarch dismissed his deceitful vizier and appointed the dervish in his place! In Baha'i's opinion, the monarch's good deed (ihsan) to the ill-deserving officials and people is stupid and erroneous, but forgiveness for minor errors is magnanimous and becoming. Gorbeh va Mush also offers a model for the ideal ruler in the person of Sultan Mahmud the Ghaznavid, and his shrewd and just vizier,

47 Baha' al-Din al-'Amili, Majmu'a-yi az Athar-i va Ash'ar-i Shaykh-i Baha'i: Falnameh, Gorbeh va Mush, Ghazaliyyat, Nan va Halva, Shir va Shekar. Introduced by Sayyid Muhammad Suhufi (Qum, 1371/1992). Baha'i also points to the susceptibility of the viziers to the "folly" of the Qalandars and their tricks. See pages 190-191.
Hasan Maymundi.⁴⁸

Baha'i occasionally faced the criticism of competitors from among the 'ulama and the local elite but we are kept in the dark about the nature and background of these oppositions and conflicts. During the convening of one of the "courts of high standing and eminent assemblies", an anonymous figure who kept a pretense of fealty to Baha'i, lambasted him behind his back, and attributed to him several flaws.⁴⁹ When this anonymous person realized that Baha'i was informed about his lashings, he immediately apologized and expressed his remorse. There are other clues of such friction on the one hand, and the Shah's attempts to manipulate them, on the other. Baha'i's poetry revealed that, at least once, the Shah undermined his scholarly stature and showered visible recognition on another rivaling 'alim. Protesting to the Shah, Baha'i wrote,

I heard through the wind that the Shah had compared me to others,
From whose imaginary existence, a hundred disgrace befalls me,
You know not my worth, so sell me not for little,
The Baha'i is who I am, and great is my worth.⁵⁰

A towering figure of Shah 'Abbas' court with whom Baha'i was destined to share preeminence and wide acclamation, was the scholar and philosopher, Mir Muhammad Baqir Astarabadi, who adopted the pen-name of Ishraq, but is best known as Mir

⁴⁸ Baha' al-Din, Majmu'a-yi az Athar-i.
⁴⁹ Baha' al-Din, Al-Kashkul, 210-1.
⁵⁰ 'Abbas, Baha' al-Din, 195-6. The poetry lines read in Persian as such: "Keh bandeh ra yeksan kardeh sheha nisbat/ keh az tasavvur-i ishan mara bud sad 'ar- To qadr-i man nashenasi mara bekan mafurush/ Baha'im man va bashad bahay-i man bisyar".
Damad (d.1040/1631-2). With him we now have a new generation of 'ulama through intermarriage (from Persian fathers and 'Amili mothers). Baha'i and Mir Damad, possibly due to their common 'Amili background and similar intellectual training, enjoyed cordial bonds even when they cherished divergent views of legal and philosophical nature. Ahmad b. Zayn al-'Abidin al-'Amili (d.1054/1644), the student and brother-in-law of Mir Damad elucidated some of these disagreements in his "Al-Nafahat al-Lahutiyya fi'l-'Atharat al-Baha'iyya", taking the side of his teacher and relative, Mir Damad against Baha'i, in the most vehement and zealous manner. Modarressi also included in his Mithalha-yi Sudur-i Safavi, that Mir Abu'l-Wali Anju, the sadr, and Baha'i disagreed over a juridical matter during their trip to Georgia with Shah 'Abbas. Since both of them were on amicable terms with Mir Damad who was residing at the time in Isfahan, they decided to ask him to arbitrate in the matter. Mir Damad took the side of Abu'l-Wali Anju and refuted Baha'i's conclusions.

The intimate friendship which Baha'i and Mir Damad maintained seemed puzzling to their contemporaries and commendable to Shah 'Abbas in whose interest lies the relative concord of his 'ulama. It is related that during one

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51 Al-Dhari'a, vol.24, 251. It has been erroneously assumed, based on Tatmir Amal al-Amil by 'Abd al-Nabi al-Qazvini, that Ahmad b. Zayn al-'Abidin was actually attacking the position of Mir Damad. Some sources also denote that several of Ahmad's works were deliberately deserted by scholars due to his intense dogmatism.
52 Husayn Modarressi Tabataba'i, Mithalha-yi Sudur-i Safavi, (Qum, 1353/1934), 14-15. This account is included in Majalis Hidayatullah Qummi, Majlis 13. Mir Abu'l-Wali Anju was dismissed from sadarat in 1015/1607-08 because his employees were accused of embezzling the funds for the shrine of Mashhad. See Munshi, Shah 'Abbas, vol.2, 910-911.
of his promenades accompanied by both Baha'i and Mir Damad, the Shah was tempted to test the depth of their friendship and loyalty to each other. Mir Damad's horse was moving slowly, fatigued by its rider's heavy weight when Baha'i's horse at the head of the procession was running lightly, as if carrying a feather. The Shah approached Mir Damad who was riding at the rear of the procession and said: "Do you see how that shaykh in the front is fiddling with his horse instead of strolling like you, politely and respectfully among these people." Mir Damad replied: "The horse, driven with passion for its rider, is unable to walk slowly. Don't you realize who is riding it?" The Shah then rode up to Baha'i and said: "Our shaykh can you see behind you how the body of this sayyid had fatigued the horse and worn it due to his obesity when a commanding scholar should instead be like you, physically fit and consuming of little food." Baha'i answered: "No, Shah, for the fatigue which appears on the horse's face is due to his inability to carry the weight of knowledge which giant mountains, with all their strength cannot carry." When the Shah heard him, he dismounted his horse, knelt down on his knees and smeared his face with sand, thanking God for His great gift of granting his empire scholars who are devoid of envy and rivalry!

This anecdotal piece cannot be taken as a factual or valid reflection on the relationship between Baha'i and Mir Damad, but it is significant for the way it embellishes the

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54 Tunikabuni, Qisas al-‘Ulama’, 193-4.
abilities and demeanor of Shah 'Abbas. The story tries to furnish the solidarity, unity and piety of the jurists who were the religious spokesmen of the Shah. On the other hand, the story hints at the rarity of friendship among the high-ranking clerics who usually competed for the Shah's favors and for professional ascendancy.

In conclusion, Baha'i received a solid backing from the court of Shah 'Abbas but his fame and appeal to the popular classes gave his juridical role more potency and facilitated his attempt to regulate legal-religious affairs. His intellectual make-up bespeaks of a complex enigmatic scholar who doubted the rationality and wisdom of temporal rulers who are in constant need for able councils to avert political disaster. His espousal of extralegal interests was limited in its advocacy of rationalism outside the epistemological parameters of the revelation and Shi'ite law. One can argue that it was precisely due to his profound insights into anti-legalistic Sufi and philosophical ideas that he was able to affect a conciliation between Shi'ite jurisprudence and the intellectual disciplines in which the latter is bound by the former. Gorbeh va Mush paints his image as a jurist who entertains attacks on feeble-minded and ignorant claimants to juridical knowledge and disdain of popular Sufi-cultist beliefs simultaneously. He reserves his respect and approval to the 'high' tradition of Sufi and philosophical learning which the lay community cannot access. In this respect, Baha'i's thought is a testament to his adaptation and
legitimation of the ideological world of Shah 'Abbas; a world licensing selective intellectual inquiries by the court clerics, popular obedience to the shari‘a, and restriction on heterodox approaches to religious knowledge and hence, political sovereignty. This is not to say that a perfect correspondence existed between the thought of Baha‘i and the state ideology, for Baha‘i occasionally articulated voices of popular protest and unscathing criticism of the Safavid monarchs. His task honored, however, the mutual interest of the ruling elite and the high-ranking clerics in taming the social order to a shari‘a-enlightened political will.

The amicable and peaceful relations between the Iran of Shah 'Abbas and the Mughal empire (933/1526–1275/1858), proved beneficial to Muhammad b. 'Ali b. Khwatun al-'Amili (d. around 1111/1699), the only jurist of the first and second-generation to muster such political power in India under 'Abdullah Qutbshah, the ruler of the principality of Golkonda in the Deccan (1020/1612–1083/1672). 'Abdullah Qutbshah expressed great allegiance to Shah 'Abbas, inscribed his name on the coinage, and incorporated it in the official khutba. The nephew (Sister's Son) and student of Baha‘i, Ibn Khwatun was to make his way to the Mughal vizierate and wrest the functions of court secretary (munshi‘ al-mulk) of the principality. He seemed to have played no small role in

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55 Amal, vol.1, 169; Ta‘ligat Amal, 73-4; A'yan, vol.10, 10-11.
56 Amal, vol.1, 169; A'yan, vol.10, 10-11. So prominent was his position in the Qutbshahi principality that the British Museum of London possessed a photo of him in the official uniform which was included in the work Tarikh Hadigat al-Sultan al-Qutbshahiyya.
nurturing and preserving the excellent relations between Shah 'Abbas and the Qutbshahi Sultan, leading at one instance, a delegation to the Shah in which he extended Mughal vows of friendship and gifts. Ibn Khwatun dedicated to 'Abdullah Qutbshah a Persian translation of Baha'i's Kitab al-Arba'in which came to be known by Tarjumeh-i Qutbshahiyya. In 1038/1628, the succeeding Sultan, the seventh of the Qutbshahi Sultans bestowed on him even greater favors by selecting him for grand sadarat and governorship (imarat al-mamlaka), and donned on him the distinguished titles of mir jumle and leader or imam (pishva).

Mir Damad (d.1041/1631-2): Transporting Controversy to a Theosophical Plane

Shams al-Din Muhammad, a sayyid and notable from Astarabad married two of al-Karaki's daughters, one of which begot him Muhammad Baqir, known as Mir Damad. Although Mir Damad was born and raised in an Iranian social and intellectual milieu, he was identified with the 'Amilis on the basis of his grandfather's fame and legacy in comparison to his own father Shams al-Din who remained in the eyes of Iranian society as the "Damad", or the "father-in-law". This title soon transfered from Shams al-Din to his son Muhammad Baqir, the celebrated Mir Damad. Biographical literature

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emphasize the preponderant 'Amili element in his legalistic training, particularly through his maternal uncle 'Abd al-ali, Baha'i's father, and Nur al-Din 'Ali b. Abi'1-Hasan al-Musawi al-'Amili.\textsuperscript{59} Within this context, Mir Damad's 'Amili descent (nisba) ceases to have an objective historical or cultural value and functions rather as a scholastic status, an intellectual pedigree esteemed by Safavid society at the time. Mir Damad's rapid absorption of the theological disciplines and his thrust to become a mujtahid, were coupled with a phenomenal progress in the rational sciences and philosophical studies.\textsuperscript{60} In Mashhad and possibly Arak, he was taught the intellectual sciences by a handful of Persian scholars including Fakhr al-Din Sammaki, and Qutb al-Din Eshkevari.

Except for his views on Friday prayer, Mir Damad rarely touched on legalistic or doctrinal questions that harbored clear political controversy, tackling instead, standard furu' matters such as worship, foster relations (rida), divorce (talaq), all of which ultimately catered to wide social sectors including his fellow clerics. Mir Damad upheld the lawfulness of convening congregational prayer and reverted to optionality (al-wujub al-takhyiri opposed to al-wujub al-'ayni or 'ayniyya) as his grandfather, al-Karaki, had done. This position preserved "claims for hierocratic authority" without dauntlessly menacing the Shah's sovereignty.\textsuperscript{61} On the

\textsuperscript{59} Akbar Hadi, Sharh-i Hal-i Mir Damad va Mir Findiriski, 25-6; A'yan, vol.9, 189
\textsuperscript{60} Rawdat, vol.2, 61-2; Al-Kuna wa al-Alqab, vol.2, 207.
\textsuperscript{61} See Arjomand, The Shadow of God, 142.
one hand, he continues a Safavid-born clerical tradition of appeasement and engagement in temporal authority, yet does not make it absolutely incumbent on every Shi'ite to observe Friday prayer, a prominent emblem of this authority. If the performance of Friday prayer were strictly bound by the presence of the designated mujtahid, the deputy of the Imam, then the 'ayniyya stance would not necessarily reinforce the government's legitimacy but rather that of the class of mujtahids. Likewise during periods of weakened Safavid control the propagation of 'ayniyya discloses the political ambitions of the clerics. As such no absolute and final interpretation of obligatory and optional performance of Friday prayer can be forseen, but rather a shifting interpretation based on changing historical variables. This issue will be dealt with in depth in chapter four.

It is difficult to utilize Mir Damad's legal production to underpin or recast the social conflicts and transformations of Safavid society at the state and popular levels. It is our contention that the more politically-charged motifs and ideas that articulated the defined social order of Shah 'Abbas on the one hand, and carried antipodal elements to it on the other, were relegated to the medium of philosophy/theosophy (Falsafa/Hikmat). Expressing extra-legal concerns through such an intellectual medium, and utilizing a highly exclusivist discourse, Mir Damad successfully camouflaged their political import. An anecdote, related by E.G. Browne and discussed by Savory, illustrates how Mir
Damad presented his philosophical concepts in a manner impeachable to both the Shah and the theologians.\textsuperscript{62} The anecdote has it that the illustrious Sadr al-Din al-Shirazi, better known as Mulla Sadra (d.1050/1640), the student and son-in-law of Mir Damad, saw his deceased teacher in a dream and asked him,

"My views do not differ from yours, yet I am denounced as an infidel and you are not. Why is this?" "Because," replied Mir Damad's spirit, "I have written on Philosophy in such wise that the theologians are unable to understand my meaning, but only the philosophers; while you write about philosophical questions in such a manner that every dominie and hedge-priest who sees your book understands what you mean and dubs you an unbeliever."\textsuperscript{63}

Mir Damad's expertise in law (tafaqquh) conditioned aspects of his philosophical inquiry which remained loosely tied to the juridical edifice that provided the ideological justification for the social order. This central reason among others explains why his revival of \textit{Hikmat} went unchallenged.\textsuperscript{64}

Condemned to death as a dissident by the clerical mouthpiece of the twelfth-century Aleppine authorities, Shihab al-Din Yahya Suhravardi in 587/1191 was rediscovered by Mir Damad, who was among the first Safavid thinkers to revive his philosophical formulations and Illuminationist (Ishraqi) theosophy.\textsuperscript{65} Mir Damad adapted Avicennan

\textsuperscript{63} Savory, \textit{Iran Under the Safavids}, 218.
\textsuperscript{64} See Sayyid Husayn Nasr, "Spiritual Movements, Philosophy and Theology in the Safavid Period" in The Cambridge History of Iran, vol.6, 671.
\textsuperscript{65} Husayn Muroeh, \textit{Al-Naza'at al-Madiyya}, vol.2, 254. Muroeh argued that Suhravardi openly challenged the ideological basis of the Aleppine political order through Sufism and Illuminationist philosophy. This informed the authorities' decision to execute him. The 'ulama's opposition to Suhravardi, therefore, is but a reflection rather than the
metaphysics to Suhravardian illumination that drew in markedly Shi'ite symbolism and spiritual experiences. His writings combine contradictory tendencies with respect to the ontological nature of the scriptures on the one hand, and illumination and rationalism on the other. The "celestial hierarchies", for instance, which Mir Damad was to see in a theophanic vision on the eve of the birthday of the Twelfth Imam, invoke prophetic-Imamate hierarchies of Shi'ism and their ontological and cosmological dimensions. His emphasis on a stratified structure of knowledge envisaged in these "celestial hierarchies" and the mediums of "light" and illumination can be interpreted in two ways. One, it conforms with the official theory that presents the Islamic shari'a as the medium for man's knowledge of God. Second, it upholds the strict separation between the absolute authority of the political order and the people ruled by it. In this respect, the numerous illuminationist units as mediums between the earth and the sky conceptualized by Suhravardi, were utilized differently by Mir Damad. The former, working outside and in opposition to the Aleppine state, used the idea of mediums to challenge a highly decentralized and weakened caliphate and thus relinked the upper sources of authority to the popular levels. Mir Damad, working within a strong and centralized state to whom he presented himself mostly as a cleric, painted the vision of light and

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illumination not as a utopian realm of hope against the despair on earth, but rather as a reaffirmation of the shari'a's function; a medium for the common person's pursuit of ultimate knowledge. Yet, Mir Damad was able to undertake a spiritual journey, independent of a medium, not unlike that which the Sufis attribute to Prophet Muhammad in the Qur'anic verses of Al-Isra' and Al-Mi'raj. The journey accomplished through an inner illumination and ratiocination, offered a challenging model to the idea of prophetic agency in Islam, and brought out the possibility of a superior world to the existing one. These contradictory tendencies in Mir Damad's philosophical thought, lead us to believe that he only extended the privilege of such journeys to the select and the elite. As for the rest, the shari'a will do. Mir Damad did not allow philosophy and rational thought to become the source of this superior knowledge but subjected them to illumination and spiritual practices which is no popular commodity but a rare luxury.⁶⁸

Central and most urgent to the philosophical concerns of Mir Damad, was the relation between the eternal (gadim) and the created (hadith) in/outside time.⁶⁹ He ascertained that this relation can only be unveiled through what Sayyid Husayn Nasr classified as coincidentia oppositorum, and not through the rational functions of the intellect.⁷⁰ Mir Damad distinguished between three levels of existence: the sarmad

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⁶⁹ Ibid., 674.
⁷⁰ Ibid.
or eternity and its immutable essence, the dahr below it which links the eternal to the changing realm of time (zaman), which is the lowest realm. Our world in this scheme is not created directly by the eternal essence but through the interaction between the immutable archetypes of the highest realm and the changing world at the lowest realm. The interactive activity between the two is manifest in the middle realm of dahr. The world is subject then to a huduth-i

dahri; it is not created in time but somewhere in and outside it in an interactive and relative manner. Creation is then not a takwin, that is, a synthetic mechanical act, but rather an invention (ikhtira'). There is a sense of a relative huduth in Mir Damad's theory, which is in turn, a historical reflection of the movement of change and being, a notion that resonates Suhravardi's formulations. It seems to us that this interpretation ties more closely the upper and superior sources of being to the lowest, with this world being partly a manifestation of the archetypal superior one rather than being divorced from it in time. Transported to the socio-political world, this theory gives a full historical reality to society rather than making it inconsequential and static. Like Suhravardi, Mir Damad here seemed to be challenging the scripturalist interpretation that the world was created from nothing ('adam); a rationalist view that must have incurred great controversy. In other words, the assumed disjointment

71 Ibid.
72 Muroeh, Al-Naza'at, vol.2, 256.
73 Ibid., 257.
between the ruling and the ruled, on the basis of the latter's dispensable being and sources of knowledge, is called into question while a somewhat 'dialectical' dimension between the two is asserted instead.

In retrospect, the theosophical horizons in Mir Damad's eclecticmism offer significant diversions from the mainstream juridical narrative, but does not prove radically threatening to the clerical-state ideology.

Ahmad b. Zayn al-'Abidin al-'Alawi al-'Amili (d.1054/1644) and Religious Polemics

'Amili kinship, juridical training and philosophical pursuits were but three of the major features that Ahmad b. Zayn al-'Abidin shared with Mir Damad, and Baha'i. Little detail about his personal life and outlook is documented even though he was a prolific and eclectic thinker who possessed a noteworthy knowledge in law, doctrine, Qur'anic exegesis, dogmatic theology and philosophy. The scholarly talents of Ahmad b. Zayn al-'Abidin, known better in Iran as Mir Sayyid Ahmad 'Alavi 'Amili were soon put to political use by Shah 'Abbas as he embarked on a number of polemical feats against Christians and Jews. The polemics disclosed an important chapter in the Shah's policies toward Portugal and his reaction to its encroachments on Iranian territory and

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74 Mir Sayyid Ahmad 'Alavi 'Amili, Miqqal-i Safa dar Nagd-i Kalam-i Masihiyyat, ed. Hamid Naji Isfahani (Tehran, 1373sh/1994), 89-99. He is buried in Tekiyeh-yi Agha Reza in Isfahan. Numerous descendants of his are mentioned by Jamal al-Din Mir Damadi in the introduction to Ahmad's work, Latif-i Ghaybiyet (Ayat al-'Aga'id), (Iran, 1396), 6-27.
resources. The treatises seem to have been composed a short while after the work *A'ineh-yi Haqq Nama* found its way into Persia. Composed around 1030/1620 by P. Jerome-Xavier of the company of Christ and dedicated to Jahanghir, the sovereign of Lahore in India, *A'ineh-yi* expounded the dogmas of Christianity and repudiated the theological tenets of Islam. Previous to that, Jerome-Xavier had also written works under Shah Akbar in Persian expounding the Christian faith such as *Dastan-i Masih* on Jesus Christ, and *Dastan-i Pedro*, on Saint Pierre. Ahmad also devoted a polemical work against Judaism, titled *Sawa'iq al-Rahman fi al-Radd 'ala al-

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77 Al-Dhari'a, vol.21, 1st edn. (Najaf & Tehran, 1392H/1972), 130-1. It is puzzling that the treatise is dedicated to Shah Safi who did not assume power before 1038/1629 unless it was later dedicated to him but originally to Shah 'Abbas. Almost ten years after Ahmad b. Zayn al-'Abidin wrote his polemical treatise against Christianity, P. Guadagnoli published in 1041/1631 in Rome a treatise against him entitled, "Apologia pro christiania religione qua a R.P. Philippo Guadagnolo Malleanensi, clericro rum regula minorum S. Theologiae et arabicae linguae professore, respondetur ad objectiones Ahmad filii zin Alabidin, Persae Asphahanensis, contentas in libro inscripto politic speculi. Romeae, 1631." See Du Mans, *Estat De La Perse*, xciii, footnote. Based on the notes of Modarressi, Ahmad b. Zayn al-'Abidin wrote a third treatise in religious polemics entitled "Lama'at Malakutiyya" edited by Rasul Ja'fariyan. It is not listed in Dhari'a under this title.
78 Du Mans, *Estat De La Perse*, xcii-xciii. P. Le Jerome-Xavier had studied Persian for eight years and was assisted in writing his early works on Christianity by 'Abdul Samad Qasim, a learned man from Lahore.
Yahud wa Ithbat Tahrif Tawratihim, also completed 1032/1622.⁷⁹

Aside from Ahmad, several Safavid scholars engaged in inter-faith discussions and debates in an attempt to counteract missionary and propagandist Christian activities. During the reign of Shah Safi, the vizier I'timad al-Dawla elected a number of outstanding 'ulama in Isfahan to refute the arguments of a prominent Christian missionary named Chezaud. Several written works emerged from these debates that must have afterwards been produced separately.⁸⁰

Ahmad's polemical writings emerged in the aftermath of the victory of the military expedition which Shah 'Abbas despatched against the Portuguese at Hormuz in 1030/1620-21. Munshi described the Portuguese presence at Hormuz with great aversion, complaining that after establishing themselves on the island of Jarun (later called Bandar 'Abbas on the mainland opposite Hormuz), they "repeatedly resorted to trickery and guile", breaching their oaths and promises to the governor of Jarun.⁸¹

Early in 913/1507, Alfonso Albuquerque the commander of a Portuguese fleet launched a successful attack at the island of Hormuz forcing its king Sayf al-Din to pay an annual tribute as a vassal of the king of Portugal.⁸² Though forced to abandon the island in 912/1508, Albuquerque recaptured it

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⁷⁹ Al-Dhari'a, vol.15, 1st edn. (Najaf & Tehran, 1384q/1965), 94; 'Alavi 'Amili, Misqal-i Safa, 115.
⁸⁰ 'Alavi 'Amili, Misqal-i Safa, 31-2. For other authors of Safavid polemical treatises see page 32.
in 921/1515, and concluded a treaty with Shah Isma'il II which tied Hormuz even more strongly to Portugal claims. For more than a century, Portugal maintained a naval base monitoring the activities in the Persian gulf and a strategically important commercial outpost.\textsuperscript{83} The Persians became mostly apprehensive of Portugal's seizure of the Bahrain islands against its promise in the treaty concluded in 921/1515 that to assist Persia in recovering the islands from the Arab Jabrid rulers. Instead, they extended their control over the islands for eighty years.\textsuperscript{84}

From 1017/1608 until 1031/1621 the relations between Shah 'Abbas and the Portuguese deteriorated while the delegations sent to Portugal which aimed at rejuvenating proper trade relations between Iran, Spain and Portugal came to naught.\textsuperscript{85} During the second half of the sixteenth century, an Augustinian mission from Portugal established itself at Hormuz. Determined to repossess it, Shah 'Abbas with the military and naval assistance of the English company called East India Company ended in 1032/1622 the presence of the Portuguese from the island and with it their influence in the Persian Gulf region.\textsuperscript{86} He also destroyed the fort which they had built on the neighboring island of Qishm which furnishes Jarun's water supply.

\textsuperscript{83} Lockhart, "European Contacts," 381.
\textsuperscript{84} A Chronicle of the Carmelites in Persia and the Papal Mission of the Seventeenth and Eighteenth Centuries, vol.1 (London, 1939), 83-7; Savory, Iran under the Safavids, 107.
\textsuperscript{85} Savory, Iran Under the Safavids, 114-9.
\textsuperscript{86} Laurence, "European Contacts," 393. For more information on the involvement of the East India Company in the assault against the Portuguese, see pages 444-6.
Immediately following the section on the expedition against the Portuguese, Munshi discussed the "conversion of a number of Christians to Islam". During the same year following the expulsion of the Portuguese, the Shah seemed inclined to propagate a new wave of conversion from Christianity to Islam especially among Armenians mostly to ensure their loyalty to the empire. Amir Abu'l-Ma'ali Natanzi, the royal males-nevis, must have exerted more than "a little pressure" to the monks and priests, with the result of numerous Christians converting to Islam. Munshi tried to present a comforting picture of the conversion reflecting that women and children were eager to abandon Christianity and embrace the Islamic faith.

Ahmad b. Zayn al-'Abidin's refutation of Christianity in A'ineh-yi should be seen within the wider context of the Safavid's relationships with Western powers and the active Christian missionary spirit of their delegations to Iran. Ahmad's profound knowledge of the Old Testament and the Bible reflects a long and serious attempt to support the Shah in his attempt to reestablish his sovereignty over growing European dangers. Ahmad noted that two years before he embarked on his analysis of the foundations of the Christian teachings in Misgal-i Safa, he saw the Mahdi in a vision commanding him to compose this treatise thus bestowing a sense of urgency and responsibility for demonstrating the

88 Ibid., 1182.
89 'Alavi 'Amili, Misgal-i Safa, 21.
righteousness of the Shi'ite faith. His work circled around three main questions, namely, the essence of God, the essence of Jesus Christ and the foundations for the teachings and religious tenets of the Bible. He tries to show that the Bible was forged and did not embody the true word of God on the basis of Christ's dubious miraculous birth and crucifixion, the Torah's contradiction of the legal rulings laid out in the Bible, the doubtful stories and accounts, and the statements of Christ which seem unlikely to be uttered by a prophet. In assessing the nature of the Trinity to which Islamic theology is opposed, Ahmad does not attempt to base his argument merely on the Qur'anic verses and hadith but rather rationalistic philosophical argumentation, insisting on the contradiction between God's integral essence on the one hand, and the concept of the Trinity and Christ's divine qualities, on the other. The same rational and traditionary proofs (barahin 'aqliyya wa naqliyya) were invested in his verification of the prophecy of Muhammad and the Imamate and illuminating the infallibility of prophets and the Imams.

Of Ahmad's three sons, Mir Muhammad Ashraf was a student of 'Allama Majlisi and an outstanding scholar recognized by the court of Shah Sultan Husayn.

90 Ibid., 114-5.
91 Ibid., 24.
92 Ibid., 65-68.
93 Ibid., 54-5, 123-5.
95 Ibid., 20-1.
Lutfullah al-Maysi (d.1032/1622-3) in Isfahan

Beyond his youthful years, the jurist and scholar, Lutfullah b. 'Abd al-'Ali al-Maysi al-'Amili (d.1032/1622-23), migrated from his village Mays al-Jabal to the Radawi mashhad in Iran where he pursued further juridical training cultivating professional and personal ties with a number of its ulama, the most significant of which was Mawla 'Abdullah Shushtari. It is not clear when he actually came to Iran, but it is possible that he arrived during the late reign of Shah Tahmasp under the encouragement of Ibrahim al-Maysi, his maternal uncle who was recognized by the Safavid court as to be mentioned in 'Alamarayi 'Abbasi. Evidently, he neither received a direct Safavid invitation while he was in his homeland, nor did he immediately enter the court religious ranks. Sulayman al-Bustani, a Lebanese scholar, propagated the view that Lutfullah was the envoy of Prince Fakhr al-Din al-Ma'ni II (r.999/1590-1045/1635), the Ottoman-appointed ruler of Mount Lebanon to Shah 'Abbas, in an attempt to coordinate their political efforts against the Ottomans. Fakhr al-Din had disregarded Ottoman sovereignty and aspired to have greater political autonomy and economic power in Mount Lebanon. Notwithstanding, it is difficult to substantiate the theory of a collaboration between the Safavids and Fakhr al-Din through the mediation of Lutfullah

96 Riyad, vol.4, 417-420. For full biographical data see appendix.
97 Ibid, 418; Munshi, Shah 'Abbas, vol.1, 249; A'yan, vol.9, 38.
especially since local political conflicts between Fakhr al-Din and 'Amili Shi‘ite feudal lords were commonplace.99 The families of Ma'n from which Fakhr al-Din descended, and the Shihabs that ruled Mount Lebanon in the sixteenth and seventeenth century were portrayed by the Shi‘ite chronicler, Safa, as faithful agents of the Ottoman Sultans, entrusted with the collection of taxes which the 'Amilis refused to defray at times. Fakhr al-Din was not much different except for his personal ambitions to withhold the tax revenues of Mount Lebanon from the Ottomans and form an independent governorship. Hasan al-Amin took al-Bustani to task on his claim of an alliance between Fakhr al-Din and Shah 'Abbas, accurately showing the precariousness of his assumptions which both Ottoman and Safavid chronicles dispel.

In Mashhod, Lutfullah received a lectureship post in theology and joined the administrative staff of the Radawi shrine as the attendant (khadim), obtaining a stipend from the revenues of its wagf. The turning point in his career, however, came with the Safavid-Uzbek confrontations in Herat in 997/1588–89 when the city was captured and thousands of Shi‘ites killed.100 Lutfullah sought refuge at the court of Shah 'Abbas in Qazvin where he lectured for some time. Soon after and under a royal command he left to Isfahan and resided within the precincts of the mosque of Meydan-ì Naqsh-i Jahan facing the royal palace. In the flourishing city of Isfahan, he led an active life as a prayer leader and

100 Riyad, vol.4, 417-420.
instructor of hadith and jurisprudence. In further deference to his contributions, the Shah married one of his daughters and built him a mosque and a school which, until our days, still bears his name. Lutfullah's family was likewise "allotted pensions and stipends by the Shah" and Ja'far, his son who followed in his father's footsteps remained in the service of the Shah.

It is curious that Lutfullah seemed to be the only 'Amili scholar of Shah 'Abbas times who upheld the necessity and ayniya of Friday prayer during Occultation and used to perform it in his mosque. No claims for exclusive or general ijtihad were made by Lutfullah, nor to that matter did he link the performance of Friday prayer to the presence of a deputized mujtahid.

Of great political and social significance is his treatise, "Al-I'tikafiyya" (Seclusion), analysed in detail in chapter five, that gives a rare glimpse of the resistance he incurred from influential Isfahani guildsmen and their social allies. Here, suffice to note that he boasted about his efforts in implementing the proper rulings of worship in both

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101 Munshi, Shah 'Abbas, vol.2, 1229-30. Munshi's historical account at the time of Shah 'Abbas I lacks much of the political disputes so evident in the early confrontations between the 'Amili 'ulama and court officials.
103 Riyad, vol.4, 417.
104 Lutfullah al-Maysi al-'Amili, "Al-I'tikafiyya," in M.T. Danishpazhuh, Fihrist-i Nusakh-i Khatti-yi Kitabkhana-yi Astana-yi Mugaddasa-yi Qum, collection 2244 (Qum, 1355sh), no. 34, Folio 1b. The "Al-I'tikafiyya" was published and edited by Rasul Ja'fariyan but I relied primarily on the original manuscript. See Rasul Ja'fariyan, Mirath-e Islami-ye Iran, vol.1.
Qazvin and Isfahan and expressed great devotion to the Safavid 'Alid dynasty of "pure descent" whose elevated sovereignty is but an extension of the sovereignty of the Mahdi (sahib al-zaman), and hoped it will overcome its Uzbek and Ottoman foes. In his severe attack on those who questioned his endorsement of the legality of seclusion, he embellished his distinguished rapport with the Shah, in these words:

For it has become widely known in Khurasan and Iraq that the sovereign of this empire and of its [spiritual, religious] hopes had built a congregational mosque in Isfahan to so and so, until many of the inhabitants of these remote countries and prosperous towns, upon arriving to Isfahan would ask about us in the following manner: "Where is the shaykh for whom the Shah had built a new congregational mosque, that we may be graced by him and become his slaves."

Lutfullah further denoted that during one of his trips in the company of the Shah,

He addressed me orally with this clear statement: "I want to build you a congregational mosque which can fit from a thousand to two thousand people, facing my house that Turks, slaves and every other willing person including myself, may come to you!"

Unlike early 'Amili immigrants like al-Karaki and Husayn b. 'Abd al-Samad who produced numerous works of legal and jurisprudential nature, Lutfullah was more involved in addressing common legal concerns and questions pertaining to religious obligations and their proper delivery. This is reflected in works like "Al-Maysiyya", his commentary on al-

105 Ibid., folio 9b.
106 Ibid. The Arabic sentence reads "Idh qad ishtahara bi-Khurasan wa'l-'Iraq bi'anna Sahib al-Dawla wa'l-Ashwaq..".
107 Ibid.
Karaki's "Siyagh al-'Uqud wa'l-Iqa'at" on contracts, and in a collection of fatwas which he laid down or discussed with other jurists, including the rulings on "the impure root of sour wine" (irq al-khil al-mutanajjis), and in another treatise dealing with monetary inheritance.\textsuperscript{108}

The reign of Shah 'Abbas brings together through its four aforementioned scholars new facets in 'Amili intellectual and cultural make-up. The Shah partially utilized this intellectual hybridity and welcomed it at the official level which explains the marked contributions of Baha'i, Mir Damad and Ahmad b. Zayn al-Abidin in this area. Each one of them investigated philosophical and scientific studies that were once marginal to 'Amili Shi'ism. They did retain, however, fundamental traits of the early juridical spirit that remained in great demand at the Safavid court and society.

'Amilis in the Sadarat and Vizierate and New Contenders in the 'Ulama Ranks

The reigns of Shah Safi I (1038/1629–1052/1642) and Shah 'Abbas II (1052/1642–1077/1666) were dominated by a spirit of anticlericalism and a distinct revival of theosophical and Sufi activities.\textsuperscript{109} The 'ulama, now marginalized and undermined, struggled relentlessly to regain their power. The systematic policy of Shah 'Abbas II against the traditional jurisconsults paved the way for new contenders to religious

\textsuperscript{108} Riyad, vol.4, 418.
\textsuperscript{109} Arjomand, The Shadow of God, 147-8.
leadership who interwove legal expertise with Persian gnostic philosophy and Sufism. The philosophically-bent and Sufi-bent 'ulama of this period were largely drawn from the local elite that came to assume a distinguished pedigree.\footnote{Ibid., 148-9.} Nowhere were these intellectual hybrids more indicative of the new social formations than in the intensity of legal struggles over congregational prayer.\footnote{See Al-Dhari'a, vol.15, (Beirut, 1983), 62-82; Modarressi, Shi'i Law, 145-52; Rasul Ja'fariyan, Din va Siyasat, 126-80.} The religious policies of the two Shahs created a centripetal force among different brands of Sufism and philosophy which was the nurturing ground for the efflorescence of gnostic philosophy ('irfan). This differed dramatically from the systematic suppression of the leading Sufi orders like the Nuqtaviyya and Ni'matullahiyya and the rebuttal of popular dimensions of Persian mysticism under Shah 'Abbās.

Believed to have been long addicted to opium, and developing excessive wine drinking habits, Shah Safi I lost control over state affairs.\footnote{Roemer, "The Safavid Period," 282.} In a dramatic shift from the times of Shah 'Abbās, the relations between Shah Safi and the Indian Mughals deteriorated to the extent of total severance of ties in 1046/1636. Furthermore, Iran lost additional territories to the Ottomans resorting to new peace negotiations that culminated in the peace treaty of Zuhab in 14 Muharram 1049/17 May 1639.\footnote{Ibid., 284-7.} Around the time of Shah Safi's death, though, Iran seemed relatively secure from
neighboring threats.

When Shah 'Abbas II ascended the throne in May 1052/1642, it was clear that the Sufi observances of the Safavid order have become something of the past. Since he was ten years old, the affairs of the state devolved upon his court officials, the most prominent of which was his grand vizier Muhammad Beg, an Armenian Tabrizi of a humble background.¹¹⁴ It was only at a much later stage in his rule that the Shah endeavoured to regain his masterdom, only to retreat to chronic drinking and pastime-hunting.¹¹⁵

The newly-devised court ceremonial, not only signaled the waning of the Qizilbash element in the ruling elite, but was even indicative of the major changes, social and economic which Iran was to undergo under this Shah. The tribal emirs were now confined to peripheral governorships, and more important, they ceased to draw their influence from their membership in the Turkoman tribes or to that matter from the economic base of the provincial post.¹¹⁶ As Roemer explained, like other court officials such as Georgians, Armenians, or Circassians, they were to derive their power from the criteria of 'fidelity' and 'competence' as determined by the Shah.¹¹⁷ This is not to say, however, that the Qizilbash eclipsed from the political scene, for in 1055/1645 they

¹¹⁴ Ibid., 294.
¹¹⁷ Ibid., 289-290. Around this time the court post was transformed from a largely titular one in the 10th/16th to a specialized function, consequently allowing its incumbents to accumulate great influence that turned them into arkan-i dawlat, "pillars of the state".
succeeded in assassinating Mirza Muhammad Taqi, better known as Saru Taqi, who served as grand vizier from 1044/1634 until 1055/1645, three years after the ascent of Shah 'Abbas II to the throne. Saru Taqi was one of the major proponents of the state's policy under Shah Safi and Shah 'Abbas II, to accelerate the growth of crown estates which supported the sovereign's personal expenses and obstructed the feudal division of land. This policy led to a marked weakening of the Qizilbash who had been holders of governorships as military fiefs (tiyul) since the early Safavid days.

In 1054/1645, Mir 'Ala' al-Din Husayn, known as Khalifa Sultan (d.1064/1654) and nicknamed Sultan al- 'Ulama', succeeded Saru Taqi for the post of the great vizierate, while Mirza Habibullah, a great grandson of al-Karaki, was appointed to the grand sadarat. Khalifa Sultan was a distinguished student of Baha' i who drew upon the canonical heritage of Shi'ite law and jurisprudence, and cherished 'irfani inclinations. Khalifa Sultan had a solid training in the traditional disciplines of the Persian literati, namely, philosophy, dogmatic theology medicine, and mathematics. A spokesman for the propertied and pedigreed clerical elite, Khalifa Sultan's succession to the grand vizierate in place of Saru Taqi was not so much a victory of the "bureaucratic" forces over tribal ones, as Matthee

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118 Ibid., 282.
120 Ibid., 513, 523.
121 Qisas al-Khagani, 286-7, 288. In 1016/1607, Khalifa Sultan aspired for the governorship of Tabriz but was disappointed. See page 197.
suggested, but a happy medium between the imported slave soldiers (gholam) stratum which Saru Taqi represented and the Qizilbash. The Shah's refrain from appointing an Armenian, Georgian or Circassian for the post following Saru Taqi's assassination was a partial victory for the Qizilbash.\textsuperscript{122} The new religious elite from whose ranks Khalifa Sultan emerged was not a persistent force at the court of Shah Safi which lends us reason to believe that it was initially introduced to the power scene as a balancing factor between the Qizilbash emirs and the gholams. Under Shah 'Abbas II, this clerical group became an ambitious force to reckon with.

The 'ulama had found the two Shahs' admission of Christians into the Safavid bureaucracy apprehensible, and were possibly prone to find common cause with their opponents, the Qizilbash.\textsuperscript{123} Khalifa Sultan, for instance, is favorably depicted as different from Saru Taqi in that he lacked his severity and arrogance and was inclined "to make allowances".\textsuperscript{124} The Qizilbash leaders were the major opponents of Saru Taqi and could dauntlessly make such statements. The congenial evaluation of Khalifa Sultan, in

\textsuperscript{122} Matthee, "The Career of Mohammad Beg," 21-22. Matthee tends to believe that the appointment of Khalifa Sultan as grand vizier by Shah 'Abbas II was "a victory of "bureaucratic" forces over tribal ones." In 1080/1669, Shaykh 'Ali Khan succeeded Mirza Mohammad Mahdi as grand vizier. Shaykh 'Ali Khan is seen by Matthee as representing tribal interests, but that as a Kurd, he was an outsider to the Qizilbash establishment. As such his appointment reflected economic concerns. In our opinion the Qizilbash role in Safavid politics takes new forms in this period and its alliances cannot be assumed to abide by an exclusive Turkoman membership.


\textsuperscript{124} Roemer, "The Safavid Period," 293-4.
turn, must have reflected their opinion of his flexibility concerning the previous land policy which damaged Qizilbash interests. The 'ulama's opposition to the upward-climbers of the gholam stratum can be derived from the fact that one of the major rivals of Khalifa Sultan at the court was Allahverdi Khan, the Armenian master of the hunt (amir shikarbashi) who was selected for this post in 1053/1644, a year before Khalifa Sultan's ascent to the grand vizierate, and had remained in it until 1074/1663. As soon as Khalifa Sultan died, Allahverdi, trying to counteract an intrusion of another cleric into the court, supported Muhammad Beg for the vacant post.

Although Khalifa Sultan was determined to institute proper religious observances at the court, his intellectual outlook and social standing could not be easily reconciled with those of 'Ali b. Muhammad b. al-Hasan b. Zayn al-Din al-'Amili (d.1103-4/1691), the great paternal grandson of al-Shahid al-Thani and a great maternal grandson of al-Karaki. A short while after Sultan Khalifa's death, 'Ali would write in his famous work, Al-Durr al-Manthur min al-Ma'thur wa Ghayr al-Ma'thur, that,

A noble virtuous Iranian, Khalifa Sultan, God bless his soul, used to undertake the study of Al-Ma'alim and Al-Lum'a and other works by the authors [of these books, namely, al-Shahid al-Thani and Hasan, Sahib al-Ma'alim]. He had a good opinion of them as he one day said to the effect that: "I heard that Shaykh Hasan died during his composition of Al-Muntaga and Al-Ma'alim. Possessed of a great intellect and [excellent] verification, it is not surprising that he would die
while exerting his mind in their composition."\textsuperscript{125}

Aware of the respect deferred to Khalifa Sultan by the scholarly community, 'Ali was eager to show that the former had paid homage to his grandfather Sahib al-Ma'alim. Khalifa Sultan composed a commentary on \textit{Al-Rawda al-Bahiyya} of al-Shahid al-Thani, entitled "Al-Zahrat al-Dhawiyya fi Sharh al-Rawda al-Bahiyya" completed in 1074/1663.\textsuperscript{126} 'Ali had intended initially to debate the points raised by Khalifa Sultan in the first volume of "Al-Zahrat al-Dhawiyya", but it became widely circulated before he could attempt that.\textsuperscript{127} But a year later, in 1075/1664, 'Ali laid down an independent treatise for his purpose entitled \textit{Al-Radd 'ala Sultan al-'Ulama'} refuting the allegations of Khalifa Sultan against his grandfather.\textsuperscript{128} Sources agree that 'Ali exhibited great zeal and fanaticism and argued in the "worst possible manner", accusing Khalifa Sultan of failing to appprehend the full scope of \textit{Al-Rawda} let alone qualify to appraise it.\textsuperscript{129}

\textsuperscript{125} \textit{Al-Durr}, vol.2, 203.
\textsuperscript{126} \textit{Riyad}, vol.4, 197-8; \textit{Al-Dharia}, vol.6 (Beirut, 1983), 94. Tehrani does not mention the date of the completion of this work by Khalifa Sultan.
\textsuperscript{127} \textit{Al-Dharia'}, vol.12, (Beirut, 1983), 67-8. Ibrahim al-Mar'ashi al-Amuli al-Isfahani (d.1098/1686), the son of Khalifa Sultan also wrote a commentary on \textit{Al-Rawda al-Bahiyya} which 'Abd al-Nabi al-Qazvini, author of \textit{Tatmim Amal al-Amil}, found praiseworthy. See \textit{al-Dharia'}, vol.6, (Beirut, 1983), 90-1.
\textsuperscript{128} \textit{Al-Dharia'}, vol.10, (Beirut, 1983), 200-1. 'Ali's personal signature on the first volume reads 1073/1662, but it was actually completed in 1074/1663. The second volume of "Al-Zahrat" was completed in 1075/1664. \textsuperscript{129} 'Ali b. Muhammad b. al-Hasan b. Zayn al-Din al-'Amili, "Hashiya 'ala Sharh al-Lum'a," in Danishpazuhuh, Fihrist-i Nusakh-i Khatti-\textit{a Kitabkhana-yi Astana-yi Mugaddasa-yi Qum}, collection 2356, folio 1b. It was among the endowments of Ibn Khwatuun al-'Amili since 1067/1656. The "Hashiye" is a hundred and nine pages long. 'Ali alludes to Khalifa Sultan as "one of the verifiers" who made numerous objections to the grammatical and lexicographic comments of al-Shahid al-Thani on \textit{Al-Lum'a}. 207
'Ali belonged first, to the conventional *fugaha* whose training lacked the eclecticism of Khalifa Sultan and second, to a different socio-economic class. Khalifa Sultan, referred to at times as Sayyid and Mir belonged to one of the affluent notable Iranian families which became the paramount representative of the clerical class and its compelling elite at the time. So powerful did Khalifa Sultan become that the Shah eventually commissioned his officials to blind his two distinguished sons. In contradistinction, 'Ali, as his autobiography reads, had a modest social background and reaped none of the royal favors extended to Khalifa Sultan. He recounted that one day after he decided to travel from Isfahan to Mecca, he started secretly to sell some of his books to furnish the means for his trip. On the following day, a eunuch by the name of Khwaja Iltifat who was in the service of Zeinab Begum, the daughter of Shah Tahmasp inquired whether he was actually selling his books. 'Ali was curious to know the reasons for his inquiry and Khwaja Iltifat explained that Zeinab Begum had called him up asking,

"Is there in this city a man by the name of Shaykh 'Ali among the descendants of Shaykh Zayn al-Din?" I answered her: "Yes" So she said: "I saw this night in a dream Shah 'Abbas saying a statement to the effect that: 'This man comes to our country [out of his own will] when his forefathers whom we summoned to us had declined. How did his situation reach such a state that he is forced to sell his books while you are present?"'\(^{130}\)

This dismal picture of 'Ali's conditions draws a stark contrast with the shimmer and flare of the lives of the early

\(^{130}\) *Al-Durr*, 242.
'Amili immigrants. 'Ali lamented the years he spent in the land of "estrangement", Iran, "broken-hearted, having obtained nothing but remorse".\(^{131}\)

Another indication of the shift in class boundaries and the eclipse in the power of 'Ali's group was the manner in which the court of Shah 'Abbas II had been transformed into a meeting place for philosophically-bent 'ulama, artists as well as dervishes. The disgruntled mujtahids assailed the doctrines and practices of the Sufis and struggled to discredit the Sufi-bent 'ulama in the eyes of the Shah.\(^{132}\) Joining the mujtahids' efforts, 'Ali wrote "Al-Siham al-Mariqa min Aghrad al-Zanadiqa" disavowing Sufism, Sufi-bent 'ulama, and the akhbaris, who received ample recognition by the court.\(^{133}\) One such figure was Muhsin al-Fayd Kashani (d.1091/1680) who became one of the most favored and esteemed scholars of the court of Shah 'Abbas II.\(^{134}\) 'Ali expressed his great indignation at the mild commitment to the shari'a, and the replete laxity in religious observances. He saw the flippancy in the treatment of sacred law as part of an intentional effort at "degrading its [shari'a] rank and belittling its position".\(^{135}\) He alluded to the Shah's

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\(^{131}\) Ibid., 244.
\(^{132}\) Ibid., 303.
\(^{134}\) Muhsin al-Fayd's work refuted by 'Ali is Safinat al-Najat, completed 1058/1648. Al-Fayd argued that the central sources for deriving legal rulings are the Qur'an and the Sunna. Resorting to ra'i (independent judgment) and ijtihad in jurisprudence is a harmful innovation. See Al-Dhari'a, vol.12 (Beirut, 1983), 202-3.
responsibility in this and the conduct of "obeisant Shi'ites" who have vindicated the abusers of the shari'a as God-fearing people. Denouncing the Sufis and the Sufi-bent 'ulama he proclaimed that,

Their falsifications have passed unnoticed by the greatest majority, imitated by the old and the young, a [reality] facilitated by their [the Sufis and Sufi-bent scholars] careless cultivation of the religious sciences which are the means for obtaining sublime ranks.\(^{136}\)

A great challenge for 'Ali has now fomented in this clerical elite of philosophically-bent and Sufi-bent 'ulama who have encroached on the jurists' scholarly terrain that was several decades ago almost exclusively walked by "licensed" legalists. Nowhere is 'Ali's sense of being ousted more clear than in his "Second Advise" where he prays the Shah,

will remain successful in following the path of his forefathers, and past ancestors who exerted their efforts in defending this pure shari'a and the splendid monotheistic community.\(^{137}\)

His exhortations betray his fear that the Shah may defect from the right path under the impact of those with "a corrupt faith" whose propositions to him can weaken this religious community.\(^{138}\)

In 1072/1661, Mohammad Beg the grand vizier was succeeded by a descendant of the clerical class, namely, Mirza Muhammad Mahdi, a descendant of al-Muhaqqiq al-Karaki, and the son of the celebrated sadr Mirza Habibullah. Mirza

\(^{136}\) Ibid., folio 1a-1b.
\(^{137}\) Ibid.
\(^{138}\) Ibid., folio 17a.
Muhammad's juridical aptitude and knowledge were doubtful and his expertise seem to fall in the administrative-political area, for over ten years prior to his appointment for the sadarat, he served as sadr-i mamalik. His elevation to the rank of grand vizier which he occupied until his death in 1079/1669 and against his demonstrated incompetence, could be read as an attempt to appease one group of the affluent and more loosely-identified with the clerical elite.\(^{139}\) The Dutch officials found him apathetic and inefficient, complaining to the Shah, "that none of his courtiers measured up to Mohammad Beg".\(^{140}\)

Shah 'Abbas II had asserted the idea of divine kingship and the Safavid sacred mission; an idea which has always been problematic in Shi'ite political tradition, but which the theologians protested and counteracted.\(^{141}\) Taken the weakened command of the Shah, the 'ulama were not subtle about announcing that temporal authority belonged not to the Shah but to the mujtahid of the time until the return of the Mahdi. Several theologian families attempted to strengthen their power base through intermarriage with the aristocracy and the royal family. Shah 'Abbas II, gave away his sisters in marriage to a number of them who were in turn favored with court positions.\(^{142}\) In 1060/1651, Mirza Muhammad Mahdi's son, Mirza Ma'sum, married the daughter of Khalifa Sultan while his other son Mirza Muhammad Ja'far married the granddaughter

\(^{139}\) See Roemer, "The Safavid Period," 294-5.
\(^{140}\) Matthee, "The Career of Muhammad Beg," 34.
\(^{141}\) Roemer, "The Safavid Period," 302.
\(^{142}\) Ibid.
of 'Isa Khan, the influential Qurchi-Bashi who was assassinated in 1042/1632 by Shah Safi.\textsuperscript{143} Thus, to avoid a confrontation with the Shi'ite clerics and at the same time ensure their loyalty, the Shah called upon theologians with whom he had forged blood ties. More and more, the members of this affluent religious elite, came to represent and speak for Shi'ite orthodoxy, preserving the force of the shari'a, and keeping the valor of religious knowledge unshaken. Khalifa Sultan made an onslaught on all signs of religious deviance and immortality, ranging from brothels to some forms of entertainment deemed decadent. But wine drinking was widespread at the court and only at few occasions, was Khalifa Sultan able to suppress it using strict measures.\textsuperscript{144}

In brief, the three-way struggle between the 'ulama, the Qizilbash and the newly-emerging bureaucratic group of imported slave soldiers set the stage for the reigns of Shah Safi and Shah 'Abbas II. Added to these are the intragroup conflicts, and personal and professional tensions. Among the imported slave soldiers, for instance, a rivalry emerged between Mohammad Beg and 'Ali Khan, both of whom belonged to the gholam category. Among the clerics we witness multi-faceted disagreements between the marginalized traditional jurists like 'Ali b. Zayn al-Din al-'Amili and the socially distinguished Sufi-bent and philosophically-bent 'ulama who overtook the court favors and administered Shi'ite

\textsuperscript{143} Qisas al-Khagani, 524.
\textsuperscript{144} Ja'fariyan, Din va Siyasat, 41-2; Chardin, Voyages, vol.4, 278; Roemer, "The Safavid Period," 293.
'orthodoxy'.

Muhammad Al-Hurr Sahib al-Wasa'il (d.1104/1692): The Last Safavid Stage For a 'Amili Scion

When Shah 'Abbas II passed away in 1077/1666, the grand vizier Mirza Muhammad Mahdi, supported the claims of his seven-year old son Hamza Mirza in opposition to the majority of the courtiers who endorsed the enthronement of the nineteen-year old Safi Mirza. The latter ruled for twenty-eight years until 1105/1694 and Mirza Muhammad Mahdi remained in his service as the grand vizier until his death in 1079/1669 to be succeeded by Muhammad Beg. Shah Suleiman (Shah Safi II) who was brought up in the secluded world of the harem, showed little interest in political administration and state affairs at a time when Iran was suffering a severe economic and fiscal crisis. Waves of famine and epidemic diseases spread out while food expenses reached exceeding limits. He withdrew to the harem ordering his council to convene there, and ultimately deeming the organs of government, central to which were the council of state, the court assembly, and the vizierate, ineffective.146

Muhammad al-Hurr al-'Amili was recognized among the celebrated akhbari traditionists of this period and a figh specialist, who arrived to Iran from Jabal 'Amil at the age

146 Ibid., 305-7.
of forty without the initial intention of remaining in Iran. His scholastic training differed little from that of the early 'Amili immigrants in its emphasis on legalistic, linguistic, and dogmatic theological disciplines. In two lines of poetry summarizing the high esteem he accorded to religious legalistic studies in comparison to literary and poetic production, he reflected,

My 'ilm (religious knowledge) and my poetry quarreled and reconciled
But poetry succumbed to 'ilm invariably
'Ilm refused that I be considered a poet
While poetry recognized me as a 'alim

He traveled only twice for pilgrimage when he was in Mashhad and once to Iraq to visit the Imams' shrines. In Iran, he soon became a close friend of the celebrated Muhammad Baqir Majlisi (d.1110/1699), the shaykh al-Islam and the towering religious figure at the court of Shah Suleiman. Before his arrival to Mashhad for the first time in 1073/1662 he passed through Isfahan where he made an instant friend with Majlisi and the two exchanged ijazas. Curiously, the court did not extend to him its patronage, nor did he succeed in plucking the fruits of royal favors. In a brief encounter with Shah Suleiman one can delineate the transformation in the position and status accorded to 'Amili 'ulama toward the end of the Safavid era and the extent to which their religious function have become quite dispensable. During his short stay in Isfahan, al-Hurr visited the court of Shah

Suleiman and without asking permission he took up his place on one side of the cushion on which the Shah was resting. When the Shah inquired about him, he was told by his courtiers that he was among the great Arab 'ulama, and that his name was Muhammad b. al-Hasan al-Hurr al-'Amili. The Shah then turning to al-Hurr asked: "Farq-i Mayan Hurr va khar Cheqadr ast?" (What is the difference between Hurr and khar (donkey)). Al-Hurr had spent no more than few months in Iran, but knew enough Persian to answer: "One cushion!". Instead of feeling offended, the Shah was amused by al-Hurr's courage and sharp wit. This incident can also be interpreted as a sign of the almost complete eclipse of 'Amilism' as a scholastic-ethnic phenomenon at the court and the sense that their intellectual labor is no longer directly relevant for Safavid society at that historical juncture. Al-Hurr's great contributions to Shi'ite hadith and law were indisputable, but they were not as strongly tied to the shahs' forseen goals as those of al-Karaki and Baha'i before. He spent some time in Iran before he was offered he position of qadi al-gudat and shaykh al-Islam, both of which had ceased to carry the political significance and social weight which they had a century ago.

Shah Suleiman was succeeded by Shah Sultan Husayn (1105/1694-1135/1722), who was equally weak in asserting his control over government affairs, yet harboring a profound sense of religious piety which gained him the nickname "Mulla

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150 A'yan, vol.9, 168.
Husain". 151 In 1135/1722, the Afghans made their triumphant entry into Isfahan, led by Mahmud the Ghaznavid who had Sultan Husayn ride on his left side to legitimize his sovereignty over Iran.

In conclusion, the 'Amili scholastic families were gradually assimilated into the Iranian social structure in such a a manner that their polemical energies and personal discords with other scholars followed social-scholastic rather than ethnic Arab/Persian division. Andrew Newman attempted to show that unlike Persian scholars, Arab Shi‘ite clerics, with the exception of al-Karaki, were suspicious of Safavid Shi‘ism and have disavowed Safavid governmental posts. With little justification he noted that,

Probably more important to the Arab Twelver clerics resident outside Safavid territory, of those appointed to the post of sadr, the supposed head of the religious classes, none was a professing Twelver scholar or lay believer, let alone an Arab. 152

Clearly the great number of 'Amili scholars that ended up in Iran prove that whatever suspicion they entertained about the commitment of the Safavids to Twelver Shi‘ism, did not deter them from spearheading their official religious policies. It also shows that the 'Amili jurists cherished no discernable ethnic considerations for either the office of sadr or shaykh al-Islam and their disagreements over legal and doctrinal questions have crossed familial, residential and ethnic lines. The 'Amili scholars became the backbone of the religious establishment under the early Safavids and

continued to supply the rulers with the moral fabric and political credibility of their envisioned social order. We have seen how the Shahs were intimately acquainted with the juridical and doctrinal topics of their 'Amili servicemen and how at several occasions they consulted their high-ranking clerics on a wide array of legal questions. Together, in the dialectic of their exchange and the intersection of a 'Amili religious apparatus and Safavid political agenda, a distinctive legalistic-political discourse was created. It is misleading to conjure, however, that the Shahs were cognizant of all the details and ramifications of the ulama's theological conceptions and juristic approaches. The 'ulama's ideas and modifications impacted the social order in a manner not foreseen nor fully predicted by the Shahs. Meanwhile, the recognition of al-Karaki as the "seal of mujtahids" and furnishing him with considerable economic grants was never repeated with any other 'Amili or non-'Amili scholar even when such recognition lacked an implicit political attribution.

The cross-fertilization of philosophy-theosophy, Sufism and legal scholarship witnessed among the 'Amili jurists of Shah 'Abbas, resonated the political and economic developments of Iranian society on the one hand, and lent the clerical establishment a greater appeal and an image compatible with such developments. As such, it is misleading to assume that the 'Amilis' brief flirtation with the rational intellectual disciplines was antithetical to the
epistemological and ontological nature of their legalistic inquiries. Instead, the synthesis co-opted to some extent the more radical intellectual formulations and demarcated even further the boundaries of the divide between the erudite law experts and the lay community. The high level of abstraction found in the specialized diction and conceptual molds of the rational sciences can distort their immediate link and relevance to political reality. As long as such disciplines are sealed from popular access, the handful of intellectuals and jurists can safely undertake them. The sovereigns need not be alarmed by this elite unless the validity and legitimacy of their political system starts to be questioned from above by them, or from below by popular dissent movements.

The court of Shah 'Abbas was the last Safavid stage to entertain that number of 'Amili jurists. The historical transformation that Iran underwent in the decades to follow, the weakening of its polity, and shifts in class boundaries were accompanied by the entry of novel intellectual and social elements into the classical scholastic stratum. In the meantime, the centrality of 'Amili juridical traits and service became contested as competitive Iranian fugaha' assumed the greatest share of Safavid clerical leadership. Indeed, the 'Amilis were not merely an 'imported' body of fugaha' needed in fortifying Safavid Shi'ism, but an ambitious interest group that tested the limits of its jurisdiction, utilized its consensual power and contrived to
surpass the monarchs' authority in time.

What remains a fact though, is that several questions raised in contemporary Shi'ite society about the origins and formation of the political deputyship of the faqih find their earliest roots in Safavid society where Shi'ism had faced the task of reconciling itself with temporal authority. Safavid Shi‘ism remodeled the theory of ijtihād, nurturing a “functional relationship”, as Abbas Amanat reflected, between the mujtahid and the mugallid (one who emulates the legal rulings of the mujtahid). The form of clerical leadership was still largely diffuse, unhierarchical, and avoided the designation of certain mujtahids with exemplary juristic authority. We can assert with great confidence that the deputyship of the jurist (vilayat-e faqih) that triumphantly overcame the legalistic-political institutions of the ‘Shi'ite International’ today, far from being a well-rooted concept in Shi'ite tradition as Abdulaziz Sachedina otherwise argued, was strongly debated up to our modern times. Sachedina argued that the theological-legal basis for vilayat-e faqih that explicitly pronounced the political authority of the jurist had crystallized as early as the 2nd/8th century. Our reading of Safavid legal and jursiprudential literature attests to the contrary, and

reveals a resistance within and without the clerical establishment to the designation of a comprehensive authority to the jurist in the manner defined by the modern seat of vilayat-e faqih. The authority of the ‘Amili mujtahids remained forceful, but it did not promote vilayat-e faqih either in a progressive incremental manner or in its full-fledged formulation at the hands of Ayatollah Khomeini.
CHAPTER 4
FRIDAY PRAYER AND SAFAVID SOVEREIGNTY

Friday (al-jum'a) is the weekly "day of assembly" for fulfilling the religious obligation of worship (salat). The observation of Islamic worship on Friday takes the place of midday worship (zuhr), in accordance with the injunction about it in the Qur'an which says: "When you are called to pray on the day of assembly (al-jum'a), hasten to the praise of God and leave your business."¹ The midday worship has four rak'as (cycles) whereas Friday worship has only two, mainly because the latter is followed by a sermon (khutba), which is an integral part of the Friday service and without which it would not even be valid. The khutba also has a special place in the celebration of the two festivals, and in the services held at particular occasions such as an eclipse or excessive drought.² From the early days of Islam, the leadership of congregational prayer and the khutba were a manifestation of the religio-political authority of the ruling sovereign who would himself lead the service or appoint a deputy for this duty. Different Muslim caliphs reserved the right of appointing the leader of Friday prayer (imam al-jum'a), and distinguished his post from the leadership of daily worship.³

As the Safavid order was gradually transformed into a

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³ Sachedina, The Just Ruler, 177-179.
state authority, the shahs came to draw the same legitimizing symbols from Friday prayer as those invested by Sunnite rulers. Before al-Muhaqqiq al-Karaki joined the Safavid court, Shah Isma'il was fully aware of the significance of Friday prayer. In one account, we are told that he was warned by his advisers of the hazards of promulgating Shi'ism as the state religion and expanding his sovereignty over the city of Tabriz. They explained to him that two-thirds of its inhabitants were Sunnites and they would be most prone to revolt against a Shi'ite sovereign. Shah Isma'il responded firmly that he feared no one and that he will use his might to crush any resistance. Privately, however, he was perturbed about the prospects of his task in Tabriz, only to be comforted by a dream in which Imam 'Ali advised him on a strategy for overcoming the Aq Quyunlu,

..let the Qizilbash be present in the mosque fully armed, encircling the worshippers; if anyone makes a move when the khutba (formal address in a mosque) is recited, the Qizilbash will be able to contain the situation. The Shah understood the khutba's function as a mark of his newly-acclimated sovereignty, and hence, the centrality of Friday prayer to the empire's political foundations.

A close analysis of the deliberations surrounding Friday prayer during the Safavid period, yields a number of observations. First, the dominant legal position on Friday prayer taken up by the Safavids from the reign of Shah Isma'il I until Shah Safi I, differ dramatically from its

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5 Ibid.
counterpart toward the late seventeenth century. Contrary to this conclusion which we draw in this chapter, 'Ali Naqi Munzavi had argued that all the Shahs favored obligatory prayer that cannot be substituted by noon prayer (al-wujub al-'ayni or 'ayniyya) and removed from office a number of scholars who called for its absolute prohibition (hurma). Rasul Ja'fariyan found this view hardly plausible and convincingly pointed to a number of officially-recognized Safavid jurists who called for its hurma. Each of al-Karaki, al-Minshar, al-Mujtahid, Baha'i and Mir Damad advocated optional or voluntary prayer that can be substituted by noon prayer (al-wujub al-takhyiri), even where they differed on the necessity of a mujtahid designated in a special or general manner, by the Occulted Imam to carry this function. This was the dominant 'Amili position for the sixteenth century and early seventeenth. Only Husayn b. 'Abd al-Samad called for the unconditional 'ayniyya, while Hasan son of al-Karaki called for a 'ayniyya conditional upon the presence of the designated mujtahid. During the late reign of Shah Tahmasp, a brief shift from al-wujub al-takhyiri to al-wujub al-'ayni occurred under the instructions of Husayn b. 'Abd al-Samad. As we move to the period of Shah 'Abbas, al-wujub al-takhyiri becomes again the favoured position, professed by Baha'i and Mir Damad. The 'ulama of Shah 'Abbas who enjoyed a highly centralized and unprecedented control over Persia, faithfully reflected his interests and outlook. This

6 Ja'fariyan, Din va Siyasat, 137.
especially true, taken the fact that Baha'i and Mir Damad's selection as shuyukh al-Islam was advised at the highest political levels in Isfahan. With the weakening of political centralization under Shah Safi I and Shah 'Abbas II, a number of 'ulama called for the prohibition of Friday prayer. Shah Suleiman had so much doubt about it that he left it entirely to the contending religious elites to devise a decision on it, and came very close to prohibiting it altogether.

Ja'fariyan observed that the convening of Friday prayer was not only concomitant with the establishment of a Shi'ite government, but with the 'ulama's ambitions, sensing the power they could seize by observing it. True, the class of professional jurists of a thriving Persia, came to benefit from administering Friday prayer, both socially and economically, but Friday prayer cannot be seen solely in the light of the interests of one class, the jurists, or purely as a pretext for their assumption of greater powers. Two other factors should be added. One, is the complex historical and sociological evolution of Shi'ism from a communal faith to an official state religion; a change that molded the cognitive-conceptual framework of temporal authority and the Shi'ites' interpretation of government, participation in it, and responsibility towards it. Second, Friday prayer was to become a milestone in the process of Safavid political legitimation targeting Sunnite and Shi'ite subjects alike,

7 Ibid.
9 Lu'lu'at, 15-16.
10 Ja'fariyan, Din va Siyasat, 137.
and deflecting Uzbek and Ottoman slander of the empire's religious icons.

Another central observation made in this chapter pertains to the 'usuli-akhbari controversy. This controversy becomes a fully-fledged schism only in the late seventeenth century, previous to which a dynamic and dialectical exchange between the two continued to evolve. As such, to treat the akhbari and usuli schools as polarized trends of thought that reached their theological and legal maturity before the late seventeenth century is precarious. Friday prayer captures the extent of interconnection between the two and their transformational evolving character. The akhbariyya consisted of jurists who rely primarily on the traditions of the Imams as a source of religious and legal knowledge. The usuliyya, on the other hand, allow reason a larger share in the elaboration of law and theology. It was in the last decades of Safavid rule, however, that the 'usuli-akhbari controversy turned into a schism so deep that Qazvin was split between the usuli headquarters in East Qazvin and their akhbari counterparts in West Qazvin, seperated by Rud Khaneh-yi Bazaar, the bazaar's river. 11 Akhbari zealots, al-Shahidi added, would even carry the works of the usulis in a handkerchief lest they became contaminated by them! Even where such animosities were expressed before the seventeenth

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11 Muhammad Salih al-Baraghani al-Qazvini (d.1271/1854), Mawsu'at al-Baraghani fi Figh al-Shi'a, ed., 'Abd al-Rusayn Salih Shahidi (Tehran, n.d.), 1st edn., 25-6. The editor and grandson of the author wrote an introduction to this work highlighting the development of akhbari-usuli controversy in Qazvin.
century, this says little about the interactive pattern between usuli and akhbari variables in Shi'ite fiqh.

The proposed politico-legal views of the akhbari and usuli schools changed over time. The fact that most if not all akhbaris endorsed the obligatory performance of Friday prayer, calls into question the assumption that a traditionist legal lens had always been tied to a retreat from secular government and rejection of the jurists' participation in a political establishment unmanned by the Imam. Al-Shahid al-Thani who made a systematic integration of rationalist methodology in Shi'ite fiqh, had in the mid-sixteenth century ultimately endorsed al-wujub al-'ayni. Contrary to Andrew Newman's assumptions, there is no perfect congruence during this period between the legal view on Friday prayer/temporal government, and the usuli/akhbari status of the scholar. In essence, we need to revise the assumption that proto-akhbaris have always eschewed secular government.

Third, during the first fifty years, the struggle surrounding the question of Friday prayer was carried by a handful of traditional jurists, an integral element of which were the 'Amilis. The early writings on Friday prayer were almost exclusively written by Arabs or/and in Arabic, and were legalistically-oriented and intended to address a professional audience. They engaged the highest administrative and religious strata that strove to define its status during Occultation. The popularization of this
question, like other Shi'ite doctrinal and legalistic issues, went hand in hand with a process of Persianization in which the discussion of Friday prayer was refitted for the requirements of Iranian society at the time. Ceasing to derive their force and shape from an identifiable 'Amili source, the theoretical and conceptual features of Friday prayer took a life of their own, as they surrendered to new social forces. The types of Shi'ite texts translated from Arabic into Persian at the time, discussed in the last chapter, give a representative picture of this process at the upper and lower echelons of society.

FRIDAY PRAYER BEFORE THE SAFAVIDS

The doctrine of the Occultation of the Imam forced Shi'ite scholars to embark on a re-evaluation of Friday prayer and its function. The scope of this study does not permit an examination of the historical forces shaping the theological explications of Friday prayer before the fourteenth century. We will nonetheless, draw the general thrust of these debates in order to demarcate the theological background for the 'Amili juridical treatment of Friday prayer.

The vast majority of early Shi'ite scholars from the tenth to the twelfth century were in agreement that Friday prayer was neither incumbent nor obligatory during Occultation. Notwithstanding, some of them recommended participating in it though abiding by several conditions and
restrictions. Shaykh al-Mufid (d.413/1022) tackled the legality of Friday prayer in his juridical work Al-Mugni'a fi Masa'il al-Halal wa’l-Haram. He felt that as long as the Occultation lasts, it is not commendable to assemble people on Friday, specifically for the performance of Friday prayer which is only possible if the Imam is present. Otherwise, it is permissible for Shi'ite jurists to lead the believers in Friday prayer worship and to deliver the sermon if no harm befalls them from that. Shaykh al-Ta'ifa, al-Tusi (d.460/1067) too discussed Friday prayer in a number of works including Al-Nihaya, stating that it is dependent upon four stipulations, the most curical of which were first, that al-sultan al-'adil (the just ruler) or someone designated by him as al-na'ib al-khass, (special deputy) must perform Friday prayer. The second is that seven believers should be present and these could include the Imam himself, a jurist appointed by him, a prosecutor, a defending counsel, two witnesses and one who executes the legal punishments (hudud) in the presence of the Imam.12 In contrast, Sallar al-Daylami (d.448/1056 or 463/1071) rejected Shaykh al-Ta'ifa's conditional permissibility of Friday prayer, and prohibited its performance under any condition during the absence of the Imam. He is regarded as the first Shi'ite jurist to have given such a legal decision on Friday prayer. Ibn Idris al-Hilli (d.598/1201-2), the leader of the Shi'ite school of jurisprudence in Hilla, seemed to have endorsed this position

12 Sachedina, The Just Ruler, 180-5.
too.

As we move away from the classical period of Twelver Shi'ism, we find that jurists began to give more scope and weight to the function of the Shi'ite faqih and to regard his presence as necessary for the validity of Friday prayer. In his Shara'i al-Islam, al-Muhaqqiq al-Hilli (d.676/1277) believed that performing Friday prayer, is recommended and not impermissible even when neither the Imam nor the one appointed for leading the worship is present, whenever it is possible to assemble and deliver the two sections of the sermon.\textsuperscript{13} Al-'Allama al-Hilli (d.726/1325), in his Tadhirrat al-Fugaha' agreed with this view and further asserted that most Shi'ite scholars supported the performance of Friday prayer on the basis of several traditions handed down from the Imams who were believed to have performed it among their close associates.

Al-Shahid, the first 'Amili scholar to discuss this issue in depth, was more explicit than al-'Allama al-Hilli in extending to the jurist, the role of the deputy of the Imam for convening Friday prayer. He, like al-Shahid al-Thani, felt that the performance of Friday prayer would be decisive for Twelver Shi'ites in their attempt to become recognized as Muslim adherents to the Ja'fari school of law and toward being represented on an equal footing with other Islamic legal schools.\textsuperscript{14} Al-Shahid summarized his position in Al-
Lum'a al-Dimashqiyya by stating that Friday prayer cannot be

\textsuperscript{13} Ibid., 185, 192-3.
\textsuperscript{14} Ibid., 185-189.
convened "except with the presence of the Imam or his deputy even if he was a faqih, with the possibility of convening Friday prayer during Occultation...". In Dhikra al-Shi'a, his work on legal rulings, he refers to a sound (sahih) tradition in Al-Khilaf by al-Tusi, transmitted from Imam Ja'far al-Sadiq on the authority of Zurara which emphasized the importance of Friday prayer without mentioning the impending Occultation. He believed that since jurists have dealt with central questions in the realm of ruling (hukm) and giving legal opinion (ifta') during Occultation, they must be allowed to perform congregational prayer as well. Clearly, this contradicted the arguments of al-Sayyid al-Murtada (d.436/1044), Sallar and Ibn Idris who concluded, based on their interpretation of the same traditions, that the permission in hukm and ifta' did not extend to congregational prayer.

Throughout the Safavid period, the 'ulama and the literati, and even those opposed to them, devoted treatises either in support of the observance of Friday prayer or in refutation of its practice, absolutely or conditionally. As the Safavids founded an illustrious empire, their 'ulama were thrown into the task of thwarting Ottoman and Uzbek

15 Al-Shahid, Al-Lum'a al-Dimashqiyya fi Figh al-Imamiyya (Qum, 1368/1948), 15. There are five primary conditions identified by al-Shahid, that make a jurist eligible for the position of the deputy of the Imam.
17 Ibid.
slander of their religious dogma. The literature surrounding Friday prayer owes no small part to these Sunnite-Shi'ite polemics and the Safavids' concern about their political stature.¹⁹ Shah Isma’il recognized the significance of Friday prayer but did not foresee a leading role for any of his jurists in convening it. His son and successor, Shah Tahmasp, however, had early during his reign proclaimed al-Karaki, the deputy of the Imam, and the seal of jurisconsults (khatam al-mujtahidin). Sayyid Jawad Modarressi, accurately stated that Friday prayer did not succeed in becoming widely accepted nor practiced.²⁰

Al-Muhaqqiq al-Karaki was the first to call for al-wujub al-takhyirī during the time of Shah Isma’il and strove to extend a social power to the jurist somewhat independent from the ruler’s promotion.²¹ For a long time he was faced with repeated questions about the legal status of Friday prayer during Occultation. The people, he explained, seemed confused and uncertain about what course to take and how to act.²² As disagreement intensified, he decided to settle the matter and reveal the truth about it through the treatise, "Risalat Salat al-Jum’a" completed in 921/1515. Al-Karaki makes no allusion to the Shah or any scholar or notable as a reason for writing his treatise, and his reference to "people" and "those who seek me" points to an abstract and unidentifiable

¹⁹ Ibid., 53.
²⁰ Ibid., 52-3.
²¹ Ja'fariyan, Din va Siyasat, 134.
source. Moreover, it is difficult to interpret "people" as the populace, for it does not seem altogether convincing that a highly specialized topic of a legalistic nature, and written in Arabic was becoming a lively topic for the Iranian populace at that early period. It seems more plausible to believe that inquiries by the populace were limited in scope to immediate practical matters, but that the real challenge came from his fellow 'ulama, and members of the Safavid aristocracy.

Al-Karaki argued that the Qur'an, enjoins the necessity of holding Friday prayer. He argued that there was no theological discord among Shi'ite scholars pertaining to the existence of the Imam or his deputy as a precondition for convening Friday prayer. He called for al-wujub al-takhyiri with the presence of the jurisconsult who fulfilis all the conditions of the general deputy of the Imam. Controversy revolved instead on whether the deputy should be appointed specifically for Friday prayer or whether it is sufficient to appoint him in a general manner if the former manner of appointment is not possible. Al-Karaki supported general deputyship (al-niyaba al-'ammas), trying to draw evidence that most of the jurists accepted its fulfillment before the performance of Friday prayer. The resistance by which al-Karaki's support of Friday prayer was met at the Safavid court and among several 'ulama sheds light on the circumstances shaping his advocacy of al-wujub al-takhyirin

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23 Ibid., 144-146.
instead of al-'ayni.

Forty years after al-Karaki formulated his position on Friday prayer, al-Shahid al-Thani wrote in favor of al-wujub al-'ayni during Occultation. He was the first scholar to call for al-wujub al-'ayni, although he consciously avoided any contacts with the Safavids and pursued his legal profession outside the confines of a Shi'ite state authority unlike several migrant 'Amilis of Iran. On the basis of Qur'anic verses, he tried to establish the proof for al-wujub al-mutlaq (absolute necessity). He noted that the first Shi'ite jurist to discuss the presence of the Imam or his deputy as a condition for convening Friday prayer was al-Sayyid al-Murtada to be followed by Sallar and Ibn Idris. He found it absurd that one would accredit the opinion of but few scholars when Friday prayer has been declared by all Muslims to be a sacred religious duty. In at least two treatises entitled "Risala fi Salat al-Jum'a" completed 962/1554, and "Maqala fi'l-Hath 'ala Salat al-Jum'a", he opposed al-Karaki's stance, refuting all his arguments on al-wujub al-takhyriri and striving to establish its obligatory nature. As Arjomand noted,

by repeated juxtaposition of specific and general vicegerency, al-Shahid II establishes a parallelism

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25 Ja'fariyan, Din va Siyasad, 124-5, 136.
26 Ibid., 144.
27 Ibid., 145.
28 Al-Shahid al-Thani also wrote "Khasa'is Yawm al-Jum'a" published by Muhsin al-Amin in Sidon in a collection of treatises. For treatises written by al-Shahid al-Thani on Friday prayer see al-Dhari'a, vol. 21, (Najaf & Tehran, 1392H/1972), 400; vol. 6, (Tehran, 1365-69), 248; vol. 7, (Tehran, 1367q/1948), 175. Ja'fariyan, Din va Siyasad, 147-8.
29 Ja'fariyan, Din va Siyasad, 133.
between the deputies of the Imams in their lifetimes and the Shi'ite jurists during Occultation.\textsuperscript{29}

The date for the completion of "Al-Hath 'ala Salat al-Jum'a" was originally written in the manuscript as 972/1564, that is six years after the death of al-Shahid al-Thani. Most biographers, except for al-Kanturi, author of Kashf al-Hujub, confirmed al-Shahid al-Thani's authorship of it and discerned his handwriting on it, noting that its copier had inaccurately substituted the number "ithnayn wa sab'in" (seventy-two) for "ithnayn wa sittin" (sixty-two).\textsuperscript{30} Al-Riyad insisted though, that "Al-Hath" lacked the profound legal knowledge and depth expected of a great jurist like al-Shahid al-Thani, unless it was written during his youth which is evidently not the case. Yet, Sahib al-Madarik and 'Ali al-Sa'igh, his grandson and his student, respectively, confirmed his production of it. Husayn b. 'Abd al-Samad, his student and intimate friend, considered himself a follower of al-Shahid al-Thani as an advocate of al-wujub al-'ayni.\textsuperscript{31} Except for "Al-Hath 'ala Salat al-Jum'a", all the works of al-Shahid al-Thani deny al-wujub al-takhyiri which drives us to posit that he changed his legal opinion on it during the latter part of his life in favor of 'ayniyya.\textsuperscript{32}

The fact that al-Shahid al-Thani upheld the 'ayniyya -

\textsuperscript{29} Arjomand, The Shadow of God, 142.
\textsuperscript{31} Husayn b. 'Abd al-Samad, 'Iqd, 31-2.
\textsuperscript{32} Ja'fariyan, Din va Siyasat, 124-5, 136. Al-Shahid al-Thani also wrote a smaller extant treatise entitled "Al-Hath 'ala Salat al-Jum'a" listed in Kitabkhana-yi Ayatullah Najafi, collection 444, Pp. 315-7. Some confusion also surrounds this treatise.
at least for the greater part of his life - while living under Ottoman rule and had consciously avoided contact with the Safavid Shahs, can be ultimately interpreted as a forceful statement that the deduction of legal rulings on Friday prayer and its enactment fall outside the jurisdiction of the rulers or their appointees.\(^{33}\) Hasan the son of al-Shahid al-Thani, known as Sahib al-Madariq who also spent his life in Ottoman Jabal 'Amil, deemed it necessary to observe Friday prayer during Occultation and insisted on its 'ayniyya.\(^{34}\) Scholars who reacted negatively to the views of al-Shahid al-Thani on Friday prayer argued that they were either consciously adopted from Sunnism or merely upheld in precautionary dissimulation under Ottoman rule.\(^{35}\) This assumption is difficult to sustain taken the fact that none of his close students who migrated to Safavid Iran, including Ibn al-'Udi and Husayn b. 'Abd al-Samad hinted at it, even after the death of al-Shahid al-Thani in 966/1558.

In 956/1558, the year of al-Shahid al-Thani's death, Hasan, son of al-Karaki, completed a fifty-seven-page treatise entitled, "Al-Bulgha fi Bayan I'tibar Idhn al-Imam fi Shar'iyyat Salat al-Jum'a".\(^{36}\) Hasan and 'Abd al-'Ali both took steps away from the views of their father on Friday

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33 Ibid., 36.
34 Afandi, Ta'ligat Amal al-Amil, 1st edn., (Qum, 1411H-Q/1990), 72-3.
35 Ja'fariyan, Din va Siyasat, 137.
prayer. 'Abd al-'Ali al-Karaki composed a treatise entitled, "Al-Lum'a fi Tahqiq Amr Salat al-Jum'a" in which he opposed the 'ayniyya of Friday prayer during Occultation. Although he conformed on this point with his father, he seemed to have disagreed with some of the conditions the former expounded in relation to Friday prayer.  

Hasan found his own endeavor to resolve the question of Friday prayer most noble, for it would bring him closer to God and served the Shah, "the reviver of the laws, sunan of the prophets and messengers, the weilder of power over kings and sultans, and the shade of God over all his creators".  

A group of "believers", he wrote, claimed that some Shi'ite 'ulama endorsed the permissibility of convening Friday prayer during Occultation without the presence of the jurist who fulfills the conditions of appointment for the deputyship of the Imam. Rejecting this claim, he asserted that the 'ulama's consensus (ijma') rested on its opposite. The performance of Friday prayer requires the presence of the Imam or a person appointed by him either generally or specifically for that purpose. He asserted that the Prophet used to appoint a leader for Friday prayer in the same manner  

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37 Tehrani, Al-Kawakib al-Muntashira, 525.  
38 Agha Buzurg Tehrani noted that 'Abd al-'Ali, like Hasan had gone against his father's legal opinions on Friday prayer without further explanation. See, al-Dhari'a, Beirut, 3rd edn., vol.18, 353.  
40 Ibid., folio 1a.  
41 Ibid. Among those who related this consensus were his father, al-Karaki and al-Shaykh Abu Ja'far al-Tusi in Al-Khilaf, Abu al-Qasim Najm al-Din in Al-Mu'tabar, Al-'Allama in Al-Tadhkira, Al-Miqdad in Kanz al'Irfan, and al-Shahid in Al-Dhikra.  
42 Ibid., folio 2a, 24a. Hasan merely alludes to the legal opinions of his father and al-Shahid al-Thani in the course of his treatise.
as one was appointed for gada' and likewise did the caliphs after him. As it is improper to appoint oneself a judge without the permission of the Imam, it is not possible to assume the leadership of Friday prayer without an appointment. He argued that this view is not an analogy (qiyaş) but rather a deductive reasoning (istidālāl) based on past continued practice throughout the centuries, and its violation is a breach of consensus.\(^{43}\) The mujtahid, within this framework, functions as the deputy of the Imam following a general designation.\(^{44}\)

The 'ulama were divided into two groups on the permissibility (jawāz) of Friday prayer. The first group called for its permissibility 'aynān when the Imam or his appointee is present, and provided that the remaining conditions for the appointee's suitability are fulfilled. According to Hasan, this is the predominant opinion among the 'ulama especially the late ones. The second group, agreed instead on al-wujub al-'aynī without linking it to the question of deputyship.

After expounding the need for the Imam's deputy to lead Friday prayer during Occultation, Hasan discussed "the consensus" reached by the 'ulama on the special appointment (ikhtisās) and conditions which the position of deputyship should fulfil.\(^{45}\) Therefore, against his father's position,

\(^{43}\) Ibid., folio 2b.
\(^{44}\) Ibid., folio 24a.
\(^{45}\) Ibid., folio 13b. Hasan argued that the consensus reached by the Sunnite 'ulama dismissed al-wujub al-takhyiri during Occultation and to that matter, the need for the mujtahid in legal rulings. This is due to the fact that Sunnites ruled equally during the periods of the Imam's
Hasan supported the 'ayniyya of Friday prayer but continued to emphasize as his father did, the necessity of providing a mujtahid who functions as the deputy of the Imam in leading Friday prayer. The social and political significance of Hasan's views lie in the sense of empowerment which he, like his father, lends to the mujtahid and the pivotal role envisaged for him therein. The endorsement of the 'ayniyya is an assertive step in this direction because it leaves no choice for any Shi'ite in absolving himself or herself from attending the Friday sermon led by the appointed jurisconsult. The absence of biographical and professional data on Hasan in Safavid chronicles and the fact that he was offered no significant posts, lead us to believe that he was probably trying to reclaim the 'imperative' mujtahid for Safavid statehood, fortified by the core symbols of Friday prayer.

Al-Mujtahid reverted to the position of his grandfather, al-Karaki, when he rejected the 'ayniyya of Friday prayer in his treatise "Al-Lum'a fi 'Adam 'Ayniyyat Salat al-Jum'a" completed 966/1558, the year al-Shahid al-Thani was assassinated. He dedicated it to Shah Tahmasp at the tomb site of Shah Safi in Ardabil.\textsuperscript{46} He endorsed al-wujub al-takhyiri with the condition of vicegerency and refuted al-

\textsuperscript{46} Ibid.

\textsuperscript{46} Ibid.
Shahid al-Thani's arguments in the most zealous of ways. Likewise, al-Minshar, the student of al-Karaki denounced al-wujub al-'ayni in his treatise "Risala fi Salat al-Jum'a".47

By the time of Husayn b. 'Abd al-Samad, Shi'ite scholars were divided into three groups on the issue of Friday prayer. The first supported the absolute necessity of Friday prayer (al-wujub al-hatmi) without binding it to the presence of a designated jurisconsult. This group stood for all the 'ulama of the classical period and those who succeeded them, except for Sallar and Ibn Idris. The second group advocated al-wujub al-takhyiri, and comprised of most of the late scholars who claimed they reached a consensus on it but did not find the presence of the jurisconsult required for convening it. The third group forbade its practice altogether during Occultation, whether in the presence or absence of the jurisconsult.

Far from being well-established in Iran at the time of al-Karaki, Friday prayer took forty to fifty years after the foundation of the Safavid empire to prevail. The form in which al-Karaki advanced his position on it, the manner by which it was received by the 'ulama and Persian aristocrats at the Safavid court, and the shifts in the Shahs's internal political control, all furnished the ground for the ensuing debates.

Al-'Iqd reveals that a long time has lapsed in which Friday prayer was deserted due to the dissent among leading

47 Al-Dhari'a, Beirut, 2nd edn., vol. 15, 76.
Safavid 'ulama, concerning its status and conditions. The section on Friday prayer in Al-’Iqd can be even more appreciated for the sense of urgency it carries; an urgency caused by the actual discontinuation of Friday prayer service prior to the advent of Husayn b. 'Abd al-Samad to Iran. Knowing through major Safavid chronicles that the performance of Friday prayer was rigorously and systematically practiced under Husayn b. 'Abd al-Samad's guidance, we can infer that his plea to Shah Tahmasp has been heard and his efforts prevented Friday prayer from subsiding. Husayn b. 'Abd al-Samad rigorously instated salat al-Jum’a in the major provinces of Persia, not the least of which was Herat. Like al-Karaki, Husayn b. 'Abd al-Samad found that one would onerously justify the discarding of Friday prayer in the face of valid Sunnite arguments, corroborated by the Qur'an and numerous traditions. Ja'fariyan tries to shed light on one this aspect by pointing to 'Abd al-Jalil al-Razi al-Qazvini, a twelfth-century scholar who wrote a refutation of the anti-Shi'ite work "Ba'd Fada'ih al-Rawafid", in which Shi'ites were taken to task for discarding Friday prayer. Qazvini found it necessary to assert that in all the Shi'ite cities, Friday prayer was well-established and convened with the khutba and the assemblies for prayer. Its conditions were observed in two chief congregational (jami') mosques at Qum,

48 'Alamaraye, vol.1, 247; Isfahani, Khuld-i Barin, 434.
49 Isfahani, Khuld-i Barin, 433.
51 Ja'fariyan, Din va Siyasat, 129-131.
and in two jami' mosques at Aveh, and one jami' mosque at Qashan, and one jami' mosque at Varamin, and in the territories of Mazandaran.\footnote{52}

Final proofs which lend themselves to one interpretation, Husayn b. 'Abd al-Samad concluded, confirm that no specific conditions for convening Friday prayer were specified, including the presence of the Imam and the jurisconsult. He finds that, except for al-Shahid, none of the early or late 'ulama had stated that its performance was conditional upon the presence of the jurisconsult. He explains though, that al-Shahid had advanced such an opinion in one work, namely Al-Lum'a but seemed later to agree with other 'ulama on the contrary. The early opinion of al-Shahid, however, and which Husayn b. 'Abd al-Samad deemed inaccurate, was the one adopted by al-Karaki. He who performs prayer on Friday, Husayn b. 'Abd al-Samad announced, is exonerated from guilt and would have fulfilled his obligation according to the words of God, His Prophet, the Imams and all the Shi'ite scholars. Agreeing with Sallar and Ibn Idris, whose views were found weak by every scholar, Shaykh 'Ali al-Karaki noted that the disagreement among the Shi'ite 'ulama on this issue invalidated the conditions of a consensus. But God, Husayn b. 'Abd al-Samad argued, does not revoke what was decided by consensus that is reached on the basis of Twelver Shi'ite legal principles. Furthermore, the disagreement among three or four, ten or even twenty scholars does not invalidate the

\footnote{52} Ibid.
conditions of consensus when the scholars' line of descent (reliability and trustworthiness) is verified. These are the jurisprudential principles utilized by Shi'ite scholars and upon which they establish a consensus.

By refuting the position of al-Karaki, Husayn b. 'Abd al-Samad indirectly discredited the standpoint of al-Mujtahid who endorsed his grandfather's legal opinions on Friday prayer. Devin Stewart made a thorough analysis of Al-'Iqd as to furnish a basis for the professional rivalry between Husayn b. 'Abd al-Samad and al-Mujtahid.\textsuperscript{53} His reading of the section on Friday prayer, is especially relevant to our understanding of Husayn b. 'Abd al-Samad's legal and social outlook in comparison to al-Karaki.

Against al-wujub al-takhir, Husayn b. 'Abd al-Samad argued that those who pray at noon will find that their prayer is only acceptable in the eyes of two men, Sallar and Ibn Idris in addition to the late scholars.\textsuperscript{54} In order to be totally secure in one's decision, one should pray also in the afternoon, or else one would have to account for God and prepare a justification on the day of judgment.\textsuperscript{55} No rational person would tell God that he had not taken up Friday prayer because Sallar and Ibn Idris opposed it, for this would be sheer ignorance and blindness! The sharp tone of voice and language which Husayn b. 'Abd al-Samad invests against al-

\textsuperscript{54} Husayn b. 'Abd al-Samad, 'Iqd, 31-32.
\textsuperscript{55} Ibid., 32-33.
Karaki's position is unmistakable. In this form of argumentation Husayn tried to convince his fellow Shi'ites that caution and commonsense in performing Friday prayer is the safest path. This consequently means a reversal of al-Karaki's legal opinions. Thanks to the Safavid empire, taqiyya can be discarded and no excuse can be used for deserting Friday prayer.

From the time of Shah Tahmasp until the time of Shah 'Abbas I (995/1587-1038/1629), scholarly debates on Friday prayer became commonplace among Iranian theologians. Except for Lutfullah al-Maysi, leading 'ulama upheld al-wujub al-takhyiri, as was the case with both Shaykh-i Baha'i and Mir Damad, thus going against Husayn b. 'Abd al-Samad's position. In his doctrinal (I'tiqadat) treatise Baha'i supported the favorability (istihbab) of Friday prayer and argued for its necessity (wujub) taken that the general conditions specified for convening it are provided. It is noteworthy though, that Baha'i made a general statement on Friday prayer without pointing to any controversy surrounding it as did each of al-Karaki, Hasan and Husayn b. 'Abd al-Samad. This indicates that, during his lifetime it did not become an issue of contest and that other legal points may have been more pressing. Nizam al-Din Muhammad b. al-Husayn al-Qurashi al-Sawi (d.circa 1040), a student of Baha'i and known for his

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authorship of Nizam al-Aqwal, deviated little from his teacher's position, writing a treatise against al-wujub al-
'ayni. Muhammad Taqi b. Abi'1-Hasan al-Husayni al-
Astarabadi, another student of Baha'i and Mir Damad, wrote a treatise denying its hurma and called for its wujub. One scholar, Abdullah b. al-Husayn al-Tustari (d.1021/1612) had called for the necessity of convening it without any specific discussion or refutation of other 'ulama's position.

In his "Risala fi Salat al-Jum'a", Mir Damad endorses optionality in conjunction with "the presence of the holder of a general vicegerency (niyaba 'amma) who is the mujtahid". He identified the mujtahid as that who "combines the sciences of ijtihad and the conditions of ifta". Mir Damad finds that the just ruler (al-sultan al-'adil) who is the infallible Imam or someone appointed on his behalf specifically for that purpose or someone who deserves to deputize him in a general manner, is a necessary condition for the convening of Friday prayer and other festivities. Without this condition "no Friday prayer can be convened." Therefore the encouragement to observe Friday prayer and the 'Id in the sacred texts of the Qur'an and hadith are rather incumbent upon the fulfillment of the reasons and conditions for their wujub. He encourages his fellow Shi'ites to join

59 Al-Dhari'a, vol. 15, (Najaf & Tehran, 1384q/1965) 79.
60 Ibid., 67-8.
61 Ibid., 73.
63 Ibid.
64 Ibid.
other believers in noon prayer "and leave Friday prayer until the time when it is proper to convene it" and when the total obligation for its performance is realized. Exceeding the noon prayer and its rak'as with Friday prayer, that is following al-wujub al-'ayni, is not praiseworthy in the eyes of God, for "a little [prayer] in a year is better than plenty in a bid'a!". 65 Like Baha'i, he was weary about bestowing an overarching legitimacy to the temporal ruler at the head of the Safavid state.

Lutfullah al-Maysi who enjoyed an intimate relationship with Shah 'Abbas was the only 'Amili scholar of his empire to uphold the necessity and 'ayniyya of Friday prayer during Occultation and used to perform it in his mosque. 66 His position reflected a forceful acknowledgement of the Shah's sovereignty especially since he made no claims to exclusive or general ijtihad, nor to that matter did he link the performance of Friday prayer to the presence of a deputized mujtahid.

In as far as the 'Amilis proclaimed the licitness of Friday prayer, they have as a collective group put forward a position that was fervently contested by the 'Shi'ite international' of the early sixteenth century. 67 Leading Bahrayni 'ulama, for instance, remained predominantly opposed

65 Ibid.
67 The term "Shi'i Internationalism" was used by Chibli Mallat in his book, The Renewal of Islamic Law, Muhammad Baqer as-Sadr, Najaf and the Shi'i International (NY, 1995): 45-6. Internationalism derives from "the constant interaction between the 'ulama of the various parts of the Shi'i world...". We are extending the use of this term, here, to include Shi'ite graduates of learning centers preceding Najaf.
to its convening throughout the first century of Safavid rule. Their arguments in favor of hurma are based on the absence of the Imam, who alone has the right to perform Friday prayer. From the first half of the seventeenth century onward, the position of the Iraqi, Iranian and Bahrayni prohibitionists becomes largely undermined among the Shi'ite 'ulama. The 'Amilis, having been instrumental in implementing Friday prayer were now faced less with debates about its wujub than about the manner and conditions for its performance, that is, whether it was 'aynan or takhyiran. Those who called for al-wujub al-'ayni dismissed unanimously, the need for the Imam in performing Friday prayer.\(^{68}\) They differed though, on whether a designated deputy for the Imam should be appointed for that purpose.

The largest number of 'Amili jurists embraced Safavid posts and acknowledged the empire's political goals. Among those were a number of akhbaris like Husayn b. 'Abd al-Samad who had no compunction about interacting with the shahs and to that matter, proclaiming Friday prayer obligatory. The controversies over Friday prayer, far from having an ethnic or definite akhbari-usuli content, were carried between father and son within the 'Amili group. Al-Karaki's position was refuted by his son Hasan, and that of Husayn b. 'Abd al-Samad by his son Baha'i.

Already by the time of Shah Safi I (r.1038/1629-1052/1642), the discussions surrounding Friday prayer had

\(^{68}\) Ja'fariyan, *Din va Siyasat*, 133.
moved to the circle of Persian scholars who took it up, engaging in elaborate discussions that gradually penetrated a wider social spectrum instead of devolving within the confines of the traditional fugaha stratum. The popularization of this issue was concomitant with a 'Persianization' process as treatises became increasingly written in Persian and their arguments formulated in a simpler and accessible language. During this period too, some versions of gnostic philosophy ('irfan), like elitist Sufism received the court's encouragement.

PHILOSOPHERS AND SUFIS IN THE LEGAL MAELSTROM

During the reign of Shah 'Abbas II (1052/1642-1077/1666), a different theological scene was already in effect. As part of a systematic policy of autocratic royal centralization, the onslaught on the traditional (legalistically-minded) jurists intensified. The Safavids no longer saw Friday prayer in its legitimatory light and became suspicious of the potential threat to their sovereignty emanating from the deputyship of the faqih. This period witnessed instead the patronage of Persian 'ulama who attempted to harmonize legalistic Shi'ism with gnostic philosophy moving further away from the school of the foremost theosopher, Sadr al-Din Shirazi, known as Mulla

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69 For an accurate depiction of the variegated intellectual inclinations and types of 'ulama at the time see, Khwatanabadi, Vagayi', 506-522. Look also through the numerous biographical sketches of seventeenth-century scholars in Tehrani, Al-Kawakib al-Muntashira.
71 Ibid., 186.
Sadra (d.1050/1640). For Mulla Sadra the epistemological structure rested on a synthesis of revelation/sacred law (shar'), illumination and intellectual intuition (kashf) and ratiocination, rational demonstration ('aql). The possibility of achieving higher states of being and fulfilling the quest for truth can be achieved here and now. The intricate and complex theosophical-philosophical (Hikmat) edifice constructed Mulla Sadra came under the attack of those who sought a more subordinate position for 'aql and illumination. Another approach to Mulla Sadra's theosophy was to bring philosophical precepts closer to Shi'ite legalism. Thus, Muhsin al-Fayd (d.1091/1680) who was one of Mulla Sadra's student upheld only shar' and kashf and excluded 'aql as the core for epistemology. With al-Fayd comes a rigorous integration of Hikmat into legalistic Shi'ism. This essentially shows that the Safavids' espousal of Sufi and philosophical trends does not mean that they envisaged no threat from their more popular and radical derivatives.

Arjomand who drew crucial connections between social and intellectual features, noted that Muhammad Baqir Sabzavari (d.1090/1679), a member of the propertied notables greatly esteemed by Shah 'Abbas II, was a philosophically-bent scholar who subscribed simultaneously to a "high" Sufism. Al-Fayd who was also a beneficiary of royal favors

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73 Ibid., 690.
and a leading gnostic philosopher, attempted to show in his work Al-Shihab al-Thaqib, completed 1057/1647, that a consensus was reached among Twelver Shi'ites for al-wujub al-'ayni, in refutation of the arguments advanced a century ago by al-Karaki.\(^{75}\) He argued that most faqih\(s\) after al-Shahid al-Thani have supported al-wujub al-'ayni. Among those were Husayn b. 'Abd al-Samad, Sahib al-Ma'alim and Sahib al-Madarik, Sayyid Amir Fadlullah al-Najafi, Fakhr al-Din b. Tarih al-Najafi and others.\(^{76}\) Against al-Fayd, Mawla Muhammad Amin b. 'Abd al-Wahhab wrote a treatise in defense of the hurma of convening Friday prayer.\(^{77}\) Mulla Khalil Qazvini (d.1089/1678), a Sufi-bent 'alim who rejected ijtihad, and was a tariqa follower, upheld its hurma during Occultation causing a wave of replies and debates.\(^{78}\) His son Salman endorsed the same position.\(^{79}\) Muhammad Taqi Majlisi (d.1070/1659), another Sufi-bent 'alim, supported its 'ayniyya.\(^{80}\) It is noteworthy, that both Muhammad Taqi Majlisi and Mulla Khalil Qazvini though expressing opposite views on Friday prayer, were highly-esteemed by Shah 'Abbas II. Both of them came under severe attack from Mulla Muhammad Tahir Qummi, the shaykh al-Islam of Qum who was vehemently opposed

\(^{75}\) Ja'fariyan, Din va Siyasat, 151; al-Dhari'a, vol.14 (Najaf, 1381/1961), 252. Al-Fayd had wrote a treatise entitled "Abwab al-Jinan fi Salat al-Jum'a" completed in 1055/1645 supporting the same view of 'ayniyya.

\(^{76}\) Ja'fariyan, Din va Siyasat, 151.

\(^{77}\) Al-Dhari'a, vol.15 (Najaf & Tehran, 1384q/1965), 65.

\(^{78}\) Ibid., 66, 71; Khwatanabadi, Vagayi', 534. Mulla Khalil was a student of Baha'i and Mir Damad early in his life. Muhammad Rida Qazvini, killed at the hands of the Afghans in 1146/1733, also proclaimed the hurma of Friday prayer. Al-Kawakib, 277.

\(^{79}\) Al-Kawakib, 72.

\(^{80}\) Al-Dhari'a, vol.15, (Najaf & Tehran, 1384q/1965), 68.
to the Sufis and whomever shunned the obligation of Friday prayer.\textsuperscript{81} His intolerance toward the Sufi-bent 'ulama intensified at the time of Shah Suleiman (r.1077/1666-1105/1694) when he refuted the position of Mulla Khalil Qazvini, in a treatise completed 1069/1658.\textsuperscript{82} He also attacked Mawla Hasan 'Ali b. 'Abdullah Tustari (d.1075/1664), one of the few traditional jurists to advocate the hurma of Friday prayer.\textsuperscript{83}

The Safavid conquest of Bahrain in 1011/1602 was a turning point in the theological formulations of Friday prayer by its 'ulama. Shortly after, Shaykh Muhammad b. al-Hasan b. Rajab al-Maqabi al-Ruwaysi (d.1050/1640), inaugurated the performance of congregational prayer.\textsuperscript{84} Under Shah 'Abbas II, the Bahraini jurist Zayn al-Din Ali b. Sulayman b. Darwish b. Hatim al-Qudami (d.1064/1654), the first to spread hadith in Bahrain, wrote a treatise in support of al-wujub al-'ayni following his teacher, al-Maqabi.\textsuperscript{85}

Mawla Muhammad Muqim Yazdi debunked, in a treatise completed 1063/1652, the views of prominent Safavid scholars who declared Friday prayer illicit during Occultation.\textsuperscript{86} Mentioned with praise in al-Jami' al-Mufidi, known also as

\textsuperscript{82} Al-Dhari'a, vol. 15 (Najaf & Tehran, 1384g/1965), 72.
\textsuperscript{83} Ibid., 69.
\textsuperscript{84} See Momen, Shi'i Islam, 120.
\textsuperscript{85} Al-Dhari'a, vol. 15, 76; Rawdat, vol. 7 (Beirut, 1411H/1991), 77-8.
\textsuperscript{86} Al-Dhari'a, vol. 15, (Najaf & Tehran, 1384g/1965), 81. The treatise, “Al-Hujja fi Wujub Salat al-Jum’a” by Mawlana Muhammad Muqim Yazdi (d.1084/1673), throws light on the legalistic-political debates around Friday prayer.
Tarikh Yazd, Yazdi was the leader of the akhbaris in Yazd, an authority in legal disputes and an instructor of religious law. He was the first to implement Friday prayer in Yazd and perform it for forty years.\(^87\) He upheld al-wujub al-‘ayni, a position that seemed current among the akhbaris at the time as it was preponderant among the 'usulis to argue against the absolute and obligatory observance of Friday prayer.\(^88\) The tendency among usulis was to adopt al-wujub al-takhyiri.\(^89\) Friday prayer remained firmly established after his death even until the times of Fath 'Ali Shah Qajar, through one of his grandsons, called Mulla Muhammad 'Ali, also an akhbari. Around the time of Shah Suleiman, an outburst of treatises on Friday prayer seemed polarized between its unconditional necessity to its utmost forbidness, signalling the widening rift among influential religious scholars with diverse socio-political interests. Muhammad Baqir b. al-Ghazi al-Qazvini (alive in 1103), following the opinion of his brother Mulla Khalil, proclaimed its hurma during Occultation. Mawla 'Awad al-Tustari al-Kirmani (d. after 1100/1688), a traditional jurist, supported the necessity of Friday prayer and used to convene it himself.\(^90\) Amidst these controversies, the leading akhbari jurist, al-Hurr al-'Amili wrote a treatise entitled, "Ithbat Wujub Salat al-Jum'a 'Aynan" in support of its obligatory observance against the claims of Mirza Muhammad b.

\(^{87}\) M. Muqim Yazdi, "Al-Hujja," 51.
\(^{88}\) Ibid., 52-3.
\(^{89}\) Ja'fariyan, Din va Siyasat, 127. See also Muhsin al-Fayd, Al-Shihab al-THaqib, ed. Ra'uf Jamal al-Din, (Beirut, 1410g/1989), 47.
\(^{90}\) Al-Dhari'a, vol. 15, 2nd edn., (Beirut, n.d.), 78.
Ibrahim al-Naysaburi (alive in 1134/1721), one of the notable sayyids and instructors at the Astane-yi Quds-i Radawi.⁹¹ In Bahrain, Ahmad b. Muhammad b. Yusuf al-Khatti, called for al-wujub al-`ayni against Sulayman b. Abi Zabya al-Shakhuri (d.1101/1690), in conformity with Sulayman al-Mahuzi's (d.1121/1709) who seemed to have defected from an extreme usuli position to akhbarism.⁹²

Although a number of prayer leaders were appointed to convene Friday prayer in Bahrain, Shah Suleiman started to question its practice and tried to curtail the special function of the imam jum'a. But the congregational prayer leader, 'Ali b. Ja'far al-Manufi (d.1131/1718) whose father, 'Ali Um al-Hadith (d.1064/1653), was the first to spread Tradition in Bahrain, disregarded Shah Suleiman's orders and continued to convene Friday prayer. In consequence, he was brought to the Safavid court in chains and exiled to Kazeron where he remained until his death.⁹³ The Shah, however, remained undecided about what legal course to endorse, and commanded his vizier 'Ali Khan Zangineh (1086/1675-1101/1689) to form a synod for his 'ulama to decide on whether it should be convened.

Upon this imperial command, Agha Jamal al-Din Khwansari (d.1125/1712), declared his opposition to al-wujub al-`ayni, arguing that al-Shahid al-Thani was the first Shi'ite scholar to proclaim the licitness of Friday prayer but only out of

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⁹¹ A'yan, vol.9, 59.
⁹² Al-Dhari'a, vol.15, 2nd edn., (Beirut, n.d.), 63-4, 72; Al-Kawakib, 321. Ahmad al-Bahrayni was a student of Muhammad Bagir Majlisi.
⁹³ Lu'lu'at, 15-16.
dissimilation under Ottoman rule. Ja'far b. al-Husayn b. Qasim b. Muhibbullah al-Musawi al-Isfahani al-Khwansari (d.1158/1745) wrote a treatise in support of its 'ayniyya during Occultation against Jamal al-Din al-Khwansari. Except for Husayn b. al-Hasan al-Gilani al-Isfahani al-Lunbani (d.1129/1716), several students of Jamal al-Muhaqqiqin followed his opinion on Friday prayer, refuting the views of the philosophically-bent jurists Akhund Mirza Shirwani (d.1098/1686) and Akhund Muhammad Tunikabuni Sarab. The latter adhered to the philosophical school of Mulla Rajab 'Ali al-Tabrizi, which departed from some central conceptions in Mulla Sadra's works, and nurtured a more conformist attitude toward the government. It is no wonder that the Peripatetic (mashsha'i) and gnostic schools in the last decades of Safavid Iran tended to become more hostile to Hikmat and 'irfan. Muhammad Tunikabuni Sarab studied closely with Muhammad Baqir Majlisi and al-Muhaqqiq al-Sabzavari. Shirwani, the nephew of 'Allama Majlisi, on the other hand, was a staunch adherent to the Haydariyya Sufi order. Shah Suleiman acknowledged his erudition by summoning him from Atabat to Isfahan in 1091/1680.

94 Ja'fariyan, Din va Siyasat, 137.
97 Al-Kawakib, 671-2.
99 Al-Kawakib, 231, 671-2. Muhammad al-Sarab's son, Muhammad Qasim Astarabadi was appointed by the Safavids to the gada' in Mazandaran.
100 Vagavi', 536.
Shirwani wrote a treatise against 'Abdullah b. Muhammad Tuni Khurasani, known as al-Fadil Tuni (d.1071/1660) who denounced its 'ayniyya during the time of shah 'Abbas II.101

Al-Muhaqqiq Sabzavari (d.1090/1679) wrote two treatises on Friday prayer, in Arabic and Persian, expressing his support for al-wujub al-‘ayni when he was opposed by 'Ali Rida Tajalli, in a Persian treatise dedicated to Shah Suleiman.102 Muhammad Sarab, in turn, and under the request of Shirwani, refuted Tajalli's treatise in a Persian one completed 1081/1670.103

Evidently, Shah Suleiman's recourse to his 'ulama's views, discloses his precarious authority and the rising power of the Persian religious notables, as their proximity to the Shah and their honorary titles, namely, "Mir", "Mirza", "Akhund", and "Agha", indicate. Added to these were the sayyids, and few high-ranking jurists and shuyukh al-Islam. In a subtle social process, they gave legalistic-philosophical/Sufi form, however abstract, to their class interests and extended theological sanctity to a Shi'ite temporal authority, not to strengthen the shahs' sovereignty per se, but to pave the way for their own 'hierocracy' when the opportunity arises. The celebrated akhbari jurist, Muhammad Baqir Majlisi (d.1110/1698), illustrates this process through his insistance on al-wujub al-‘ayni during

101 Al-Dhari'a, vol. 15 (Najaf & Tehran), 74-5; Vagavi, 1, 516. Khwaternabadi had himself studied with al-Fadil al-Tuni and his brother Ahmad in 1059/1649; On al-Sarab see Rawdat, vol.7 (Beirut, 1411H/1991), 101-2.
103 Ibid., 77, 80-1.
Occultation. The Sufi-bent Qazvini scholars mentioned above, in contrast, declined from accepting a 'closure' to the story of temporal authority and continued to find illegitimate features in any but the awaited Imam's government. In our opinion, this position gives voice, indirectly, to political dissent and social opposition, from other elites and from a suppressed popular constituency. In other words, upholding the hurma, gives a theological window of maneuver for disgruntled sectors that can always use it to delegitimize the government.

The school of the akhbaris was revitalized in the early seventeenth century under the leadership of Mulla Muhammad Amin Astarabadi (d.1036/1626-27) who made his most explicit akhbari arguments in Al-Fawa'id al-Madaniyya. In the meantime, Isfahan's centers of learning, which were the greatest entrepot for striving scholars, were dominated by usulis (rationanlists). Akhbari ideas and legal concepts became preponderant in the intellectual and social milieu of late seventeenth century Iran and became especially espoused by the Persian clerical notables of Sufi and philosophical orientations. As Arjomand argued, akhbarism allowed the clerical notables to curtail the interests of the "Shi'ite hierocracy" by challenging the authority of the mujtahids and propagating the "charisma of lineage of the ruling dynasty and of the sayyids who formed the clerical estate". In this

104 Ibid., 66.
105 Modarressi, Shi'i Law, 52.
106 Ibid., 54.
107 Arjomand, The Shadow of God, 146.
respect, the akhbaris' propagation of the 'ayniyya of Friday prayer was another way of severing its legal status from the usuli-ijtihadi predilections. The unconditional 'ayniyya would deny the usuli mujtahid, not the jurist per se, exclusive privileges.

After the ascent of Shah Sultan Husayn (r. 1105/1694-1135/1722), Muhammad Rida Qazvini (d.after 1136/1723), a Sufi-bent 'alim who studied with Mulla Khalil Qazvini and had excelled in his tariga also endorsed the hurma of Friday prayer. He maintained good relations with the Safavid court and dedicated his work, "Al-Rafiq fi Adab al-Safar" to Shah Sultan Husayn in 1114/1703. Amin b. Ahmad too, the brother of Mawla 'Abdullah Tuni argued against Muhammad Sarab in justifying its hurma. By the time of Shah Tahmasp II (1135/1722-1144/1732), the opposition to the convening of Friday prayer had spread to the ranks of traditional jurists like 'Ali Naqi Kamrahi, the shaykh al-islam of Shiraz and later Isfahan, and Agha Ibrahim al-Mashhadi (d. 1148/1735) the shaykh al-islam of Mashhad.

We are led to conclude that throughout the reign of Shah 'Abbas II and Shah Suleiman, the theological struggles over Friday prayer were concomitant with major historical transformations involving a marked decline in Safavid power,

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108 Al-Kawakib, 277. It is not clear from Munzavi's account what type of tariga Muhammad Rida Qazvini followed. On the other hand, he seemed to have written a treatise against the Sufis!


110 Ja'fariyan, Din va Siyasat, 136-7. See also Al-Dhari'a, vol.15, 2nd edn., (Beirut, n.d.), 63. Agha Ibrahim al-Mashhadi wrote his treatise against the observance of Friday prayer in 1120/1708.
and an increase in the politico-economic fortunes of a notable religious elite, and greater expression for political-social dissent. The intellectual hybridity woven into such transformations, brought to the fore formidable competitors to the traditional jurists, namely the philosophically-bent and Sufi-bent 'ulama. The latter, for the most part, continued to problematize the question of Friday prayer, insisting on its hurma. The philosophically-bent 'ulama, in an effort to harmonize the mainstream legal outlook with philosophy, took the extreme opposite stance of endorsing its 'ayniyya. It is during this phase, that the philosophically-bent scholars converged with the position of the akhbari jurists, whose social ascendancy can be attested through the powers enjoyed by Muhammad Baqir Majlisi. Except for the more moderate Sufis like Muhammad Taqi Majlisi, and Muhsin al-Fayd, no Sufi-bent scholar supported the obligatory observation of Friday prayer. In the same vein, only a handful of traditional jurists, like Mawla Hasan 'Ali Tustari, Sulayman al-Shakhuri, Jamal al-Muhaqqiqin, and Mirza Muhammad al-Naysaburi endorsed its hurma in the late Safavid period. Ultimately, the relationship between Friday prayer and Safavid sovereignty becomes a function of first, the internal socio-political changes in the late Safavid period and second, the rich intellectual possibilities offered by the Persian milieu in the areas of philosophy, Sufism, theology and law.
CHAPTER 5

THEMES IN SAFAVID-'AMILI INTELLECTUAL PRODUCTION

The Safavid-'Amili intellectual production furnishes an invaluable entry into the social-political preoccupations of the 'ulama class, the regulatory dimension of their juristic 'guild' and its historical transformation. In this chapter, we present a quantitative analysis of their intellectual output, ranging from legal and jurisprudential tracts to poetic and philosophical compositions, in order to determine the shifting concerns of the clerical class and the changing demands of the political order and society they lived in. It is then possible to trace particular theological, juridical and doctrinal paradigms to specific historical episodes of the Safavids' reign and uncover the significance of the rise, decline or reformulation of ideas in a specific scholastic branch. A close scrutiny of representative 'Amili writings further illuminates the changes at the highest decision-making level of Safavid authority and the local needs of the Iranian lay community. Far from being passive, this community consented to the form of religious-legalistic regulation practiced on its subject by the designated clerical elite.

Three general phases of 'Amili writing seem to encapsulate their intellectual composition and transformation. The first phase extends from 906/1500 to 988/1580 and seems to be dominated by al-Muhaqqiq al-Thani.
(d. 940/1533) and Husayn b. 'Abd al-Samad (d. 984/1576). The second from 988/1580 to 1071/1660, dominated by Shaykh-i Baha'i (d. 1031/1621) and Mir Damad (d. 1041/1631) draws a new intellectual landscape that interjected philosophical and Sufi ideas into 'Amili legalism. The third and last epoch from 1071/1660 to 1149/1736, dominated by al-Hurr al-’Amili brings forth an akhbari traditionalism, a decline in 'Amili prominence and a decline in the scholastic hybridity characteristic of the earlier phase.

Drawn from a wide array of bio-bibliographical sources, the works produced by the 'Amilis throughout the entire Safavid period can be classified under five main categories.¹ The first category which is the largest and most representative of 'Amili writings deals with fiqh, including comprehensive legal works, commentaries, and legal tracts addressing various issues in Shi'ite law during the sixteenth and the seventeenth century. The chapters of Shi‘ite law, called books (kutub, pl. of kitab), deal with discursive legal topics that function as a personal and social reference for Shi’ites in general.² About 26 treatises in the form of fatwas and legal questions (masa’il) can be discerned, covering a wide range of topics. Around 18 works were written on the principles of Shi'ite law, 102 treatises and tracts (rasa'il) and general works on acts of devotion ('ibadat), 29

¹ See appendix C for classified works and their authors.
² Modarressi, Shi‘i Law, 17.
tracts on legal contracts ('uqud), 2 tracts on unilateral obligations (iga'at), and 24 treatises on rules (ahkam).³

The second category includes works on jurisprudence (usul al-fiqh), which tackle the rudimentary sources of Shi'ite law and the foundations and methodology for legal judgment. 'Amili jurisprudential works, at least 25, call attention to the central developments affected by the Safavid call for a 'mainstream', legally-based Twelver Shi'ism, functioning within a state apparatus, and the shift in the clerics' socio-economic and ideological make-up. The jurisprudential works likewise furnish a rich background for understanding the akhbari-usuli controversy, its central themes, and the position of the 'Amilis within it.

The third category includes around 20 works on hadith, 20 on exegesis (tafsir), 26 on biographical literature in the form of rija', ahwal, tarajim, and fawa'id, 13 on doctrine (i'itigad), 20 on polemics, 26 on language (grammar, philology, lexicography), 40 on literature (prose and poetry), 20 on popular Shi'ite literature (magatil, du'a, worship), six on ethics (akhlaq), and three on logic (mantiq).⁴

The fourth category includes newly-emerging trends in 'Amili thought attesting to a marked Persian influence, and can be treated therefore, as milestones in intellectual hybridity. These include 38 works in the area of philosophy-theosophy (Hikmat), seven in dogmatic theology (kalam), three

³ See appendix C.
⁴ Ibid.
in Sufism, 21 in mathematics, 12 in astronomy, and two in medicine. Three works on history produced by Ahmad al-Hurr al-'Amili, the brother of Muhammad al-Hurr (d.1105/1693), are somewhat of a novelty for 'Amili madrasa tradition.\(^5\) Ahmad, however, migrated to Iran at a late age and had resided for some time in Yemen. Although his interest in historical writing was not nurtured within an Iranian scholastic-cultural milieu, his works devote an important section to the Safavid monarchs that justify its inclusion under the category of "Persianized Trends". In addition, 'Amili works on puzzles, enigmas (alghaz, fann-i mu'ama), proverbs and travel (rihla/safarnameh) appear during this period.

The fifth and last category includes miscellaneous works on genealogy, letters and official correspondences, organization of the Qur'an, copying and error, translation from Arabic into Persian and assembled writings of a doctrinal, legalistic, and literary nature.

From Arabic to Persian: Scholastic Shi'ism, Class and Ethnicity

During the first period, simplified and concise fiqh manuals, translated into Persian, and short enough to be committed to memory, were an essential guide for the Shi'ite to the practical application of religious precepts in everyday life. Several 'Amili commentaries on earlier

\(^5\) Ibid.
canonical comprehensive fiqh texts went on to become authoritative in their own right. 'Ibadat works are almost three times the number of works on contracts, which features as the second largest section of fiqh works after 'ibadat. A preponderant number of treatises and comprehensive works were produced on acts of devotion, especially those dealing with prayer and ritual purity. In this area, Friday prayer attracted the most intensive discussions and controversy. qibla, direction of prayer came second after the question of Friday prayer in terms of the interest and focused treatment it received.

'Ibadat works continue with the same thrust throughout the second phase but decline markedly in the third. This can be explained by the early efforts to convert the population to a mainstream Twelver Shi'ism in the first phase, and to instigate a correct knowledge of its rituals; efforts which by the latter part of the seventeenth century become less crucial. One can also conclude that no sweeping or quick conversion from Sunnism to Shi'ism was affected in the early sixteenth century, but rather a gradual and slow one extending till the late seventeenth century.

The treatises on contracts are almost evenly dispersed throughout the three periods. Among these, formulas, tax revenues, governments' gifts, and foster relations continue to carry equal weight throughout the Safavid period as typical everyday legal questions do.
Ahkam treatises are evenly distributed between the first (seven) and second periods (eight). But with the third epoch this number declines to five, four of which deal with inheritance and one with tobacco.⁶

Little interest in hadith collections is evident during the first phase. The three such works produced were all authored by Husayn b. 'Abd al-Samad, who is considered a pioneer in spreading Shi'ite tradition in Iran.⁷ In comparison to the first epoch, increased interest in hadith is reflected in the efforts of Mir Damad, and Ahmad b. Zayn al-'Abidin al-'Alawi al-'Amili (d.1054/1644), the student and brother-in-law of Mir Damad. Shaykh-i Baha'i compiled systematic legal works which gained widespread popularity such as Al-Habl al-Matin fi Ahkam al-Din, Mashriq al-Shamsayn wa Iksir al-Sa'adatayn. Jurisprudential works continue to be composed though almost exclusively by Baha'i. It was also at the time of Shah 'Abbas that a new Persian translation of al-Kulini's monumental, Usul al-Kafi fi 'Ilm al-Din was laid down.⁸

Until the end of the seventeenth century the 'Amilis invested much of their efforts in organizing smaller collections and manuals of hadith with sharhs or hawashi particularly on chapters of Usul al-Kafi, Man la Yahduruhu al-Faqih, Al-Tahdhib, and Al-Istibsar. By the time of al-Hurr al-'Amili, there is a dramatic decline in jurisprudential

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⁶ Ibid.
⁷ See Munshi, History of Shah 'Abbas, 247.
works and an upsurge in hadith collections due to the prevalence of akhbarism. There are only two treatises on jurisprudence written by Muhammad b.'Ali b. 'Aqiq al-Tibnini al-'Amili (alive in 1096/1684), and al-Hurr al-'Amili, one commentary by 'Ali al-Shahidi and twenty works of hadith, the most important and voluminous of which was Wasa'il al-Shi'a by al-Hurr. In terms of its scope and import, Wasa'il al-Shi'a along with its Fihrist, was preceded in the modern period by Al-Wafi of Muhsin al-Fayd (d.1091/1680). Al-Hurr was also the first to collect qudsi (divine) traditions in a work entitled Al-Jawahir al-Saniyya fi al-Ahadith al-Qudsiyya. The production of doctrinal treatises almost doubled reaching seven.

There are seven polemical works during the early phase, the largest number produced by several jurists throughout the Safavid period, mainly targeting Sunnism and Sufism. Though with less intensity, polemical works continue to be important in the second phase reaching six. Four are written by Ahmad b. Zayn al-Abidin in refutation of Christianity, Judaism, and Sufism. An additional polemical treatise, the first to be devoted to the akhbari-usuli controversy, was written by the akhbari Husayn b. Shihab al-Din al-Karaki (d.1076/1656). In the third period polemical works continue to make a steady

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9 Other hadith works of the last epoch were composed by Ni'matullah b. al-Husayn al-'Amili (d. 1096/1684), Badr al-Din b. Ahmad al-Ansari (alive in 1096/1684), 'Ali b. Muhammad b. al-Hasan b. Zayn al-Din al-'Amili (d.1103-1104/1696), and his nephew 'Ali Kuchek, and Abu'l-Hasan al-Sharif b. Muhammad Tahir al-Futuni (or Aftuni) al-Nabati (d.1138/1725).
10 See appendix C.
appearance, reaching seven, two of which reflect theological and personal struggles within the clerical community. In terms of content too, these polemical writings differ dramatically from those of the early period and its exclusive focus on the refutation of Sunnism and Sufism.

The early immigrant 'Amilis did not produce any noticeable works on Qur'anic exegesis (tafsir). Out of fourteen tafsir works at least eight belong to Shaykh-i Baha'i who falls in the second period. All of the remaining works were produced during the last phase by Husayn b. Shihab al-Din al-'Amili, Muhammad b. 'Ali b. Khwatus al-'Amili, Ahmad b. al-Hasan b. 'Ali b. al-Hurr, Abu'l-Hasan b. 'Ali b. al-Hurr, and Ahmad b. Zayn al-'Abidin al-'Amili. The wider scope given for exegesis in this second phase can be explained by the historical changes allowing 'Amili experimentation with the rational disciplines and mystical Islam against the precautious attitude toward Qur'anic exegesis and the restrictive legalism of their precedents.

There are only two works on popular Shi'ite literature during the first period, probably because folk Shi'ism and a popular version of the Karbala drama were widespread in Iran at the time in comparison to a mainstream standardized Shi'ite practices.

No pure works on kalam, philosophy, Sufism, mathematics, astronomy, medicine or history surface during the first period.\(^{11}\) The early 'Amilis were jurists par excellence, and

\(^{11}\) Ibid.
had directed most of their efforts to the area of *furu*. Our picture, however, would be incomplete if we were to leave out the personal and almost unique merits of Husayn b. 'Abd al-Samad who, evidently nurtured a marked predilection for literature, ethics and Sufism while still in Jabal 'Amil. Far from confining himself to the exclusive legalistic disciplines, his works like *Nur al-Haqiqa wa Nawr al-Hadiga* and *Al-’Iqd al-Husayni* attest to his selective literary taste and skills preparing the earliest scholastic training of the young Baha'i and encouraging his eclecticism.\(^{12}\) The Persian emphasis on *lughz*, and riddle (*mu’ammayeh*), that require a profound knowledge in logic and several branches of religious science were well-appreciated by Husayn b. 'Abd al-Samad. Puzzles and riddles were again very popular in the traditional Iranian curriculum of study and they were a welcome source of diversion for jurists. Husayn b. 'Abd al-Samad wrote several of them on Qur'anic exegesis and Arabic grammar which he addressed to his son, Baha'i. Other puzzles were written by Shaykh-i Baha'i including *Lughz al-Zubda* on Arabic grammar, sent to Muhammad b. Khwutun al-'Amili, and two, *Hall-i Lughz* and *Lughz al-Lughz* correspondences between Baha'i and Mirza Zayn al-'Abidin.\(^{13}\)

With the second period, a wide array of original intellectual trends in 'Amili writing are inaugurated. There are two works on *kalam* under the pioneering efforts of Ahmad

\(^{12}\) Both published works *Nur al-Haqiqa wa Nawr al-Hadiga* and *Al-’Iqd* were discussed in earlier chapters.

\(^{13}\) See appendix C.
b. Zayn al-'Abidin. Hikmat reaches its apogee under Baha'i, Mir Damad, and Ahmad b. Zayn al-'Abidin. The first works with marked Sufi elements also appear during this period, one by Baha'i, and another by Mirza Ahmad al-Husayni, a contemporary of Baha'i and the brother of the sadr Mirza Habibullah al-'Amili, the great grandson of al-Karaki. An outburst of mathematical works is also evident, with 15 works by Baha'i, his brother 'Abd al-Samad (d. 1020/1613), Baha'i's nephew Husayn b. 'Abd al-Samad, and his students Najib al-Din, 'Ali b. Muhammad al-Jubayli, and Jawad b. Sa'd al-'Amili. Shaykh-i Baha'i's Bahr al-Hisab, his largest arithmetical book and its summary, Khulasat al-Hisab, became authoritative and educational texts.\(^\text{14}\) During the last period, only one treatise in geometry was authored by al-Hurr al-'Amili, entitled Manzuma fi al-Handasa.

Astronomy was traditionally an integral part of the curriculum for religious studies in Iran, and except for Baha'i no 'Amili produced astronomical treatises during the first and second epochs.\(^\text{15}\) This signals a movement toward focused juridical training among the 'ulama and a more diffuse eclecticism on the part of the literati who could no longer find their religious expertise sufficient or useful for the Safavid reality. The second period further reflects a multi-faceted and complex process of exchange between

\(^\text{14}\) Al-Dhari'a, vol. 7 (Tehran, 1367q/1948), 224-5.
\(^\text{15}\) See Dhari'a, vol. 3 (Najaf, 1357H), 425; vol. 4 (Tehran, 1360H), 200; vol. 21 (Najaf & Tehran, 1392/1972), 251. Tadaris al-Ard was published in Iran with Chughmini's sharh in 1311/1893. Tuhfe-yi Hatimi was published in Iran in 1316/1898.
'Amili-Arab and Persian cultures in general, and between the 'ulama class and the Persian literati in specific. It is noteworthy that Baha'i and Mir Damad's interests in philosophy, for example, which was alien to the 'Amili jurists, was coupled with an equally adept treatment of Shi'ite law. This composite intellectualism exhibited by Baha'i, Mir Damad, and Ahmad b. Zayn al-'Abidin came to an end with historical change, and few traces of it were maintained by the 'Amilis of the succeeding period under Shah Safi and Shah 'Abbas II.\textsuperscript{16} This was the outcome of two major processes. First, the 'Amili clerics were gradually ousted by an affluent Sufi-bent and philosophically-bent Iranian 'ulama whom the Shahs favored with official ranks and gifts to counterbalance and suppress the traditional jurists. Fewer 'Amilis were in demand to begin with. Second, the 'Amili jurists must have become increasingly opposed to Sufism and philosophy which was cultivated by their competitors and with whom they associated flippancy and moral laxity. For 'Amili jurists, philosophy and Sufism of the late Safavid period come in a different formula and take a different meaning from their counterpart under Shah 'Abbas.

During the second phase, Shaykh-i Baha'i, wrote a work in Persian discussing Sufi groups known as Milal va Nihal which draws on Ma'rifat al-Madhahib and Hadigat al-Shi'a by al-Muqaddas al-Ardabili.\textsuperscript{17} It is plausible to assume that

\textsuperscript{16} These findings reinforce Arjomand's arguments in The Shadow of God on the 'Amili 'ulama's outlook and intellectual make-up.
\textsuperscript{17} Dhari'a, vol. 22 (Najaf & Tehran, 1393H/1974), 219-220.
Baha'i's social experiences in Iran are the key to his espousal of Sufi tendencies. Except for the obscure works of a very late 'Amili of the third phase, Muhammad Shafi' b. Baha' al-Din, no Sufi works were produced during the third phase. There is a dramatic decline in mathematical works (two) and astronomical treatises (two), all written by al-Hurr al-'Amili. No works in medicine are produced.

Prose and poetic compositions are closely connected to the jurists' linguistic training, intended for the most part to reflect a mastery of Arabic grammar and the poetic metrical system. Despite the fine literary qualities of some 'Amili poems, they were rarely considered in either the Persian or Syrian literary circles, truly outstanding. By the second epoch more collections of Persian poetry especially masnavi form were composed, the most valued of which were those of Shaykh-i Baha'i. We also find during the second and third epochs some Kashkul-style prose by Shaykh-i Baha'i, Haydar b. Nur al-Din al-Musawi al-Juba'i, and Abu'l-Hasan al-Sharif b. Muhammad Tahir al-Futuni al-Nabati. Two 'Amilis of the late Safavid period seemed to have launched their careers as poets, namely 'Ali b. Sa'id Jabal 'Amili (alive late 11th/17th century) and Mirza Ghiyath al-Din Ahmad al-'Alawi (d.1134/1721), known by the pen names Mehri Arab and Khayal respectively.

Although the production of biographical tracts was commonplace among the 'Amilis, their major dictionaries did not appear until the late seventeenth century. Among these
was Al-Durr al-Manthur min al-Khabar al-Ma’thur wa Ghayr al-Ma’thur by ‘Ali b. Muhammad b. Hasan b. al-Shahid II, which includes the biography and life conditions of al-Shahid al-Thani based on the work "Bughyat al-Murid fi al-Kashf ‘an Ahwal al-Shaykh Zayn al-Din al-Shahid". Most of the latter, written by Muhammad b. ‘Ali b. al-Hasan al-'Udi al-'Amili al-Jizzini, the student of al-Shahid al-Thani was completely lost.\textsuperscript{18} The most comprehensive biographical dictionary on the ‘Amilis was written by al-Hurr during the last epoch, entitled Amal al-Amil fi Ma’rifat ‘Ulama’ Jabal ‘Amil.\textsuperscript{19} Although al-Hurr started to work on it in 1096/1684, he noted in the introduction to Amal,

\begin{quote}
Know that during the year I arrived at the Radawi masjid which was 1073/1662 - and had decided to neighbour its vicinity and sojourn in it, I saw in a dream a man with seeming signs of virtue asking me: why don't you write a book and call it "Amal al-Amil fi ‘Ulama’ Jabal ‘Amil"? I replied: I do not know all of them [the ‘Amili ‘ulama], nor do I know all their works and life conditions. He then said: You can investigate and deduce [the information] from its most likely sources."\textsuperscript{20}
\end{quote}

Al-Hurr overlooked several ‘ulama including some of those whose legal approach and school of thought disagreed with his. Notwithstanding, it remains a fundamental reference work on the ‘Amilis.

\textsuperscript{18} Al-Durr, used extensively in this dissertation furnishes valuable information on several leading ‘Amili ‘ulama since the early sixteenth century, including the biography of al-Shahid al-Thani and sheds light on his students and teachers, including Husayn b. ‘Abd al-Samad.

\textsuperscript{19} Tatmim Amal al-Amil, Takmilat Amal al-Amil attempted to compensate for the deficiencies in Amal.

Some 'Amilis devoted special treatises for genealogical inquiries, and family branches of prominent 'ulama. Among these were Shaykh-i Baha’i’s "Mushajjarat al-Rijal", and "Nasab Nameh va Shajareh" in Persian.\textsuperscript{21} It is noteworthy that each of Husayn al-Mujtahid in the first epoch, and Mir Damad in the second, devoted a treatise to al-siyada. Husayn al-Mujtahid composed his treatise "Risala fi al-Sayyid wa al-Siyada" for the Great Vizier, Mir Shuja' al-Din al-Safawi al-Haydari al-Musawi who must have been one of the viziers of Shah Tahmasp. He argued that all the descendent of Fatima and those related by blood to her if only through their mothers, were considered Sayyids.\textsuperscript{22} Mir Damad's treatise too affirmed the siyada for the descendent of Fatima. During the late Safavid period an important biographical work also emphasizing the importance of lineage and descent was composed by Muhammad Ashraf b. 'Abd al-Hasib al-Musawi al-Karaki (d.1145/1732), a descendent of Mir Damad (his grandfather was the maternal nephew of Mir Damad and had married his daughter). The work, Fada'il al-Sadat was completed in 1691-2/1103, and dedicated to Shah Sultan Husayn.\textsuperscript{23} Muhammad Ashraf reflected on the superiority of Sayyids and the necessity of loving them. He underscored the virtues and special position and privileges of the house of

\textsuperscript{21} See appendix C.
\textsuperscript{22} See al-Dhari'a, vol. 12 (Najaf & Tehran, 1380q/1962), 275-6; vol. 2 (Najaf, 1355H), 101-2.
the Prophet and then extended these to the Sayyid stratum.\textsuperscript{24} The Hashimites are considered superior to others and that hostility toward the descendents of the house of the Prophet brings punishment in the next world, and is one of the signs of bastardy.\textsuperscript{25} During the third epoch too another work known as \textit{Kitab al-Ansab} was laid down by Abu'l-Hasan al-Sharif b. Muhammad b. Tahir al-Futuni (d.1138/1725). Al-Futuni wrote it after a number of sayyids asked him to simplify the content of \textit{Hada'iq al-Albab fi Ma'rifat al-Ansab} which includes genealogies of kings, sayyids and famous men.

Transmitting Legal Knowledge: Translation and Abridgment

Needless to say, the common person did not find the rulings and religious questions resolved in the juridical tracts truly accessible. As such, their implementation and the process by which they became internalized beyond the educated class and its exclusive access to Arabic, could not have simply unfolded through the written tracts. The largest percentage of 'Amili juridical works were composed in Arabic, and the early Safavid 'Amilis contribution to the translation movement from Arabic to Persian was almost nil.\textsuperscript{26} Serious translation efforts, however, were spearheaded and inaugurated by several Iranian scholars like Nizam al-Din Ahmad al-Ghaffari al-Mazandarani and Imad al-Din al-Qari al-

\textsuperscript{24} Arjomand, \textit{The Shadow of God}, 147.
\textsuperscript{25} Ibid.
\textsuperscript{26} Al-Muhajir, \textit{Al-Hijra}, 181.
Astarabadi al-Mazandarani who translated Nahj al-Balagha into Persian. More famous was Abu'l-Hasan 'Ali b. al-Hasan al-Zawari (alive around 947/1540), a student of al-Muhaddiq al-Karaki. Early Safavid reign witnessed focused translation efforts on doctrinal and popular literature. In 938/1531 al-Zawari made a Persian translation of Kashf al-Ghumma fi Ma'rifat al-'imma under the title "Tarjamat al-Manaqib". Under the request of Shah Tahmasp, al-Zawari wrote a commentary on Nahj al-Balagha, known as Rawdat al-Abrar in 947/1540, several years after al-Karaki's death. He also translated into Persian eight additional works including Makarim al-Akhlaq by al-Hasan al-Tabrisi, 'Uddat al-Da'i by Ahmad b. Muhammad known as Ibn Fahd al-Hilli (d.841/1437), Al-Ihtijaj by Al-Fadil b. Hasan al-Tabarsi (d.548/1153) who wrote one of the most significant Shi'ite commentaries on the Qur'an, Al-I'tiqad by Ibn Babuya al-Qummi (d.381/991), and Tafsir al-Qur'an attributed to Imam Hasan al-'Askari, and Sharh al-Arba'in Hadithan for al-Shahid. Again under the request of Shah Tahmasp he laid down a Persian work entitled Lawami' al-Anwar fi Ma'rifat al-'imma al-Athar which was a summary of the eighth-century work Ahsan al-Kibar by Muhammad

28 Ibid., vol.4 (Tehran, 1360), 75.
29 Al-Muhajir, Al-Hijra, 182; Rawdat, 394; Al-Dhari'a, vol.4 (Tehran, 1360), 90-101; vol.4 (Beirut, 1411/1991), 139. The "Tarjamat" was in the endowed collection of Shah 'Abbas, dating 992/1584.
30 Tehrani, Thuya al-Dathir, 152; Al-Muhajir, Al-Hijra, 182.

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b. Zayd b. 'Arabshah al-'Alawi al-Waramini. In addition, he produced a large tafsir called Tarjamat al-Khawas. A student of al-Zawari, namely, Fathullah b. Shukrullah al-Qashani (d.988/1580) undertook similar translation tasks including three tafsirs and a well-known sharh on Nahj al-Balagha published under Tanbih al-Ghafilin. There are also a number of anonymous translators who made al-Karaki's fiqh works accessible to the public as in the case of "Al-Risala al-Ja'fariyya" on salat and ablutions composed in Mashhad in 917/1511 which was translated into Persian some time before 1122/1710.

Despite these efforts, it was only later that 'Amili fiqh works rather than pure doctrinal works were translated into Persian alongside several commentaries on Shi'ite hadith. The works were, in turn introduced at the leading Iranian seminaries and integrated in their study curriculum.

A number of other works were translated under the patronage of the shahs. To give but few examples, Al-Alfiyya of al-Shahid was translated into Persian under the request of one of the Princes appointed by Shah Isma'il. Its translator, Nizam al-Din 'Abd al-Hayy b. 'Abd al-Wahhab b. 'Ali al-Husayni (d.after 959/1551), was an Illuminationist (Ishraqi) and a Sufi who was serving as a qadi in Herat. Shaykh-i Baha'i's Al-Ithna'ashariyya on almsgiving, prayer and fasting

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33 Ibid., vol. 14 (Beirut 1411/1991), 143.
34 Ibid., vol.4 (Beirut 1411/1991), 94.
36 Al-Dhari'a, vol.4 (Tehran, 1360), 81. He is the author of "Aadab-i 'Abbasi".
were all translated into Persian around 1013/1604, by his student Sadr al-Din Muhammad b. Muhibb 'Ali al-Tabrizi.\textsuperscript{37} Mawla Muhammad Zaman Tunikabuni Isfahani translated Asrar al-Salat of al-Shahid al-Thani under the request of Shah Sultan Husayn (1105/1694-1135/1722). But among the available versions of it is one copied in 1118/1706.\textsuperscript{38}

In addition to assuring the accessibility of 'Amili legal views and doctrinal works to an Iranian audience, there was an inevitable need for the early 'Amilis to address practical issues in Persian. Thus, it is plausible to assume that al-Muhaqqiq al-Karaki and Husayn b. 'Abd al-Samad had studied Persian at some time before their entry into the service of the Shahs. Al-Karaki resided in 'Iraq several years before being invited to the Safavid court and had shown early on, an eagerness to contact Shah Isma'il and must have prepared himself for a Safavid post. Husayn b. 'Abd al-Samad who spent around eight years in Isfahan and Qazvin before entering the service of Shah Tahmasp must have been well-versed in Persian before assuming the functions of shaykh al-Islam.

With the Iranian jurists of 'Amili descent came the initial attempts to compose in Persian and provide additional translations from Arabic into Persian. A strong indication of the 'Amilis' ability to reach the common person was their attempts to write smaller, more simplified collections of fiqh works. Al-Karaki's Jami' al-Magasid, completed in

\textsuperscript{37} Ibid., vol.4 (Tehran, 1360), 74.
\textsuperscript{38} Ibid., 78.
935/1528 during his stay in Najaf, is an excellent example of such efforts, for the Jami' became until that time, the most sophisticated yet accessible commentary on the Qawa'id of al-'Allama al-Hilli. But by far the most popular of legal compendiums was Bah'i's Jami'i 'Abbasi, commissioned by Shah 'Abbas. Baha'i explained in the introduction of his work that he had received an official command "from the highest authority", the Shah, to compose a work on essential religious matters dealing with the foundations of Islamic rituals, the dates of birth and death of the Imams, and daily affairs connected to wagf, charity (tasaddug), sale (bay'), marriage (nikah), divorce (talaq), vow (nadhr), atonement (kaffara) and penal law. In a conscious attempt to deliver to Iranian society a token of his Persianized Safavid Shi'ism, Shah 'Abbas ordered that religious questions be delivered in the Jami'i 'Abbasi with "a clear, comprehensible language in order that all people, the learned and the lay, would seek benefit from it..". As such, Jami'i 'Abbasi is a watershed in the historical process of Persianization of Shi'ite legal literature, and its popularization through the usage of a simplified, accessible and most of all, the Persian language.

39 Muhammad Muhsin Tehrani, Al-Kashyakha, 55-6; Khwutunabadi, Vagayi' al-Sinin, 458.
41 Ibid., 3. On the implications of Baha'i's discussion of qada', the judiciary process, and the execution of the sacred law in Jami'i 'Abbasi, see Arjomand, The Shadow of God, 207-9.
Baha'i also dedicated to his brother, 'Abd al-Samad in 975/1567, a Persian treatise on Arabic grammar entitled "Al-Fawa'id al-Samadiyya". He also laid down Miftah al-Falah on worship and prayers in 1015/1606 and translated into Persian "Al-Risala al-Imamiyya", attributed to Imam 'Ali al-Rida (203/818). Numerous Persian works, with more diverse and unconventional topics followed, as the list of 'Amili works in the appendix shows. By the end of the Safavid period the 'Amili descendent, Abu'l-Hasan al-Sharif b. Muhammad Tahir al-Futuni dedicated for Shah Sultan Husayn, a Persian work in the tradition of furstenspiegel entitled "Nasayih al-Muluk wa Adab al-Suluk". The "Nasayih" is a commentary on the 'ahd (commission) which Imam 'Ali gave to Malik al-Ashtar when he appointed him the ruler of Egypt.

From Legal Tracts to Socio-Religious Praxis

Persianization went hand in hand with popularization of Shi'ite praxis. Here lies the public role of the 'Amili jurists and shuyukh al-Islam working closely with a network of students who translated their juridical rulings into Persian, and state officials who turned them into decrees. Complex legal points were transformed into simpler edicts which the layperson comprehended and regarding which he/she was able to consult a local religious cleric or shaykh. Al-

43 Khwatenabadi, Vagay'i al-Sinib, 500; Al-Muhajir, Al-Hijra, 181.
Karaki traveled considerably within Persian territories including Herat, Kashan and Tabriz mostly with the purpose of disseminating Shi'ite creed and ensure an adequate conformity with the fundamentals of Ja'fari law. He relied on the service of a conglomerate of agents and students who transported his teachings to new circles and towns.\textsuperscript{45} To give but one example, the well-known dogmatist Mawlama Shams al-Din Muhammad b. Ahmad al-Farisi known as al-Fadil al-Khafri (author of the famous commentaries on Sharh al-Tajrid) had already been in Kashan supervising religious matters for three years before al-Karaki arrived. Shams al-Din then laid his expertise at the service of al-Karaki who examined his written prescriptions (khutut) and found their rulings in compliance with Twelver Shi'ism and commended him for his correct application of the rational principle of favorable judgment (husn) versus undesirable opinion (gubh) as it was formulated by Ja'fari law.\textsuperscript{46} Al-Karaki seemed to have appointed him as his substitute during few of his travels and permitted people to refer to him in religious matters.

Once in Kashan, which had been a dominantly Shi'ite town since the second/eighth century, al-Karaki imparted his knowledge of rational (ma'qul) and traditional/transmitted (manqul) disciplines to students and followers.\textsuperscript{47} Most of the learned scholars in his service succumbed to his ijtihad in questions of usul and furu' and had consequently endorsed his

\textsuperscript{45} Rawdat, vol.4, 358.
\textsuperscript{46} Ibid, vol.7, 185.
\textsuperscript{47} Isfahani, Khuld-i Barin, 429-30.
legal views. It seems clear from Khuld-i Barin that before that time, such an opportunity did not exist, for al-Karaki alone was to present a group of emulators (arbab-i taqlid) with a ruling. Adjudicating in legal matters and responding to people's legal claims was previously lacking. In the end, the 'ulama ordered that the greatest consideration be given to people's affairs. Al-Karaki invested much of his efforts directly executing his rulings, arbitrating among the people of Kashan and mediating between contending parties. This naturally entailed a direct process of translation and interpretation from Arabic into Persian, and a systematic application of juridical rulings on a public level.\(^{48}\)

Safavid chronicles shed light on the process by which al-Karaki's opinions reached the populace and how authority was delegated. Shah Tahmasp sent a decree (ragam) to all the mamalik (provinces) to follow the commands of al-Karaki, who was the deputy of the Imam (na'ib al-Imam) and the final authority in that matter.\(^{49}\) Al-Karaki was in turn required to write letters and commissions (kutub) to all these provinces with provisions for practice (dustur al-'amal), instructing them on the administration of land tax (kharaj) and other socio-economic and religious matters.\(^{50}\) In his work Sharh

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\(^{48}\) Ibid.

\(^{49}\) Rawdat, vol.4 (Beirut, 1411/1991), 347; Al-Bahrani, Lu'lu'at, 153.

\(^{50}\) Rawdat, vol.4 (Beirut, 1411/1991), 347. Khansari even writes that the Shah had told al-Karaki that "asl al-mulk" (the basis of rule) is his. He also included what Ni'matullah al-Jaza'iri wrote in his Sharh Ghawali al-La'ali that the "just ruler" Shah Tahmasp told al-Karaki: "You are more worthy of rule, because you are the deputy of the Imam, and I will be among your servants (agents), enacting your commands and rules".
Ghawali al-La'ali, Ni'matullah al-Jaza'iri affirmed that he had seen legal rulings and letters sent by al-Karaki to the official agents ('ummal) of the royal provinces which specify the legitimate conduct which they should uphold with their people in terms of collecting kharaj, its amount and over what period of time.\(^{51}\) He instructed them to order the expulsion of the 'ulama from among Sunnites or those opposed to his instructions (mukhalifun) lest they mislead both their followers and their opponents. More specifically, he ordered the appointment of a prayer leader in every city and village who would lead people in prayer and teach them the religious laws, presumably with al-Karaki's guidelines.\(^{52}\) A similar procedure was followed in spreading the rulings on ghiba.

To illuminate al-Karaki's impact on the public, it is useful to recall Rumlu who likened al-Karaki to none but Nasir al-Din al-Tusi in the way he zealously defended the Shi'ite madhhab. He was decisive in preventing deviance, immorality, alcohol drinking and was especially concerned about spreading proper Shi'ite conduct among the common people.\(^{53}\) Through extensive measures and strict surveillance, he tried to pluck out the practices of 'heretics' and wipe out objectionable acts including wine drinking and intoxicating liquors. Al-Karaki set the hudud and held religious duties upholding the jum'a and jama'a.\(^{54}\) It is even

\(^{51}\) \textit{Lu'lu'at}, 152-3; \textit{Rawdat}, vol.4 (Beirut, 1411/1991): 347.
\(^{52}\) \textit{Lu'lu'at}, 153.
\(^{53}\) Rumlu, \textit{Ahsan-u Tavarikh} (Calcutta, 1931), 253-256; \textit{Riyad}, vol.3, 451; Qummi, \textit{Al-Kuna wa'l-Alqab}, vol.1, 140-1.
\(^{54}\) \textit{Rawdat}, vol.4, 354-60.
asserted that al-Karaki encouraged a desire for religious learning among many and emphasized Islamic rituals to which he directed people by "force or power of convincing" which indicates his ratification of a pact or law.⁵⁵

The activities of succeeding 'Amili jurisconsults again demonstrates the utility of the 'ulama's legal knowledge and the vitality with which it was invested in society, and its relevance to the everyday lives of Iranians. Outside the specialized and elitist concerns of his own class, Husayn al-Mujtahid was directly involved in legal arbitration among the populace and the local elite as he used to adjudicate among the members of the victorious army (al-‘askar al-mansur).⁵⁶ His legal rulings were usually registered in the legal ascriptions (al-asnad al-shar‘iyya) of Shi‘ite tradition under his order.⁵⁷ Many people frequented his court where he issued injunctions on a wide array of subjects. In the same vein, Baha‘i like his father-in-law, 'Ali al-Minshar was forced, as shaykh al-Islam to address social problems and partook in the administration of legal matters (vikalat-i halaliyyat) in Isfahan, as such impacting socio-religious policies, and their execution.⁵⁸ He was able to achieve a high degree of order and discipline through a reliable network of trustees appointed to serve him and to whom they accounted.⁵⁹

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⁵⁵ Ibid., 355.
⁵⁷ Ibid.
⁵⁸ Isfahani, Khuld-i Barin, 430.
⁵⁹ Ibid., 435.
Signposts of 'Amili Jurisdiction

As some of his legal tracts show, al-Karaki did not only tackle questions of concern for religious experts but also addressed general inquiries from the public. We find, for instance, that he wrote a treatise on pilgrimage upon the request of "some noteworthy brethren" and another for "a dear brother", who had asked him about the inadequacy (khalal) which falls in the area of prayer and its divisions. Al-Karaki seemed to have promptly answered the latter, illuminating the vague points surrounding its rulings. Evidently, the man inquiring about khalal al-salat was not among the professional 'ulama but must have been among the acquaintances of al-Karaki. With the 'Amili collections of fatwas one is again bound to acknowledge the efforts he spent in addressing issues of everyday life and to which he responded in simple explanatory manner. These collections differ somewhat in style and complexity from those directed to other specialists. This was corroborated by Khwandamir's observation that al-Karaki's commentary on al-Alfiyya and on his own treatise "Al-Risala al-Ja'fariyya" on salat, ablutions and other religious obligations were widespread and well-known by Iranians (though not necessarily at the lowest echelons of society). Similarly, al-Karaki received from a

60 See Al-Karaki, Rasa'il, vol.2, 150, 120.
61 Khwandamir, Habib al-Siyar, part 4, vol.3, 114; Al-Dhari'a, vol.5 (Beirut, 1411/1991), 110-1;
group of 'ulama, possibly around 910/1504, legal questions preserved in "Fatawa wa Ajwiba wa Masa'il" circling around a wide range of topics including contracts between employer and employee, the payment of mahr (dowry), and lahn (incorrect Arabic) in legal contracts. In "Jawabat al-Masa'il al-Fiqhiyya" similar questions are raised covering ritual purity, divorce settlement, numerous sale and purchase contracts, khums and the legal rights of inheritance for children and women and selling their share in lands. Al-Karaki further issued fatwas on questions of settlement, arbitration (sulh ) and sale (bay'), distribution (gisma) in the area of contracts, tenants and ownership, whether a man can give his young daughter in marriage to a suitor against her will, rights of marriage for the concubine (mamluka), the conditions surrounding the licitness of eating fish, the permissibility of using the sauce of prohibited meat as a medicine, manumittance ('itq) of slaves, and acceptance of gifts given to a child by a foreigner.

Al-Karaki also attended to the misconceptions among the populace ('amma) on religious observances. In one occasion he addressed the confusion surrounding prostration on the Husaynid soil and whether it should be delivered when the soil is burnt by fire or not. He went into a detailed

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64 Ibid., 91-2.

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analysis of the factors determining the permissibility of prostration in both conditions.

Other issues on which the 'Amilis occasionally wrote have spontaneously sprang during some social events. 'Ali b. Zayn al-Din al-'Amili, wrote a treatise on funeral prayer (salat al-jinaza) after attending the funeral of a notable. He reflected how surprised he was that during his long stay in Iran, he had never seen any person in a funeral take the permission of the guardian (wali) of the deceased, whether he be a prayer leader (imam) or not, before starting with the ritual prayer. A man by the name of Al-Fadl who attended the funeral disagreed with 'Ali stating that such a permission should only be sought when the imam is the one praying. But 'Ali insisted that the imam like any other person should ask for the permission from the guardians of the deceased. Al-Fadl who related in several courts of scholars, the opinion of 'Ali, insisted that it was baseless and asked for 'Ali's proofs in support of this "rare" argument. In response, 'Ali made an elaborate discussion on it based on Al-'Allama al-Hilli's Shara'i, and on Madarik al-Ahkam by his own uncle Muhammad, and Rawd al-Jinan by his great grandfather al-Shahid al-Thani.66

We will now turn to a number of social activities whose legal regulation by the 'Amilis drew out their public relevance, their volatile character, or/and their controversial nature. These are, foster relations (rida’),

66 Ibid., 285-90.
meat slaughtered by Jews and Christians (dhaba'ih ahl al-kitab), tobacco and coffee (al-tutun wa'l-gahwa), and singing/music (ghina').

A. Foster Relations

A number of legal areas around which the 'Amilis displayed focused treatment were indicative of the emerging and shifting concerns of Safavid society. Foster relations (rida') figures as one such area over which the 'ulama consistently wrote, lending us a sense of its urgency and complexity. Al-Muhaqqiq al-Karaki who completed a treatise on it in 916/1510 dealt with three central cases, namely whether the grandmothers of the breastfed man were denied to him in marriage or not. Second, whether it was licit for the daughters of the breastfed man to become married to him. Third, whether it was licit for the daughters of the breastfed man either through birth or rida' and those of the breastfeeding mother by birth or rida', on the condition of having the same husband, to be married to the brothers (ikhwat) of the breastfed person or not.67 The Shi'ite legal arguments surrounding foster relations, as Modarressi explained, neither reflected fundamental disagreements nor deviated from the position that one should not marry a woman fostered by his wife, for she would be his foster daughter as well. Instead, the jurists argued over particular cases where the two categories of consanguinal and foster relationships

were to have identical implications. This can be illustrated in the case of a woman who breastfeeds her own newborn brother. The brother would by extension become the foster son of the woman's husband. If the consanguinal and foster relations were treated as equivalent, the wife would also turn to be the sister of her husband's son, and as such forbidden to marry her husband, since a man cannot marry the sister of his own child even if from a different father or mother. Al-Karaki tried to differentiate between the two categories of consanguinal and foster relations in the cases that he discussed. In general, all treatises on rida', addressed this genre of legal paradoxes and al-Karaki's treatise is no exception. Ibrahim al-Qatifi refuted al-Karaki's treatment of rida' mainly on the basis that the latter claimed that his opinions had met the consensus of the 'ulama.\textsuperscript{68} Al-Qatifi concluded that jurists who fell short from the level of legal inference (istinbat) were unequipped to provide conclusive evidence concerning rida'. Mir Damad upheld the opinion of 'umum al-tanzil, which meant that foster relations functioned exactly like consanguinal ties and must as such follow the same jurisdiction. As such, he went against his grandfather al-Muhaqqiq al-Karaki.\textsuperscript{69} Al-Hurr al-'Amili also wrote two pieces in poetic diction (manzumas) on foster relations.

\textbf{B. The Meat Slaughtered by Jews and Christians}

\textsuperscript{68} Ibid., 16-17.
\textsuperscript{69} \textit{Lu'lu'at}, 134.
Little is known about the social encounters between the 'Amili 'ulama and the Christian communities or high-ranking Christian viziers and officials of the latter part of the seventeenth century. Initially, Baha'i's legal opinion on the meat slaughtered by the People of the Book (dhaba'ih ahl al-Kitab) fell in the category of doctrinal and legal defense of Ja'fari law during the reign of Shah 'Abbas against Ottoman slander and doubt about its Islamic foundations. Indirectly, however, Baha'i's legal opinions may assist us in highlighting the state's approach to Georgian and Armenian communities in Isfahan during the mid seventeenth-century and what Baha'i's jurisdiction entailed in terms of the socio-economic relations between the high-ranking army converts and the Iranian merchants and notables.

In comparison to Shafi'ite, Malikite and Hanafite legal views, Ja'fari law have shown a stronger tendency to prohibit the consumption of the slaughtered meat of Christians and Jews, the explanation to which must be sought in the instances and social occasions where such views were shaped, revised and ameliorated from one scholar to another. In our instance, Baha'i had composed his treatise under the request of Shah 'Abbas who during one of his court gatherings and to the great indignation of the envoy of the Ottoman Sultan, had supported the prohibition of consuming the meat slaughtered by Christians.\textsuperscript{70} The Ottoman envoy must have questioned the

\textsuperscript{70} Ibid., 57; \textit{Dhara'a}, vol.10, (Beirut, 1403/1983), 3-4.
'Islamic' roots of this practice, probably in comparison with other Sunnite legal views on it which explains why Baha'i needed "to reveal the truth about it to the learned" and to show the Twelvers' compliance with the Qur'an and the shari'a, and to bring Ottoman objections to a halt.\footnote{Lu'lu'at, 58.}

The fifth verse of the Qur'anic \textit{sura}, Al-Ma'ida decreed that,

\begin{quote}
Today the good things are permitted you, and the food of those who were given the Book is permitted to you, and permitted to them is your food. Likewise believing women in wedlock, and in wedlock women of them who were given the Book before you if you give them their wages, in wedlock and not in licence, or as taking lovers.\footnote{Arberry, \textit{The Koran Interpreted}, 100.}
\end{quote}

The prevalent Sunnite interpretation of this verse is that God have made it permissable for Muslims to eat the \textit{dhaba'ih} of the People of the Book.\footnote{Muhammad Rashid Rida, \textit{Tafsir al-Manar}. 3rd edn. (Cairo, 1375/1955), 113, 177-8.} The Sunnite accounts and legal arguments emphasize the fact that the Companions of the Prophet ate the food of Christians in Syria and raised no religious objections to it.\footnote{Ibid., 179.} They acknowledge, however, that 'Ali b. Abi Talib advised against eating the \textit{dhaba'ih} of the Syrian Arab clan of Taghlib or intermarriage with their women. The Sunnite position consider this prohibition exclusively in reference to this clan whose proper adherence to Christianity was doubtful.\footnote{Ibid.} Against the Shi'ite legal approach to \textit{dhaba'ih}, Sunnites had asserted that the term...
dhaba'ih itself refers to meat and does not merely point to
grain or beans.\textsuperscript{76}

Shi'ite 'ulama disagreed on the legal jurisdiction of
the slaughtered meat of the People of the Book and many have
made it permissible for a Muslim to eat the meat slaughtered
by Christians and Jews whenever they invoke God's name
(tasmiya) upon slaughtering.\textsuperscript{77} According to Baha'i, although
in reality few of the 'ulama upheld its absolute
impermissibility, the majority of them, based on their
specific definition of tasmiya ended up endorsing its
absolute impermissibility with or without tasmiya.\textsuperscript{78} This is
due to the fact that many of them argued that when Christians
mentioned 'God' upon slaughtering the animal they actually
meant the father of Christ, and when the Jews did the same
they were denoting His friend. Therefore, neither form of
tasmiya is a reference to the true God of the Shi'ites.\textsuperscript{79}

According to Baha'i, most Sunnites derive their view of
the licitness of the dhaba'ih of Christians and Jews from a
hadith relating that the Prophet ate from the meat
slaughtered by a Jewish woman. The hadith, however, is
neither considered sound nor widespread among the Shi'ites.\textsuperscript{80}
Baha'i accepted that few sound accounts related from the
Imams, furnished a reasonable basis for Ibn Babuya's belief
that the consumption of the dhaba'ih of the Jew, Christian or

\textsuperscript{76} Ibid., 178.
\textsuperscript{77} Lu'lu'at., 47.
\textsuperscript{78} Baha' al-Din al-'Amili, Hurmat Dhaba'ih Ahl al-Kitab, ed. Zuhair al-
A'raj (Beirut, 1410/1990), 44.
\textsuperscript{79} Ibid., 63-4.
\textsuperscript{80} Ibid., 73.
Magi is permitted if God's name is invoked upon slaughtering. Notwithstanding, Baha'i argued that the nature of the tasmiyya should be investigated further and that Ibn Babuya's position does not necessarily contradict the dominant accounts on its absolute impermissibility. In the final analysis, and with an accurate rendering of tasmiyya Ibn Babuya's opinion converges with the prevalent conviction.81

In theory at least, the Safavid Shi'ite clerics originally took a more restrictive approach to the dhaba'ih of Christians and Jews than did the Ottoman Sunnite clerics. It is clear that Baha'i did not choose to support a conditional permissibility of the dhaba'ih of the People of the Book, on the basis of the dominant Shi'ite legal opinion or/and the inclinations of the Shah. The Shah did not attempt to reformulate this well-established Shi'ite practice thereby strengthening the religious legitimacy of his rule on the one hand, and attending to whatever political, religious or economic reservations his interest groups entertained. Baha'i's treatise reaffirmed the legitimacy of the Ja'fari madhhab and the Safavid's commitment to it against sharp Ottoman Sunnite criticism. It may also have signalled increasing tensions between Shah 'Abbas political aspirations and the growth of the Western Christian power in the Persian Gulf region.

81 Ibid., 74.
C. Tobacco and Coffee

The earliest discussion of tobacco (tutun) and the spread of narghile or Hookah (ghalyan) in the Safavid period emerges under the reign of Shah 'Abbas when Al-Mawla Husam al-Din Mashini wrote "Al-Tunbakiyya".\(^{82}\) Mashini who set the year 1012/1603 as the date for tobacco's widespread use in Iran, assessed the benefits and harms of smoking tobacco (tunbak), but did not advance any legalistic rulings on its licitness or prohibition.\(^{83}\) Nonetheless, the thrust of Mashini's treatise encouraged abstinence from it and supported precaution.\(^{84}\) When tobacco made its consistent appearance at the time of Shah 'Abbas, he issued a strict policy against its consumption, those who sold it.\(^{85}\) His 'ulama, like Baha'i and Mir Damad reinforced this position but they were unable to prevent its widespread consumption which led many to go underground to smoke it.\(^{86}\) When the Shah issued a heavy tax on the purchase of tobacco its price

\(^{82}\) Rasul Ja'fariyan, 'Ilal-e Bar Oftadan-e Safaviyyan (Qum, 1372/1993), 353; Dhari'a, vol. 4, (Beirut, 1403/1983), 436.

\(^{83}\) An Arabic translation of "Al-Tunbakiyya" was written by 'Abdullah b. Husayn Baba al-Simnani, a student of Mir Damad. Al-Simnani added his own commentary to the translation. See Ja'fariyan, 'Ilal-e Bar Oftadan-e, 353; Riyad, vol. 4, 207; Dhari'a, vol. 4 (Beirut, 1403/1983), 436. Ni'matullah al-Jaza'iri noted that tobacco smoking became widespread in Iran around 1010/1601. See Dhari'a, vol. 11, (Beirut, 1403/1983), 174.

\(^{84}\) Riyad, vol. 4, 207. This position is also reflected in the Arabic translation of "Al-Tunbakiyya" by 'Abdullah b. Husayn Baba al-Simnani.

\(^{85}\) Ibrahim Taymuri, Tahrim-e Tunbaku (Tehran, 1328/1910), 14.

\(^{86}\) Ibid., Muhammad Mehryar, "Sukhan darbareh-yi 'Ilal-e va 'Avamile Qiyam-e Tunbaku" in Sadeh-yi Tahrim-e Tunbaku, eds. Musa Najafi & Rasul Ja'fariyan, (Tehran, 1373/1953), 78. For a list of Safavid manuscripts on tobacco see Tarikh-i Dukhaniyyeh by Hasan Isfahani Karbala'i, ed. Rasul Ja'fariyan (Tehran, 1373/1953), 24-5.
soared, the profits of the sellers declined and yet its wide-
scale consumption continued. With Shah Safi's ascent to the
throne in 1038/1628-9, a dramatic shift in the court's
treatment of tobacco consumption appeared. In his
"Tunbaku'iyeh", Muhammad Ibrahim Dhu al-Sharafayn Kirmani
embellished and elaborated on the great benefits of tobacco.87
Ja'fariyan noted that Kirmani's favorable treatment of
tobacco consumption reinforced Shah Safi's attempts at
prohibiting wine-drinking only to replace it by tobacco
smoking. By the mid-seventeenth century, however, tobacco
smoking enters the domain of legal controversy and becomes
closely tied to the politics of the Safavid court on the one
hand, and the 'ulama's varied legal-social positions on the
other. Some jurists like 'Ali Naqi Kamarahi (d.1060/1650),
Muhammad b. 'Ali b. Ahmad b. Tarih al-Najafi (d.1085/1674),
and Mulla Khalil Qazvini (d.1089/1678) endorsed the view that
tobacco was illicit.88 Others like Sulayman b. 'Ali b. Abi
Dhabya al-Shakhuri (d.1101/1689) rejected the view of
prohibition and supported its licitness and that of coffee
(gahwa).89 Muhammad Taqi Majlisi also proclaimed that ghalyan
associated with tobacco, was licit and found it even
preferable (mustahab) during fasting.90 In his work "Al-
Maqasid al-'Aliya fi al-Hikma al-Yamaniya", composed in

87 Ja'fariyan, 'Ilal-e Bar Oftadan-e, 355.
88 Ibid., 349, 352; Dhari'a, vol. 11, (Beirut, 1403/1983), 173;
Modarressi lists few treatises on tobacco during the Safavid period. See
Modarressi, Shi'i Law, 201.
89 Ja'fariyan, 'Ilal-e Bar Oftadan-e, 352.
90 Ibid., 350.
Shiraz in 1048/1638, Kamarahi gave twelve reasons for the prohibition of tobacco, a number of which illustrate important social and political considerations of the time. He pointed to the fact that tobacco was first produced by the infidels and the "Frankish idolators" and later by those opposed to the Shi'ite faith.\(^\text{91}\) In addition, he argued that tobacco consumption was an bid'a that occurred after the Prophet's times and should be discarded.\(^\text{92}\) Yet, despite Kamarahi's objections to the consumption of tobacco, he mentioned precaution (ihtiyat) among one of the reasons for refraining from it.

During the reign of Shah Suleiman, the question of the legality of smoking tutun resurfaced and al-Hurr wrote a treatise on it. He was well aware of the proofs drawn by one of the late 'ulama on its prohibition but took up a different stand. He recollected that at one time "the noblest king of the world", Shah Suleiman inquired about the reasons for al-Hurr's abstinence from drinking coffee (gahwa) or smoking tobacco. Al-Hurr explained that he intentionally avoided discussing legal matters for which there were no clear clues yet, tactfully answered the Shah that tobacco and coffee do not appeal to his taste.\(^\text{93}\) Unsatisfied with the answer, the shah confronted him and inquired whether he found jurisdiction on them problematic and that he would take the course of ihtiyat by refraining from them. Al-Hurr admitted

\(^{91}\) Riyad, 272-3.  
\(^{92}\) Ibid., 274-5.  
\(^{93}\) Muhammad al-Hurr al-'Amili, Al-Fawa'id al-Tusiyya, (Qum, n.d.), 230.
that, adding that he would neither declare their licitness nor prohibition due to the fact that they did not exist at the time of the Prophet and the Imams and as such there is no specific account or text clarifying their legal status. Moreover, since opinions around them are controversial, ihtiyat is the most preferred course of action.

Dawud b. Hasan al-Jaza'iri opposed al-Hurr's views, calling for the hurma of tobacco. Scholars after al-Hurr's time continued to debate the licitness of tobacco consumption. Sayyid Ni'matullah al-Jaza'iri (d.1129/1716) believed that no clear prohibition of tobacco as a form of drug (hashish) was proclaimed by the Twelve Imams. In his work Hadigat al-Shi'a, 'Abd al-Hayy Radawi Kashani (d.1152/1739) devoted a section for the addiction to ghalyan, calling for its hurma on the basis of several hadiths that in his opinion, condemned its smell and objected to the type of excessive addiction (israf) in its use.

D. Singing and Music

Closest to popular interest were the controversies on music and singing (ghina'). The legal status of ghina' surfaced early in 'Amili writings, usually in conjunction with Sufism. Until the late seventeenth century debates around it reflected its centrality to the ruling elite as much as to the common person. Mulla Khwaju'i wrote a treatise

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94 Ja'fariyan, Ilal-e Bar Oftadan-e, 353.
95 Ibid., 339, 350.
96 Ibid.
upholding the prohibition of singing in refutation of the position of Mulla Muhammad Baqir Sabzavari. Al-Muhaqqiq al-Ardabili asserted that except for elegies and related occasions where ghina' occurs, there is no clear consensus among the 'ulama concerning its legal status. As such, the traditions are neither clear nor decisive in upholding the absolute prohibition of ghina'. Al-Fayd argued that all transmitted accounts specify that the prohibition of singing relates to cases where it is delivered in return for money whether in teaching, listening, selling or buying reminiscent of the times of Muslim caliphs. In contradistinction, the composing of song lyrics that mention heaven and hell and nurtures a sense of piety and austerity in the listeners is encouraged and differentiated from those appealing to the Sufis. Al-Fayd asserted that since Shi'ite jurists have not always found the caliphs' rulings binding nor final, their dictums on ghina' must be approached with the same caution. Sabzavari too insisted that the Qur'an alongside several Traditions and accounts affirm the permissibility of ghina' and even its favorability during Islamic festivities like al-fitr, the feast of breaking the Ramadan fast, and al-adha, the feast of immolation. As such ghina' is in general permissible but that ihtiyat in its conditions is clear.

97 Gazi Isfahani, Tadhkirat al-Qubur, 37-8.
98 Muhammad Ma'sum Shirazi, known as Ma'sum 'Alishah, Tara'iq al-Haqaiq, vol.1, ed., Muhammad Ja'far Mahjub, (Tehran, 1345), 477.
99 Ma'sum 'Alishah, Tara'iq, vol.1, 477.
100 Ibid., 478. See Sabzavari's Al-Kifaya and al-Fayd's Al-Wafi.
The 'Amilis seemed more stern on this score. In his *i'tigadat* treatise, Baha'i proclaimed that Twelver Shi'ites believed that it is forbidden to buy or sell instruments of musical entertainment (lahu) like mandolin-like stringed instrument (tunbur) and a stringed instrument (rabab) and others along with gambling items like backgammon (nard), and chess (shatranj). He also declares that it is forbidden to sell wood that will be transformed into a musical instrument.

In his efforts to counteract the popularization of Sufism, 'Ali b. Zayn al-Din al-Shahidi devoted a special section for their engagement in singing and music. He argued that he was not so much in disagreement with "the Sunnite Sufi" (*al-Sufi al-mukhalif*) than with those who comply with the outward pretensions of his beliefs. Those argue that whatever conforms to the category of singing is prohibited except for cases where neither a proof nor anything beyond a general opinion is provided. 'Ali questioned the opinion of keepers of our law (*ahl shar'ina*) who have excluded from the category of ghina', the animating singsong or chanting of the caravan leader (*hida' al-ibil*) and singing in weddings, all of which they considered unique cases. Such justifications by the jurists, 'Ali retorted, only encourage the devil!101

For 'Ali, the prohibition of ghina' is completely agreed upon among Twelver Shi'ites and confirmed by the Qur'an and the Sunna. He argued that the statement: "Read the Qur'an with the alhan (pl. of lahn) of the Arabs" does not refer to

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the type of language involved as such but to the intonation. As such, the above statement should not be rendered in a manner denoting that all non-Arabic alhan are adulterous or sinful. Rather, tarji', the chanting words or giving a melodious reading, which is similar to ghina' is forbidden in the reading of the Qur'an. 'Ali argued that ghina' is connected in Sufi works to the experiences of the novice (murid), his joyfulness and the mystical state which he reaches through constant listening to music.102

'Ali's attack on lahn is multifaceted. He not only ties it to the change in intonation but first, to al-luhun, the melodious way in which the Jews and Christians read their holy texts, and second, to "Persian luhun" ("al-luhun al-A'jamiyya") which came to mean an inaccurate pronunciation of Arabic. The second was usually attributed to Persian speakers and believed by 'Ali to have been forbidden by the Prophet as is indicated in Jami' al-USul, and Al-Nihaya.103 He declared that the preoccupation with pronunciation of words (ikhraj al-alfaz) and the process of embellishing the verbatim in the recital of the Qur'an would divert one from the purpose intended behind it. If tarji' were to occur in other than Qur'anic recitation then it would not be forbidden without a proof.

To draw support for his position on ghina' against predominantly Iranian scholars like al-Fayd and al-Sabzavari,

102 Ibid. In Al-Durr, vol.1, 26-28, 43-7 'Ali repeats the same argument about ghina'.
103 Al-Durr, vol. 1, 26.
'Ali accused them first of "borrowing" Sunnite and Sufi ideas, and second of a weak comprehension of Arabic. As it was explained in chapter three, 'Ali was writing at a time when al-Fayd and Sabzavari were calling the tune, and when his own 'Amili background and genealogical link to al-Shahid al-Thani have become largely inconsequential. He controverted with the anaghazaliyyun and al-insabiyyun who claimed that only the ghina' practiced by adulterers is forbidden, and such definition would naturally exclude the Sufis. He moved then to boast about the centrality of Arab descent and the Arabic tongue for arriving at an impeccable interpretation of the Qur'an and therein a correct legal opinion. By way of opposing the integration of ideas and methods propagated by al-Ghazali, 'Ali reduced the views of the anaghazaliyyun to a weak shubha (mistake, illusion) that occurs among those who lack the expertise about the position (mawgi') of Arabic words and sentence structure.

In retrospect, 'Ali's approach to the question of ghina' underscored the rich intellectual and social ambiance of late seventeenth century Iran marked by a vivid reinterpretation and appropriation of ideas among Shi'ites, Sunnites and Sufis. It also highlights the struggle of the traditional jurists, including most of the 'Amilis, against what they conceived as a deviation from sound jurisprudence among eclectic Iranian scholars. 'Ali's struggle with the latter

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104 'Ali b. Zayn al-Din, "Al-Siham," folio 4. 'Ali also has another work on the same subject entitled, "Tanbih al-Ghaflin" in which he refutes two treatises on ghina' by Sabzavari. See Modarressi, Shi'i Law, 175.
also comes at a period when they were reaping courtly privileges and social support.

The Legacy of the 'Amili Scholars

So profound was the legacy of al-Muhaqqiq al-Karaki among Iranians that numerous accounts talk of his 'demonstrated' miracles (karamat). A popular Persian account has it that Mahmud Beg the Mohrdar, one of the great adversaries of al-Karaki, was one Friday afternoon in Meydan-i Sahibabad in Tabriz playing with the scepter on his horse in front of the Shah while al-Karaki was praying far away in the mosque. The latter was reciting the "call for justice" attributed to Imam Husayn but before he completed the utterance of the second du'a with "his death has come and his children will be orphaned", Mahmud Beg fell from his horse, broke his neck and died instantly. To embellish this story, popular lore has it that the Mohrdar had conspired with a number of notables to kill al-Karaki with his sword at the Shah's court during the same day, but God executed the wishes of al-Karaki in his prayer eliminating the threat on his life.105

Similarly, many people bestowed on Mir Husayn, al-Mujtahid, spiritual powers and miraculous traits which they

read into the circumstances of the death of Shah Isma'il II. They believed that the Shah who opposed his zeal had threatened to kill him at several occasions. One night, al-Mujtahid cursed the Shah after which the latter was found dead from suffocation after a night-long wine-drinking session. The populace weaving of this story is all the more significant if we take into consideration that al-Mujtahid offered great financial support and social assistance to impoverished people particularly those "hard hit by some accident of fate".

The 'Amilis like other 'ulama, consciously or unconsciously, reinforced and played up the connection which the common believer drew between the 'alim on the one hand, and saintly or spiritual figures on the other. Shaykh-i Baha'i painted an image of his forefathers in Jabal 'Amil as pious, austere worshippers who occupied high spiritual posts (magamat) and were possessed of karamat. He related that one day it snowed heavily in Juba' and there was no food which his grandfather, Shams al-Din could offer to his children. The children were crying out of hunger so Shams al-Din said to his wife: "Comfort the children and let us pray to God to feed us." Baha'i's grandmother gathered some snow while his grandfather put it in the glowing oven saying: "This is the bread I am baking for you." As Shams al-Din

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106 Ibid., 312-3.
prayed, God illuminated his way and turned the snow into
bread loafs in less than an hour!
CHAPTER 6
THE DUEL OVER POLITICAL CUSTODY: JURISTS, SUFIS, AND SUNNITES

Keep a wary eye in front of you for a woman, behind you for a mule, and from every direction for a mulla! A seventeenth-century Isfahani proverb

As the historical and legal literature attests, leading 'Amili jurists where able to solicit in addition to the clientship of a learned Iranian elite, a following among the lower strata of Safavid society. Without the consent of a considerable sector of the middle and lower echelons, the fundamental changes they introduced into Iran's social life would have remained an alien superimposition of a higher coercive authority that withers away when that authority turns to naught. The 'Amilis, like other state-appointed jurists at the time, saw themselves collectively as the guardians of a defined orthodoxy but more so as the custodians of orthopraxy, encouraging not merely an explicit knowledge of doctrine but a systematic enactment of ritual. Discursive and legally-based, the form of Shi'ite tradition the 'ulama disseminated predicated the creative tailoring of ideas and dogmas to the indigenous Iranian setting. As such, they fathomed new bridges and supplied pertinent justifications for how an exegetical use of the past in Twelver

Shi'ite teachings and history, is relevant to the present. The 'ulama then, did not merely collaborate with the Safavid state in legitimizing its order and ideology, but came to see themselves as the binding thread in Iran's social fabric and the kernel of moral-religious integration on the lowest public level. Representative of the dignitaries of the religious elite, several 'Amilis became involved in a wide range of social decision-making that helped cement the cleavage between the Shahs and the larger population.

This chapter delineates the approach and form of interaction which 'Amili jurists maintained with corporate social groups and classes, and with the Sufis and with the Sunnite communities within Iran. Based on a scrutiny of selected legal tracts, collections of fatwas, and general legal inquiries directed to the 'Amilis by other 'ulama or the public, we can discern the types of links the 'Amilis formed with other religio-political groups. We can equally demarcate how amenable the 'Amilis' were to doctrinal and intra-factional struggles, and ethnic, class and status divisions.\(^2\) Integral to our understanding of the 'Amilis' relationship to the populace is the analysis of the process by which they transformed their 'codified' legal rulings, accessible to few, into simplified edicts internalized by Shi'ites from all walks of life. For that purpose, we have

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devoted a final section to the form in which their issuance of legal injunctions (ifta') and ijtihad practices served the layperson. This section is intended to demonstrate the immediate relevance of 'Amili legal opinions, edicts and instructions to Safavid society rather than to an exclusive erudite class.

From our study of the intricate ties between the 'Amilis and Iranian society emerges four central themes. First, the standardization of Shi'ite law and its popularization in the form of relevant and meaningful precepts and beliefs. Concomitant with the dissemination of Shi'ite creed was a process of Persianization on class and state levels; that is the consolidation of an idiosyncratic Iranian Shi'ism marked by pre-modern 'nationalist' tendencies. These tendencies demarcated the Safavid state as specifically Iranian and at the same time gave Shi'ism an unmistakable Persian posture. John Perry and John Foran emphasized the importance of the late sixteenth and the seventeenth centuries as the formative phase for the emergence of Iran as a viable nation-state.³ This converges with Savory's note that at the turn of the

³ See John R. Perry, "Forced Migration in Iran during the 17th and 18th Centuries," *Iranian Studies*, 8(1975), no. 4, 199-215. Perry argues that the central reasons for the mass transportations triggered by the Safavid authorities is to 'patch' Iran's divergent regions and their inhabitants into one nation-state. John Foran, on the other hand, argues that the dominant position of the Safavid state especially vivid under Shah 'Abbas was enhanced by the state's involvement in the three existing modes of production, namely the pastoral nomadic mode in the rural tribal sector, the peasant crop-sharing mode in the agricultural sector, and the petty-commodity mode of the urban sector. Although controversy still surrounds this division, the crystallization of national state interests is significant. See Foran, "The Modes of Production Approach to Seventeenth-Century Iran," *IJMES* 20(1988): 345-363.
seventeenth century the term *davlat*, was being invested in the context of statehood and just rulership.⁴ Although it is doubtful whether Iran was transformed into a nation-state in the pre-modern period, it is nonetheless true that the increased identification between the state and a national outlook went hand in hand with the major restructuring of social classes under Shah 'Abbas. Persianization did not merely touch the conceptual framework and style of writing which the second-generation 'ulama affected but underwrote the emergence of a highly competent and eclectic group of Iranian 'ulama who carried the legal discourses to a more public domain. Persianization was similarly evident in the 'nationalistic' undertones of Iranians who contested and questioned the legal authority and knowledge of some 'Amili scholars. To give but one example, the Sufis and artisans in early Safavid society supported the propagation of Abu Muslim Nameh as a national Khurasani epic, yet few decades after al-Karaki's ban on it, a number of Iranian 'ulama took his lead. Gradually their attacks on the epic took a distinctively Persian character and became an internalized affair. Under Shah 'Abbas - when a stronger identification between the Safavids and Persian identity developed - the highly-esteemed Shaykh Lutfullah al-Maysi who was a recent immigrant to Iran, fervently attacked a prominent artisan who contested his legal opinion on *i'tikaf* in a manner where the ethnic identities of the artisan and of Lutfullah garbed their

otherwise social interests.

Second, the 'ghuluw', practices against the tenets of Sunnism, as encouraged by the 'Amilis, should be seen first, within the context of the popularization of Shi'ite emblems and ideas and demarcating them from Sunnite elements, and second within the context of Ottoman-Safavid and Uzbek-Safavid relations where the Shi'ite 'ulama felt it necessary to counteract their propaganda and lend support to the newly-institutionalized religious paradigms. The surveyed literature seem to evolve from a position of verifying and expounding Shi'ite dogma during the sixteenth century to a resistance of a diffusion of Sunnite concepts in Iran's intellectual ambiance, and their appropriation by Shi'ite jurists themselves.

Third, it is misleading to assume that the Sufis and the Safavid fugaha, constituted two mutually-exclusive groups that were caught in a fated binarism, with each maintaining the purity of their group's conceptions and formulations. Rather, and in support of the argument of the modern scholar 'Abdol-Hosein Zarrinkoob who advanced a critical analysis of Sufism in Iran, I show how the jurists and the Sufis were constantly influencing each other and evolving into heterogeneous and internally differentiated subgroups. With the state's support of the jurists, the struggle between the latter and the Sufis culminated in a displacement of the Sufis and the transfer of their popular aura to the jurists

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5 See 'Abdol Hosein Zarrinkoob, Josteju Dar Tasavvuf-i Iran (Tehran, 1366/1987).
in a dialectic of opposition and co-optation.

Fourth, in conceptualizing about the interaction between the 'ulama and the guilds we need to differentiate between varied classes of 'ulama and levels of guilds, and assess shifts in the historical processes shaping their relationship. The works of Roger Savory, Mehdi Keyvani and others characterize the 'ulama-guild connection as a solid and steady alliance.6 Savory argued that a "close alliance" developed among the 'ulama on the one hand and the bazaaris, artisans, guild and futuvvat members, on the other and adds that such a bonding was supported by intermarital ties. Keyvani, though presenting a more complex picture of 'ulama-artisan exchange, proclaims categorically that "Islamic doctrine and law (shari'at) hold craftsmen in high esteem."7 As will become clearer in this chapter several high-ranking 'ulama including the 'Amilis denounced specific guild masters and artisan groups and belittled their social rank and mental aptitude.8 In comparison, the lower-ranking 'ulama outside the official circle who enjoyed none of the economic and social privileges of their superiors, tend to inculcate artisan following and some even work in the bazaar with them. The specific social dynamic underlying each 'Amili opposition to a guild member reveals intertwined economic, ideological and political motives.

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6 Mehdi Keyvani, Artisans and Guild Life in the Later Safavid Period: Contributions to the social-economic history of Persia (Berlin, 1982), 40, 193-4; Roger Savory, Iran Under the Safavids, 185.
7 Keyvani, Artisans and Guild, 40.
The Social Transformation of the 'Ulama Class

Comparable to Ottoman society where, at least between the 1560's to 1700's, religious law was molded by the interests and needs of the ruling class, Safavid society allowed the 'ulama who were allied to the ruling elite a greater freedom in interpreting the shari'a and relocating its place in the public domain. With the consolidation of a new polity, law gained a significance far more visible than what it once had in the confines of a communal setting. For instance, with the consolidation of the Safavid empire, customary law ('urf), was relegated a secondary position relative to shar'. Traditionally, the kadkhuda elected by wards of the city communities to administer customary law, acted in turn as a "ward magistrate subordinate to the mayor (kalantar)". In contrast to the kadkhuda whose position was decided on a local communal level, the shuyukh al-Islam and high-ranking jurists in charge of administering shar' were immediately appointed by the state. Evidently, symbiotic responses to macro-social transformations in Safavid society were mirrored by the judicial domain where a large network of

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9 See Rifa'at Abou El-Haj, *Formation of the Modern State: The Ottoman Empire Sixteenth to Eighteenth Centuries* (Albany, 1991), 60. Abou El-Haj assesses the historiographical literature on Ottoman society and its transformation, advancing critical observations on the formation of the modern nation-state. See Richard Repp, "Some Observations on the Development of the Ottoman Learned Hierarchy," in *Scholars, Saints, and Sufis*, 30. Repp notes that the organization of the learned hierarchy in Ottoman society constantly supplied the sultans with the legal expertise that itself became the source of trouble for them.

jurists and legal experts became integrated in the state bureaucracy. Sacred law was now invested in the promotion of social integration and centralization, vividly detected in the specialization of administrative tasks and the development of increased diplomatic and commercial relations with Western powers.\textsuperscript{11} Even when the 'ulama's interests favored decentralization, the state remained strongly present until the mid-seventeenth century.

Illustrated and exemplified in 'Amili jurisdictions is the congruity between Islamic law and various aspects of society and culture. The expansion of the interpretive capacity of the law and the constant production of fatwas and counter-fatwas was also concomitant with greater changes in polity and social life. To be sure, the 'Amili ideas and legal rulings were undergoing perpetual renewal rather than remaining fixed in a received order.\textsuperscript{12} As such our study proceeds from the assumption that despite the 'Amilis' power to implement their views and the legal repertoire they contributed, no exact and automatic congruence in society was in effect. Instead, our conceptual launching point is a "multiplicity of social contestations" where various possibilities for reproducing, refuting or reconstructing

\textsuperscript{11} Abou El-Haj, Formation of the Modern State, 54-55.
\textsuperscript{12} See Sally Falk Moore, "Explaining the Present: theoretical dilemmas in processual ethnography" American Ethnologist, 1987, 14(4): 727-36. Moore's approach to the anthropological study of societies and the utilization of ethnography assumes that the "process of cultural maintenance and the process of cultural change should have comparable theoretical standing." This insight, transferred to the historical domain of sixteenth and seventeenth-century Iran allowed me to envisage both continuity and change in the reaction of the Iranian society to the ideas and ritualistic behavior induced by the 'Amilis.
'Amili rulings took place.\textsuperscript{13}

Under the Safavids, the high-ranking 'ulama were able to claim new class boundaries as they grew more economically independent and ideologically united, advancing positions that were either critical or at odds with the royal court's outlook. Thus, despite their deference to the Shah and the ruling notables and the adjustments they made to accommodate them, they continued to promote their own distinct viewpoints. It was only a matter of time before they were able to erect a viable power niche that drew its dynamism not only from alliances with instrumental interest groups but also from a backing of large sections of the popular classes.

A number of factors fostered the 'ulama's relative autonomy, the most imperative of which was the incremental economic sufficiency they secured over time through the consolidation of the category of \textit{waqf}, religious endowments. A similar process unfolded in the Ottoman scholarly edifice which enjoyed a two-fold privilege through the ability to transfer their estates to their heirs and management of \textit{waqf}.\textsuperscript{14} To a much lesser extent, the collection of \textit{khums}, the "fifth" (a religious tithe paid by Twelver Shi'ites to their Imam) by high-ranking clerics featured as an independent source of funds. It is important to note, however, that the Shi'ite community, may have offered percentages of its profit to the jurists as gifts but there was no rigorous or

\textsuperscript{13} Ibid.
\textsuperscript{14} See Suraiya Faroqui, "Crisis and Change, 1590-1699" in An Economic and Social History of the Ottoman Empire, 1300-1914, ed. Halil Inalcık with Donald Quataert (Cambridge, 1994), 557-559.
systematic payment of *khums* to them under the Safavids; a practice that became prevalent by the late eighteenth and early nineteenth century.\(^{15}\) *Waqf*, on the other hand, involved the conversion of public property into "semi-private" possessions, benefiting the endowed scholars and their families and supporting numerous 'ulama who acted as its guardians and managers.\(^{16}\) Amin Banani showed the great extent to which mujtahids were appointed *mutawallis*, administrators of the religious endowments during that period.\(^{17}\) As Ann K.S. Lambton states, several *mutawallis* could easily draw great fortunes from their post which explains Shah 'Abbas II attempt to minimize their profits by reshuffling their offices.\(^{18}\)

As a material base, the religious endowment was independent from state bureaucracy and exempt from governmental confiscation which helps explain how the 'ulama were able to found a formidable power structure. The Shahs granted members of the religious classes immunities from taxation in the form of fiefs (*suyurghals*), which alongside their benefits carried a hereditary character transferred to


\(^{17}\) Savory, *Iran Under the Safavids*, 186.

\(^{18}\) Lambton, *Landlord and Peasant*, 113.
whole families of scholars. The income obtained by the religious holder of a suyurghal was able in turn to support a large number of alms recipients "even though the beneficiaries might in many cases have been merely the working ra'iyya of the suyurghal." Fragner explains, the institution of the suyurghal formed a basis for all the forces in the state that were opposed to centralisation. It is therefore not surprising that we find the largest suyurghals, in terms of both territory and absoluteness of prerogative rights, in the 9th/15th century.

Thus, for the Safavids to succeed in centralization they had to obstruct the possibility of accumulating great suyurghals by any major sector of society; a process which they eventually succeeded in doing. The non-hereditary tiyul (a category of land attached to a salary) came to replace the great suyurghals. But again an exception to that were the suyurghals extended to the members of the religious class. The predominant form of suyurghal under the Safavids became the small one, it was granted as an honorary sign of merit rather than being connected to services offered. Fragner explained that it was indeed common for a mutavalli to have a defacto power of that of a suyurghal owner even where the legal bases of the two functions were at variance. Both groups were exempted from taxation, enjoyed tax revenues, and were offered prerogative control over their land.

19 Bert Fragner, "Social and Internal Economic Affairs," 506-7; Savory, Iran Under the Safavids, 186.
21 Ibid., 507.
22 Ibid., 509.
23 Ibid. See also Lambton, Landlord and Peasant, 117-118. Lambton argued that the suyurghal may not have eliminated all taxation on property but
significant, the suyurghal-holders were predominantly drawn from the 'ulama class who were almost its sole beneficiaries.\(^{24}\) By the late Safavid period they had an almost total hegemony over them.

The medium-sized suyurghals conferred on eminent scholars were comparable to the tiyul obtained by high-ranking Safavid officials.\(^{25}\) The tiyul was the grant of the tax yield or a portion of it from a particular area, which in principle lacked a hereditary character and was granted in return for a service. Between 1066/1655 and 1088/1677, a number of tiyul again assumed hereditary ownership that differed little from the earlier type of suyurghals.\(^{26}\) This is indicative of fundamental shifts in state-elite relations and class boundaries as new social formations access the hereditary prerogatives of land ownership. In each of these shifts, it seems, a considerable number of ulama families remained secure.\(^{27}\)

In retrospect, the religious class receiving these grants and immunities were to remain a subtle but constant menace to the state's centralization goals and sovereignty. In a rather complex manner, the very process which

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\(^{24}\) Chardin, *Voyages*, vol.6, 65; Lambton, *Landlord and Peasant*, 115-6, 126-7; Fragner, "Social and Internal," 510-11. The small suyurghals were not generated exclusively from state land but also from wāqf and crown land.


\(^{26}\) Ibid., 514.

\(^{27}\) Rawdat, vol.2 (Tehran, 1970), 118-23. Khwansari explains that Mulla 'Azizullah, one of the sons of Muhammad Taqi who was a distinguished religious scholar and composer of belles-lettres, accumulated so much wealth as to rival the affluent merchant Mirza Muhammad Taqi Astarabadi.
manipulated the judicial domain to achieve greater legitimacy for the Safavids, created the material means for dispensing with them as the 'ulama were admitted into the proprietor class. John Foran foregrounds that along with artisans and merchants, members of the 'ulama figured among the intermediate classes of the urban sector characterized by a petty-commodity mode of production.\textsuperscript{28} The 'ulama appointed by the Shah ranked at the top of the urban economy below the Shah and alongside the wealthiest merchants (whether Armenian or Iranian) who traded in both craft and agricultural goods.\textsuperscript{29} The Shah presided over the economic activity of the artisans of the royal workshops, and a "private sector" of guild artisans, merchants, some of the 'ulama and the urban lower classes.\textsuperscript{30} More important is Foran's view that the 'ulama had a "range of "class" situations" and must be accorded disparate positions in the urban sector with simultaneous economic as well as professional ties to key groups, mainly the state and the artisan-merchant strata.\textsuperscript{31} The access of the 'ulama, including the 'Amilis, to such lucrative economic sources explains their resiliency as a class during periods

\textsuperscript{28} Foran, "The Modes of Production," 351.
\textsuperscript{29} Ibid., 353.
\textsuperscript{30} Ibid; See Keyvani, Artisans and Guild, 41-2, 62. Keyvani makes contradictory statements concerning the social structure of Safavid society suggesting at one time that the guild leaders of the royal shops be included among the ruling elite and one would assume in close proximity to the established 'ulama. In another instant, though, he includes military commanders, viziers, chiefs of tribes and the 'ulama among the highest strata forming a pyramid-like hierarchy headed by the Shah.
\textsuperscript{31} Foran, "The Modes of Production," 353-5. At one instance, Foran assumes that the monarchs alone were able to cross various modes of production. At another instance he indicates that the 'ulama were able to do the same but does not provide us with specific examples.
of a breakdown of relations with the government, and their encroachment on its centralization goals.\textsuperscript{32}

To get a glimpse of the shift in the material conditions which a number of Shi'ite 'ulama experienced under the Safavids and the internal ideological and political dilemmas it raised we turn to one of the famous controversies between the archrivals al-Karaki and Ibrahim al-Qatifi, introduced earlier. During their sojourn in the shrine of Imam al-Rida sometime between 914/1508 and 916/1510, al-Muhaqqiq al-Karaki and al-Qatifi, who coalesced with few learned opponents of al-Karaki, debated the legitimacy of accepting the gifts of the ruler, which in this case was Shah Isma'il.\textsuperscript{33} In the presence of other 'ulama, al-Karaki reproached al-Qatifi for refusing the gifts offered to him by Shah Isma'il and argued that it is "obligatory or permissible" to accept gifts from the rulers, referring to how Imam Hasan accepted the material gifts from Mu'awiya.\textsuperscript{34} As such al-Karaki implied that al-Qatifi's rejection of such gifts is at the very least arrogant and pretentious. Hossein Modarressi, demonstrates however, that at the time most of the Shi'ite 'ulama still adhered to a tradition of dissociation from governments and its money or estates which made al-Qatifi's position the more popular one.\textsuperscript{35}

The 939/1533 \textit{farman} discussed in chapter 4 which Shah Tahmasp issued proclaiming al-Karaki as the indisputable
religious authority in Iran also carried offerings in the form of extensive land grants in the region of Najaf as a hereditary waqf and its kharaj.\textsuperscript{36} There was no clear indication, however, that al-Karaki accepted Shah Isma'il's claim to the Imamate nor that he considered him the rightful Imam or an eligible successor of the Imam, as Andrew Newman had otherwise argued. Shah Isma'il did not advance such a position, and al-Karaki as a Twelver Shi'ite would consider none but the Twelve descendants of Fatima and 'Ali, the rightful Imams. In a treatise entitled, "Qati'at al-Lajaj fi Tahqiq Hill al-Kharaj" composed in 916/1510, al-Karaki asserted the legality of collecting kharaj revenues from the state.\textsuperscript{37} We can conclude from the opening of his treatise, that in fact he was attacked by a number of scholars who possessed little of the privileges he enjoyed at the court, either because they were unqualified or because they consciously distanced themselves from political establishments.\textsuperscript{38} The opponents he denounced as the ignorant rabble led astray by evil intentions, had disapproved of his usage of kharaj sources to meet his "bare necessities of living" in his Iraqi residence.\textsuperscript{39} Central to this debate was the question of the legitimacy of the Safavid government and

\textsuperscript{36} Ibid., 50; S. A. Arjomand, "Two Decrees of Shah Tahmasp Concerning Statecraft and the Authority of Shaykh 'Ali al-Karaki," 250-6.  
\textsuperscript{37} Modarressi, Kharaj, 165.  
\textsuperscript{38} Al-Qatifi also denotes in the treatise he composed against al-Karaki that a group of 'ulama urged him to debunk al-Karaki's opinions. See Newman, "The Development and Political Significance", part 2, 790-1.  
\textsuperscript{39} Al-Karaki, Rasa'il, vol.1, 237.
consequently, the money and property coming from it. Al-Karaki strove to prove the permissibility of receiving kharaj funds from the lands of 'Iraq. The main thrust of his argument was that receiving financial support and gifts from an illegitimate political authority was acceptable and in concordance with Shi'ite tradition.

Al-Karaki argued that since Iraqi territories met the criteria of the land conquered by force, they fell to the hands of all Muslims and its kharaj should be defrayed for the strengthening of Twelver Shi'ism; a model set by Imam 'Ali. The Shi'ite 'ulama were entitled to receive financial support for kharaj revenues during Occultation even if these were administered by the unjust ruler. He also tried to assert that his tenure in the Iraqi village had actually profited its inhabitants. Despite the lack of a consensus and the contradictory opinions among Shi'ite scholars concerning the legality of the cultivation of the land conquered by force, al-Karaki affirmed that it is licit to build on it, cultivate it, plant it, and use its produce. Al-Karaki seemed to have made an investment when he bought some of the fruit trees on the land granted to him by the government. As such he obtained a legal claim to a share of

40 Modarressi, Kharaj, 56-8. Shi'ite law differentiated between the just and unjust ruler and considered the sovereignty of the latter illegitimate. Adept and pious jurists, however, can assume the functions of the 'just' ruler during Occultation. See page 47. 41 Al-Karaki, Rasa'il, vol.1, 238-9. 42 Ibid., 238, 244-5. 43 Ibid. Newman, "The Development and Political Significance," part 2, 789. 44 Al-Karaki, Rasa'il, vol.2, 248-9. 45 Wilfred Madelung, "Shiite Discussions on the Legality of the Kharaj"
the crop of the land. He drew upon the writings of Shaykh al-Ta'ifa al-Tusi, Ibn Idris, al-'Allama al-Hilli, and al-Shahid, to support several aspects connected to the kharaj of the conquered land, and extrapolated the view of the permission of disposing its capital goods and improvements.⁴⁶

In his refutation of al-Karaki's stand on kharaj, al-Qatifi lends us great insight into the fundamental changes occurring in the socio-economic status of leading Shi'ite 'ulama. Al-Qatifi declares that none of his predecessors received villages from the Sultan.⁴⁷ Most of them, he argued, refrained from a proclaimed association with the courts or from openly accepting their material gifts and profits.⁴⁸ Moreover, al-Qatifi accused some of the officials of Shah Isma'il in Iraq of illegally extorting money from poor craftsmen and workers to defray their travel expenses.⁴⁹ It is noteworthy that after al-Karaki reversed the jurisdictions and general refrain connected to the illegitimate government, little deviation from this position could be found taken the fact that the number of hired jurists by the Safavids had multiplied considerably. In the same vein, Husayn b. 'Abd al-Samad (d.984/1577) debunked a view similar to al-Qatifi's, possible advanced by Ahmad b. Muhammad al-Ardabili, known as al-Muqaddas (d.993/1585) and reinstated the lawfulness of the

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⁴⁶ Al-Karaki, Rasa'il, 250-53, 270-82.
⁴⁸ Ibid.
Shahs' gifts and grants.\textsuperscript{50}

Al-Karaki's categorical support of the licitness of accepting high office and gifts from the rulers should also be seen in the light of his attempt to "set guidelines for the Safavid government in which he aspired to act as the deputy of the (\textit{na'ib}) of the Imam" as Madelung argued.\textsuperscript{51} Gradually under the Safavids, al-Karaki's position received greater support not only for the personal dimension of al-Qatifi's objections to his conduct, but mostly to the changing historical tide. An obscure Majid b. Falah al-Shubbani (or al-Shaybani), a Najafi scholar at the time, reiterated al-Karaki's views on \textit{kharaj}, supporting it by a quotation from al-Shahid al-Thani to the effect that major disadvantages would befall the Shi'ite community, where it to adopt the illicitness of \textit{kharaj}.\textsuperscript{52} Within this framework, where the development of Shi'ite society and institutions begin to be tied to the success in courting government benefits, the legality of \textit{kharaj} becomes slowly disentangled first, from the question of \textit{ghayba}, and second, from the question of the just ruler and whether he is a Shi'ite or a Sunnite.

Contested Territories of Rite and Ritual: The Artisans and the 'Ulama

Al-Muhaqqiq al-Karaki produced a "Risala fi Salat wa

\textsuperscript{50} Modarressi, \textit{Kharaj}, 56-8.
\textsuperscript{51} Madelung, "Shiite Discussions," 194.
\textsuperscript{52} Ibid., 201-2.
Sawm al-Musafir" when he encountered a widespread opinion among the students of religious sciences (talabeh) that a person who is oblivious of performing prayer or fasting during his travel cannot be exonerated or excused.\(^{53}\) Al-Karaki refuted this opinion, declaring instead that the great scholars have allowed shortcomings and imperfections from the commoners ('awamm) in their observance of religious rituals. A strict and correct enactment of such observances apply only to students of religion and more so to the highest in rank among them. Al-Karaki ventured to add that none of the students of religion in reality is able to fulfill or perfect the conditions incumbent upon him because the emulator (mugallid) must learn about his religious obligations from the person who is eligible for issuing fatwas and practicing ijtihad. Such criteria of excellence, al-Karaki reflected, are rarely evident because no one is exempt from dereliction and defect with respect to religious knowledge. If one were to prohibit such religious shortcomings that occur during travel, then one would have to prohibit the person who commits them from other activities as well including the performance of his profession. Consequently, many people would also have to be prohibited from interacting with that person when he is involved in selling, buying or the like because otherwise, it will be considered an encouragement of sinfulness.\(^{54}\) To be sure, none of the contemporary 'ulama nor their predecessors have ever forbidden people from sitting in

\(^{53}\) Al-Karaki, Rasa'il, vol.2, 85.
\(^{54}\) Ibid.
the bazaar, nor from selling, buying or carrying on similar licit activities even for those who are not fully observant of their religious duties.

In our opinion al-Karaki's injunction gives weight to realistic and pragmatic estimation of human ability in general and carries considerable implications for peddlers, vendors, artisans and merchants in particular. Within a bazaar setting, merchants and traders have to oversee their economic profit and were naturally prone to imperfections in performing religious rituals. This is in turn, closely tied to the state and the Shahs' economic profit and may intersect with the investments of some of the scholarly elite. Several eminent 'ulama like al-Karaki must have forged important ties with influential merchants and realized the importance for both the merchants and the Safavid economy to safeguard their interests which calls for a clarification or reformulation religious standards.

At the lower levels of Safavid society stood not only the small merchants of the cities, but the artisans and the shopkeepers and the rural peasants.\footnote{Savory, \textit{Iran Under the Safavids}, 8.} The local social institutions of trade and artisan guilds featured prominently in public life and preserved an official channel of interaction with the government. The futuvvat, a central social organization for these guilds attracted the poor and the dervishes, and developed into a vehicle for lower class political activity, dissent and "unorthodoxy".\footnote{Ibid., 182; Zarrinkoob, "Persian Sufism in Historical Perspective,"}
rested on a socio-religious system of values encapsulated in the manuals of futuvvat-namas, and its members received spiritual instruction from a Sufi master. They became the nurturing ground for a popular folk version of Shi'ism that was viewed with suspicion by the official religious establishment. Popular eulogy fostered by the futuvvat milieu and performed in public places and bazaars was commonplace in Iran since the mid 6th/12th. It surfaced in the form of panegyrics recanting the feats of the 'Alids (manaqib) and their virtues (fada'il-khwanan) best represented by the Persian poetry of 'Abd al-Jalil Razi (6th/12th). During the fifteenth century the celebrated literary figure Kamal al-Din Husayn Sabzavari, better known as Husayn-i Va'iz (d.910/1504) with the penname Kashif, laid down Rawdat al-Shuhada', the first Persian work on the sufferings of the prophets including Prophet Muhammad and his family, giving a comprehensive coverage of the great martyrs of Karbala.\footnote{Iranian Studies, 3(1970), nos. 3-4, 181. Zarrinkoob noted that the embryonic Fityan movement was conceived from the close ties between Sufism and the guilds.} Kashif belonged to a futuvvat order and was himself a javanmand, local hero. His numerous works including Futuvvat-nama-yi Sultani underscore the affinity between popular Shi'ite literature of manaqib and narratives of the martyrs of the House of 'Ali known as magatil, on the one hand and the futuvvat subculture on the other. In comparison, 'Amili jurists eulogized martyred Shi'ite figures and the Imams\footnote{Mohammad-Dja'far Mahdjoub, "The Evolution of Popular Eulogy of the Imams Among the Shi'a" in Authority and Political Culture (Albany, 1988), 73-5.}
occasionally in formal Arabic poetry but produced few works of such popular scope or with a local folk tradition as Rawdat al-Shuhada'. A number of their treatises fall in the categories of manaqib, maqatil and prayer (du'a), eulogies and elegies for the Imams which evolved out of a systematized Shi'ite tradition that sifted elements of heterodoxy, 'guluw', deification of the Imams or the veneration of saints and Sufis. But in as far as they promoted an immediate and emotional involvement in Shi'ite symbolisms and beliefs, the function of the popular literature produced by the 'ulama differed little from the literary narratives of the futuvvat-guild heritage.58

Not only was the futuvvat tradition a moral discordance for 'Amili legalism but artisan organizations linked to it were considered a menace and heavily assailed by the jurists. Whatever seemed in past decades the religious domain of the guild masters was now seen as the responsibility of the jurist. On more than one occasion the 'Amili scholars denigrated artisans (ahl al-hiraf) as no more than the rabble and the riffraff of Iranian society. The guilds were active in the urban centers of the empire, reaching around thirty-

58 Some of the central ideas propagated by Sufis and futuvvat-guild popular tradition was addressed by al-Karaki in "Nafahat al-Lahut fi La'n al-Jibt wa'l-Taghut," in 'A. Anvar, Fihrist-i Nusakh-i Khatti-yi Kitabkhana-yi Milli, collection 1703 (Tehran, 1344-58 Sh./1965-79), 5:8. It was copied by Sharaf al-Din 'Ali ---? on the 7th of Sha'ban during 1009/1600. It is 78 folios, divided into an introduction, seven chapters and an epilogue. Al-Karaki draws on the popular traditions surrounding the personal traits of Imam 'Ali, recounting his valiance and bravery. He embellishes his record further by emphasizing his steadfastness and courage in the battles of Badr and Yawm al-Ahzab in comparison to the cowardice of Abu Bakr and 'Umar.
three in Isfahan during the seventeenth century.\textsuperscript{59} The highest-ranking guilds were the royal workshops which were managed by chiefs known as the bashis.\textsuperscript{60} These guilds were socially and economically differentiated, while a spectrum of social mobility among the more prestigious artisanship prevailed. It is worth noting that the a clear social distinction between respected and "lowly" trades seemed to have crystallized in the outlook and language of the high-ranking 'ulama.\textsuperscript{61} As for social mobility, Safavid sources point to artisans who deserted their humble occupations to engage in rewarding large-scale commerce.\textsuperscript{62} Among these was a weaver named Aqa Nur-i Jula who, during the latter part of the seventeenth century, left his profession for Indian trade becoming an affluent merchant, then erecting a mosque known after him in the Isfahan bazaar. It is also significant how ideologically pertinent it became for the guilds and their subdivisions to assume religious roots and a pious outlook. Another example mentioned by Keyvani was Khwaja Baqir-i 'Assar, an oil crusher who became one of the wealthiest merchants during the reign of Shah 'Abbas II.\textsuperscript{63} Several skillful artisans and their descendants were able to obtain important governmental posts and to engage in scholarly

\textsuperscript{59} Keyvani, Artisans and Guild, 47.
\textsuperscript{60} Ibid., 41. Keyvani refers to a stonemason and a goldsmith at the time of Shah Isma'il who became established officials. Again at the time of Shah 'Abbas II, a tailor's son became a mu'ayyar-bashi royal mint and later a high-ranking official.
\textsuperscript{61} Ibid; Lutfullah al-Maysi, "Al-I'tikafiyya," folio 1b, 91-9b. This manuscript was among the waqf of Ibn Khwatu al-'Amili.
\textsuperscript{62} Keyvani, Artisans and Guild, 42.
\textsuperscript{63} Ibid.
endeavors, mostly the religious sciences. These cases are indicative of mobility and change in the economic situation, social status and religious activities of guild members. The futuwwat tradition's emphasis on ideal moral standards and praiseworthy deeds was gradually fused with the more legally-regulated Shi'ite paradigms as the bazaar evolved into a great sphere of influence for the 'ulama, many of whom were employed by the bazaaris themselves as clerks and accountants.\textsuperscript{64} It is also possible that around the time of Shah 'Abbas I few 'ulama were receiving a major part of the religious taxes and contributions of khums and sahm-i Imam from the bazaaris and artisans. Keyvani finds it worth noting that the Safavid 'ulama often played the role of mediators between guilds and the state with the intention of protecting the former.\textsuperscript{65} Notwithstanding, they appear to have made compromises that benefited them personally and preserved the exploitation of the guilds by the Shah and his courtiers. From another angle, the Shahs could not turn a deaf ear to the discontent of the guilds which explains why the 'ulama complained about the close affinity between some artisans and the Shahs. Incidents of bazaar outbursts and uprisings against tax burdens attest to the ability of the guilds to mobilize against state regulations and destabilize the economy.\textsuperscript{66}

Al-Muhaqqiq al-Karaki and Lutfullah al-Maysi both

\textsuperscript{64} Ibid., 152.
\textsuperscript{65} Ibid., 153.
\textsuperscript{66} Ibid., 153-7.
provide us with a rare insight into the explosive relationship jurists had with the guilds which seemed for the most part resistant if not rebellious to 'Amili instructions. Guild members abided by the organization's internal laws which they viewed as superior and more sacred than the jurist's authority. To the chagrin of the jurists some guild masters were recruited in Sufi tarigas and trade guilds on their part attracted Sufi groups with whom they had at times taken a common cause against both the 'ulama and the central authorities.

A person once complained to al-Karaki that a man, ignorant as he is, had declared himself the leader of artisans and had attracted a great following among them. They comply with his legal opinions and rulings and are not admitted into any of the crafts subdivisions or ranks except after asking for his permission and advise then swearing the oath of allegiance ('agg al-bay'a), in support of his "heretical" way.\textsuperscript{67} Al-Karaki fervently denounced such activity as violating the shari'a and described the anonymous guildmaster who committed it as an adulterer (fasiq), liar (fajir), and cursed (mal'un), and so were those following him and complying with his "ignorance". Al-Karaki added that those who take up this man's lead should be opposed and disciplined and that all Muslims especially government officials (ahl al-hukuma) should prohibit their activities. Al-Karaki's response suggests that he disapproves of how the

\textsuperscript{67} Al-Karaki, \textit{Rasa'il}, vol.2, 319-20.
government handled guilds' leaders and finds its leniency toward them somehow inexcusable. In turn, the artisans seem blatantly disdainful of the jurists' teachings attested by their attempts to issue their own legal rulings with total disregard to those handed down by the 'ulama.

Although no exact date is given for al-Karaki's fatwa, it is clear from the fact that he was addressed by his interlocutor as the seal of mujtahids (khatam al-mujtahidin), that it was issued at the time of Shah Tahmasp when he became formally recognized by this title 939/1533.68 Although the Safavids exercised various methods of control over the guilds, it seems very clear from al-Karaki's complaint that when it came to their internal practices and beliefs the Shahs interfered little, since their primary concern was fiscal.69 Al-Karaki's fatwa also reveals that the jurists were becoming effective in uprooting the Sufi practices among artisans and guild masters.70

In another instance, a person related to al-Karaki that the two Sufi groups Qalandars, the Marinis, alongside the artisans (ashab al-hiraf) all have a shaykh who leads them astray and violates the shari'a. In imitation of their shaykh, they all declare licit what God had otherwise forbidden, such as the shaving of beards, mustaches and eyebrows. The inquirer then asks al-Karaki whether the cursed

69 See Keyvani, Artisans and Guild, 63 for a discussion of the Safavids' methods of control over the guilds.  
shaykh of the Qalandars and guilds deserves insult. Al-Karaki concurred with the inquirer and proclaimed that the shaykh should be reprimanded and insulted. Moreover, he must be ostracized in order to forbid him from carrying such abhorrent acts altogether.\textsuperscript{71}

Issued also at the time of Shah Tahmasp and belonging to the same group of fatwas as the preceding one, the above fatwa clearly shows the consistent identification of guild and Sufi orders. Socially and religiously, guild masters, with their Sufi ties, futuvvat heritage and traditional rituals of initiation were obstructing the jurists influence among the urban lower classes. The multifarious treatises composed against Sufism during the Safavid period give a good idea of the scope of influence Sufis had on the popular level and their threat to the 'ulama's efforts at regulating social practice in a manner convergent with their definition and interpretation of the shari'a. It is thus questionable that the 'ulama had a "close alliance" with artisans and futuvvat members, let alone intermarrying with them which Savory confidently proposes.\textsuperscript{72} As will become even clearer in the following example, the top-ranking 'Amilis were mostly allied to the more distinguished merchant families but rarely to trade or guild members. We should not assume that the 'ulama and the merchants had the perfect or most natural bonding for this too was molded by the changing circumstances and variables contingent upon it. It is safer to conclude that

\textsuperscript{71} Al-Karaki, \textit{Rasa'il}, vol.2, 320.  
\textsuperscript{72} Savory, \textit{Iran Under the Safavids}, 185.
the low-ranking 'ulama had a closer affinity to trade members while the 'Amilis and their like were in general ill-disposed against them. Keyvani is accurate in emphasizing that the 'ulama articulating guild revolts during the Safavid period were "not members of the ruling group" but held socio-political and economic grievances against the state. 73

Almost a century after, and during the zenith of his power and social ascent in Isfahani society, Shaykh Lutfullah al-Maysi al-'Amili launched a severe attack against guild members and craftsmen in a twenty-two page work on seclusion, known as "Al-I'tikafiyya" or "Ma' al-Hayat wa Safi al-Furat". In the opening passage of the treatise Lutfullah expresses his deep gratitude to God for making him among the "'ulama of the Arabs" depicted as the "fountainhead" of the purist progeny. He also thanks God for creating him,

within the Imami group and the Twelver Shi'ite branch, and [thanks to God who] did not create me among the Shu'ubiyya and the Rattaniyya or their supporters and their like who follow their way. May blessings, peace, salutation and honor fall upon the Arab Prophet and his noble family. 74

The unusual emphasis on his ethnic identity and his boastful attitude toward his Arab descent clearly signals an ethnic tension, and is meant to defy an identifiable Iranian group. 75 We discern from Lutfullah's account that prominent guild representatives took him to task not particularly over the question of seclusion, but rather whether the legally

73 Keyvani, Artisans and Guild, 150-1.
74 Lutfullah, "Al-I'tikafiyya," folio 1a.
75 Similar remarks are made by 'Ali b. Zayn al-Din al-'Amili half a century after as we suggested later in this chapter.
recommended \textit{i'tikaf} could be performed in his mosque or the old \textit{jami'} mosque of the town. There were four practices that he carried out in the mosque during his \textit{i'tikaf} to which the above group objected, and his treatise is clearly in defense of his personal conduct.\footnote{See Ja'fariyan, \textit{Ilal-e bar Oftadan-i Safaviyyan} (Qum, 1993), 313-21. Ja'fariyan brought my attention to Lutfullah's treatise on seclusion and had devoted a chapter for this question in \textit{Ilal bar}, namely, "Shaykh Lutf Allah va Risala-ye I'tikafiyya".} They questioned some of the central conditions he laid down for its practice in Masjid-i Lutfullah, the mosque that Shah 'Abbas erected in his honor, located in the magnificent quarters of Meydan-i Naqsh-i Jahan. He invoked his 'Arabness' by way of demeaning his rivals whom he cast as "Shu'ubis" who emphasize the glory and superiority of Iranian culture and people over their Arab counterparts. He found their abilities wanting in the exclusive religious knowledge which he possesses and which they, being non-Arab, can never obtain. The dramatic tone of voice, the rhetorical questions and replete emphatic expressions in this treatise makes it exceptional in showing how personally charged the jurists' writings could be. To further delineate the implications of this opening statement, the Italian merchant Pietro Della Valle reflected that Shah 'Abbas used to glory in his Arab putative descent.\footnote{The Pilgrim: The Travels of Pietro Della Valle. Trans., George Bull (London, 1989), 169. Della Valle denotes that the style of wine-drinking sessions where the cup is passed around to the court visitors was favored by the Shah as being derived from an ancient Arab custom.} As such Lutfullah's boastfulness would have a double entente, of exalting the Shah and defaming his own rival.

Although some disagreement among Shi'ite jurists...
surrounded seclusion, Lutfullah affirms that it is among the solid practices of worship and is central to Shi'ite tradition especially during the last ten days of Ramadan, known as ihya'.

Based on a hadith by Imam Ja'far al-Sadiq, i'tikaf was lawful in the mosques of al-Kufa, al-Basra, Mecca and Medina. Some jurists understood the hadith as allowing seclusion solely in these few mosques while others counted other mosques as equally suitable for seclusion. Lutfullah who falls within the category of the latter 'ulama, noted that he himself had practiced it openly in Qazvin and Isfahan, encouraging his brethren to follow his lead until it became a widespread practice. The aim for holding seclusion during ihya', spending the night praying, and other single or combined nights referred to as al-ifrad or al-jam' respectively and religious festivals is to guide people to the light of truth, discarding the ways of temptation and loss in addition to praying for the continuation of "this 'Alid dynasty and the Musawi Sultanate...and to subjugate all the Uzbek and Ottoman enemies and others from among the Sunnites". Here Lutfullah is bringing the Shah to his support and rescue by showing how the practice of seclusion can also be invested in legitimizing Safavid rule. He reflects that most of his wishes in observing seclusion have been fulfilled and accomplished. The legal conditions of i'tikaf and the goals tied to it seem accurate and consistent

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78 See Ja'fariyan, 'Ilal-e Bar Oftadan-e, 318.
79 Ibid.
80 The Pilgrim, 169.
with the preponderant Ja'fari position of leading Shi'ite
scholars.⁸¹

A noteworthy issue raised by the opponents of Lutfullah,
is the necessity of performing seclusion in a mosque where an
imam 'adl, taken to mean the infallible Imam, summons people
for congregational prayer.⁸² Lutfullah was convinced that imam
'adl, taken in the context of the original hadith that
declared the lawfulness of seclusion in the Baghdadi mosques,
could not have called meant the infallible Imam, for the
latter obviously could not summon his followers to prayer in
cities that fell under Sunnite governments. Other Shi'ite
scholars also accepted the general meaning of imam 'adl
implied by Lutfullah, and al-Hurr al-'Amili even argued that
it was equivalent to a just witness (shahid 'adl).⁸³ On the
whole, Lutfullah seems to confirm the importance of executing
central religious tasks by able jurists during ghayba,
irrespective of the nature of government.

Lutfullah denotes that the person who questioned his
practices belonged to the craftsmen (ahl al-sana'i') and ahl
al-hiraf. He depicts his opponent as "one of the inferiors"
who was "short of the ranks of the learned" and who is
claiming knowledge in fiqh through approximation and
conjecture without relying on the information of the
Traditionists (muhadiththun) or mujtahids.⁸⁴ In another

⁸¹ See Muhammad Jawad Mughniyya, Fiqh al-Imam Ja'far al-Sadiq: 'Ard wa
⁸² Ja'fariyan, 'Ilal-e Bar Oftadan-e, 318-9.
⁸³ Ibid.
⁸⁴ Lutfullah, "Al-I'tikafiyya," folios 1a-1b.

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section in the same treatise, Lutfullah states that this artisan frequented the court of some virtuous sayyids and notables where he openly discredited him and made a negative appraisal of al-Shahid's rulings whom Lutfullah finds praiseworthy. The artisan also questioned the views of others, presumably 'Amilis, during other congregations. He aggravated Lutfullah by saying to his "allies, uncivilized followers and commoners", descendants and companions that Lutfullah had abrogated the shar' by committing an innovation and fabricating sources in a number of acts and legal branches. Among these was the practice of seclusion, first in the newly-built mosque of the Shah, second in the last tenth of the month of Ramadan, third in retreat and devotion to prayer (darb al-gubba), and fourth during the nights of ihya'.

Lutfullah directs the most severe attack against his contender, questioning his manliness and courage. He likens his speech to that of animals when he goes around blabbering about Lutfullah's incompetence. It is noteworthy that Lutfullah lumps the 'awamm with the debased (andhal), and the despicable and at another occasion identifies them with the ignorant (jahala). Underscoring his own noble pedigree beseeches his audience to turn to him and men of his caliber in religious matters because they carry the nobility,

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85 Ibid, folio 9a.
86 Ibid, folios 1b, 8b. Lutfullah refers in folio 8b to the tashni'(slander), denunciation and tashhir (defamation) acts against him by the anonymous artisan or guild master.
87 Ibid., folio 1b, 9a-9b.
perfection, intelligence and virtues through a long line of
descent from one century to another since ancient times.
Thus, it is not possible to generalize, as Keyvani does, that
based on the shari'a or the Qur'an, the 'ulama honored
artisan and craft work.  

Lutfullah then asserts that based on the collection of
sound Traditions of al-Halabi, seclusion can only occur
during fasting in the jam'i congregational mosque and that
the Prophet used to retire to a secluded placed during the
last 10 days of the month and would stay in seclusion, thus
taking up darb al-qubba, and holding ahya' in the domed
shrine which was set for him.89 As for the jam'i mosque,
Lutfullah explains, it is a mosque in which the Twelver
Shi'ite imam leads prayer it may or may not be the largest
mosque in the city as the two Shahids asserted and that it is
not necessarily the newest or the closest to the bazaars or
tribal encampments.90 Thus all the 'ulama, Lutfullah denoted,
made seclusion conditional upon its being observed in the
right type of mosque, namely, the congregational. He then
mentions the renowned 'Amili and their descendants who
endorsed seclusion, lavishing on most of them elaborate
honorary titles especially Shaykh-i Baha'i and Mir Damad.
Lutfullah raises the 'Amilis on a pedestal as exemplars par
excellence of the pious and authoritative scholars whom a
layperson should seek. On the other hand, one can interpret

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88 See Keyvani, Artisans and Guild, 40.
90 Ibid., folio 3a, 6a, 9a-9b.
his great praise for prominent co-'Amilis who already won a wide acclaim in Iranian society as a devise to strengthen his ruling on seclusion and educe the support for it from a wider circle. The only Persian scholar he adds to his list of 'Amilis was al-Shahid al-Thalith, Mawlama 'Abdullah al-Shushtari, himself the product of the schools of Jabal 'Amil, and Mirza Muhammad al-Astarabadi (an akhbari) and few mujtahids and friends.  

As for the mosque where Lutfullah lead prayer, it enjoyed great fame for its congregational nature. In all the regions of Khurasan and 'Iraq it was well-known that,

the possessor of this empire and of emanation had built a congregational mosque in Isfahan for so and so son of so and so [i.e., Lutfullah himself] which made several people of far countries and prosperous villages inquire about us upon their arrival to Isfahan with this statement: "Where is the house of the shaykh for whom the Shah had built a new congregational mosque, that we may seek blessing from it and be slaves to him."

Lutfullah went further to boast about his close relationship to the Shah noting that the latter clearly stated that he will build him a congregational mosque which can room a thousand or two thousand people. To support his view on the ability to perform seclusion in that mosque, Lutfullah asserted that the Shah was heard referring to the mosque on several occasions as a congregational one presumably to differentiate it from the Shah's mosque.

Lutfullah reflected in disdain that only craftsmen, bazaaris and commoners would think that a congregational mosque should

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91 Ibid., folio 5b.  
92 Ibid., folio 9b.  
93 Ibid., folio 10a.
be the largest in size. Their view, however, has no value among the elite, the noble and virtuous men and in the 'urf of the jurists, drawn from the books of the noble Imams which is proven by the famous scholars.

It is worth pointing that Lutfullah includes the bazaaris among the ignorant commoners and directs an attack against them as well. This hints to the fact that some merchants must have joined the guildsmen in disregarding Lutfullah's ruling on seclusion and denied that the mosque built for him by the Shah carries congregational distinction. These groups, aggravated by the privileged status Lutfullah occupied vis-a-vis the Shah, had questioned the significance of his function as a jurist.

The royal bazaar in Isfahan hosted a limited number of shops and each guild was allowed only a specific number of shops in a certain lane (rasta). Every master craftsmen had to pay a guild tax (haqq-i bunicha) to have the right to do business in the bazaar. The rasta of the bazaar generally comprised of a conglomerate of adjacent buildings of a mosque, public bath, theological college, gymnasium and a drinking fountain (sagga-khana). This indicates that the prestige of the mosque and its stature would affect the scope and amount of business done in a certain lane. Jean Chardin, for instance, reflects that the bookbinders' bazaar was close

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94 Keyvani, Artisans and Guild, 125.
95 Ibid., 142.
96 Ibid., 125. The extent to which a trade or craft is spread in the city depended to a certain extent on how profitable and esteemed it is for the Safavid Shahs.
to the Masjid-i Shah and Masjid-i Shaykh Lutfullah which people visited for daily and Friday prayers. In order to obtain greater profits, the binders appointed one of their members to open his shop on Friday and he provided the needs of the worshippers on Fridays, when he alone had his shop open. One can venture to extrapolate that a number of Iranian bazaaris and artisans detested the congregational attributes that Lutfullah bestowed on his own mosque, let alone the Shahs' blessings of it, and felt it necessary to boost the prestige of the mosque in their own lane or around it. If their mosque qualified for Friday congregational prayer, it would certainly attract more people and yield lucrative profits for the bazaaris and artisans.

It is also likely that Lutfullah's opponent who frequented the circles of notables as he had noted, actually belonged to the more qualified artisans of the royal workshops who usually possessed a higher social and economic standing compared to the self-employed artisans. Among these were goldsmiths, gold wire drawers, goldbeaters, jewelers, and money-changers.

Since the artisan in question had attacked Lutfullah on a number of issues, among which was i'tikaf, there is a personal dimension to their conflict as the artisan was being supported by others including some bazaaris. To complete our picture, however, Lutfullah's attacks on Shu'ubis and the

97 Ibid., 145.
98 Ibid., 43.
99 Lutfullah, "Al-I'tikafiyya," folio 1a-1b, 9a.
Rattaniyya clearly show that the artisan had advanced an attack on him and other 'Amilis from an ethnic standpoint.\textsuperscript{100} The affirmation of an Iranian identity and 'national' traits at different historical episodes have been characterized pejoratively by Arab scholars as a form of Shu'ubiyya. But what it really enunciated was a closer identification between Shi'ism and Persian culture to the exclusion of Arab agency toward the end of the seventeenth century. But the ascendancy of the 'Amilis was put into question not by Iranian jurists as such but rather by the non-specialists who utilized their ethnic background to discredit their abilities to respond to issues pertaining to Iranian society and cultural worldview. The religious issues have become more popularized by that time and as such Persianized allowing the greatest scope of influence by Iranians from outside the 'ulama class. Here, it is useful to highlight the more subtle depiction of these tensions in a number of observations made by al-Karaki's almost a century earlier. His "Nafahat al-Lahut fi La'n al-Jibt wa al-Taghut" uncovers his concerns toward the resistance of non-Arab subjects to the conversion to Islam and their presumed hesitancy about accepting the prophecy of Muhammad. Al-Karaki argues that if a person admitted that Prophet Muhammad is the Prophet of God to the Arabs specifically (khassatan), his proclamation of his conversion is not accepted unless he admits the universal nature ('umum)

\textsuperscript{100} Ibid., folio 1a-1b.

102 One is thus inclined to deduce that al-Karakan had been forced to address these issues by Iranians or Turcomans who questioned the applicability of the Qur'anic revelation to non-Arabs. There is an emphasis on the need to transcend ethnic peculiarities in understanding the Islamic call.

Toward the end of the Safavid era and as the status and role of 'Amili descendants declined, some of them clung steadfastly to their claims of a pure progeny and a distinguished Arab pedigree. Fada'il al-Sadat, completed in 1691-2/1103 at the time of Shah Sultan Husayn, by Muhammad Ashraf b. 'Abd al-Hasib al-Musawi al-Karaki (d.1145/1732), the grandson of Mir Damad bespoke of the socio-economic privileges and spiritual excellence of sayyids and especially of those "related by blood to the Prophet, Quraysh and the Arabs". He reiterated the arguments of Ibn Tawus in Kashf

103 Some 'Amilis devoted special treatises for genological inquiries, and family branches of prominent 'ulama. Among these were Shaykh-i Baha'i's "Mushajjarat al-Rijal", and "Nasab Nameh va Shajareh" in Persian. It is noteworthy that each of Husayn al-Mujtahid in the first epoch and Mir Damad in the second, devoted a treatise on al-siyada. Husayn al-Mujtahid composed his treatise "Risala fi al-Sayyid wa'l-Siyada" for the Great Vizier, Mir Shuja' al-Din al-Safawi al-Haydari al-Musawi who must have been one of the viziers of Shah Tahmasp. He argued that all the descendents of Fatima were considered Sayyids. Mir Damad also wrote a treatise affirming the siyada status for the descendents of Fatima. See al-Dhari'a, vol. 12 (Najaf & Tehran, 1380q/1962), 275-6; vol. 2 (Najaf, 1355H), 101-2; vol.16 (Tehran & Najaf, 1388/1968), 258-9.

104 Muhammad Ashraf al-Hasani, Fadai'il al-Sadat (Iran,1314/1896-7), 3-4. The grandfather of Muhammad Ashraf was the maternal nephew of Mir Damad and had married his daughter.

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al-Hujja esteeming the Hashimites for being the "head and the leaders". The reference to similar but general views made by earlier Shi'ite scholars is distinctly framed by Muhammad Ashraf to serve the purpose of his work. Thus, he consciously extends the respect expressed toward Hashimites to include all Arabs without excluding the Shah from such nobility, addressing him by the descendant of the pure Prophetic line. The Hashimites are considered superior to others and that hostility toward the descendents of the house of the Prophet brings punishment in the next world, and is one of the signs of bastardy. Another work known as Kitab al-Ansab was laid down by Abu'l-Hasan al-Sharif b. Muhammad b. Tahir al-Futuni (d.1138/1725). Al-Futuni wrote it after a number of sayyids approached simplify Hada'iq al-Albab fi Ma'rifat al-Ansab for them which includes genealogies of kings, sayyids and famous men.

In summary, two general reasons emerge for the clash between the 'Amili 'ulama discussed above and artisans. The first is the ideological and political objection of the 'ulama to the unorthodox religious practices, futuvvat and the Sufi heritage of the guilds. The second, as in the case of i'tikaf is a clash of social and economic interests between the more prominent guild leaders and influential jurists, especially where both compete over the favors and privileges extended to them by the Shah.

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105 Ibid.
106 Ibid., 6-7
107 Arjomand, The Shadow of God, 147.
The New Religious Landscape and the Sunnites Within

Sunnites continued to feature as an integral formation in Safavid society whether on the highest levels as visible courtiers and officials or as dissimulating prayer leaders and urban and peasant communities.\textsuperscript{108} As discussed in chapter four, the defined forms of exchange between the young Shi'ite dynasty and the Sunnite populations were multifaceted and subject to a number of social changes. Here, we will turn to the only available sources we have on the 'ulama's approach to Sunnism which nonetheless provides one configuration of Shi'ite-Sunnite relations but certainly not the sole one. The following survey of polemical literature expresses the 'Amili support for the popularized rejection of Sunnite emblems and political symbolisms. But far from receiving a unanimous vote, these expressions were questioned by several Shi'ite clerics particularly the Arab jurists who denounced their 'ghuluww' or sought to avoid the harassment of the Sunnite authorities that ruled over them.

In the early Safavid period seven polemical works were produced by 'Amili jurists, the largest throughout the Safavid period, and directed mainly against Sunnism and Sufism.\textsuperscript{109} With less intensity and vigor, polemical works continue to be important in the succeeding period, though six

\textsuperscript{108} See discussion in chapter three on Mirza Makhdum al-Sharifi and other Sunnite officials.

\textsuperscript{109} See appendix.
are written by one author, namely Ahmad b. Zayn al-Abidin (three treatises against Christianity and Judaism, and one against Sufism).

Among the most illuminating sources on the approach which a representative group of 'Amilis took toward Sunnism are a number of legal essays and polemical writings.\textsuperscript{110} Early during the sixteenth century, al-Muhaqiq al-Karaki laid down an elaborate and extensive work of 155 pages entitled "Nafahat al-Lahut fi La'n al-Jibt wa al-Taghut", completed in Mashhad on the fourteenth of Dhu'l-Hijja, 917/1511.\textsuperscript{111} In an accessible Arabic style that can be understood by non-specialists, al-Karaki defended the legal foundations for cursing the caliphs, 'Umar and Abu Bakr and gathered doctrinal support for it by way of popularizing its ritualistic occurrence. His views attest to the pioneering role he played in endorsing the much contested activities of the tabarra'iyyun (a retinue which roams around the city cursing Abu Bakr and 'Umar) and uncovers new links with the society at large. Aside from constituting a central document on the Safavids' focused policies of conversion from Sunnism to Shi'ism, "Nafahat" shows how this process can be justified

\textsuperscript{110} See appendix. In the second period, one polemical treatise was devoted to the akhbari-usuli controversy, written by the akhbari Husayn b. Shihab al-Din al-Karaki (d.1076/1665). In the third period polemical works declined, reaching three, almost half the number in each of the previous epochs. In terms of content, too these polemical works differed dramatically from those of the second period, with an almost full circle going back to the first, by featuring an exclusive focus on the refutation of Sunnism and Sufism.

\textsuperscript{111} Another polemical work of significance is "Masa'ib al-Nawasib" by Muhammad Ashraf b. 'Abd al-Hasib al-'Alawi al-Husayni al-'Amili (d.1145/1732), written in refutation of the work of Mirza Makhdum al-Sharifi "Nawaqid al-Rawafid".
among the literati on the one hand, and internalized at the lowest social levels on the other.

Magic (jibt) and idolatry (taghut) which originally stand for two pre-Islamic idols refer here to the first two caliphs, 'Umar and Abu Bakr. Al-Karaki finds cursing (la'n) of the two caliphs both licit and mustahab, favorable. In the opening of "Nafahat", he praises the Safavid empire in whom God's word was exalted, defeating the heretics who adopted the fallacies of the Sunnites. Cursing, al-Karaki proclaims, carries the value of worship and prayer because, if conducted properly one can receive a reward for it. In the holy Qur'an, God had ordered cursing in the following words: "Nay, but God has cursed them for their unbelief; little will they believe."112 He further referred to the sura of al-'Umran: "God guides not the people of the evildoers. Those - their recompense is that there shall rest on them the curse of God and of the angels and of men, altogether, therein dwelling forever;...".113 Imam 'Ali too expressed his devotion to God during obligatory prayer by cursing Mu'awiya, 'Amru b. al-'As, Abu al-A'war al-Sulami and Abu Musa al-Ash'ari because he found such cursing among the most rewarding and favored acts in God's eyes. Cursing then functions as a supplementary part of faith and for al-Karaki, it becomes an obligation

113 "Nafahat," folio 4b-5a. These statements on cursing fall in the Qur'anic Suras of Al-Baqara and Al 'Umran, verses 89 and 87 respectively. See Muhammad Fu'ad 'Abd al-Baqi, Al-Mu'jam al-Mufahras li-Alfaz al-Qur'an al-Karim (Beirut, 1945); Arberry, The Koran Interpreted, 11, 57.
stemming from the utmost loyalty to God's friends (awliya').

Like preceding Shi'ite scholars, al-Karaki was keen on dismantling the premises on which the Sunnite objections to the Imamate doctrine rest. Thus, he tried to gather momentum first, in support of cursing, and second in support of the blasphemy of Abu Bakr and 'Umar on the basis of Sunnite sihah works of hadith and musnad collections. As for Sunnite sources that portray all the Companions of the Prophet as righteous champions of justice and prohibit their defamation or even their criticism, al-Karaki discredits them as being false and fabricated.

By way of challenging the legal and doctrinal foundations of Sunnism, al-Karaki was indirectly drawing the contours of a Shi'ite worldview with its symbolisms and idiosyncrasies and the centrality of the Imamate within it. Therefore, from the emphasis on the permissibility of cursing, he moves to the explication of the Imamate using the standard Shi'ite proofs including the events of Yawm al-

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114 "Nafahat," folio 6b. Al-Karaki develops his arguments in proving the legitimacy of the Imama and the need for a person to lead his umma (Muslim community) during every age. He challenges the accuracy of the hadith: "La tujmi'u ummati 'ala dalalatin" by stating first, that this hadith needs the proof for its sihha (soundness), second that we would accept the hadith on the basis that the Imam who is infallible exists in every age among his people which makes it impossible for the community to agree on a falsehood. Third, it is enough for one person in the community to follow the right path in order for the community to be described as agreeing on what is true.

115 Ibid., folio 41a, 61a, 69b. The permissibility of cursing, he noted, was articulated through a number of Sunnite chains of transmission featuring sources like al-Qadi ‘Abd al-Jabbar, Abu ‘Ali al-Jubba’i, Abu Muslim al-Isfahani, al-Tha’labi, al-Tabari, al-Waqidi, al-Tirmidhi, al-Bukhari, al-Hamidi and is reflected in Al-Jam' bayja al-Sahihayn.

116 Ibid., folio 10b-13a.
Ghadir and numerous Prophetic uttering. In the hadith "Of whomsoever I am lord (mawla), 'Ali is also his lord" (man kuntu mawlahu fa 'Aliyyun mawlahu) the word mawla is deliberately interpreted as the newborn (al-haliq), the manumitted slave (al-mu'taq), paternal cousin (ibn al-'am), in order to exclude the meaning of Imama.117 Although he was primarily concerned with strengthening the ideological defenses of Shi'ites, he was tuned to a Sunnite audience whom he hopes to convert by expounding the righteous cause of Shi'ism. He emphasizes the indissoluble tie between upholding shar' in every age and executing it correctly on the one hand and the existence of an Imam on the second.118

The theme of dissociation from the enemies of the Shi'a referred to as bara'a, occupies a central part of this treatise.119 Establishing the interdependence of faith and open denial of Shi'ite enemies, al-Karaki writes:

know that the belief in the Imamate of the Imams occurs if the mukallaf (person upon whom certain religious responsibilities devolve) knew that anyone for whom the Imamate was claimed other than them [the descendants of Fatima and 'Ali] is unjust, a slanderer and a mutaggid who will go to hell .."120

True Shi'ites would proclaim the universal nature of Imamate claims and would dissociate (tabarra'a) themselves from the enemies of the Imams. If one knew these enemies individually and denounced them, he/she would be firmer in

117 Ibid., folio 18a-b.
118 Ibid., folio 9b.
119 For a discussion of bara'a in the Shi'ite context and the links drawn to idols, see Etan Kohlberg, “Bara’a in Shi’i Doctrine" in Jerusalem Studies in Arabic and Islam 7(Jerusalem, 1986): 139-175.
120 “Nafahat,” folio 10a.
faith. But it is not enough for one to deny the enemies of 
ahl al-bayt without knowing the Imama in the manner by which 
al-Karaki had established. Bara‘a from the opponents of 
Shi‘ism is considered a religious obligation.\textsuperscript{121} Thus, along 
with uttering the two parts of the two shahadas testimonies, 
a convert to Shi‘ism is asked to deny every persuasion that 
opposes Islam.\textsuperscript{122}

Al-Karaki recounts Imam 'Ali's uncontested privilege in 
being among the first to convert to Islam. Abu Bakr and 'Umar 
have committed injustice against the Prophet and violated his 
rights and those of the whole Islamic community by displacing 
the great position of the Imama and the sacred shari‘a. They 
usurped what was not their right and corrupted the legal 
rulings of the shar‘ in opposition to the sayings and doings 
of the Prophet.\textsuperscript{123} In addition, al-Karaki debunks a number of 
Sunnite hadiths relating to the inheritance of Fatima trying 
to show how the two caliphs conspired to hurt 'Ali, Fatima 
and their children while "the damned" 'Umar ordered to have 
'Ali's house burnt with everyone in it unless he swears 
allegiance to him.\textsuperscript{124}

"Nafahat" captures al-Karaki's struggle with the 
barriers which Sunnism had forced around Twelver Shi‘ism by 
excluding it from its political institutions and preventing 
Shi‘ites from advancing their theological and juridical 
systems within a legitimate school of law. He expressed

\textsuperscript{121} Ibid., folio 7b.
\textsuperscript{122} Ibid., folio 7a.
\textsuperscript{123} Ibid., folio 23b- 26b.
\textsuperscript{124} Ibid., folio 27a, 31a.
outrage at the fact that the mujtahids had allocated the scope of ijtihad within the four schools of law, prohibiting others from using it against stark evidence to the contrary in the Qur'an and the Sunna. Some even went as far as dividing mujtahids into two categories: an absolute (mutlaq) and a limited (mugayyad), prohibiting the first type of activity and permitting the second in one of the four schools of law. Such a view, al-Karaki declared was baseless and purely fictitious.\textsuperscript{125} Contrary to the Sunnite conception, he asserted based on the Qur'an and the Sunna the possibility of ijtihad outside these defined schools of law.\textsuperscript{126} He argued that Sunnite sources ruled that 'A'isha, Talha, al-Zubayr, and Mu'awiya were excused in launching a war against 'Ali because they were mujtahids. Yet the same sources do not acknowledge Fatima's rejection of Abu Bakr's caliphate as an ijtihad nor do they rule that she was a mujtahida.\textsuperscript{127} The mujtahid, he added, cannot decide in religious matters on the basis of opinion (ra'i), as Sunnites do, without supporting it with a proof, "or else what place is there for ijtihad in a matter enjoined by a lawful text in God's Book, His Sunna and His Prophet".\textsuperscript{128} Al-Karaki then expounds the Shi'ite objections to 'Umar's transgression of three legal rulings followed at the time of the Prophet, namely mut'a and

\textsuperscript{125} Ibid., folio 9a. He found no justification for the Sunnite restriction of the madhahib (schools of law) to four, based on Abu Hanifa, Malik, al-Shafi'i, and Ahmad b. Hanbal, forcing everyone to adhere to them and dismissing ijtihad outside their confines.

\textsuperscript{126} Ibid., 76b.

\textsuperscript{127} Ibid., folio 14b.

\textsuperscript{128} Ibid., folio 43b.
marriage during pilgrimage and the inclusion of "Come to good deed!" (hayyi 'ala khayr al-‘amal) when summoning Muslims to prayer.\textsuperscript{129} He rebukes 'Umar's violation of the sharî' and finds that by denying Fatima her gifts and lawful inheritance, then burning her Book and threatening to burn her house, he had committed a blatant abrogation of God's law.\textsuperscript{130} In the final section of "Nafahat", al-Karaki turns to the case of A'isha and explains the reasons why she deserves to be cursed. He noted that her alliance with Talha and al-Zubayr in warfare against 'Ali stemmed from a prohibited use of ijtihād which can only apply to questions on which there are no final or decisive proofs in the Qur'an or the Sunna.\textsuperscript{131}

In brief, written during the nascent phase of the Safavid empire, "Nafahat" lends us insight into the problematic and far from sweeping conversion of Iranian populations to a mainstream Twelver Shi'ism which carries theological, doctrinal and legal roots of a 'high' tradition. The incentives for the composition of the treatise and its extensive elaboration on the doctrine of the Imamate and denunciation of Sunnite beliefs are not a sign of a secure and triumphant Shi'ism but rather one still struggling with rivaling forces from within as much as without Safavid society.

Although al-Karaki's work is germane to the religious preoccupations of the Iranian public, it is questionable

\textsuperscript{129} Ibid., folio 46b.
\textsuperscript{130} Ibid., folio 45a-46b.
\textsuperscript{131} Ibid., 74a-75b.
whether it reached a large non-specialist audience at the time. The earliest date we have of a translated version of it is 951/1544, offered by Mir Abu’l-Ma’ali al-Astarabadi.\textsuperscript{132} Its importance for the Safavids cannot be overstated for Abu’l-Ma’ali asserts that Shah Tahmasp had urged specialists to translate it. Abu al-Ma’ali’s translation which was a concise summary of the original was later included among the \textit{wagf} possessions of Shah ‘Abbas, carrying his own handwriting on the back of its first page and the signature of his vizier Rafi’ al-Din Muhammad al-Husayni, the father of Khalifa Sultan.\textsuperscript{133} Notwithstanding, whether in style of content, there is a clear attempt to popularize the anti-Sunnite practice of cursing the first two caliphs and ‘A’ishah based on numerous forceful arguments that resonate with al-Karaki’s masterminding of the \textit{tabarra’iyyun} practices discussed in chapter four.

Thirty-four years after the production of "Nafahat", another Sunnite-Shi’ite polemical work entitled "Munazara Ma’a Ba’di ‘Ulama’ Halab fi’l-Imama" (A Debate with an Aleppine Scholar on the Imamate) records the deliberations of Husayn b. ‘Abd al-Samad, carried out under unique conditions with a Sunnite scholar in Ottoman Aleppo.\textsuperscript{134} The actual deliberations took place in 951/1544 and culminated in the conversion of the Sunnite scholar to Twelver Shi’ism. Husayn

\textsuperscript{132} Al-Dhari’a, vol.24, (Beirut, 1411/1990), 250-1.
\textsuperscript{133} Al-Dhari’a, vo.26, (Tehran & Najaf, 1395q/1975), 204-6.
\textsuperscript{134} This treatise was translated into Persian and became widespread at the time, under the title "Munazare Juba’i ba Danishmand-i Sunni". The version of "Munazara" I obtained seems to have been copied in 1149/1736.
reveals that he had shared an intimate and solid friendship
with the scholar, allowing him to discard his tagiyya
(dissimulation) and reveal his true religious disposition.
Husayn examines primarily the doctrinal formulations of
Sunnism with respect to the Imamate and exposes its
supposedly precarious foundations. He finds that Sunnites
cannot point to a clear Qur'anic statement by the Prophet
where he indicates that it is obligatory to follow Abu
Hanifa. In contrast, Twelver Shi'ites adhere to Imam Ja'far
al-Sadiq on the basis of clear proofs. As such he Husayn
inquires,

how do we know if we [Twelver Shi'ites] were led astray
and you [the Sunnites] were rightly guided when we
believe in his [the Imam's] infallibility and that he
does not commit error, but rather that what he decides
upon is God's ruling and we have written proofs in
support of that. [Furthermore], he [the Imam] is not
like Abu Hanifa who uses giyas,(analogy), ra'i
(opinion), and istihsan (preference) and who can commit
error."\(^{135}\)

Husayn also questioned the Sunnites' imitation of a
person whose reputation was tarnished by suspicion and
untrustworthiness like Abu Hanifa, taken the fact that
evidence of untrustworthiness (\textit{jarrh}) is given precedence over
evidence of trustworthiness (\textit{ta'dil}). He drew support for his
view from several Shafi'ite sources and pointed more
specifically to al-Ghazali's objections to Abu Hanifa's
credibility on the basis of the latter's "blasphemous"
ideas.\(^{136}\)

\(^{135}\) "Munazara," folio 1a.
\(^{136}\) Ibid., folio 1a. Al-Karaki refers to the work, \textit{Nakt al-Shari'a fi
Husayn then goes to length in expounding the knowledge upon which Imamate claims rest, that is, the belief that the Imams' statements are the same as those of their forefathers and their fathers, as those of the Prophet.\textsuperscript{137} Twelver Shi'ites are not bound to admit the correctness of the Sunnite madhhab because it is conditional that its leader be infallible. Now the principles which Sunnites have drawn and accepted as proof for their being the saved Islamic group, have rested on their imitation of a mujtahid which is analogous to the imitation which Twelver Shi'ites ascribe to the adherents of the Imam. On that basis, the legal foundations of their madhhab cannot be denied by Sunnites.\textsuperscript{138}

Husayn emphasizes to his readers that the argument he laid out proved quite effective and his Sunnite friend was forced to succumb and abandon discussion in that area. The scholar diverted his inquiries, however, to one of the most contested areas in Sunnite-Shi'ite exchange, namely the Shi'ite cursing of the companions of the Prophet, including the caliphs Umar and Abu Bakr. Such cursing, the Aleppine scholar noted, confirmed the corruption of the Shi'ite faith.\textsuperscript{139} Husayn paused, reflecting inwardly:

I knew that if I were to profess to him the admissibility of cursing them in our madhhab, he would

\begin{flushleft}
\textit{al-Radd 'ala Abi Hanifa, where a number of Shafi'ite scholars pointed to Abu Hanifa's untrustworthiness.}
\textsuperscript{137} Ibid, 1b. According to Husayn b. 'Abd al-Samad such an interpretation of the hadith, if corroborated by sound and mutassil (uninterrupted chains of Tradition) Shi'ite hadiths and sihah Sunnite traditions, even when phrased differently, share one and the same meaning.
\textsuperscript{138} Ibid.
\textsuperscript{139} Ibid, 2a.
\end{flushleft}
never convert to Shi'ism even if I provided him with a thousand proofs... so I said to him: "According to our madhhab, it is not compulsory to curse them [meaning the first two caliphs] and only the fanatical among the laity do so. As for the 'ulama, none of them had called for the necessity of cursing them, and their books are available."\(^{140}\)

Husayn then swore a sacred oath to his friend that if one were to live a thousand years adhering to the faith of the House of the Prophet and to sever any connection with their enemies without ever cursing the Companions, one would neither be erroneous nor would one's faith be wanting. Clearly, Husayn was making a tactful twist of the situation since cursing was a feature in Shi'ite dogma but certainly not a tenet of the faith. He wanted most of all at this stage, to preserve the interest in the debate without causing him unnecessary alarm. In a succeeding encounter between the two, the Aleppine scholar confronted Husayn with the view that cursing, based on \textit{Al-Mukhtasar al-Nafi}' of al-Muhaqqiq al-Hilli (d.676/1277), was more central to Shi'ite practices than Husayn would have admitted. At this juncture, Husayn was forced to disclose his convictions without further dissimulation.

He asserted that from a Sunnite vantage point \textit{ijtihad} was invoked to explain the assassination of 'Uthman and the war launched by 'Aisha, Talha and al-Zubayr against 'Ali. Husayn succeeds in convincing the scholar that the permissibility of \textit{ijtihad} cannot be exclusive to one Muslim group; a position forcefully argued before by al-Karaki in

\(^{140}\) Ibid.
"Nafahat". Thus if one were to obtain the prerogative of using ijtihad to fight Imam 'Ali, then "why is ijtihad in cursing the Companions prohibited, when we only curse on the basis of our knowledge of the hatred they expressed to the House of the Prophet." In a well-known Shi'ite hadith, Husayn emphasizes that the Prophet called upon the Companions to join the military expedition of Usama b. Zayd to Damascus, declaring that: "Cursed is he who does not join Usama's army". Accordingly, both Abu Bakr and 'Umar were cursed for staying behind. The Aleppine scholar retorted that, knowing the Prophet was sick, their decision to stay behind was based on ijtihad. Husayn, like al-Karaki and many Shi'ite scholars before, denied that ijtihad could be invested in a situation where a clear text and the consensus of the Muslim 'ulama is furnished. Otherwise it is sheer blasphemy.

Realizing that his faith in Sunnism was waning, Husayn's friend requested to take some time to reflect on these issues. But Husayn proceeded to establish, based on major collections of Sunnite hadith, that the Prophet had cursed those who would alter his rulings. Based on accounts related by Sunnite, Shi'ite and Mu'tazilite figures Abu Bakr and 'Umar had mistreated Fatima and committed injustice toward 'Ali. 'Umar was also accused of violating the Prophet's rulings by prohibiting temporary marriage and marriage during pilgrimage and punishing those who practice them. As for

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141 Ibid., folio 2a.
142 Ibid.
143 Ibid., 2b.
144 Ibid., 3a.

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'Uthman, he had appointed wanton officials for the administration of Muslims' affairs and committed abominable sins of crime and alcohol drinking for which Abu Dharr al-Ghifari reprimanded him and which caused the latter's expulsion from Medina to Damascus.

Eventually, the Aleppine scholar converted into one of the choicest Shi'ites and "cursed the enemies of the House of the Prophet in general and the three in particular, God damn them."145 "Munazara" presents a 'Amili scholar on the defensive in a context where the political foundations of Shi'ite thought let alone Ja'fari law were accorded an illegitimate place in Ottoman society. It is noteworthy that the issue of cursing occupies the largest section of the controversy and once it was cleared, other theological questions became easier to tackle as Husayn briefly hinted at them. Husayn wrote this polemical treatise after his transfer to Iranian society where it was possible for him to harbor such views openly but more important, where he could provide a model for the standard Shi'ite arguments against Sunnism. Within Ottoman society, he had to start out with a defensive position because the Shi'ite understanding of Sunnite political authority as an usurpation, could only be announced under tagiyya. In addition, the "Munazara" is also a stark endorsement of cursing whose permissibility he already

145 Ibid. In the final polemical exchange Husayn expounded to his friend questions on doctrine and dogmatic theology, such as ru'ya (vision), gada’(divine decree), gadar (fate), and on masa'il far'iqya (cases of applied jurisprudence) like al-mash (cleaning), and al-mut'a (temporary marriage).
declared while still in Ottoman society. There is an attempt to validate the Imamate in Sunnite eyes and to authenticate its claims. This explains why this debate was among the first 'Amili works to become accessible in Persian under the title "Munazare-yi Danishmandi Juba'i va Sunni".

The social and religious position which the 'Amilis occupied in the structures of both Ottoman and Safavid societies had noticeable influence on their ideas and on the way they siphoned their doctrinal and legal opinions. To provide such a comparative angle, we turn to another work by Husayn, namely, Nur al-Haqqa wa Nawr al-Hadiga written during his stay in Ottoman Jabal 'Amil. Completed in 945/1538, that is, six years before "Munazara", Nur al-Haqqa is reminiscent of medieval literary compilations and works of ethics aimed as much at epigrammatic instruction as entertainment. Husayn journeys through selected proverbs and famous sayings on a wide array of socio-moral traits most of which he organizes in binary oppositions. His chapters tackle definitions and examples of intellect, knowledge, evil and good, old age and death, puzzles, advise, speech and silence, deceit and truthfulness, poverty and wealth, anger and clemency, generosity and stinginess, steadfastness and fear, shyness, companionship and friends, joking and laughing, jealousy and competition, phobia, pessimism and hope. He seemed to have been inspired by Al-Bayan wa al-Tabyn of al-Jahiz (d.255/868) from which he draws several accounts and also from a work on proverbs by an anonymous author entitled

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Kitab Manthur al-Hikam. *Nur al-Haqiqa* was clearly composed for a wide and heterogeneous audience, both Shi'ite and Sunnite, educated and lay, with various philosophical and intellectual backgrounds. Even though Imam 'Ali is heavily cited, there is no clear emphasis on a sectarian Shi'ite identity or outlook, nor to that matter does Husayn treat central Sunnite figures, whom he occasionally quotes, pejoratively.\(^{146}\) He attempts to speak from within Ottoman society and clearly identifies himself with "a group of Shafi'ite friends". He quotes the caliph 'Umar at a number of instances where he adds "May God be pleased with him".\(^{147}\) He does the same with some Companions of the Prophet. It does not evade one's attention though that in the two times where Mu'awiya is mentioned, his status is undermined and he is made the focus of ridicule. Under the chapter of "Speech and Silence" Husayn writes,

Mu'awiya said to 'Aqil [b.'Abd Munaf (Abi Talib) who died 60/679]: Oh you Hashimites, you are quite lustful (lecherous). 'Aqil replied: It is present among us in the men and among you in the women.\(^{148}\)

He then adds,

Mu'awiya once asked him ['Aqil] sarcastically: Where will you find your uncle Abu Lahab [man of fire or hell] So 'Aqil replied: When you enter hell look to your right and you will find him sitting over your aunt, the [vendor of] firewood. See who is in a more wretched situation, the maker [of fire] or that from which it is made?

He also casts a dark shade on Muhammad, the son of

\(^{147}\) Ibid., 208.
\(^{148}\) Ibid., 176. See also page 178 on the encounter between Muhammad b. al-Hanafiyya and Mu'awiya.
Marwan, the Umayyad Caliph and finds the Umayyads to be unjust and usurpers of others' rights. But in the Ottoman context, the belief in the injustice and vanity of the Umayyads, was not exclusively Shi'ite and it is present among Sunnites too.

As we turn to Husayn al-Mujtahid, al-Karaki's grandson, we find that he had espoused 'guluww' Shi'ite views and attempted to popularize the repudiation of Sunnite symbolism of political legitimacy and their insignias of power. He wrote a number of works in refutation of the 'heresies' of the Sunnites (bida' al-'amma). Two treatises in question whose dates are unclear encapsulate the elements most argued in Shi'ite-Sunnite polemics including the representation of Sunnite figures in popular Shi'ite thought. The first is a five-page work on "Ta'yun Maqtal 'Umar b. al-Khattab", composed around a hadith related by Afdal b. Muhammad b. 'Ali b. 'Ali b. Muhammad b. Tay' and copied in 1058/1648 by Muhammad Husayn al-Husayni al-Tafrishi, also known as al-Najafi. The second, entitled "Risala Fi Yawm Qatl 'Umar" differs slightly from the previous one and integrates minor additions. It is noteworthy that the term assassination (maqtal) and not death (wafat) is used in reference to

149 Ibid., 134.
150 This treatise is included in the same collection of "Risala fi al-Niyaba". Its opening falls on page 415 and its end on page 420.
'Umar's death.

It was Mirza Habibullah, the formidable sadr under Shah Safi and 'Abbas II, who had advised Husayn al-Mujtabid to copy a hadith found in the handwriting of Afdal b. Muhammad b. 'Ali b. 'Ali b. Muhammad b. Tay' precisely because it seemed similar to that which Habibullah's father, al-Husayn b. al-Hasan al-'Amili had included in one of his writings.\textsuperscript{152} The hadith, related by two Shi'ite men, Abu'l-'Ala' al-Hamadhani al-Wasiti and Yahya b. Muhammad b. Jarih al- Baghdadi explain that the two had disagreed on the interpretation of the chapter on oration (al-khitab) so they sought to resolve the matter by consulting with Ahmad b. Ishaq al-Qummi, a close companion of Imam Abu'l-Hasan al-'Askari in the city of Qum. When Ahmad came to meet them at the entrance of his house, they realized that a smell of amber came out of his wrapper and that he had dressed up in a festive fashion. So they asked him: "Is this a day of celebration?". He answered: "Yes" and it was the ninth day of Rabi' al-Awwal, the day of the death of 'Umar. Ahmad b. Ishaq further relates how he went one day to Imam Abu'l-Hasan and found that he had ordered his servants to dress up in new clothes, within their means to do so.

The assertion that the day of 'Umar's death would be a celebrated occasion for Shi'ites is given even a greater significance by the above Tradition as the fulfillment of a divine prophecy. Imam Abu al-Hasan related through his father

\textsuperscript{152} Husayn al-Mujtabid, "Risala fi Ta'yin Maqtal 'Umar," 415.
that Hudhayfa b. al-Yaman went on the ninth of Rabi' al-Awwal to the Prophet and found him eating with Imam ‘Ali and his two sons and gazing at them with joy. The Prophet told him that on a day like this, God will destroy His and the Prophet's enemy, and will accept the deeds of those loyal to the House of the Prophet and who love them. He also specified that a hypocrite will lead those enemies and instigate deceit in them, obstructing God's way, burning His book, changing His Sunna, benefiting from inheritance, appointing himself as a man of knowledge and undermining His Imam, disproving the Prophet's brother and vizier 'Ali and disowning his daughter. On a day like this, the prophet foresaw that God will fulfill Fatima's prayers.\textsuperscript{153}

Evidently, this is a rare but poignant Tradition that casts Shi'ite claims on to an ahistorical moment, revealed only through divine signs. Specifying the day of 'Umar's death as the ninth of Rabi' al-Awwal strengthens the implications of the prophecy for Shi'ites.

Husayn al-Mujtahid further suggests that based on Hudhayfa's account, the Prophet had asked God to distinguish the day of 'Umar's death from all others and God revealed to the Prophet that 'Umar will express infidelity in the most sacrosanct of His commands.\textsuperscript{154} In the second treatise, "Risala fi Yawm Qatl 'Umar" Husayn al-Mujtahid suggests that the date specified by al-Shaykh al-Mufid, Ibn Idris and Ibn Tawus for 'Umar's death as the twenty-ninth of Dhu'l-Hijja,

\textsuperscript{153} Ibid., 417.
\textsuperscript{154} Ibid., 418.
is incorrect. Instead, it is the ninth of Rabi' al-Awwal.\textsuperscript{155}

Husayn then delves into eschatological discussions, explaining that on the day when 'Umar is killed, God had ordered His angels in the seven heavens, and those who love the Prophet to celebrate it and ordered the honorary scribes to "lift their pens" and not to record humans' sins on that day, in honor of the Prophet and his legatee (wasi). He who celebrates that day every year will be rewarded, his money increased, and will be saved from the fire of hell. The Shi'ites of the House of the Prophet will have their wishes fulfilled, their sins forgiven and their labor accepted.\textsuperscript{156}

Again 'Umar is depicted as the forger of the Qur'an, innovator in religious law, pleaser of the Jews, Christians and Majus and the architect of Imam 'Ali's assassination. Hudhayfa noted that when 'Umar died, he went to Imam 'Ali's house to congratulate him as he reminded him of the time he had seen him with his two sons eating with the Prophet when he forecasted this prophecy.\textsuperscript{157} Hudhayfa reflected that a mere summoning of Shi'ites for the celebration of this day would redeem Imam 'Ali. As such al-Mujtahid's discussions tie the concepts of \textit{bara'a}, \textit{la'n} even more strongly to proper Shi'ite

\textsuperscript{155} Al-Mujtahid, "Risala fi Yawm Qatl 'Umar," 423-424. Unlike "Risala fi Ta'yin," it includes a full line of transmission from Muhammad al-Hamadhani al-Wasiti and Yahya b. Jarih al-Baghdadi who were contemporaries of the companion of Imam Abu al-Hasan al-'Askari and had related this account directly from him. In the final section, an additional \textit{hadith} from Imam Ja'far al-Sadiq is included on various issues such as the necessity of generosity, the elevated position of Imam 'Ali and some advise on personal conduct.

\textsuperscript{156} Ibid.

\textsuperscript{157} Ibid., 419-420. It was related by Hudhayfa that Imam 'Ali knew 72 names for that day such as "yawm al-istiraha, yawm tanfis al-ham...yawm al-istislam".
faith.

The practice of cursing the two caliphs and some of the Companions, while criticized by Meccan and Qatifi circles of Shi’ite scholars seemed to have been firmly supported and justified by the ‘Amilis. In one of the questions directed to Shaykh-i Baha’i, covering a discursive literature, Shaykh Salih b. Hasan al-Jaza’iri includes three lines of poetry by one of the “nawasib” Sunnites who proclaimed that while he loved ‘Ali he would not accept the cursing of Abu Bakr and ‘Umar, nor would he declare them blasphemous if they did not give Fadak to the Prophet’s daughter, for only God knows what their justifications were on the day of Judgment, if they offered excuses at all.\(^{158}\) Shaykh-i Baha’i retorts with twelve lines of poetry the first three being,

\begin{quote}
Oh you who claim the love for the trustee ['Ali]/and you
have not accepted the cursing of Abu Bakr and ‘Umar
By God you have lied in your claim of love/darn your hands
which tomorrow will burn in hell
And how could you love ‘Ali when/you think twice before
cursing those who opposed him.\(^{159}\)
\end{quote}

In the same vein, Muhammad al-Hurr al-'Amili, writing toward the end of the seventeenth century held the same position with respect to cursing declaring its permissibility with respect to commiters of grave sins (kaba‘ir). As for venial sins (sagha‘ir), cursing would carry a further element, turning into an accusation of blasphemy (makfira).

\(^{159}\) Ibid., folio 58a.
Al-Hurr had initially intended to gather supporting material drawn from the accounts of Sunnites and Shi'ites in his treatment of cursing but had found that al-Muhaqqiq al-Karaki provided sufficient evidence as to quench the curiosity of the seeker and fulfill him.  

The immediate social occasions for Baha'i's and al-Hurr's views on cursing are not specified. Their support of it though, shares with earlier rulings, the same political background of circumventing Sunnite influence and fighting back Ottoman and Uzbek slander of Shi'ism. The cursing of 'Umar and Abu Bakr then, was still the rule rather than the exception among leading Safavid scholars and second generation 'Amilis endorsed it with the same intensity a century after the death of al-Muhaqqiq al-Karaki. As posited by Ni'matullah al-Jaza'iri's objection to it, the issue of cursing seemed as much an intra-Shi'ite disagreement as it was a Sunnite-Shi'ite controversy because it carried far-reaching implications for Ottoman-Safavid relations and the Twelver Shi'ites residing in Ottoman territories.

As we turn to an anti-Sufi work of the late seventeenth century, entitled "Al-Siham al-Mariga min Aghrad al-Zanadiqa" a different social landscape set novel dimensions in Shi'ite-Sunnite exchange. Authored by 'Ali b. Muhammad b. al-Hasan b. Zayn al-Din al-Juba'i al-'Amili al-Shahidi (d.1103-4/1691), the grandson of al-Shahid al-Thani, "Al-Siham" tries to dissuade Shi'ites from accepting at face value Sufi precepts

\[160\] Al-Hurr, Al-Fawa'id, 516-7.
propagated by Sunnite scholars. By way of chastising those who admired al-Ghazali's thought or were persuaded by his moderate Sufi tariqa, 'Ali al-Shahidi drew attention to his anti-Shi'ite position. It is important to note that during the lifetime of 'Ali al-Shahidi, Shah Safi (1038/1629-1052/1642) had ordered the translation of Ihya' 'Ulm al-Din of al-Ghazali.161 This outraged several Shi'ite jurists and put them at the defensive against any suspicions of a resurgence of psuedo-Sunnite interest groups and fear of their doctrinal or intellectual prevalence. One can discern 'Ali's alarm for the admiration which a scholarly class expressed toward al-Ghazali especially through a Sufi channel. He explained that during al-Ghazali's exalted Sufi state of illumination (kashf) - implied in his Ihya' 'Ulm al-Din - it was revealed to him the virtue of Abu Bakr and his elevated rank and the impermissibility of cursing Yazid or even of accusing him of the murder of Husayn. 'Ali adds that in Al-Munqidh min al-Dalal, - where al-Ghazali discusses the circumstances leading to his resignation from his teaching post - he refers to Twelver Shi'ites as ahl al-ta'lim, (which is a reference to Isma'ilis) for claiming to obtain knowledge from their infallible Imam. Aside from highlighting al-Ghazali's anti-Shi'ite views, including the reference to Shi'ites by the derogatory term 'rawafid', 'Ali does not present a full theological or doctrinal argument against al-Ghazali. He expounds al-Ghazali's well-known argument against

Imamism along with his claim that da’wa al-ta’lim was among the reasons that weakened the faith of Muslims.\textsuperscript{162} As for al-Ghazali’s support of the right claims of Imam ‘Ali to the caliphate on the basis of a revealed text (nass), ‘Ali suggests that this might have been an early opinion from which he later defected in Al-Mungidh min al-Dalal, written toward the end of his life.\textsuperscript{163} ‘Ali was also keen on refuting a common belief among Twelver Shi’ites that al-Ghazali was the companion of al-Sayyid al-Murtada in his pilgrimage to Mecca.

To the distress of al-Shahidi, many Shi’ites believed that the renowned Sufi, Muhyiddin b. ‘Arabi harbored Shi’ite inclinations. With the two-fold pursuit of disavowing Sunnism and Sufism, ‘Ali asserts that Ibn ‘Arabi professed that during his nocturnal journey (Isra’), he discovered that Abu Bakr ranked above all the prophets ‘Ali repudiated him as a detester of Shi’ites and an idol worshipper who misleads the layperson into believing he/she was following the right path.

After a careful scrutiny of "Al-Siham"’s section dealing with Sunnism, one can conclude that al-Shahidi aimed at discrediting a rivaling scholar precisely on the basis of accepting Sunnite premises and adapting its conceptual elements. This is reflected in the personal antipathy he expressed toward Mulla Muhammad Amin Astarabadi whose ideas in Safinat al-Najat he strongly rebutted for being inspired

\textsuperscript{163} Ibid., folio 6a.
by al-Ghazali's *Al-Munqidh min al-Dalal*. He was mostly furiated by Astarabadi's defamation of the 'ulama and for tarnishing their reputation by accusations of infidelity on several issues.  

'Ali finds Astarabadi's knowledge in religious sciences wanting and his ability at comprehending the 'ulama's legal questions doubtful. Despite his use of opium and other drugs, 'Ali proclaimed, many with weak intellects were enticed into believing his arguments.  

More disconcerting to 'Ali, however, was Astarabadi's great influence on the Shi'ite 'ulama "especially the Arabs among them" who were led astray by his writings. It was well-known that Astarabadi was "the first" to attack the mujtahids openly and augment the division between *akhbaris* and *usulis* to the extent of polarization.  

'Ali discredits Astarabadi's appraisal of Shi'ite scholars like al-Shaykh al-Tusi, noting that only a person who is not familiar with al-Tusi's works, or who is not an Arab could have arrived at such erroneous conclusions concerning them. In another place, 'Ali relates a Hadith in support of the Twelvers' exclusive access to knowledge and right of interpretation (*ta'wil*). He finds that whoever knows the true renderings of Arabic terms and their figurative forms in the Qur'an or spoke Arabic can understand the Hadith according to the Twelvers' interpretation.  

Arab ethnicity was consciously utilized by 'Ali to boost his status vis-a-vis Astarabadi and other influential yet

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166 *Lu‘lu‘at*, 117-119.  
167 "Al-Siham," folio 10b.
rivaling Iranian scholars whose inferior knowledge of Arabic he takes for granted. It is clear, however, that Astarabadi is joined in his views by several Arab scholars which explains why 'Ali was trying desperately to utilize ethnic divisions to rescue his position. Moreover, 'Ali's polemical endeavor is directed less against Sunnism than against Astarabadi and his scholastic camp with whom he experienced personal and ideological struggles.

Writing toward the end of the seventeenth century, 'Ali al-Shahidi reflected the dramatic shifts in Safavid society after the rigorous phase of geographical and ethnic integration and resettlement has occurred. The polemics were no longer stamped with elaborate refutations of Sunnite doctrine or the verification of the Imamate. Rather, they stemmed from the shifting status of the traditional fugaha', who were marginalized by an emerging "hybrid" of scholars against whom they harbored ideological as well as social grievances. Thus, the building arguments in the 'Amilis' Shi'ite-Sunnite polemics examined in this section, differ little from those upheld by Persian scholars in the controversies that ensued between Shah Tahmasp and Uzbek 'Ubaid Allah, the 'ulama of Mashhad and Uzbek 'ulama around 997/1588-9, and between the Ottoman mufti Asad Efendi and his Persian colleagues during the seventeenth century.\(^168\) B.S. Amoretti accurately notes that the Shi'ite view was still marked by the defamation of the first three caliphs who are

found blameworthy of the injustices committed against Imam 'Ali, Fatima and their descendants. It is true in all such works that Sunnites were casted as supporters of the salaf but that Twelver Shi'ites see themselves as the protectors of the pure Sunna and the jama'a. Amoretti argues, however, that the vilification of 'Umar and Abu Bakr in the controversies between Shah Tahmasp and 'Ubaid Allah Uzbek takes on a political twist and departs from the ritual cursing which is described as an "act worthy of ignorant Shi'is." In comparison, the 'Amili approach upholds the practice of cursing at the highest scholarly levels and draws lengthy discussions in support of it among the learned. Again, the wrongdoing committed against imam 'Ali is not formulated merely "as a juridical offense" but as a blasphemous act that transgresses the core of the divine revelation and the shari'a. The reason for the 'Amilis more 'extremist' stand may be the fact that their audience was for the most part Shi'ite. Thus they had no compunction about cursing the two caliphs or even assigning a great reward for those who curse. Their works function on multiple levels as theological guideposts for the learned and a routinization of anti-Sunnite beliefs at the popular level. We also need to consider the different circumstances that occasioned the composition of each of the 'Amili treatises. For example, the "Munazara ma'a Ba'di 'Ulama' Halab fi'l-Imama" was written in writing for the first time in Safavid land and thus, while it

170 Ibid.
may have retained the integral substance of the debate, its nuances and features may have changed. In the new context it has become instructional and purposefully propagandistic. Al-Karaki, Husayn b. 'Abd al-Samad, Baha'i, and al-Hurr all expressed their support of cursing with the reinforcement of governmental authority, Husayn al-Mujtabi did the same inspite of it. This makes the strongest case for the 'Amilis' popularization of what may be relatively labeled 'ghuluiw' during that epoch (which is not the conventional definition of ghuluiw as the advocacy of 'Ali's divinity).

Our entry into the 'Amili exchange with Sunnism in Safavid Iran remains limited in scope due to our reliance on polemical works which cover, for the most part, theoretical issues. The polemical tracts present a standardized and often constricted configuration of Sunnite-Shi'ite relations in Safavid society. Where we to observe numerous social settings in which the 'Amilis interacted with Sunnites in both Ottoman and Safavid domains, our we can attain a more complex and comprehensive perspective of such relations. In chapters one and two, a number of such occasions were captured.

Sufism, Legalistic Shi'ism and the Social Order

The development of the Safavid Sufi order into a ruling institution entailed fundamental transmutations in its politico-religious character especially if it were to
withstand the Ottoman threat at its borders.\footnote{Lambton, "Quis Custodiet," 137-41; See Mazzaoui, The Origins of the Safawids.} Opting for the 'ulama class that had been stabilized owing to a juridical organization and a hierarchy stricter than in any other sector of Islam, the Safavids gradually discarded their Sufi messianic garb. At this historical juncture a militant Sufi foundation could not be easily molded into a state construct, and the survival of contending sources of legitimacy for the state outside the confines of the juridical Shi'ite organization would have implied the constant risk of decentralization and instability on the religio-political plane. The key word was theological standardization that left little room for advancing alternative theories of political authority.

B.S. Amoretti poses pertinent questions on the extent to which Sufism functioned by means of tagiyya during the last century of Safavid rule, not only internally, i.e. to conceal extremist views that survived the process of standardization, but also externally, in the sense that Sunnites embraced Sufism in order to escape victimization which was for the most part fiscal but in some cases political.\footnote{Amoretti, "Religion" 647.} The term 'Sufi' carried more than one connotation and encompassed variegated references to heresy, which calls for a redefinition of 'extremism'. The latter became euphemistic for acts whose common feature was dissatisfaction with the way political or religious power was exercised after its
centralization at the end of the Safavid era.\textsuperscript{173}

The focused efforts of the 'ulama against the Sufis indicate that the latter were forceful proselytes who took common cause with the anti-Safavid elements most prone to rebel and shatter the political structure. The 'ulama assigned the Sufis to a category of illegitimacy and as such socio-moral abnormality. The anti-Sufi literature ranges from accusations of blasphemy, satanic dispositions to deficiency in intellect and proper reasoning.\textsuperscript{174} The 'invention' of their 'heresy', 'sexual perversion' and superstition reveal not merely how powerful the legalistic discourse was, but also how threatening several Sufis were in rocking the messianic expectations, so deeply embedded in Shi'ite eschatology, and its intersection with socioeconomic unrest. The Nuqtavi movement, for instance, was among the earliest to attract a considerable Qizilbash following featuring several state officials (\textit{arkan-i dawlat}) among its midst.\textsuperscript{175} As Catherine Babayan reflected, the Nuqtaviyya yearned to recapture the primal bonding between the Qizilbash nomadic basis and the Safavid Sufi order against the Shahs' incessant efforts at diluting its spiritual and doctrinal origins. The legalists and the 'ulama found the Nuqtavi worldview threatening in that it envisioned a unity between religion and temporal authority or government on earth.\textsuperscript{176} The 'ulama

\textsuperscript{173} Ibid., 648.
\textsuperscript{175} Babayan, "The Safavid Synthesis: From Qizilbash Islam to Imamite Shi'ism," 147-8.
\textsuperscript{176} Ibid., 155.
instead made the unity between the two conditional upon the
coming of the Mahdi at the end of time. But the tensions
between the two culminated in the ascendancy of the 'ulama
over the Sufis at the end of the Safavid era, mostly with the
backing of the Shahs. The rulers, in curtailing the
increasing might of the Qizilbash, favored a stronger tie to
the *fugaha* which in turn became a suitable framework for
degrading Sufism.\(^{177}\) The Safavids did not regulate politics
and legislation as such but also tried to generate their
binding vision and refurbish their ideology apart from the
Sufi-Qizilbash legacy.

The political nature of Sufi claims and the manner by
which they were handled by the court can be gleaned from the
major Safavid chronicles. One such instance was the case of
Darvish Khosru, a dervish who belonged to the lower classes
of Qazvini society from Darb-e Kushk and who had descended
from a "line of well-diggers and refuse collectors".\(^{178}\) Around
1002/1593-4 he was reported to have joined the ranks of the
Nuqtavis and carried his activist Sufi interpretation of the
mysteries of the gnosis to the mosques of Qazvin. The 'ulama
and the mohtasibs who were relegated the role of protecting
public morals from heresy, placed a ban on Khosru's
activities and expelled him from the mosque. It seems that
while the 'ulama and the mohtasibs were pushing to deliver
extreme punishment to Darvish Khosru, Shah Tahmasp was still
hesitant about dealing coercively with Sufism. Thus it is

\(^{177}\) Zarinkoob, *Josteju Dar Tasavvuf-i*, 32.
documented by Iskandar Beg Munshi that Shah Tahmasp put him on trial then released him simply because Khosru denied such beliefs. At the time of Shah 'Abbas, however, when Qizilbash prevalence came to a halt, Darvish Khosru and his followers were arrested and executed as Nuqtavi 'heretics' including one of the most learned members of the order, Mowlana Tabib Savaji. Another Nuqtavi, Mir Seyyed Ahmad Kaashi was executed in public by the Shah's sword in the Nasrabad village of Kashan.  

To be sure the literature of the Safavid era highlights a number of areas in which "normative indeterminacy" is present due to fundamental changes in social structure and class boundaries. This is nowhere as evident as in the case of Friday Prayer and tabarra'iyyun which were interrupted with the death of al-Muhaqqiq al-Karaki and the rise of Shah Isma'il II to the throne respectively revealing a discontinuity, changes of expectations, and confusion as to the upheld norm.

In his Josteju Dar Tasavvuf-i Iran, 'Abdol Hosein Zarrinkoob purports that the high-ranking 'ulama of the Safavid court were not opposed to Sufism per se nor were central Sufi concepts alien to their works and outlook. He asserts that the strong opposition to the Sufis on the part

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180 See Moore, "Explaining the Present: theoretical dilemmas in processual ethnography," 727-36. Moore discusses this concept in relationship to the dynamic interaction between laws as codes and their enactment within a social context revealing a sense of process rather than static or systematic practice.
181 Zarrinkoob, Josteju Dar Tasavvuf-i, 259-60.
of the 'ulama was from the time of Shah 'Abbas onward, unprecedented in scope and intensity. In a sour and fervent disdain of the Sufis, the 'Amili descendant Habibullah the sadr, Muhaqqiq Sabzavari, Shaykh 'Ali Kamarahi, Mir Sayyid Ahmad 'Alawi al-'Amili, Mirza Rafi al-Din Na'ini and others issued a fatwa proclaiming their depravity and sinfulness.\textsuperscript{182} Notwithstanding, Zarrinkoob asserts that the defamation of Sufis, reflected for instance in Muhammad Baqir Majlisi's 'Ayn al-Hayat, is intended as a warning for the layperson in order to dissuade him/her from adhering to the more radical features of Sufism. In comparison, a learned faqih will be able to sift and rationally tackle Sufi tenets in a proper manner. To support his view, Zarrinkoob points to Baha'i's Gorbeh va Mush, an allegorical work on the jurist-Sufi contest and for which he was made blameworthy.\textsuperscript{183} The Persian language, literary mode and anecdotal style of Gorbeh va Mush (Cat and Mouse) carries Baha'i's socio-political readings of the jurist-Sufi debates to wide sectors of Iranian society. Four central themes emerge from this work. First, Baha'i makes a clear and consistent identification between popular piety, superstition and irrationality which he finds rampant among the 'awamm. He tries to alert the layperson to the deceitful and treacherous nature of Sufi claims to miraculous deeds. The mouse/Sufi is none but one's ill-disposed self that "desires to escape the authority of the intellect and

\textsuperscript{182} Ibid. These fatwas are included in "Radd al-Sufiyya" by Mulla Mutahhir b. Muhammad al-Miqdadi.

\textsuperscript{183} Ibid., 259.
corrupt its owner by following satan...". The cat/jurist, in contrast, is seen as relying on rational abilities, having been able, through its superior predisposition, to capture the mouse and control it. The cat insists that the common person cannot attain the essence of reality without a guide (murshid) in all disciplines including religious knowledge. Those who claim to be real Sufis lead the simpleton to superstition and illusion away from the truth.

Notwithstanding, the cat, due to its greed and corruption, is gradually lured by the stories and ideas of the mouse who was able to escape from it, if only for a while before the cat eats it. But far from presenting a simple polarized dichotomy of the jurist/Sufi, Baha'i is making crucial distinctions between popular Sufi manifestations and 'high' literate Sufism on the one hand, and ill-prepared jurists who apply the law mechanically and to according to their whims, and genuine mujtahids on the other. The cat is a potential jurist who had learned "some words" in usul and furu' but makes greater claims to authoritative knowledge. The mouse is also a self-claimed Sufi who can recite some Qur'anic verses and some Sufi poetry and narratives that entertain the populace and lure them into believing it reflects authentic and profound insights into reality and being. Many are the tattered cloth of Sufis (khirag) "that deserve fire", whose self-claimed Sufis are drunk at dawn and perturbed in thought.

184 Baha' al-Din al-'Amili, Majmu'aye az Athar-i va Ash'ar-i Shaykh-i Baha'i, 109. Baha'i wrote, "Mush nafs-i amareh shumast keh beh makte va hileh mi khahad az dast-i 'aql khalasi yabad va piravi shaytan kardeh."
and action. More significant is Baha'i's attempt to dislodge the karamat pretensions of Sufis and ridicule their irrational stories. By deserting the incumbent rituals of prayer and fasting, the Sufis not only question, but reject the knowledge passed down through the 'ulama, which is in turn a rejection of "the Imams, the Prophets, and God's commands." Ontology through Sufism is impossible on the basis of imitative knowledge. Baha'i would reiterate a verse from Mawlama Jalal al-Din Rumi in connection with the Traditionists,

The leg of al-istidlaliyyun (those who utilize deductive reasoning) is made of wood; the wooden leg is unreliable.

Another central theme that runs through Gorbeh va Mush is the denunciation of the narrow and mechanical application of law by the jurists, on the one hand, and their manipulation of the juridical system to serve their personal interests and self-promotion on the other. In more than one work, Baha'i recommended genuine asceticism for the jurists and condemned the lust and greed among some of them. The tale of the slave-girl and the qadi illustrates his position. During the reign of Sultan Mahmud the Ghaznavid ruler, a virtuous slave-girl was entrusted by her merchant master to a qadi during one of the former's journeys. The qadi, lustful

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185 Ibid., 111.
186 Ibid., 129-130, 173-174.
187 Ibid., 131.
188 Ibid., 132. Baha'i wrote, "Payeh-i istidlaliyan shubin bud, payeh-i chubin sakht bi tankin bud."
189 Ibid., 162-173. Baha'i also illuminates through the story on the orchard, the competition among the 'ulama and their indulgence in arrogance and self-promotion.
and corrupt, used his power and money to devise evil means to keep the girl and deceive the merchant. When Hasan Maymundi uncovered the qadi's treachery and injustice to Sultan Mahmud, he was rewarded with the vizierate. Nan va Halva is also replete with poetic verses reprimanding jurists and 'ulama who are aloof from the common person and asserts that knowledge "obtains its ornament from poverty".\textsuperscript{190}

For the more erudite audience who embrace Greek philosophy but reject religious knowledge, Baha'i would advise in Nan va Halva:

This base knowledge that is so dear to you is the leftover of Greek virtues.\textsuperscript{191}

Here Baha'i is critical of philosophers in general and seems to denigrate the form of blind reinstatement of earlier philosophical concepts without an investigation of their relevance to the hosting society of Iran. Thus, with respect to philosophy too, he gives precedence to legal-religious knowledge and purports that "he who becomes a Sufi with no fiqh knowledge is an infidel".\textsuperscript{192} In Nan va Panir he would assert,

Oh you wretched [soul]! Philosophy comes with an intended treasure
But only when it is accompanied by fiqh and austerity.\textsuperscript{193}

In the same manner, Baha'i questions the legal fatwa which entails the piety and favorability of retributing the

\textsuperscript{190} Ibid., 36, 44.
\textsuperscript{191} Ibid., 53.
\textsuperscript{192} Ibid., 58. Baha'i wrote "man tasawwafa walam yatafaqqah faqad tazandaga".
\textsuperscript{193} Ibid.
Sufis. When in *Gorbeh va Mush*, the mouse asked the cat how it conjured up such *fatwa*, the latter said it had relied on the *Sunna* and one *hadith* which says: "He who is harmful must, by legal standards, be killed."\(^{194}\) Illuminating Baha'i's own position, the mouse challenged the jurists' attempts at *takfir* and the denial of repentance for Sufis. He clearly alerts the jurists to their pitfalls and the efficacy of Hafez and Saadi's literature in attending to the needs of the populace. For while the jurist would reiterate verses and traditions to support his *fatwa*, the *ghazal* of Hafez would illustrate the meaning of repentance and non-repentance. The mouse chastizes the preachers and the court 'ulama who command the compliance with the *shari'a* and repentance for sins while "they themselves rarely repent".\(^ {195}\)

An extension to Baha'i's criticism of the clerical class, is the blind acceptance and utilization of *hadith* without close scrutiny. The mouse would say to the cat:

"True, the *ahadith* that you mention have been narrated yet they are not [necessarily] accepted by reason."\(^ {196}\)

Majlisi's treatise *Jawahir al-'Uqul* involves an allegorical construct similar to *Gorbeh va Mush*, enumerating the shortcomings of both jurists and Sufis. In the answers he gives to a fellow 'alim, Mulla Khalil Qazvini too makes similar observations without giving full credit to jurists. The popularized version of Sufism rather than the exclusivist

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\(^{194}\) Ibid., 98.

\(^{195}\) Ibid., 101.

\(^{196}\) Ibid., 93.
elitist one was the target of the jurists' wrath. As Zarrinkoob shows, the descendants of the lineage-based Sufi orders like the Sufis and the Ni'matullahiyya had in time turned away from philosophy and took up the legal sciences while others became mujtahids or shuyukh al-Islam. In essence, the attack was directed against the non-lineage Sufis whose views and practices found resonance among the populace. Zarrinkoob's conclusions are insightful, for it is clear that the exchange between the two groups was inevitable despite the realization that central Sufi concepts ran counter to the proclaimed orthodoxy and were considered politically disruptive to the stability of the state and the religious elite. The jurists, for instance, received with great alarm the Sufi concepts of the pole (qutb) and seat of deputyship (magam-i vilayat), after the widespread popularity of Ibn 'Arabi's works. If the door of deputyship or agency (vilayat) was open through Sufi qutbs then the central Shi'ite dogma will be disjointed because the Great Occultation and the closing of the door would be directly connected to the holder of deputyship (sahib-i vilayat) who is considered the Imam of the Age. In retrospect, the jurists, as the guides for the Imam of the age will suddenly become dispensable.

In addition to the ideological-theological conflict there was the social. Up until the times of Shah Safi (1038/1629-1052/1642), the scholarly elite seemed to have

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197 Zarrinkoob, Josteu Dar Tasavvuf-i, 262.
198 Ibid.
acted as a self-contained class with common interests and outlook. After that time, however, the 'ulama no longer formed a homogenous social class but nurtured several, competing intellectual and political tendencies. This was part of an overall transformation in class structure evident with the weakening of old social formations like the Qizilbash and the rise of new ones like the Georgian and Armenian constituencies in the state bureaucracy. More significant was the admission of Sufi-bent and philosophically-bent jurists to the official domain and the decline in the popularity of the traditional jurists. Concomitant with these changes were the vehement attacks on the part of several 'ulama on what they perceived as the "laxity" in the adherence and administration of Islamic shari'a in court and in society. These attacks are profoundly telling of the collapse of the moral expectations and the receding of the dominant ideas which sustained the social order.\footnote{See Abou al-Hajj, \textit{Formation of the Modern State}, 49-51.}

Several examples can be drawn on the frustration and marginalization which the traditional jurists expressed amidst such changes. Ni'matullah al-Jaza'iri (d.1112/1700) who represented this traditional trend, expressed great disdain for the Sufis, more specifically the Qalandars. He likened the world to a man's organism and noted that the Qalandars were analogous to a man's pubic and armpit hair because they have no function whatsoever in the body. They
are harmful and thus need to be plucked and dispensed with in
the same way as the Qalandars need to be uprooted from
society.\textsuperscript{200} In comparison, the kings were likened to a man's
head and the 'ulama to his heart. Al-Jaza'iri dramatizes the
Qalandars' "evil" ways and finds their discard of religious
rituals especially prayer most reprehensible. As popular lore
has it, he reflected, "Two cannot enter the heavens: the
bread of the mulla and the Qalandar's prayer". The Qalandars
were also accused of homosexuality, alcohol drinking,
idleness and desertion of work for beggary. As a remnant
branch of the Malamatiyya Sufis "the people of blame" - who
conceal their good deeds and encourage public blame on
themselves - the Qalandars discarded the Sufi garb and beard,
expressed great cynicism at mainstream social observances,
neglect for formalistic religious mannerism and were believed
to consume hashish and henbane.\textsuperscript{201} Historically, the
conversion of craftsmen to various Sufi tariqas had led in
some instances to a mass conversion of a local or provincial
guild associated to him in escape or defiance of the
legalistic formalism of the jurists. The earlier Sunnite ahl-
i futuvvat emphasized a solid work ethic and avoidance of
deceit; traits which gradually blended with the Qalandari
branch of the Malamatiyya in a reformist Sufi trend that

\textsuperscript{200} Ni'matullah al-Jaza'iri, Al-Anwar al-Nu'maniyya, vol.2, (Iran,
n.d.), 309.
\textsuperscript{201} Zarrinkoob, "Persian Sufism," 181-4; Arzesh-i Mirath-i Sufiyyeh
(Tehran, 1344), 105-106; "Ahl-i Malamat va Fityan" in A'ineh Javanmardi
by Henry Corbin. Trans., Ahsan Naraqi (Tehran, 1363/1984), 196-7. The
Qalandaris became well-established during the 7th century in Khurasan,
India and Syria.
found special popularity among notables, commoners and bazaaris. This furnished an additional dimension to the 'Amili 'ulama's discomfort with them.  

Sufi Leanings Among the 'Amilis

Although Sufism had roots in Jabal 'Amil as reflected in the background of al-Shahid, it remained a suppressed trend within its scholastic-clerical community. Thus for most 'Amilis, the truly major encounter with a dominant Sufi constituency took place in Safavid Iran where most of them resisted Sufi doctrines tarīgas. Few nurtured mild Sufi inclinations manifest in a general reverence for Sufi masters and a tendency to embrace an austere and meditational way of life. Among such scholars were Husayn b. 'Abd al-Samad and his son Shaykh-i Baha'i and Mirza Ahmad b. al-Husayn al-'Amili, the brother of Habibullah the sadr.  

Muhammad b. Hasan al-'Amili al-'Aynathi (originally al-'Aynatha'i)(d. after 1081/1670) who grew up and studied in Jabal 'Amil then migrated to Mashhad, showed visible Sufi leanings and was considered among those who perform miracles (ahl al-Karamat). This is reflected in his Kitab al-Ithna 'ashariyya fi'l-Mawa'iz al-'Adadiyya completed in

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203 Mirza Ahmad b. al-Husayn was the author of "Al-Tuhfa al-Ithna 'Ashariyya" dedicated to Sultan 'Abdullah Qutbshah. See Al-Muhajir, Al-Hijra, 208; Ta'iliqat Amal al-'Amil, 11.  
1068/1657 and in Adab al-Nafs which further reveals the influence of Aristotelian and Avicennan philosophy and the Sufi approach of Ikhwan al-Safa'. A 'Amili descendant of the late Safavid period and the shaykh al-Islam of Qazvin, namely, Muhammad Shafi' b. Baha' al-Din al-Karaki (d.1125/1713) found in the rich and colorful milieu of mysticism and philosophy in Iran, a lucrative source of intellectual stimulation. He expressed vivid interest in the translation and elaboration of the masnavis of Jalal al-Din Rumi attempting to give them an interpretation that shows al-Rumi's favorable appraisal of Twelver Shi'ism.206

To give but a glimpse of the discontent with which the traditional fugaha' received the accommodation of Sufi tenets let alone their appropriation by their co-legalists we turn to the case of Shaykh-i Baha'i. Baha'i who came to Iran at an early age was counted among "the choicest of Sufis" (zumre-yi Sufiyeh safiyeh), which made him inculcate the wrath of many jurists who eyed with suspicion his words of praise and admiration for Sufi figures and sayings whether in his Kashkul, Milal va Nihal or Nan va Halva.207 One such critic of Baha'i was Ni'matullah al-Jaza'iri who detested the fact that the former could be claimed by all types of religious groups including the Sufis.208 The tensions that pulled him in his profession as a jurist and his Sufi disposition was

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205 M. Kazim Makki, Al-Baraka al-Thaqafiyya, 75-6.
206 Al-Muhajir, Al-Hijra, 213.
208 Ibid. A century later Shaykh Yusuf al-Bahrani (d.1186/1722) too found Baha'i's Sufi leanings reprehensible.
captured in a number of accounts including 'Alamara-ye 'Abbasi. Munshi wrote that several months before his death in 1031/1621, Baha'i,

was performing his prayers one day at the tomb of the mystic Baba Rokn al-Din Esfahani, when he heard a voice from the grave addressing him as follows: "What is the meaning of all this negligence? Now is the time for vigilance." The speaker gave his name and genealogy and revealed some mysteries, but the shaikh did not repeat them publicly and said nothing about the remarks made by the voice from the tomb except those concerning negligence and the need for vigilance. After the shaikh's death, however, one of his devotees who had been a confident of the shaikh divulged something of these mysteries. 209

For Baha'i to be "negligent" in preparing for his afterlife, meant that his diligent observance of ritual amidst public visibility was not what he truly considered the necessary criteria for spiritual excellence. He was seeking the kind of knowledge and devotion which Sufis sought when he knew the Sufi who addressed him and whose identity he decided to conceal from all but his closest students.

Although Baha'i was strongly opposed to the use of musical instruments, he nonetheless recounts an incident where his personal philosophical and mystical inclinations allowed him to transcend his juridical stand on these instruments. He recalls in a short account that one day during his stay in Herat, he was walking with some students of theology when they saw from a distance a group of people gathered around a blind man who was carrying rabab. When Baha'i inquired about the reason for this gathering he was

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told that whoever comes near to the blind man, he would read him poetry that would match his state of being. So Baha'i retorted in denial,

I intend to break his rabab and forbid him from profiting from it. But if as I pass near him, he were to read me some poetry that coincides with my inner self, I will allow him to go freely. Otherwise, I will break his rabab.\textsuperscript{210}

When Baha'i came closer to the blind man, the latter screamed from a distance and pointed with his hand at him reciting the following lines of poetry,

If you are master of your ego, you are a true man/
If you do not take fault of others, you are a true man Manliness is not to kick a fallen/If you take the hand of a fallen, you are a man.\textsuperscript{211}

Baha'i reacted strongly to these verses, being beset by a strange state which he could not explain and which were again a testimony to his complex and multifaceted personality and rich intellectual make-up.

Undoing the Shi'ism of the Sufis and Dismantling their Popular Lure

When al-Muhaqqiq al-Karaki joined the Safavid court shortly after 920/1514, Qizilbash Sufism with its idiosyncratic nomadic features was still strongly manifest and supported by Shah Isma'il. It was only with Shah Tahmasp's increased awareness of his role as a state holder that a symbiotic departure from the prophet-Mahdi image which

\textsuperscript{210} Baha'i, "A Short Account," folio 1a.
\textsuperscript{211} Ibid.
the Qizilbash carried of his father was under sway.\footnote{212} It is not clear when and under what circumstances did al-Karaki compose his major work against Sufism known as "Mata'in al-Mujrimiyya fi Radd al-Sufiyya".\footnote{213} The "Mata'in" is inextant, but sections of its legal rulings against the Sufis are cited by al-Karaki's student, namely, Fadil al-Din Muhammad b. Ishaq b. Muhammad Hamawi (d.938/1531) in Anis al-Mu'minin which he laid down some time before 938/1531.\footnote{214} This allows us to conclude that "Mata'in" was composed no later than 1530.

Al-Karaki seemed to have been especially discontented about the deification of Abu Muslim al-Khurasani (d.755/1354) in the Iranian Sufi traditions including that of the Qizilbash and spreading a popular cult that embellishes Abu Muslim with heroism and piety. Under the Safavids, the Abu Muslim Namah, the epic-romance of Abu Muslim and one of the first popular Persian tales, became among the most esteemed recitals in coffeehouses and public resorts.\footnote{215} In the "Mata'in", al-Karaki portrays Abu Muslim as a treacherous maverick who struck a friendship with the 'Alids to guarantee their support of 'Abbasid designs to topple the Umayyads.\footnote{216} Invoking a hadith by Imam Ja'far al-Sadiq, he affirms the

\footnote{212} Scarcia-Amoretti, "Religion", 642-3.
\footnote{214} Muhammad b. Ishaq b. Muhammad Hamawi (d.938/1531), Anis al-Mu'minin (Tehran, 1363/1943), 145, 188-9.
\footnote{215} Corbin, A'ineh Javanmardi, 162-3.
\footnote{216} Ibid., 136.
prohibition of listening to the storytellers (qussas) and claims that the Imam had warned that whoever listens attentively and obsessively to a human being would be worshipping him/her. Thus if the storyteller spoke of God one would worship God and if he spoke of Satan one would worship Satan.217 He cites the sixth verse of the sura of Luqman, "Some men there are who buy diverting talk to lead astray from the way of God without knowledge, and to take it in mockery; those - there awaits them a humbling chastisement."218 Among the storytellers, al-Karaki notes, are those who fabricate lies attributed to Imam Muhammad al-Baqir to verify the Shi'ite beliefs of Abu Muslim encouraging the ignorant to revere and love him.219 For those groups like the Abu Muslimiya, Khurramiyya, and Jirmaniyya who believed in the Imamate of Abu Muslim and bestowed divine qualities on him, al-Karaki cites the Prophet's saying in a Shi'ite hadith, "The Imams succeeding me are twelve and those who claim more or less Imams are infidels".220 Al-Karaki issued a fatwa encouraging the cursing of Abu Muslim and forced a ban on storytellers who recited the Abu Muslim epic. Beyond slandering Abu Muslim as a leading opponent of the 'Alid House, the fatwa called for bar'a'a from him and deemed it a religious obligation.221

Al-Karaki seems to have been the first to launch this

217 Hamawi, Anis al-Mu'minin, 142.
218 Arberry, The Koran Interpreted, 418.
219 Hamawi, Anis al-Mu'minin, 143.
220 Ibid., 147, 175.
221 Ibid., 188-9.
campaign against the cult of Abu Muslim which gives his views a great socio-political implication. Some explanation surrounding the fatwa and its timing are significant. It seems unlikely that al-Karaki's views would be at odds with the views of Shah Isma'il or Shah Tahmasp on this issue and yet, it is difficult to interpret or fully comprehend, as J.C. noted, the support of Shah Isma'il I for the uprooting of Abu Muslim cult. Shah Isma'il's efforts in this respect are manifest in his interdictions against the mausoleum dedicated to Abu Muslim or his opposition to Abu Muslim Namah which fervent Sufi adherents composed and recited to serve Safavid propaganda.

It is curious though, that al-Muhaqqiq al-Karaki and his student would compose such strong anti-Sufi works at a time when political decision-making was in the hands of the Qizilbash who were steeped in inter-tribal civil wars until 940/1533 when the Shah was able to wrest his authority from them and affirm his sovereignty. One is made to conclude that al-Karaki was strongly encouraged by the Shah in composing his work, but more important, that al-Karaki's

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222 See Zabihullah Safa, "Majera-ye tahrīm-e Abu Moslem-name" Iran Nameh 5, 2(1365/1986): 233-249; Muhammad Hamawi does not cite any Shi'ite figures in Iran, contemporaneous, or slightly earlier to al-Karaki who took up the task of chastizing the Abu Muslim storytellers. He refers to standard works like al-Amali and Man La Yahduruhu al-Faqih by al-Shaykh al-Saduq and Al-Durus by al-Shahid.

223 Babayan, "The Safavid Synthesis," 144; Hamawi, Anis al-Mu'minin, 188-9. Babayan argues that as the initial step by the 'ulama to curtail Qizilbash practices, the fatwa's emergence was facilitated by the acquiescence and the covert approval of the Shah.

224 Safa, "Majera-ye tahrīm-e," 244.

attacks were only marginally directed against the Qizilbash even if the latter harbored pro-Abu Muslim sentiments. Again, it is highly improbable that the Qizilbash viewed al-Karaki as an imminent threat to their position and yet neither clashed with him nor made any attempts against his life as they did with a number of others like Najm-e Thani. It is also possible that al-Karaki's views may have gone unrecognized by the Qizilbash at the time when his efforts were still only partially effective. This can be gleaned from the fact that Mir Lawhi (alive in 1063/1652), was to compose a book around 1043/1633, almost a century after al-Karaki's death, denouncing the same activities and explicating the life conditions of Abu Muslim in the same light. He faced a great opposition from the public which made a group of 'ulama compose seventeen similar treatises endorsing his views, among which are the extant works of "Izhar al-Haqq wa Mi'yar al-Sidq" and "Sahifat al-Rashad". "Izhar al-Haqq", composed by Ahmad b. Zayn al-'Abidin al-'Amili, deals with the life conditions of Abu Muslim and takes part in the ongoing debates concerning his religious and political convictions, and ethnic origins (whether he was an Arab or a Persian). Ahmad al-'Amili sided with Mir Lawhi in his

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226 See chapter two.
227 Corbin, A'ineh Javanmardi, 163.
228 Ibid; See also Munzavi, Al-Kawakib al-Muntashira, 416-7. Munzavi noted that 'Abd al-Hasib al-'Amili, Ahmad's son who embraced a moderate theosophical position noted that around seventeen works were composed against the supporters of Abu Muslim al-Khurasani but 'Ali Naqi Munzavi found only two, namely "Izhar al-Haqq" and "Sahifat al-Rashad" by Muhammad Zaman.
denunciation of Abu Muslim's political alliance with the 'Abbasids instead of the 'Alids, a fact which numerous ignorant 'ulama and commoners have overlooked or denied. Seventeen treatises were written in support of Lawhi's and Ahmad al-'Amili's position.\textsuperscript{230} As Zabihullah Safa asserts, however, despite their reaction, Abu Muslim continued to figure as a national hero of Khurasan and to be appreciated in the Sufi milieu.\textsuperscript{231} Underwriting the attachment to the figure of Abu Muslim is an expression of folk Persian sentiments that resisted the hegemony of 'high' tradition doctrinal Shi'ism introduced by the Arab 'ulama who identified the cult with Shu'ubiyya; a movement exalting indigenous Persian traits and undermining any claims of precedence by the Arabs.

In \textit{Anis al-Mu'minin}, composed before 938/1531 each of al-Karaki's Arabic statements is followed by a translation and commentary on it in Persian by Muhammad Hamawi. The debates were made accessible to a wide sector of society but the impact they had was not necessarily detrimental to the cult of Abu Muslim. This is corroborated by Hamawi's own testament to the continued 'nonsensical' bewilderment of some people with the epic even though early in 938/1531 "commoners flocked like cattle" to consult with the 'ulama concerning its status.\textsuperscript{232}

Shaykh Hasan, the son of al-Muhaqqiq al-Karaki, also

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\textsuperscript{230} Several of these treatises have been edited and published in \textit{Mirath-i Islami-ye Iran}, vol.
\textsuperscript{231} Safa, "Majera-ye Tarhriem-e," 244.
\textsuperscript{232} Hamawi, \textit{Anis al-Mu'minin}, 145.
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took up the crusade against the Sufis in his work "'Umdat al-Maql al fi Kufr Ahl al-Dalal". He first expounded then denounced the doctrines of the incarnation of God (hulul) in the bodies of gnostics ('arifs), the belief that God is the soul of existence and that every existing being is God. The propagators of such doctrines were branded with infidelity, adultery and blasphemy. It is not surprising that Baha'i, hoping to dissociate Twelver Shi'ism from 'heterodox' elements or features of anthropomorphism, emphasized in his I'tiqadiyya that Twelvers proclaimed the Oneness of God and His being free from hulul or unity with other creatures (ittihad) commonly tied to Sufi doctrines.

The Sufis remained an important element in society even after Shah Tahmasp suppressed the messianic predispositions manifest in Qizilbash Sufism. The spirit of legalism did not easily find its way into Qizilbash ranks as the latter continued to exhibit their spiritual idiosyncrasies, encouraged by their dominance in the political system. After the reign of Shah 'Abbas I, however, the assaults on the figure of Abu Muslim and revered Sufis resurfaced in a plethora of writings capturing the ideological and doctrinal positions of the contending parties.

The Jurists on the Defensive

An anti-Sufi work, representative of the issues over

234 Baha'i, "I'tiqadat", folio 1a.
235 See Babayan, "The Safavid Synthesis," 144.
which the jurists and Sufis struggled is "Al-Siham al-Mariqa" by 'Ali al-Shahidi al-'Amili (d.1103-4/1691). 'Ali undertook the task of chastising the "Sufi deviants" and their "blasphemous" supporters who "attacked the Shi'ite 'ulama".\textsuperscript{236} He seemed most disaffected by scholars like Muhsin al-Fayd for coming to the rescue of Sufism and championing its doctrines. Philosophy but even more so Sufism posed a great threat to the jurists who decades ago made Mulla Sadra the target of their relentless attacks and accusations of heresy.\textsuperscript{237}

'Ali explains that he was led to compose "Al-Siham" when he witnessed the widespread laxity in adhering to the shari'a and the great efforts spent in degrading it and belittling its place. The obeisant, alluding to the Sufis, believe that they were the chosen people of God but the wise can see through their designs. The Sufis' "falsifications" go undetected by the large majority, and they are imitated by distinguished and obscure figures alike; a process facilitated by the carelessness in cultivating the religious disciplines on the part of the legal specialists.\textsuperscript{238}

In a hadith which 'Ali cites, it is revealed that God had ordered that the Qur'an be read in the proper wording, pronunciation and intonation (alhan) of the Arabs, warning against the adulterers who corrupt it. The Prophet foresaw

\textsuperscript{236} Al-Durr, vol.2, 245; See al-Muhajir, Al-Hijra, 210-11. Al-Fayd declared his repentance and absolved himself from Sufism toward the end of his life.
\textsuperscript{237} Tunikabuni, Qisas al-'Ulama.
\textsuperscript{238} 'Ali b. Muhammad, "Al-Siham," folio 1a.
that a group of reciters, coming after his time, will recite in chanting (yurajji‘uuna) the Qur’an as they sing, mourn and practice celibacy. Their use of magic or incantations (taraqi) is impermissible because their hearts and the hearts of those who favor them are turned upside down. 'Ali attacks the Sufi practices of reading the Qur’an while playing the lute, the guitar or chords for the entertainment of listeners.

The term Sufism (tasawwuf), 'Ali noted, applied originally to a group of wise men who had deviated from the path of truth, and afterwards to the heretics (zanadiga), after the establishment of Islam, and to a group of dissenters who were Islam’s enemies including Hasan al-Basri and Sufyan al-Thawri and those who followed in their footsteps. He warns against all of them especially since the populace follow their lead, and so does noblemen, and rulers in whose service they enter luring them through their practices of witchcraft and magic only to steal away their money.239

Drawing on a hadith by Imam Muhammad al-Baqir, 'Ali advances the ideal form of Shi‘ite piety and austerity as opposed to the presumptuous one of the Sufis, and sets the Imams’ ways as the model for righteousness. At another occasion 'Ali draws on the forceful proofs of Imam Ja‘far al-Sadiq against the Sufis like Sufyan al-Thawri, declaring that it is better for one to die while adhering to the Sunna than

239 Ibid.
to die upholding a heresy (bid’a). Sufism departed from true knowledge and the Sufis are submerged in insane practices, harbor irrational ideas and may even see visions of the devil in several forms. The devil entices them to worship him by saying: “I am your Imam” or even “I am your God.” They also see imaginary things, a feature accentuated by their consumption of chemical compounds which also cause a change in their moods.

It is worth noting that ‘Ali emphasizes that Jesus had cautioned his people in the Bible against “liars among the learned who wear wool and lower their heads to the ground...”. It seems plausible to assume that ‘Ali is directing his warning to a Christian audience as well.

A central source of tension between ‘Ali and the Sufis is their undermining of the shari’a reminding of a famous Sufi who refrained from reading hadith and fiqh works lest he becomes an infidel (murtad). Disconcerting to ‘Ali is the Sufis’ blatant repulsion by the shari’a and the jurists (ahl al-shar’). The Sufis, he argued, justify their defection

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240 Ibid, folio 12a.  
241 Ibid, folio 4a.  
242 Ibid, folio 4b.  
244 Ibid., folio 11b. ‘Ali cites a “famous” hadith showing that Abu Dhar al-Ghifari had warned against those who wear wool during summer and winter and find in that a virtue. These wool wearers will be cursed by the angels in heaven and earth.  
245 Ibid, folio 10a. ‘Ali narrates stories of his encounters with “Sufis” underscoring their impurity and disdain for the sacred rituals of prayer and worship. He also lends support to the author of al-Kashshaf in his objection to the Sufis’ practices and cited a number of Shi’ite scholars who composed works or expounded their position against them, namely, al-Shaykh al-Mufid, and al-Murtada, al-‘Allama in his Kashkul and Nahj al-Haq and in the works of al-Iqtiṣad, and al-Alfiyya of al-Shaykh al-Tusi, al-I’tiqadat by al-Shaykh al-Saduq, and al-Iḥtijāj, al-Duristi’s al-I’tiqad and Ibn Hamza’s al-Hadi ila al-Najat.
from a knowledge of the points of law by the corruption and
inginence of those who administer the shari‘a. Openly
admitting the imminent threat posed by the Sufis to the
credibility of the jurists, ‘Ali suggests that the corruption
of one jurist must not become a pretext for the neglect of
legally-prescribed religious conduct. In the same vein the
shortcomings of the legal experts should not drive one away
from shar‘ nor cause its denunciation altogether.

Even if some legal experts were lenient in their
application of the law or were inclined toward earthly
pleasures, therein being blameworthy — and these are but a
few before ‘Ali’s times — their faith in knowledge is firm
and unwavering. ‘Ali makes a plea to the members of his own
class, the fugaha‘ asking them to protect religious conduct
and preserve their faith so that the populace can follow
their lead. He reflects that after all, only some of the
Shi‘ite fugaha‘ not all can be imitated. As for the
wrongdoers and those who commit abominable acts in the manner
of Sunnite jurists, their instructions loose all
credibility.

The struggle to assert the high status of the jurist and
his image as the anchor of moral ideals was a vivid sign of
the socio-economic transformations ensuing in Iranian society.

Among other works are al-Muhaqqiq al-Karaki’s "al-Mata‘in al-Mujrimliyya"
Mulla Ahmad Ardabili’s Hadigat al-Shi’a, ‘Umdat al-Maqal Fi Rufr Ahl al-
Dalaland by the son of al-Muhaqqiq al-Karaki. He also lists Sunnite
works against Sufism among which were the commentaries of al-Tini and
al-Damiri.

246 Ibid, folio 11a.
247 Ibid, folio 14a.
and the sense of "normative indeterminancy" suggested before. As a mujtahid and mufti the 'Amili jurist portrayed a self-image that differed little from what Ni'matullah al-Jaza'iri described as "the inheritor of the Prophet and the discharger on behalf of God and his deputy and the tongue that speaks for him". The jurist's function in the Safavid social order was that of the "doctor of religion" who must provide the remedy for the patient. Like most established jurists, al-Jaza'iri saw his work in terms of proselytizing (tabligh al-da'wa) with the necessity of appointing a 'alim,

for every district, city, town, or mashhad to teach its people their religion and distinguish what harms them from what benefits them....the patients with heart diseases cannot know their disease and the man on whose face leprosy appears but has no mirror cannot know his leprosy unless someone else diagnosed it, and that is an obligation for all the 'ulama. The Sultans must appoint a religious jurist in every village and quarter.

But al-Jaza'iri warned that many a 'alim had fallen ill and had failed to live up to the required standards due to his lust and love for this life.

'Ali was also critical of the 'ulama who invested Sufi ideas in their intellectual arguments. He noted for instance that al-Shahid II, his grandfather invaded ("aghara") some of the Sufis arguments in his treatises on intention (al-niyya) and on consensus (ijma') and utilized them on the assumption that they can be invested against them, thereby causing those

\[249\] Ibid., 196.
\[250\] Ibid.
\[251\] Ibid., 197.
with a deficient knowledge to take them up.\textsuperscript{252}

A dynamic source of the Sufis power was their ties to the lower classes, their altruistic acts of charity, and their austerity that made them popular figures across the echelons of Iranian society. Aware of their challenge to the 'ulama's power, 'Ali gathers proof to his statement that God finds it more worthy for a person to spend money in the following order of priority: first on his parents, second on himself and his family, third on his poor kindred, fourth, on his poor neighbors, fifth, on God which is the best of spending.\textsuperscript{253} Thus, God does not merit conspicuous spending nor frugality but a middle ground between the two. Nor is it favorable in God's eyes for one to give all of what he owns then turn to God in want, for then God will abandon him. On the same note, 'Ali relates a hadith by Ja'far al-Sadiq showing that the Sufis give a wrong interpretation (ta'wil gabih) of Qur'anic verses and manipulate their meaning to condone their objectionable acts of charity.\textsuperscript{254}

In retrospect, "Al-Siham" provides a vivid narrative of the jurists' politico-religious struggles with the Sufis at a time when the latter have won the sympathy of the court and when Sufism had sneaked its way into the 'ulama's domain. The legalistically-bent scholars seem to have been ousted at this juncture by a new hybrid of scholars who espoused philosophical and Sufi trends of thought. The disintegration

\textsuperscript{252} 'Ali al-Shahidi, "Al-Siham," folio 7a.
\textsuperscript{253} Ibid, folio 12b.
\textsuperscript{254} Ibid, folio 25.
of the older class boundaries is laid bare in the treatise
and 'Ali is left to cover up for the moral mishaps of those
jurists who had lost their binding force on important sectors
of society and who are made to blame for the efflorescence of
the Sufi vision as an alternative course for Shi'ite
persuasions.

This situation did not survive beyond the reign of Shah
'Abbas II. By the time al-Hurr al-'Amili gathered material
against the Sufis in "Al-Ithna'ashariyya fi al-Radd 'ala al-
Sufiyya", their influence was already on the wane especially
after Muhammad Baqir Majlisi's onslaught on them.255 Al-Hurr
included around a thousand hadith in refutation of the
fundamental tenets exhibited by various Sufi movements and
the religious claims of their adherents. Although al-Hurr had
intended to devote an exclusive work for the same task, he
felt that al-Muhaqqiq al-Karaki made a sufficient
contribution in that respect.

In brief, the early 'Amili 'ulama of Safavid Iran were
up against popular Sufi tarigas and indigenous 'heterodox'
expressions of Shi'ism in their efforts to standardize
Shi'ite praxis. Up until the reign of Shah 'Abbas, the
official jurists, despite a selective and restrictive
absorption of philosophical and Sufi trends among their
ranks, all shared a similar ideological outlook. At the times
of Shah Safi and Shah 'Abbas II, a host of specialists in the
legal sciences who diverged from the course of the

255 Al-Muhajir, Al-Hijra, 211.
traditional jurists rose to power. The era was one of marked reciprocity between jurist and Sufi accompanied by a change in the elite composition and outlook. But it did not take long before the traditional jurists regained their ascendancy especially under Majlisi's supervision. Reinforcing Zarrinkoob's conclusions, the late Safavid period witnessed the jurists' co-optation of spiritual symbolism and conceptions of divine deputyship once belonging to the world of Sufism.

Afterthoughts

By the end of Safavid rule, little of the archetypal austerity, karamat and spiritual excellence remained woven into the Sufi tradition. The popular literature ranging from anecdotes and stories to the powerfully penetrating tone of the Persian ruba'iyyat promoted new discourses on Sufis and mujtahids. In Qisas al-'Ulama, for instance, numerous biographical representations of jurists delineate their pietistic-karamat powers. As Zarrinkoob reflected, that once the exclusive holdings of Sufis, the above features were gradually assumed by the jurists and mujtahids who like Sufi masters (pirs) evolved into self-sacrificing murids. From that time on, the populace bestowed on many jurists, in their

256 Mawla Muhammad Tahir Qummi (d.1098/1686), Tuhfat al-Akhyar: Bahthi dar Piramon-i Ara'-i va 'Agayid-i Sufiyya (Tehran, 1369), 121-2. The ruba'iyyat propagated great virtues and miracles of jurists.
258 Zarinkoob, Josteju Dar Tasavvuf-i, 262-3.
murid-like posture, extraordinary miracles, the foretelling of dreams and even attributed to some the honor of the visitation of the Hidden Imam. This new aura surrounding jurists is vivid in Tuhfat al-Akhyar by Mawla Muhammad Tahir Qummi. Based on a certain hadith, Qummi proclaimed that on the Day of Judgment when the Prophet weighs the ink of the 'ulama with the blood of martyrs, the ink will be given more value. 259 Zarrinkoob forcefully shows that in the final analysis, the fugaha' while striving to denigrate the Sufi experiences in resemblance to the Sufis, have consequently claimed a form of magam-i irshad and qutbiyyat. This in turn calls for a reconsideration of the dynamic interaction and reciprocal exchanges between the 'ulama and the Sufis. 260 Summarizing the spirit of legalism which the fugaha' strove to spread is a revealing late seventeenth century proverb:

The ignorant worshipper [devoid of the knowledge of jurisprudence] is like the mill's donkey; he runs around without moving from his place! 261

The 'abid (worshipper) has not only been relegated to a lower rank but has become the antithesis of a 'alim. It is neither redeeming nor acceptable to have the spiritual requirements or predisposition for faith in God because guidance lies with the interpreters of the law. The authority of the 'alim is guaranteed and irreversible.

In brief, we have tried in this chapter to position a

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259 Qummi, Tuhfat al-Akhyar, 119.
260 Zarrinkoob, Josteu Dar Tasavvuf-i, 311.
261 Qummi, Tuhfat al-Akhyar, 118. A parallel proverb is included in Majlisi's Bihar al-Anwar, vol.1, 208.
'Amili system of ideas at the heart of a social process involving a continuous renewal whether through repetition of already established Shi'ite concepts or through innovation. Both prove to be integral parts of cultural continuity and transformation for Safavid Iran. Furthermore, no constant or perfect correspondence between the 'Amilis' socio-religious edicts and practice can be claimed. The multiplicity of legal opinions advanced by the 'Amilis and other scholars mirrored a number of social "contestations" that cannot be seen as pre-established nor given in the system of jurisprudence and law. We have tried to capture the integral connections between religious activity, cultural ideas and major happenings in Iranian society without loosing insight of the friction and disparities between the levels of legislation and enactment.\textsuperscript{262} It is clear that a myopic focus on the 'Amili fatwas endorsed by the Shahs gives one the impression that as models for the orthodoxy, they were neither questioned nor challenged by other social groups. To the contrary, we have found that not every legal position was the norm and that several debating voices existing within the edifice of religious scholasticism.

\textsuperscript{262} Moore, "Explaining the Present," 727-36. Moore's observations about the necessity of a "comparable theoretical standing" between the process of cultural maintenance and cultural change illuminates the shortcomings of studies which treat ideas, religious, legal or political as part of a "received order that is then changed". See p. 729.
SUMMARY AND CONCLUSION

The ideas and legal paradigms advanced by the 'Amili 'recruits' into the Safavid religious establishment possessed a particular historical utility for Persian society at different class levels.¹ Studies that reduce the Iranian-Safavid clerical tradition to a beneficiary of 'Amili scholarship and those that denounce the "imposition" of 'Amili dry legalism on Iranian society, all share in common a theory of exchange based on a mechanical 'borrowing' from Jabal 'Amil to Iran or worse a 'hegemony' of the former over the latter. Instead, I proposed to show that once 'Amili juridical concepts and political precepts became articulated in the Iranian context they took a life of their own as they responded to the historical moment and integrated the idiosyncrasies of the Safavid world.² In a dialectical process, the Safavid worldview furnished the ideological justification for 'Amili clerical leadership and the latter was able in turn to shape its theological ambiance and social order. This ideological justification for 'Amili ideas derived from the interdependence of the monarchs goals, the interests of the administrative-military elite and the growing local need for religious-legal guidance at the lower echelons of society.³

In Jabal 'Amil, Shi'ism grew in a more-or-less Arabized

¹ See Abou Al-Hajj, "The Social Uses of the Past," 197.
² Ibid., 185-201; Muroeh, Al-Naza'at al-Madiyya, 43-7.
environment, preserved a complex and formalized corpus of Shi'ite thought that took definite form by the tenth century. Naturally, a long period of incremental assimilation of popular Shi'ism must have preceded the appearance of its formal scholastic-legalistic tradition.

A number of historical catalysts were responsible for the theological efflorescence of Jabal 'Amil and its 'ulama's creative appropriation of the Hilla jurisprudential and legal conceptions. First, the outburst of 'Amili legal experts point to openings, however limited, for jurists in the late Mamluk and early Ottoman period for clerical professions and an expansion of the juridical class. The madrasas' relative autonomy in nurturing a systematic training in Ja'fari law was possibly facilitated by the patronage, economic stability, and support provided by the feudal family of Bishara for the leading 'ulama families and their 'clientele'.

Second, beyond the scholastic-social ties which bound the founders of the 'Amili madrasas and their disciples together, there was a marked network of kinship relations, both consanguinal and marital, that reinforced the solidarity and elitism of the scholastic community. Access to shari'a knowledge tended to concentrate in these tightly-knit family groups and became the esteemed possession of their immediate descendants. On the one hand, the 'Amili rural setting gave more value to unique clerical expertise, and on the other, provided potential jurists with a familial economic support
 system that could have been difficult to maintain in the
great urban cities. Third, the proximity of 'Amili villages
to thriving cities like Tyre and Sidon added another
dimension to the social and economic links of the 'Amilis. As
the 'Amili scholastic tradition evolved and started to
develop its own forms and tools, it gained a relative
autonomy from the primary socio-economic forces shaping its
early evolution. By the late fifteenth and early sixteenth
century, Jabal 'Amil became the foremost center for Shi'ite
learning and an accrediting Shi'ite institution, producing by
the late seventeenth century no less than 200 'alim, many of
whom settled in Iran, Iraq, India and Mecca.

Ironically, one of the immediate effects of this revival
was the production of adept professional 'ulama who could
hardly be absorbed by the administrative infrastructure of
the Ottoman empire. Furthermore, the demise of the Bishara
feudal family in the first decade of the sixteenth century,
the diminished autonomy of Jabal 'Amil, the decline in waqf
revenues, and the exclusion of many Shi'ite jurists from the
more lucrative Ottoman posts, all contributed to their
marginalization. Contrary to a widely held view, the madrasas
of Jabal 'Amil did not decline as a consequence of the
'ulama's large-scale migration to Mecca, Iraq, Iran and
India, but rather their migration became one expression of
the dramatic change in Jabal 'Amil's socio-political
stability, the meager recruitment of 'Amili legal experts in
the Ottoman system, the clerics' aborted hopes of applying
the Shi’ite ahkam and hudud, and their ambition in using their expertise to recast their role in Shi’ite society.

Owing to changing historical expectations, and a restructuring of Shi’ite society and its clerical class during the sixteenth century, both ghayba and the Mahdistic vision were continually undergoing modification. At the heart of this modification is the key to the adaptation of Sunnite legal concepts and methodology in a relatively relaxed atmosphere of intellectual exchange between Shi’ism and Sunnism. Among the leading Mamluk and Ottoman ‘Amili jurists there was an evident correlation between a more pronounced adaptation of Sunnite legal methodology and a larger political domain for the faqih. The juridical edifice of ‘Amili Shi’ism which grew in the shadow of the awaited Mahdi had utilized and expanded ijtihad whose counterpart in Sunnite jurisprudence was suppressed and marginalized by the Sunnite political orders that felt threatened by the emphasis on individual rational reasoning implied in the practice of ijtihad. The fact that the Shi’ite clerical classes in different regions proceeded to assert their power outside the confines of a Shi’ite government was not altogether stifling to the jurists’ ambitions many of whom started to make creative and beneficial use of ijtihad and widen their scope of socio-political influence. In addition to the visible and politically-charged ijtihad practices of al-Shahid al-Thani, the proclivity for dissent in Shi’ite political thought made the Ottoman authorities profoundly suspicious of a
politicized clerical leadership in the Syrian Shi'ite communities. Clearly the ruling establishments of Mamluk and Ottoman Syria projected a conscious image of Shi'ites as non-orthodox Muslims and embellished the theme of their "rafid" in as much as the latter presented a rejection of the foundations of Sunnite political legitimacy. However, the emigration of 90% of the 'Amili scholastic families from Jabal 'Amil to Iran, Iraq, Mecca, and India during the sixteenth and seventeenth centuries cannot be adequately understood as a response to systematic large-scale Ottoman persecution. As for the 'Amilis who ended up in Iran, their motives for emigration must be tied to the Safavids' political goals and the demands of Iranian society. While a large number of religious scholars were present in Iran, their educational training was fundamentally different from that acquired by the graduates of the conventional madrasas and they lacked a thorough specialization in Shi'ite creed, hadith and theology. The Safavids were drawn instead to the scholarly eminence of Jabal 'Amil, its unswerving commitment to Shi'ism and its 'ulama's marginal ties to Iran's contending political factions and ethnic denominations. Ideally, the 'Amilis could pose little threat where they to rise to the highest Safavid religious ranks when they owe their posts and clerical eminence to the Shahs rather than the Qizilbash or the Persian aristocracy. More valuable for the Safavids was the fact that the 'Amilis were prepared to transform Shi‘ism from a religion of the community to a state
religion, emphasizing rational inference of legal precepts, proposing changes in political theory, and highly equipped to circumvent Ottoman and Uzbek propaganda and ideological expansion. Curiously, the same usuli predisposition in 'Amilism that strengthened Safavid sovereignty led simultaneously to a growth in the juristic prerogatives and political power of mujtahids.

In the span stretching between the reign of Shah Isma'īl and Shah Isma'īl II, al-Karaki, his sons and grandson al-Mujtahid, his student 'Ali b. Hilal al-Karaki, alongside Husayn b. 'Abd al-Samad all strove to systematize Shi'ite creed and practice in a process that lent Safavid Shi'ism legitimacy and longevity. 'Amili jurisconsults worked closely with a network of students who translated their juridical rulings into Persian, and state officials who turned them into decrees. Complex legal points were transformed into simpler edicts which the layperson comprehended and regarding which he/she was able to consult a local religious cleric or shaykh. As the 'Amili clerics became directly involved in legal arbitration they made the relevance of the shari'a to everyday life more pronounced. The expansion of the interpretive capacity of the law and the constant production of fatwas and counter-fatwas was also concomitant with greater changes in polity and social life. On the one hand, the 'Amili ideas and legal rulings were undergoing perpetual renewal and on the other, no exact or automatic congruence between this legal repertoire and social practice existed.
Instead, there was a number of possibilities and social 'contestations' in the Iranian context as 'Amili ideas were being reproduced, refuted or 'reinvented' in different historical settings.4

Within the context of disseminating the Shi‘ite creed, the 'Amilis' onslaught on Sunnite emblems was as much an inter-Shi‘ite point of contention as it was a Sunnite-Shi‘ite disagreement. The 'Amili jurists may have felt it necessary to use the popular cultural vehicle as a way to demarcate Imamate doctrine and invade the long-rooted Sunnite milieu. At a later stage, the 'Amilis became aware of the need to counteract Ottoman and Uzbek propaganda and popularize the newly-institutionalized Shi‘ite paradigms. The 'Amili polemical literature seem to evolve from a position of verifying Shi‘ite dogma during the sixteenth century to a resistance of a diffusion and appropriation of Sunnite juridical and philosophical concepts by their co-legalists in the seventeenth century.

We have also tried to show that the Sufis and the Safavid-'Amili fugaha did not constitute two mutually-exclusive groups that were caught in a fated binarism, nor did each group's conceptions and formulations remain its exclusive property. Rather, and in support of the argument of 'Abdol-Hosein Zarrinkoob the jurists and the Sufis were constantly influencing each other and evolving into heterogeneous and internally differentiated subgroups.5 With

4 See Moore, "Explaining the Present," 727-36.
5 Zarrinkoob, Jostejo dar Tasavvuf-i Iran.
the state's support of the jurists, the struggle between the latter and the Sufis culminated in a displacement of the Sufis and the transfer of their popular aura to the jurists in a dialectic of opposition and co-optation.

The futuwwat, a social organization central to the guilds attracted the poor and the dervishes and developed into a vehicle for lower class political activity, dissent and "unorthodoxy".\(^6\) Like Sufism, the futuwwat tradition that thrived in the guild sectors was a moral discordance for 'Amili legalism. Whatever seemed in past decades the religious domain of the guild masters was now seen as the responsibility of the jurist. On more than one occasion 'Amili scholars like al-Karaki and Lutfullah al-Maysi assailed futuwwat beliefs and denigrated the artisans (ahl al-hiraf) as no more than the rabble and the riffraff of Iranian society. But in as far as it promoted an immediate and emotional involvement in Shi'ite symbolisms and beliefs, the popular literature produced by the 'ulama differed little from the literary narratives of the futuwwat–guild heritage.

At the court, the 'Amili clerics soon became entangled in the web of alliances and amenable to political struggles and intra-factional and social schisms. Al-Karaki was the first and last of the 'Amilis to become officially invested with the title of khatam al-mujtahidin after his initial self-promotion, and to briefly assume the political-administrative functions of a sadr. This unprecedented

\(^6\) Zarrinkoob, "Persian Sufism in Historical Perspective," 181.
development in early Safavid history unfolded amidst marked Qizilbash ascendancy and staunch opposition from their Tajik-Persian competitors in the state administration which leads us to believe that al-Karaki received the full approval or acquiescence of leading Qizilbash elements. When the Shah regained his control over government, he did not seem to have extended similar faculties to any of his 'Amili servicemen. To be sure, the Persian sadr stratum was not alone in its open denunciation of al-Karaki’s claims to authoritative juridical powers and were joined by Arab jurists like Ni‘matullah al-Hilli and Ibrahimb al-Qatifi alongside few Iranian 'ulama.

As we enter the era of Shah ‘Abbas, we encounter shifting class boundaries, a restructuring of relations between the ruling elite and the state, and a redefinition of monarchical sovereignty and clerical leadership. The intellectual configuration of this change was manifest in the 'Amili espousal of extralegal interests under Baha’i, Mir Damad, and Ahmad b. Zayn al-‘Abidin al-‘Alawi. Their advocacy of rationalism, however, remained bound by the epistemological parameters of the revelation and the shari‘a. Through their careers one can discern that the world of Shah ‘Abbas licensed selective intellectual inquiries for the court clerics, popular obedience to the shari‘a, and restriction of heterodox approaches to religious knowledge and hence, a confirmation of the sovereignty of Shah ‘Abbas. This is not to say that a perfect correspondence existed.
between the thought of the philosophically-bent 'Amili clerics and state ideology, for the 'Amilis occasionally articulated voices of popular protest and bold criticism of the Safavid monarchs. Notwithstanding, the 'Amilis honored the mutual interest of the ruling elite and the high-ranking clerics in taming the social order to a shari'a-enlightened political will.

The reigns of Shah Safi I and Shah 'Abbas II were dominated by a spirit of anticlericalism and a distinct revival of theosophical and Sufi activities at the hands of legally-trained 'ulama with distinguished pedigree. The conventional 'ulama, now marginalized and undermined, struggled relentlessly to regain their power. Conventional 'Amili jurists like 'Ali al-Shahidi who had no place at the Safavid court, assailed the doctrines and practices of the Sufis and struggled to discredit the Sufi-bent 'ulama in the eyes of the Shah whom he held responsible, alongside the "obeisant Shi'ites" for vindicating the Sufi abusers of the shari'a as God-fearing people.

Nowhere were these intellectual hybrids namely, the Sufi-bent and philosophically-bent jurists, more indicative of the new social formations of the late Safavid period than in the legal struggles over Friday prayer. Of the traditional jurists, only a handful endorsed the hurma of Friday prayer. The Sufi-bent 'ulama, for the most part, continued to problematize the question of Friday prayer, insisting on its hurma. The philosophically-bent 'ulama, in an effort to
harmonize the mainstream legal outlook with philosophy, took the extreme opposite stance of endorsing its 'ayniyya. It is during this phase, that the philosophically-bent scholars converged with the position of the akhbari jurists, whose social ascendancy can be attested through the powers enjoyed by Muhammad Baqir Majlisi. The akhbaris, in propagating the obligatory nature of Friday prayer were trying to sever its legal status from the usuli-ijtihadi methodology and predilections. The unconditional 'ayniyya would deny the usuli mujtahid, not the jurist per se, exclusive privileges in controlling the performance of Friday prayer. Except for the more moderate Sufis like Muhammad Taqi Majlisi, and Muhsin al-Fayd, no Sufi-bent scholar supported the obligatory observation of Friday prayer. The Sufi-bent Qazvini scholars, for instance, declined from accepting a 'closure' to the story of temporal authority and continued to find illegitimate features in any but the awaited Imam's government. In our opinion, this position gives voice, indirectly, to political dissent and social opposition, from other elites and from a suppressed popular constituency. In other words, upholding the hurma, gives a theological window of maneuver for disgruntled sectors that can always use it to delegitimize the government.

In brief, leading 'Amili jurists where able to solicit in addition to the clientship of a learned Iranian elite, a following among the lower strata of Safavid society. The fundamental changes they introduced into Iran's social life
would have remained an alien superimposition without the consent of a large sector of Iranian society. The 'Amilis, like other state-appointed jurists at the time, saw themselves collectively as the custodians of a defined orthodoxy, encouraging not merely an explicit knowledge of doctrine but a systematic enactment of ritual. The 'Amili 'ulama fathomed new bridges and supplied pertinent justifications for how an exegetic use of the past in Twelver Shi'ite teachings and history, is relevant to the present. They came to see themselves as the binding thread in Iran's social fabric and its moral kernel at the lowest public levels. In the meantime, the religious class to which the leading 'Amilis belonged, had through the consolidation of waqf and the acquisition of economic grants and immunities from taxation in the form of fiefs developed a material base that was to remain a subtle but constant menace to the state's centralization goals and sovereignty. In a rather complex process, the Safavid manipulation of the judicial domain to achieve greater legitimacy, created the material means for dispensing with it when the 'ulama expanded their role and were admitted into the propertied class.

Concomitant with the dissemination of Shi'ite creed was a process of Persianization on class and state levels; that is the consolidation of an idiosyncratic Iranian Shi'ism marked by pre-modern 'nationalist' tendencies. An increased identification between the state and a national outlook went hand in hand with the major restructuring of social classes.
under Shah 'Abbas. Persianization did not merely touch the conceptual framework and style of writing evident among the second-generation 'Amili 'ulama but underwrote the emergence of a highly competent and eclectic group of Iranian 'ulama who carried the legal discourses to a more public domain. Persianization was similarly evident in the 'nationalistic' undertones of Iranians who contested and questioned the legal authority and knowledge of some 'Amili scholars. By the end of the seventeenth century, we witness an almost complete eclipse of 'Amilism' as a scholastic-ethnic phenomenon at the court and the growing irrelevance of their intellectual labor to the Safavid social order. Al-Hurr's irrefutable contributions to Shi'ite hadith and law were faintly tied to the Shahs' foreseen goals or to that matter to those of the ascending political factions. By that time 'Amili Shi'ism had gained an unmistakable Iranian posture.
APPENDIX A

THE 'AMILI 'ULAMA OF SAFAVID, 1501-1736

- Jawad b. 'Ali b. 'Abd al-'Ali al-Maysi (alive possibly in 934/1527)
- 'Ali b. 'Abd al-'Ali al-Karaki, known as al-Muhaqqiq al-Thani (d.940/1533)
- Shams al-Din Muhammad al-'Amili al-Hayyani, student of al-Shahid al-Thani (10th/16th)
- 'Abdullah b. Jabir (alive in 940/1533)
- Husyan b. 'Abd al-Samad (d.984/1576)
- 'Ali b. Hilal al-Karaki, known as al-Minshar (d.984/1577)
- 'Abd al-'Ali al-Karaki (d.993/1585)
- Husayn b. Hasan al-Karaki (10th/16th)
- Zayn al-'Abidin al-'Alawi al-Karaki, son-in-law of al-Karaki.3
- Kamal al-Din Darwish al-Natanzi al-'Amili (alive in 939/1532)
- Ja'far b. Muhammad al-'Amili (alive in 959/1551)
- Muhammad Jabal 'Amili (d.968/1560)

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1 This list of 'Amili names is organized in a chronological order based on the scholars' dates of death. In the cases of some obscure 'Amilis whose dates of death were unknown, we listed them close to their contemporaries who were mentioned in their biographies. Appendices A, B and C were formed on the basis of a comprehensive survey of the major biographical dictionaries on the Shi'i 'ulama in general and the 'Amilis in particular. These were: Amal al-Amil, Al-Durr al-Manthur, Rawdat, Riyad, Lu‘lu‘at, Bihar al-Anwar, Takmilat Amal al-Amil, Ta‘liqat Amal al-Amil, Qisas al-Ulama, Al-Fawa`id al-Radawiyya, Taranq al-Haqiq, al-Kuna wa‘il-Alqab, Kashf al-Rujub, Rayhanat al-Adab, Al-Mashyakha, Sulafat al-Asr, Khulasat al-Athar, Tabaqat A‘lam al-Shi‘a, al-Dhari‘a, Masafa al-Maqal, A‘yan, Mustadrakat A‘yan al-Shi‘a, Tadkhirat-i Bazin, Tadkhirat al-Qubur, Tarajim al-Rijal. In addition I have integrated the obscure 'Amili scholars of Safavid Iran mentioned in Introduction to Shi‘i Law, Fihrist-i Kitabkhana-yi Madrasa-yi ‘Ali-yi Sipahsalar; Fihrist-i Kitabkhana-yi Majlisi-yi Shuray-i Milli; Fihrist-i Kitabkhana-yi Ayatullah Mar‘ashi Najafi; Fihrist-i Kitabkhana-yi Markazi Astan-i Quds-i Racawi; Intisharat-i Danishghah-i Tehran. Additional names were drawn from Al-Hijra al-'Amiliyya, 230-70, except for Zayn al-Din 'Ali 'Arab (alive in 928/1521) who was mistakenly taken for a 'Amili by al-Muhajir. See chapter 2. This list would have been longer where we to include the Najafi 'Amili scholars who were within the sphere of Safavid rule.

2 The asterisk refers to the 'Amili scholars on whom no decisive evidence of their migration to Safavid Iran is provided. Ni‘matullah was originally from ‘Aynatha in Jabal ‘Amil. See Amal, vol.1, 189; Rawdat, 22; Qisas al-Ulama, 331; Fawaid al-Radawiyya, 694; Riyad, vol. 4, 247. For scholars on which no time framework is evident, we have simply written “n.d.”.

3 Zayn al-'Abidin may have migrated with al-Karaki, his father-in-law, to Iran. See al-Hijra, 253.
Abu'l-Hasan al-Musawi al-'Amili (alive in 988/1580)
Nur al-Din ‘Ali b. Abi’-Hasan al-Musawi (the tutor of Mir Damad)
Husayn al-Mujtahid (d.1001/1592-3)
al-Shahid al-Shirazi al-'Amili (alive in 1007/1598)
‘Ali b. Ahmad al-Nabati (alive in 1012/1603)
* Taj al-Din b. ‘Ali b. Ahmad al-Husayni (alive 1019/1610)
Abu Turab, ‘Abd al-Samad, brother of Shaykh-i Baha’i (d.1020/1611)
Ahmad b. Ahmad b. Yusuf al-Sawadi al-‘Inathi (alive in 1021/1612)
1030/1621)
(alive before 1039/1629)
11th/17th)
Hasan b. ‘Ali b. Ahmad b. Abi Jami’ al-'Amili (d. early 11th/17th)
Muhammad b. al-Hasan b. Zayn al-Din (d.1030/1620).4
Husayn b. ‘Ali b. Muhammad al-Hurr al-'Amili (d. after 1030/1620)
Shaykh-i Baha’i (1030/1621)
Lutfullah al-Maysi (d.1032/1622-23)
Mir Damad (d.1041/1631-2)
Al-Husayni al-'Amili al-Isfahani, brother-in-law of Mir Damad
‘Ali b. Sabih al-'Amili (contemporary of Baha’i)
Ja’far b. Lutfullah b. ‘Abd al-Karim b. Ibrahim b. ‘Abd al-
Ali al-Maysi (contemporary of Baha’i)
Jawad b. Sa’d b. Jawad al-'Amili (contemporary of Baha’i)
Najib al-Din, ‘Ali b. Muhammad al-Juba’i al-'Amili (contemporary of
Baha’i)5
Husayn b. Haydar b. ‘Ali b. Qamar (alive in 1038/1628)
Muhammad b. Ahmad b. Khatun al-'Amili (d. after 1039/1629)
Jawad b. ‘Ali al-Karaki (alive mid-11th/17th)
(alive in 1044/1634)
Husayn b. al-Hasan al-Mashghari (alive in 1048/1638)
Muhammad al-Jawad b. ‘Ali al-Jami’-i (d.1050/1640)
Mirza Habibullah b. al-Husayn b. al-Hasan b. Ja’far al-‘raj bi al-
‘Amili (alive in 1050/1640)
Ahmad b. al-Husayn al-Musawi, brother of Mirza Habibullah
Muhammad b. al-Husayn b. al-Hasan al-'Amili, brother of Mirza
Habibullah
Husayn b. ‘Abd al-Samad, paternal nephew of Baha’i
Nuri b. ‘Abd al-Samad, paternal nephew of Baha’i
Zayn al-‘Abidin al-Husayni, maternal nephew of Baha’i
Ahmad b. Zayn al-‘Abidin al-'Alawi (d.1054/1644)
Husayn b. ‘Ali b. Muhammad b. al-Hasan b. Zayn al-Din, son of al-
Shahid al-Thani (d.1056/1646)
Badr al-Din Hasan al-'Amili al-Mudarris (alive in 1056/1646)
Muhammad b. ‘Ali b. Khwatus al-'Amili al-Tusi (d.1057/1647)

4 He belongs to the Juba’i family of Zayn al-Din. He lived for an
uncertain period in Isfahan where his children settled, then moved to
Mecca where he died. See Al-Hijra, 261.
5 He could be the same as Najib al-Din ‘Ali b. Muhammad b. Makki al-
‘Amili al-Jubayli.
- Badr al-Din b. Ahmad al-Husayni al-Ansari (alive in 1057/1647)
- Hasan b. ‘Ali b. Muhammad al-Hurr, the father of Muhammad al-Hurr al-‘Amili (d.1062/1652)
- Asadullah b. Muhammad Mu‘min al-Khatuni (alive in 1067/1656)
- Nis’matullah b. al-Husayn (d.1069/1658)
- Husayn b. Shihab al-Din al-Karaki (d.1076/1665)
- Kamal al-Din or Nizam al-Din al-Harfushi (d.1080/1669)
- Ibrahim b. Muhammad b. ‘Ali al-Harfushi al-Karaki (d.1080/1669)
- Mirza Muhammad Mahdi b. Mirza Habibullah al-Karaki (d.1080/1669)
- Mirza ‘Ali al-Rida b. Habibullah al-A’raji al-Karaki (d.1091/1680)
- Mirza Muhammad Ma’sum b. Muhammad Mahdi b. Habibullah al-Musawi al-Karaki (d.1095/1683)
- Muhammad b. ‘Ali b. al-‘Aqiq al-Tibnini (d. before 1096/1684)
- Ibrahim b. ‘Ali al-Juba’i (alive in 1069/1684)
- Mirza Ibrahim b. Muhammad b. al-Husayn b. al-Hasan al-Musawi, son of

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6 He is the son of ‘Ali al-Shahidi, and died at a young age. See *Al-Durr*, vol.2, 245-6.

7 The accurate family name is ‘Angani rather than Faq‘ani, in reference to the village of ‘Ayn Qana in Jabal ‘Amil. See *Amal*, vol.1, 113; *Al-Fawaid al-Radawiyya*, 256.
Mirza Habibullah (alive in 1096/1684)
- Radiyy al-Din (or Al-Radi) b. Hasan b. Muhyiddin b. Abi Jami’ (alive in 1096/1684)
- Ibrahim b. Ibrahim b. Pakhr al-Din al-Bazuri (d. around 1096/1684)
- Ni’matullah b. al-Husayn al-‘Amili (d.1069/1664)
- Muhammad b. Shafi’ b. Baha’ al-Din al-‘Amili (d.after 1096/1684)
- Muhammad b. ‘Ali b. Ahmad al-Barfushi al-Hariri (d.before 1097/1685)
- Zayn al-Din b. ‘Ali b. Muhammad or Zayn al-Din al-Saghir (d.1100/1688)
- ‘Abd al-Nabi b. Ahmad al-‘Amili (alive early 12th/18th)
- Ibrahim b. ‘Abd al-‘Ali al-Maysi (alive before 1103-4/1691)
- Muhammad al-Hurr al-‘Amili al-Mashghari (d.1104/1692)
- Muhammad Rida, son of al-Hurr al-‘Amili (d.1110/1698)
- Jamal al-Din Yusuf b. Muhammad Qasim al-‘Amili, brother of Ibrahim b. Muhammad (alive around 1100/1698)
- Sadr al-Din al-‘Alawi, brother of Zayn al-‘Abidin (d.1110/1698)
- ‘Abd al-‘Ali b. Mahmud al-Chapalqi (d.around 1112/1700)
- Khayr al-Din al-Hafid al-Thani (alive late 11th/17th century).9
- Jamal al-Din Husayn b. Muhammad Qasim al-‘Amili (alive in 1113/1701)
- Ibrahim b. Muhammad Qasim al-‘Amili al-Jubrani (alive in 1115/1703)
- Muhammad Tahir b. ‘Abd al-Bamir b. Musa al-Nabati (d.1115/1703)
- Al-Hasan b. Sulayman b. al-Husayn al-Nabati (alive 1117/1705)
- Muhammad Amin al-Musawi (alive in 1118/1706)
- Muhammad Ibrahim b. Muhammad Amin al-Musawi (alive in 1118/1706)
- Ahmad b. al-Hasan b. ‘Ali b. al-Hurr al-‘Amili, brother of al-Hurr al-

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8 He was a poet and his pen name was Mehri Arab. See Al-Dhari’a, vol. 22 (Beirut, 1983), 220-1. He lived in Isfahan and dedicated several poems to Shah Suleiman.

9 His grandfather was a contemporary of Baha’i.
'Amili (alive in 1120/1708)\(^{10}\)
- Muhammad Shafi’ b. Baha’ al-Din al-‘Amili (d.1125/1713)
- Muhammad Talib al-‘Amili (alive in 1126/1714)
- Murtada ‘Al Abi’l-Hasan (alive in 1131/1718)
- Murtada al-‘Amili al-Isfahani b. Haydar b. Nur al-Din (d.after 1132/1719)
- Mir Muhammad Ashraf b. ‘Abd al-Hasib b. Ahmad b. Zayn al-‘Abidin al-Karaki (d.1133/1720 or 1145/1732).\(^{11}\)
- Mirza Ghiyath al-Din Ahmad b. Muhammad b. ‘Abd al-Hasib al-‘Alawi with the pen name Khayal (d.1134/1721)
- Muhammad b. Ibrahim Sharaf al-Din b. Zayn al-‘Abidin al-Juba’i (d.1139/1726)
- Ja’far al-‘Amili al-Radawi (alive in 1148/1735)
- Haydar al-‘Amili al-Mashhadi (alive in 1158/1745)
- Hafiz b. Muhammad Ashraf b. ‘Abd al-Hasib b. Ahmad al-‘Amili (d.1160/1747)
- Hasan Nur al-Din al-‘Amili (d.1160/1747)
- Hasan al-‘Inathi Wa’iz.\(^{12}\)
- Husayn al-‘Amili.\(^{13}\)
- Khayr al-Din al-Hafid (contemporary of ‘Allama Majlisi)
- Mirza Baha’ al-Din Muhammad
- Mirza Kamal al-Din Husayn (12th/18th)
- ‘Abd al-‘Ali b. Mir Husayn al-Karaki, a great grandson of al-Karaki (12th/18th)
- Muhammad b. ‘Ali al-Kabir al-Mashhadi (12th/18th)
- Mansur al-‘Amili
- Zayn al-Din Abu Mansur al-‘Amili (n.d.)

\(^{10}\) His children, Muhammad, Ibrahim, and Musa, were born in Iran between 1095/1683 and 1120/1708. See Al-Dhari’a, vol.8, (Beirut, 1983), 70-1.
\(^{11}\) Al-Muhajir, Al-Hijra, 260-1. His great grandfather was the celebrated scholar Zayn al-‘Abidin al-‘Alawi al-‘Amili.
\(^{12}\) He is the author of Muntakhab al-Akhbar. ‘Abd al-Karim Gazzi Isfahani noted that he was buried in Isfahan in the Takiyyeh-i Haji Muhammad Ja’far Abadeh’i. See Gazzi, Tadhkirat al-Qubur, 30.
\(^{13}\) All what we know about him is that he was a virtuous scholar who resided and taught in Mashhad. He had a solid knowledge in mathematical sciences and astrology. See Al-Hijra, 243.
## APPENDIX B

SAFAVID POSTS OCCUPIED BY THE 'AMILI 'ULAMA

### PERIOD: 1500-1560

<table>
<thead>
<tr>
<th>NAME</th>
<th>POSITION</th>
<th>CITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>'Abd al-'Ali b. 'Ali al-Karaki or Taj al-Din</td>
<td>Mudarris</td>
<td>Kashan</td>
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<td>'Ali b. 'Abd al-'Ali al-Karaki</td>
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<td>Kashan</td>
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<td>Shaykh al-Islam</td>
<td>Qazvin</td>
</tr>
<tr>
<td>Muhammad Jabal 'Amili</td>
<td>Prayer Leader</td>
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<td>of the Imperial Camp</td>
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<td>Herat</td>
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<td>Shaykh al-Islam</td>
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<td>Ardabil</td>
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<td>Qazvin</td>
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<td>Vakil-e Halaliyyat</td>
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<td>Ibn Bilal al-Karaki or 'Ali al-Minshar</td>
<td>Shaykh al-Islam</td>
<td>Isfahan</td>
</tr>
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<td></td>
<td>Vakil-e Halaliyyat</td>
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**Total: 6 scholars**
### PERIOD: 1560–1620

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<td>Isfahan</td>
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<tr>
<td>al-‘Alawi</td>
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<tr>
<td>‘Ali b. Khatun al-‘Amili</td>
<td>Mudarris</td>
<td>Mashhad</td>
</tr>
<tr>
<td>Husayn b. ‘Abd al-Samad</td>
<td>Qadi</td>
<td>Herat</td>
</tr>
<tr>
<td>nephew of Baha’i</td>
<td>Vakil-e Halaliyyat</td>
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<td>Husayn b. Baydar b. Qamar</td>
<td>Mufti</td>
<td>Isfahan</td>
</tr>
<tr>
<td>Lutfullah al-Maysi</td>
<td>Khadim al-Hadra</td>
<td>Isfahan</td>
</tr>
<tr>
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<td>Mudarris</td>
<td>Qazvin</td>
</tr>
<tr>
<td></td>
<td>Shaykh al-Islam</td>
<td></td>
</tr>
<tr>
<td>Mir Damad</td>
<td>Court Jurist and Philosopher</td>
<td>Isfahan</td>
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<td>Muhammad al-Jawad b. ‘Ali</td>
<td>Shaykh al-Islam</td>
<td>Tustar</td>
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<tr>
<td>al-Jami’i</td>
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<td></td>
</tr>
<tr>
<td>Nuri b. ‘Abd al-Samad</td>
<td>Shaykh al-Islam</td>
<td>Herat</td>
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<td>nephew of Baha’i</td>
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<tr>
<td>Radiyy al-Din b. ‘Ali</td>
<td>Administrator of Waqf</td>
<td>Shushtar</td>
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<tr>
<td>b. Ahmad b. Abi Jami’</td>
<td>Qadi</td>
<td>South Iran</td>
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<tr>
<td>SHaykh-i Baha’i</td>
<td>Shaykh al-Islam</td>
<td>Isfahan</td>
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<td>Qazvin</td>
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Total: 11 scholars
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<td>Shaykh al-Islam</td>
<td>Mashhad</td>
</tr>
<tr>
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<td>Mudarris</td>
<td>Tus</td>
</tr>
<tr>
<td>Badr al-Din Hasan al-'Amili</td>
<td>Mudarris</td>
<td>Mashhad</td>
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<tr>
<td>Husayn b. Badr al-Din father of Habibullah</td>
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<td>Isfahan</td>
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<tr>
<td>Husayn b. Muhammad b. 'Ali b. al-Husayn al-Juba'i</td>
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</tr>
<tr>
<td>Ibrahim b. 'Ali b. 'Abd al-'Ali al-Maysi</td>
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<td>Haydarabad</td>
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<tr>
<td>Mirza 'Ali Rida b. Habibullah</td>
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<td>Isfahan</td>
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<td>Tehran</td>
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<td>Tehran</td>
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<tr>
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<td>Isfahan</td>
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Total: 18 scholars
**PERIOD: 1680-1736**

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<td>'Abd al-Nabi b. Ahmad</td>
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<td>Khalafabad</td>
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<tr>
<td>b. Hasan</td>
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<td>'Ali B. Sa' id al-Jabal</td>
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<td>Isfahan</td>
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<tr>
<td>'Amili</td>
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<tr>
<td>Ja'far al-'Amili al-Radawi</td>
<td>Great Sadr</td>
<td>Isfahan</td>
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<td>Mirza Baha' al-Din Muhammad</td>
<td>Shaykh al-Islam</td>
<td>Qazvin</td>
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<td>Mirza Ghiyath al-Din Ahmad</td>
<td>Court Recognition as Poet</td>
<td>Isfahan</td>
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<td>al-'Alawi</td>
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<td>Mirza Kamal al-Din Husayn</td>
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<td>Mir Muhammad Shafi'</td>
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<tr>
<td>al-Juba'i al-Shahruri</td>
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</table>

**Total: 8 scholars**

Total number of scholars with distinguished posts for the whole Safavid Period: 42

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1 The same biographical and historical sources listed for appendix A were utilized for appendix B alongside one additional source, namely Mithalha-yi Sudur-i Safavi: Bar Resi Kutahi darbare-yi Yek Now' az Asnad-i Divani-yi Dore-yi Safavi (Qum, 1353), by Hossein Modarressi Tabataba'i.
APPENDIX C

THE INTELLECTUAL PRODUCTION OF THE 'AMILI 'ULAMA OF SAFAVID IRAN

I. SHI'ITE LAW

Systematic Legal Works and Commentaries
- Baha'i (d.1030/1621): Al-Habl al-Matin, Mashriq al-Shamsayn
- Muhammad al-Hurr al-'Amili or al-Hurr (d.1104/1692): Bidayat al-
  Hidayat, Hidayat al-'Umma ila Ahkam al-A'imma (3 selected volumes
  of his Wasa'il al-Shi'a)

Commentaries on Works by Ja'far b. Hasan al-Hilli, Known as
  Al-Muhaqqiq Al-Awwal (d.676/1277)
  Al-Fara'id al-Musayriyya
  - Husayn b. 'Abd al-Samad (d.984/1576)
  - Baha'i

Al-Mukhtasar al-Nafi'
- Al-Karaki (d.540/1533)
- 'Abd al-'Ali al-Karaki (d.993/1585)
  al-Majami'
  al-Shahidi (d.1103-4/1691)
- Ahmad b. al-Hasan b. al-Hurr (alive in 1106/1694)

Shara'i' al-Islam
- Al-Karaki: Fawa'id al-Shara'i'
- Mir Damad (d.1041/1631)
- 'Ali al-Shahidi
- Jawad b. 'Ali b. 'Abd al-'Ali al-Maysi (d. after 1117/1705)

Commentaries on Works by Hasan b. Yusuf al-Hilli, Known as
  Al-'Allama al-Hilli (d. 726/1325)
  Irshad al-Adhhan
  - Al-Karaki: Ta'liq al-Irshad
  - 'Abd al-'Ali al-Karaki: Manhaj al-Sadad
  - Husayn b.'Abd al-Samad
  - Baha'i
  - Jawad b. 'Ali al-Karaki
  - Lutfullah al-Maysi (d.1032/1622-3)

Mukhtalaf al-Shi'a
- Al-Karaki
- Baha'i
- Mir Damad

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Qawa'id al-Ahkam
- Al-Karaki: Jami' al-Maqasid
- 'Abd al-'Ali al-Karaki
- Husayn b. 'Abd al-Samad
- Baha'i: Hall 'Ibara Hu'dala min al-Qawa'id
- Lutfullah al-Maysi
- Nur al-Din 'Ali b. Ahmad b. Abi Jami' (late 10th/16th)
- Mir Damad: Dala'il al-Ahkam
- Muhammad b. 'Ali b. Ahmad al-Harfushi al-Hariri (d.before 1097/1685)
- 'Ali al-Shahidi

Tahdhib Tariq al-Wusul
- Husayn b.'Abd al-Samad: Islah Jami' al-Bayn min Fawa'id al-Sharhaya

Tahrir al-Ahkam al-Shariyya
- Al-Karaki
- Husayn b. 'Abd al-Samad

Commentaries on Works by Muhammad b. Makki al-'Amili, Known as Al-Shahid al-Awwal (d.786/1384)

Al-Alfiyya
- 'Abd al-'Ali al-Karaki
- Husayn b. 'Abd al-Samad: Al-Jawahir al-Saniyya fi Sharh al-Alfiyya al-Shahidiyya
- Mir Damad
- Muhammad b. 'Ali b. Khatun
- Husayn b. Muhammad b. 'Ali b. al-Husayn al-Musawi al-Juba'i (d.1069/1658)
- 'Ali al-Shahidi
- Jawad b. 'Ali al-Maysi (d. after 1117/1705)

Al-Dhikra
- Al-Karaki
- Baha'i

Al-Durus al-Shariyya fi Fiqh al-Tamamiyya
- Al-Karaki

Al-Luma al-Dimashqiyya
- 'Ali al-Shahidi

Al-Qawa'id wa al-Fawa'id
- 'Ali al-Shahidi (a commentary on the abridged version of al-Qawa'id written by al-Shahid al-Thani, entitled Tamhid al-Qawa'id)
- Baha'i
Commentaries on Works by Al-Miqdad b. ‘Abdullah al-Sayyuri al-Hilli (d.826/1423)

Al-Tangih al-Ra’i
- Mir Damad

Commentaries on Works by Zayn al-Din al-‘Amili, Known as Al-Shahid al-Thani (d.966/1558)

Al-Ithna’ashariyya
- Baha’i: commentary on ritual purity

Nata’ij al-Afkar fi Hukm al-Mugimin fi al-Asfar
- Baha’i: commentary

Al-Rawda al-Bahiyya

Commentaries on Works by Hasan b. Zayn al-Din al-‘Amili, Known as Sahib al-Ma’alim (d.1011/1602)

Al-Ithna’ashariyya
- Muhammad b. Hasan al-‘Amili
- Baha’i

Commentaries on Works by Baha’ al-Din al-‘Amili (d.1031/1622)

Al-Ithna’ashariyya
- Ahmad b. Zayn al-‘Abidin al-‘Alawi (d.1054/1644)

Zubdat al-Ulul
- Badr al-Din b. Ahmad al-Ansari (alive in 1057/1647)

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Collections of Fatwas
- Al-Karaki: Risala-yi Ahkam (Persian translation of his collection of Fatwas), Usul al-Din wa Furu’ih
- Husayn b. ‘Abd al-Samad: Fatawa Mutafawwiqa.
- Baha’i: Jami’i ‘Abbasi (Persian on acts of devotion), Majmu’at Fatawa
- Lutfullah al-Maysi: Majmu’at Fatawa
- Mir Damad: Shari’ al-Najat (Persian, on acts of devotion)
- Zayn al-‘Abidin al-Husayni (alive mid-11th/17th), maternal nephew of
  Baha’i: Tatim al-Jami’ al-‘Abbasi
- Muhammad b. ‘Ali b. Khwutun (d.1057/1647): Takmil al-Jami’ al-

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General Principles of the Law
- Husayn b. Haydar b. Qamar al-'Amili: Ishraq al-Haqq min Matla' al-Sidq
  (on al-Ghayba al-Sugha, Taqiyya and possibly dogmatics)
- Baha'i: Al-Fara'id al-Baha'iyya, Risala 'Amaliyya fi al-Fiqh, Hidayat al-'Awam
- Mir Damad: Risala fi al-Nahi 'an Tasiyyat al-Mahdi
- Al-Hurr: Kashf al-Ta'miya 'an Wajh al-Tasiyya

Qur'anic Law

Miscellaneous Legal Questions
- 'Abd al-Samad, brother of Baha'i: Explanatory notes on the margins of Al-Fara'id by Nasir al-Din Tusi
- Husayn al-Mujtahid: Al-Nafahat al-Samadiyya fi Ajwibat al-Masa'il al-Ahmadiyya
- Lutfullah al-Maysi: Fatawa on legal issues discussed with several 'ulama
- Mir Damad: Al-I'dalat al-'Awisat, Al-Ithna'ashariyya or 'Uyun al-Masa'il al-Fiqhiyya, Su'al wa Jawab

B. Acts of Devotion
1. GENERAL
- Al-Karaki: Risala fi al-Bulugh wa Haddih, Risala fi al-Niyya
- Husayn al-Mujtahid: Risala fi al-Niyya

2. COMPREHENSIVE WORKS
- Husayn b. 'Abd al-Samad: Al-Wajibat al-Malikiyya

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- Baha‘i: Al-Ithna‘ashariyyat

3. ON RITUAL PURITY AND PRAYER
- Mir Damad: Risala fi al-Tahara wa al-Salat

Ritual Purity
1. GENERAL
- Al-Karaki: Risala fi Ta‘rif al-Tahara, Risala fi Mulaqi al-Shubha al-Mahsura
- Baha‘i: Risala fi al-Tahara
- Mir Damad: Al-Ta’liqat fi al-Tahara

2. ON WATERS
- Al-Karaki: Al-Risala al-Kurriyya
- Baha‘i: Al-Kurriyya

3. ON ABLUTION
- Al-Karaki: Risala fi Wujub al-Tahara
- Husayn b. ‘Abd al-Samad: Mash al-Rijlayn or Wujub al-Mash wa Ta‘yinihi wa ‘Adam Jawaz Ghasl al-Rijlayn
- Baha‘i: Mash al-Rijlayn

4. ON THE DECEASED
- Husayn al-Mujtabah: Risala fi Istiqbal al-Qibla

5. ON IMPURITIES
- Al-Karaki: Risala fi ma Tanajjas ba‘duhu wa Ishtabaha Mawdi‘ al-Nijasa
- Ahmad al-‘Alawi: Risala fi Nijasat al-Khamr (in refutation of the legal opinions of Muhammad Amin Astarabadi)

6. ON VESSELS
- Husayn al-Mujtabah: Risala fi al-Awani

Prayer
1. GENERAL
- Al-Karaki: Al-Alfiyya, al-Ja‘fariyya, al-Najmiyya (on dogmatics and prayer), Ma‘ani Af’al al-Salat, al-Risala al-‘Amaliyya fi Fiqh al-Salat al-Yawmiyya
- ‘Abd al-‘Ali al-Karaki: Al-Nizamiyya
- Husayn b. ‘Abd al-Samad: Al-‘Iqd al-Husayni (al-Tahmasbi), al-Masa’il al-Salatiyya, Risala fi al-Salat wa al-Iqrar
- Baha‘i: Al-Ithna‘ashariyya fi al-Salat, Risala Mukhtasara fi Fiqh al-Salat, Risala fi Qada‘ al-Salat
- Badr al-Din al-Ansari: Al-Ithna‘ashariyya al-Salatiyya
- Muhammad b. ‘Abd al-Hasib al-‘Alawi (d.1133/1720 or 1145/1732): Ghawamid al-Salat

2. ON THE DIRECTION OF PRAYER
- Al-Karaki: Risala fi al-Qibla, Risala fi Qiblat Khurasan

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3. ON CLOTHES FOR PRAYER
   - Al-Karaki: Risala fi Qalansuwat al-Harir wa al-Dibaj
   - Baha‘i: Al-Haririyya

4. ON RECITATION
   - Baha‘ al-Din: Risala fi Istihbab al-Sura fi al-Salat, Risala fi Wujub al-Sura ba‘da al-Hamd

5. ON PROSTRATION
   - Baha‘i: Risala fi Ahkam Sujud al-Tilawa, Risala fi Sajdat al-Qur’an wa Ahkamiha wa Adabiha

6. FRIDAY PRAYER
   - Al-Karaki: Risala fi Salat al-Jum‘a
   - Husayn b. ‘Abd al-Samad: Risala fi Wujub Salat al-Jum‘a
   - Baha‘i: Risala fi Salat al-Jum‘a
   - Mir Damad: Risala fi Salat al-Jum‘a
   - Al-Hurr: Ithbat Wujub Salat al-Jum‘a ‘Aynan

7. ON ERRORS IN PRAYER
   - Al-Karaki: Khalal al-Salat, Risala fi al-Sahu wa al-Shak fi al-Salat
   - Baha‘i: Sharh Mushkilat al-Salat, Risala fi Sihhat Salat mima la Tatimmu fi al-Sitr Wahdihi

8. ON TRAVELLER’S PRAYER
   - Al-Karaki: Fawa‘id fi Salat al-Musafir

9. ON ZIYARAT
   - Ahmad al-‘Alawi: Risala-yi dar Namaz-i Ziyarat

10. ON PRAYER AND RESIDENCE
Alms
1. GENERAL
- Baha’i: Risala fi al-Zakat, Risala fi al-Zakat wa Taqdirihab bi’il-Mathaql
- Al-Burr: Urjuza fi al-Zakat

Khums
1. GENERAL
- Zayn al-Din Abu Mansur al’Amili: Jawab Mas’ala fi al-Khums.
- Husayn b. ‘Abd al-Samad: Risalat al-Rusur wa al-Bawari wa Sahm al-Imam
  also known as Risala fi Sarf Sahm al-Imam min al-Khums ila Fugara’
  al-Sada
- Baha’i: Al-Ithna’ashariyya fi al-Zakat wa al-Khums

2. SPECIFIC
- Mir Damad: Ithbat al-Siyada li-man Yantasibu ila Hashim Umman
- Ahmad al’Alawi: Risala dar Siyadat-i Sharif-i

Fasting
1. GENERAL
- Al-Karaki: Risala dar Sawm
- Baha’i: Al-Ithna’ashariyya fi al-Sawm, Risala fi al-Sawm
- Badr al-Din al-Ansari: Sharh on Al-Ithna’ashariyya al-Sawmiyya

2. ON OTHER TOPICS
  bi’il-Ghusl min al-Jinaba
- Baha’i: Risala fi Takhlil al-Asnan fi Layali Shahr Ramadan also known
  as Al-Jam’ wa al-Tawfig bayna al-Fatwayayn

Seclusion
- Lutfullah al-Maysi: Al-I’tikafyya or Ma’ al-Hayat wa Safi al-Furat

Hajj
1. GENERAL
- Al-Karaki: Risala fi al-Hajj wa al-’Umra, Risala fi Manasik al-Hajj
  followed by Mulhaq Kafarat al-Hajj
- Baha’i: Al-Ithna’ashariyya fi al-Hajj or Manasik al-Hajj, Risala fi
  al-Hajj
  Baha’i, called Al-Manasik al-Marwiyya fi Sharh al-
  Ithna’ashariyya al-
  Hajjiyya

Holy War
1. General
- Husayn al-Mujtahid?: Al-Jihadiyya

2. ON BOOTY OF WAR

Ordering Good and Forbidding Evil

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C. On Contracts

1. Generalities
- Al-Hurr al-‘Amili: Risala fi Anna al-Tasarruf wa al-Yad Dalil al-Mulkiyya

2. On Formulas
- Al-Karaki: Siyagh al-‘Uqud wa al-Iqa‘at, Anis al-Tawwabin
- Al-Hurr: Manzuma on Siyagh al-‘Uqud wa al-Iqa‘at

3. Possessions
- Husayn b. ‘Abd al-Samad: Risala fi Taqdim al-Shiya’ (communal possession) al-Zanni ‘ala al-Yad (personal possession)
- Al-Hurr: Fa’ida fi Hijjiyyat al-Yad

Transaction
  a. Prohibited Business
      1. On Music
         - ‘Ali al-Shahidi: Tanbih al-Ghafilin, in refutation of Sabzavari’s treatises on ghina
  2. On Tax Revenue and Government’s Gifts
      - Al-Karaki: Qati‘at al-Lajaj fi Tahqiq Hill al-Kharaj
      - Husayn b. ‘Abd al-Samad: Risala fi Hiliyyat Jawa’iz al-Sultan
  b. Rights of Cancellation
      1. Specific
      - Al-Karaki: Risala fi Tahqiq al-Bay’ bi-Shart al-Khayar
  c. Loan and Interest

Endowment
1. Specific
- Ahmad al-‘Alawi: Bayan al-Hagg wa Tibyan al-Sidq

Marriage
1. General
- Baha‘i: Ahkam al-Zawj wa al-Zawja

\(^1\) Al-Nikahiyya did not carry the author’s name but Sayyid ‘Ali al-Rawdati attributed its handwriting to al-Karaki.
2. ON LEGAL GUARDIANS
  al-Zalma‘ bi-Qiwa al-Hibal or Risala fi Faskh al-Zawja al-Saghira
  Nikah al-Wali Laha ba‘da Kibariha

3. ON LEGAL OBSTACLES
- Al-Karaki: Shurut al-Nikah

4. ON FOSTER RELATIONSHIP
- Al-Karaki: Risala fi al-Rida‘
- Husayn b. ‘Abd al-Samad: Risala fi al-Rida‘
- Mir Damad: Dawabit al-Rida‘, al-Risala al-Rida‘iyya
- Abu‘l-Hasan al-Futuni: Risala fi al-Rida‘

5. ON TEMPORARY MARRIAGE
- Al-Karaki: Fa‘ida fi al-Mut‘a

8. ON NUPTIAL GIFT
- Baha‘i: Risala fi Jawaz Man‘ al-Zawja Nafsaha ‘an al-Zawj Hatta Taqbid
  al-Mahr, Maqala fi Intima‘ al-Zawja ‘an Mutlaq al-Istimta‘ la
  Khusus al-Wat’ Qabla Qabd Tamam al-Mahr (which may be the same as
  the first one)
- Mir Damad: Jawab al-Su‘al ‘an Tanazu‘ al-Zawjayn fi Qadr al-Mahr wa
  Tasdiq Wakil al-Zawja li‘l-Zawj

d. ON UNILATERAL OBLIGATIONS
   DIVORCE
- Al-Karaki: Risala fi Talaq al-Gha‘ib

CONFESSION
- Husayn b. ‘Abd al-Samad: Risala fi al-Iqrar

e. ON ‘RULES’
   HUNTING AND SLAUGHTERING
   1. SPECIFIC
- Husayn al-Mujtahid: Risala fi Hukm Dhaba‘ih Ahl al-Kitab
- Baha‘i: Risala fi Dhaba‘ih Ahl al-Kitab, Risala fi Nijasat Dhaba‘ih
  al-Kuffar wa Sana‘i‘ihim

FOOD AND DRINK
   1. ON WINE
- Ahmad al-‘Alawi: Risala dar Radd-i Mawla Muhammad Amin Astarabadi who
  declared wine-drinking lawful

2. ON TOBACCO
- Al-Hurr: Risala fi Hurmat Shurb al-Tutun wa‘l-Qahwa

RECLAMATION
   1. SPECIFIC
INHERITANCE
1. GENERAL
- Al-Karaki: Sharh Mabihat al-Mirath min al-Mukhtasar al-Nafi’
- Husayn b.’Abd al-Samad: Al-Iqrar bi-Waladin fi al-Irth.\(^2\)
- ‘Abd al-Samad (d.1020/1611), the brother of Baha’i: Commentaries on Risalat al-Mawarid by Nasir al-Din Tusi
- Baha’i: Al-Para’id al-Bahiyya, Risala fi al-Mawarid
- Lutfullah al-Maysi: Tahqiq Mas’alat al-Wasiyya bi’il-Mal (based on al-‘Allama’s Irshad)
- Al-Hurr al-A’mil: Manzuma fi al-Mawarid
- ‘Abd al-Hasib b. Ahmad al-A’lami

ARBITRATION
1. ON JUDICIAL PROCEDURE
- Husayn al-Mujatidh: Risala fi Tanaz’ al-Zawajan fi Mata’ al-Bayt
- Mir Damad: Risala fi Tanaz’ al-Zawjayn fi Qadr al-Mahr

2. ON WITNESS
- Al-Karaki: Risala fi al-‘Idala or Risala fi Ma’rifat al-Raba’ir
- ‘Abd al-‘Ali al-Karaki: Risala fi al-Raba’ir
- Baha’i: Risala fi al-‘Idala

II. USUL AL-FIQH, (JURISPRUDENCE)
- Al-Karaki: Risala fi al-Man’ ‘an Taqlid al-Mayt, Dirayat al-Hadith
- Husayn b. ‘Abd al-Samad: Risala dar Radd-i Mujtahidin, Ijtihad va Taqlid, Risala Wad’iyya
- Muhammad b. al-Hasan b. Zayn al-Din al-Shahid al-Thani (d.1030/1520): Hashiya ‘ala Ma’alim al-Din
- ‘Ali al-Shahidi: Hashiya ‘ala Sharh al-Lum’a
- Al-Hurr al-‘Amili: Manzuma on Masa’il Usul al-Fiqh, Nuzhat al-Isma’ fi Hukm al-Ijma’

\(^2\) Urjuza fi al-Mawarid was organized by his brother al-Hurr under the title Khulasat al-Abhath.
III. CHARACTERISTIC RELIGIOUS WRITINGS

a. Hadith

- Baha’i: Sharh al-‘Arba’in Hadithan, Al-Wajiza fi ‘Ilm al-Diraya
- Mir Damad: Al-Rawashi al-Samawiyya fi Sharh Ahadith al-Imamiyya (a Sharh on al-Kafi), Maqala fi Tad’if Hadith Sahu al-Nabi, Hashiyat Al-Istibsar on Hadith
- Ni’matullah b. al-Husayn al-‘Amili (d.1069/1658)
- ‘Ali al-Shahidi: Al-Ahadith al-Nafi’a, Commentary on Al-Fawa’id al-Madaniyya

Commentaries on Works by Muhammad al-Kulayni or al-Kulini (d.328/939)

Al-Kafi Fi Usul al-Din
- Ahmad al-‘Alawi
- Badr al-Din al-Ansari
- ‘Ali al-Shahidi: Al-Durr al-Manzum min Kalam al-Ma’sum (Sharh on usul al-Kafi)
- Al-Hurr
- Abu’l Hasan al-Sharif al-Futuni

Commentaries on Works by Muhammad b. ‘Ali al-Qummi, Known as Ibn Babuya and al-Shaykh al-Saduq (d.381/991)

Man La Yahduruhu al-Faqih
- Baha’i
- Mir Damad
- Ahmad al-‘Alawi
- Al-Hurr

Commentaries on Works by Muhammad b. al-Hasan al-Tusi, Known as Shaykh al-Ta’ifa (d.460/1067)

Al-Istibsar

3 It is unclear whether Nimatullah copied famous hadith works, organized them or collected his own.
b. Qur'anic Exegesis

- Ahmad al–‘Alawi: Lata‘if–i Ghaybiya, Risala dar Aqwal–i Dabbat al-Ard
- Husayn b. Shihab al-Din al-Karaki (d.1076/1665): Hashiya ‘ala al-Baydawi
- Ahmad b. al-Hasan b. al-Hurr: Tafsir al-Qur‘an

C. Biography: Ahwal, Tarajim, Rijal, Fawa‘id, and Ijazat

- Husayn b. Haydar b. Qamar al-Karak: Ijazat
- Husayn b. ‘Abd al-Samad: Risala fi Ahwal al-Mukhalifin li-Mawlana Amir al-Mu’minin wa Ta‘yin Ba‘dihim, Risala fi Ma‘rifat Hashayikh al-Shi‘a
- ‘Abd al-Latif al-Jami‘i: Concise work on Rijal
- Mir Damad: Hawashi Rijal al-Kashshi
- Ahmad al–‘Alawi: Al-Minhaj al-Safawi fi Fada’il al-Sadat
- Kamal al-Din al-Harufushi (d.1080/1669): Ijazat
- Muhammad b. ‘Ali al-Tibnini: Jami’ al-Aqwal
- Al-Hurr al–‘Amili: Amal al-Amil fi ‘Ulama’ Jabal ‘Amil, Manzuma fi Tarikh al-Nabi wa al-A’immah, Urjuza fi Tarikh al-Ma’sumin, Al-
d. Doctrine

- Al-Karaki: Al-Ma’rif wa al-Migdar al-Lazim Minha
- Husayn al-Mujahid: Sharh Wajib al-I’tiqad, Al-Tawhid, Risalat Tawhid wa Ithbat-i Wajib
- Baha’i: Al-I’tiqadat, Fayide-yi Manqul az Wajib al-I’tiqad
- Mr. Damad: Nibras al-Diya’ fi Tahqiq Ma’na al-Bada’
- Al-Hurr al-’Amili: Al-Iqaz min al-Haj’a bi’l-Burhan ‘ala al-Raj’a, Risalat Tanzih al-Ma’sum min al-Sahu wa al-Nisyan, Al-Tanbih fi al-Tanzih
- Abu’l-Hasan al-Sharif al-Futuni: Diya’ al-’Alamin fi Bayan al-A’imma al-Mustafin, Shari’at al-Sha’ir wa Dala’il al-Shari’a (a sharh on Mafatih al-Shara’i’ by Muqla Muhsin Kashani), Haqiqat Mdhhab al-Imamiyya

e. Polemics 4

- Al-Karaki: Nafahat al-Lahut fi La’n al-Jibt wa al-Taghut, Al-Mata’in al-Majrumiyya
- Husayn b. ’Abd al-Samad: Munazara ma’a ba’di ‘ulama’ Halab fi’l-Imama
- Hasan al-Karaki: Kitab ’Umdat al-Maqal fi Kufr Ahl al-Dalal
- ’Abd al-’Ali al-Karaki: Al-Munazarat
- Husayn al-Mujahid: Radd Bida’ al-’Aamma, Risala fi Yawm Qatl ’Umar

4 The polemical works range from internal debates over Shi’ite doctrinal issues to a refutation of Sunnism, Sufism, Christianity and Judaism.
5 It is a work on the life conditions of Abu Muslim al-Khurasani. See Al-Dharia’a, vol.11, (Najaf & Tehran, 1378q/1959), 91– 2.
f. Language: Grammar/Philology, Lexicography, Morphology, Rhetoric

- Husayn b. ‘Abd al-Samad: Hashiyat al-Fawa'id al-Diya'iyya
- Mir Damad: Hashiyat Sharh Mukhtasar al-‘Adud?
- Al-Hurr al-‘Amili: Manzuma on Masa‘il Nahawiyyya, Al-‘Arabiyyya al-‘Ulwiyyyya wa al-Lughha al-Marwiyyyya, Urjuza fi al-Ma‘ani wa al-Bayan

g. Literature: Prose and Poetry

- Shams al-Din Muhammad al-‘Amili al-Hayyani, student of al-Shahid al-Thani: Poetry
- Al-Karaki: Poetry
- Husayn b. ‘Abd al-Samad: A large collection of poetry, Sharh al-Ra‘iyya
- Baha‘i: Kitab Sawanah Safar al-Hijaz (same as Nan va Halva), Al-Fawz wa al-Aman fi Madh Sahib al-Zaman, Al-Mikhat 6, Al-Kashkul, Diwan, Miscellaneous poems (Elegy for his father, Sharh Yek Bayt, Guftari az Baha‘i, Ghazal, Nazm, Qasa‘id, Munajat, Manzumat, Muntakhabat), Al-Zahira, Min Lata‘if al-Asmar wa Zara‘if al-Akhbar, Kitab al-Khutab al-Baha‘iyya, Masnavi Nan va Panir, Masnavi Shir va Shekar, Masnavi Tuti Namah, Falnamah, Goharnamah
- Mir Damad: Diwan (Persian & Arabic poetry), Mashriq al-Anwar
- Najib al-Din al-Juba‘i: Surat Tqtriz
- Nuri, nephew of Baha‘i: Persian poetry
- Badr al-Din b. Ahmad al-Ansari: Few poems
- Husayn b. Shihab al-Din al-Karaki: A collection of poetry, Mukhtasar al-Aghani

6 The copy of Al-Mikhat published in Cairo does not seem to correspond to Baha‘i’s style of writing or mode of thinking as Dalal ‘Abbas convincingly argued in Baha‘al-Din, 269-73.
- Zayn al-‘Abidin b. al-Hasan, brother of al-Hurr al-‘Amili (d. 1078/1667): Diwan
- ‘Ali al-Shahidi: Numerous poems
- Al-Hurr al-‘Amili: Diwan
- Muhammad Shafi’ b. Baba’ al-Din: Masnavi poetry
- Abu’l-Hasan al-Sharif al-Futuni: Kashkul, Mi’raj Nameh

h. Popular Shi’ite Literature (Maqatil, Du’ a, Worship..)

- Hasan al-Karaki: Manaqib Ahl al-Bayt wa Mathalib A’daihim
- Husayn b. ‘Abd al-Samad: Ta’ligat ‘ala al-Sahifa al-Kamila al-Sajjadiyya
- Baha’i: Hada’iq al-Salihin or Hada’iq al-Muqarrabin (a Sharh on al-Sahifa al-Sajjadiyya), Miftah al-Falah fi ‘Amal al-Yawm wa al-Layla, Risala fi Maqtal al-Husayn, Davazdah Imam, Risala fi Wujub Shukr al-Mun’im
- Mir Damad: Sharh al-Sahifa al-Sajjadiyya, Al-Arba’at Ayyam
- Husayn b. Shihab al-Din al-Karaki: Sharh Nahj al-Balagha
- ‘Ali al-Shahidi: Sharh al-Sahifa al-Sajjadiyya
- Al-Hurr al-‘Amili: Al-Sahifa al-Thaniya min Ad’iyat al-Imam al-Sajjad, Maqtal al-Husayn
- Muhammad Ashraf b. ‘Abd al-Hasib al-‘Alawi: Sharh Du’a al-Sabah
- Abu’l-Hasan al-Futuni: Sharh ‘Ahd nameh wa Malik Ashtar

i. Ethics


7 See A’yan, vol. 3, 627.
- Al-Hurr al-‘Amili: Manzuma fi al-Akhlqaq
- Abu’l-Hasan al-Sharif al-Futuni: Nasayih al-Muluk wa Adab al-Suluk

j. Logic 8

- Baha‘i: Sharh ‘ala Sharh al-Shamsiyya
- Mir Damad: Risala fi al-Mantiq

IV. PERSIANIZED TRENDS IN ‘AMILI WRITINGS

a. Philosophy-Theosophy


b. Dogmatic Theology (Kalam) 10

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8 ‘Amili works of logic were scanty. Previous to the Safavid period, there is one noteworthy work titled, Al-Lum’a fi al-Mantiq completed in 838/1434 by Zayn al-Din b. Muhammad b. Yunus al-Bayad al-Nabati (d.877/1472).

9 It is uncertain whether Mir Damad is its rightful author.

10 The ‘Amilis integrated kalam in their legal tracts and fiqh works and thus it is misleading to assume that they were not trained in kalam before their advent to Iran. An example of that is “al-Risala al-Najmiyya” on both kalam and fiqh by al-Karaki. However, the pure kalam works composed within a philosophical-theological framework rather than
- Husayn b. ‘Abd al-Samad: Sharh Risalat Nafs al-Amr of Nasir al-Din Tusi
- Mir Damad: Rawdat al-Muttaqin
- Ahmad al-‘Alawi al-‘Amili: Kashf al-Haq’a’iq (Sharh on Taqwim al-Iman of Mir Damad)
- Al-Hurr al-‘Amili: Manzuma fi Masa’il Kalamiyya
- ‘Abd al-Hasib: Sudrat al-Muntaha

**c. Sufism**

- Baha’i: Milal va Nihal
- Mirza Ahmad, brother of Habibullah: A treatise on Sufism
- Muhammad Shafi’i b. Baha’ al-Din: Passages on Istilahat al-Sufiyya wa al-‘Urafa’

**d. Mathematics**

- Al-Karaki: Risala fi al-Kurr
- ‘Abd al-Samad, brother of Baha’i: Manzuma fi al-Jabr wa al-Muqabala
- Mir Damad: Unmuzaj al-‘Ulam, Jayb al-Zawiya
- Husayn b. ‘Abd al-Samad, nephew of Baha’i: Manzuma fi al-Jabr wa al-Muqabala
- Al-Hurr al-‘Amili: Manzuma fi al-Handasa

**e. Astronomy**

- Al-Hurr al-‘Amili: Hay’at, Manzuma fi ‘Ilm al-Nujum wa al-Falak

a fiqh one started to surfaced during the early 17th century among the immigrant ‘Amilis.
f. Medicine


g. History


11 Sayyid Ahmad al-Husayni, the editor of numerous Shi’ite works and the cataloguer at Mar‘ashi Library in Qum, noted that he had never come across medical works for Husayn b. Shihab al-Din al-Karaki and does not believe that such works exist. But we included them here because they are listed in Al-Dhari'a, vol 15, (Najaf & Tehran, 1384q/1965), 136-7. 

12 It is difficult to argue that ‘Amili history works appearing in the seventeenth century carried an indisputable Persian trend even though it did not seem to have been nurtured in Jabal ‘Amil either. Zayn al-’Abidin b. al-Hasan al-Mashghari, and his brother Ahmad of al-Hurr family migrated to Iran at a mature age when they were already established jurists. Ahmad spent a long time in Yemen before he left to Mashhad where he became the shaykh al-Islam in 1104/1692. The almost total absence of history works in Jabal ‘Amil, even if we were to accept the argument that the Ottoman ruler Jamal Pasha burnt thousands of ‘Amili books that left no evidence of history works, calls for further investigation. In our opinion, such works by Shi’ite scholars seemed to have been occasioned by the scholars’ closer contact to rulers and court life, in this case of Safavid Iran, and consequently by the new emphasis given to a Shi’ite interpretation of history. 

13 In Al-Durr al-Masluk, Ahmad al-’Amili mentions two additional history works, namely Tarih Kabir and Tarih Saghir that are extant. ‘Ali Naqi Munzavi explained in his Tabagat A’lam al-Shi’a, al-Kawakib al-Muntashira fi al-Sana al-Thaniya ba’da al-Ashara, 1st edn. (Tehran 1372 q/1952), 31-32, that Al-Durr al-Masluk might itself be the Tarih Kabir, and that Tarih Saghir may be a reference to Al-Tibr al-Maskuk, a Persian history work or Rawd al-Nazirin fi ‘Ilm al-Awwalin wa al-Akharin, an Arabic history work completed in the Radawi Mahshad in 1087/1676. 

14 Ahmad b. al-Hasan al-Hurr took the title of his work from “Rawd al-Manazir fi ‘Ilm al-Awa’il wa al-Awakhir” by Muhammad b. Shuhna al-Balabi. He changed its parts and added new sections to it and called it “Al-Durr al-Masluk” which he completed in 1085/1675. He also relied on fifty additional sources. Rawd al-Nazirin is an abridged universal history of 940 pages divided into 4 parts. In the first he covers the period from the creation of man until the death of the Prophet. The following section covers the history from the Prophet’s death until that of the Twelfth Imam in 260/874. In the same section he mentions the rightly-guided Caliphs, Fatima, the ‘ulama, and the mujtahids. The third section highlights the incidents following the death of the Twelfth Imam.
h. Alghaz and Fann-i Mu‘amma

- Husayn b. ‘Abd al-Samad: Several alghaz sent to his son Baha‘i, Mu‘ammaye va Hall-i An, Mu‘amma beh Namah-ya Yunus, Lughz-i va Hall-i An beh Surat-i Porsesh va Pasukh.
- Baha‘i: Mu‘ammaye beh Namah-ya Qasim, Lughz al-Qanun, Hall-i Lughz, Lughz al-Lughz
- Ibn Khwatun, Jawab Risalat al-Lughziyya al-Baha‘iyya

V. MISCELLANEOUS

Combined Works

- ‘Ali al-Shahidi: Jami‘ al-Ghurar

The Qur‘an

- Al-Hurr: Risalat Tawatur al-Qur‘an

Geneology

- Abu‘l-Hasan al-Sharif al-Futuni: Al-Ansab
- Baha‘i: Mashajjarat al-Rijal, Nasab Namah va Shahareh
- Ahmad al-‘Alawi: Risala dar Nasab-i Mu‘awiyah ‘alayhi al-La‘na wa al-‘Adhab

until Timurid times in 803/1400. The final part deals with the calamities and upheavals of the end of time and the day of judgment. See Al-Dhari‘a, vol.11, 1st edn. (Najaf & Tehran, 1378q/1959), 277-8.
This is a work on the ghawwat (battles) of Haydar al-Karrar, possibly the great grandfather of the Safavids. It is mentioned in A‘yan, vol.9, (Beirut, 1983): 364.
It is a published work on Shi‘ite creed (usul and furu‘), and ethics. See Al-Dhari‘a,
It is a work of two parts, the first on usul al-din, more specifically kalam, and the second on usul al-fiqh.
It is not clear whether I`jaz al-Asnaf deals with the Qur‘an.
Hada‘iq presents the geneologies of kings, sayyids and prominent scholars and men. It was arranged in a somewhat complicated manner which
Letters, Official Correspondences

- Baha’i: Namaha-yi Shaykh-i Baha’i beh Mir Damad, Mukatabat al-Shaykh al-Baha’i, Pasukh-i Baha’i beh Shaykh Lutfullah

Rihla/Safarnamah

- Husayn b. ‘Abd al-Samad: Al-Rihla

Translation from Arabic into Persian

- Baha’i: Al-Risala al-Imamiyya
- Ibn Khwatuun: Tarjama Qutbshahiyya, a translation of Kitab al-Arba’in of Baha’i
- Ahmad b. al-Husayn b. al-Hasan al-Musawi, brother of Mirza Habibullah: Tarjamat Kashkul al-Baha’i
- Muhammad Ashraf b. ‘Abd al-Hasib al-‘Alawi: Masa’ib al-Nawasib

Copying and Error

- Al-Hurr: Manzuma fi Qawa’id al-Khatt wa al-Kitaba
- Mir Damad: Al-Tashifat

Peculiar Sciences (‘Ulum Ghariba)

- Baha’i: Al-Jafr

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Motivated him to write the simplified version of it, namely Kashf al-Niqab. See Al-Dhari’a, vol.2, (Najaf, 1355/1936), 371-2. See also Al-Dhari’a, vol.21, (Najaf & Tehran), 232-3.

20 It was published in Fada’il al-Sadat. See Al-Dhari’a, vol.5, 193.

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