Christians in early and classical Shī‘ī law

David M. Freidenreich

Most Western research into Islamic law governing Christians and other non-Muslims focuses on Sunnī sources. This is to be expected, as Sunnīs have always comprised the vast majority of Muslims. Shī‘ī treatments of this subject, however, differ in some significant ways from those of their Sunnī counterparts and therefore merit attention in their own right. Studies that do address the status of non-Muslims in Shī‘ī law focus primarily on modern sources, specifically those that have shaped the lives of Jews and Christians in Iran; of particular note is Daniel Tsadik’s ‘The legal status of religious minorities: Imāmī Shī‘ī law and Iran’s constitutional revolution’.

Indeed, relatively little scholarly attention has been paid to the legal status of non-Muslims in Shī‘ī works from before 1501, the year in which the Safavid dynasty that imposed Imāmī Shī‘īsm in Iran rose to power. As a result, the medieval evolution of distinctly Shī‘ī norms regarding Christians and other non-Muslims remains poorly understood. The present essay offers an initial foray into this largely uncharted territory; I hope to produce a more comprehensive study of the legal status of non-Muslims in early and classical Shī‘ī law in the coming years.

Islamic law is based not only on the Qur’ān but also and especially on the sunna, the practice of Muḥammad and those closest to him as reported in thousands of Hadiths. Sunnīs and Shī‘īs ascribe legitimacy to different collections of Hadiths, stemming from different early Islamic authorities. Shī‘īs – properly speaking, the Shī‘a at ʿAlī, partisans of ʿAlī – believe that authority to guide the Islamic community after the Prophet’s death rests in the hands of his descendants through his cousin and son-in-law ʿAlī ibn Abī Ṭālib (d. 660); these descendants are known as the Imāms. Shī‘ī Hadith collections and works of law consequently preserve the statements and practices of Muḥammad and the Imāms, whereas Sunnīs turn instead to Hadiths.

associated with Muḥammad and Muslims who lived during or shortly after his lifetime. The three major groups of Shīʿīs – the Zaydis, the Ismāʿīlis, and the Imāmīs – differ regarding the true chain of Imāms; legal scholars within each group orient themselves toward the teachings transmitted within their own particular community. This essay focuses primarily on legal texts from the Imāmī community, the largest of the Shīʿī groups. It also cites statements by the foremost Ismāʿīlī legal authority, al-Nuʿmān ibn Muḥammad (al-Qādī, d. 974); Zaydi sources receive only minimal and insufficient attention.2

Sunnīs and Shīʿīs differ not only with respect to their conceptions of authority and the substance of their Hadith literature, but also with respect to numerous aspects of practical law. Laws relating to Christians (and Jews) are among those over which Sunnīs and Shīʿīs disagree. These differences reflect a fundamental disparity with regard to the ways in which Sunnīs and Shīʿīs classify non-Muslims. Sunnīs perceive Christians both as dhimmīs, protected non-Muslims granted second-class citizenship under Muslim rule, and as Scripturists (People of the Book), adherents of a religion based on a divinely revealed scripture. Shīʿīs, in contrast, define Christians as dhimmīs and as kāfirīs, unbelievers whose religion is not acceptable before God. Laws that treat Christians as either Scripturists or kāfirīs, in contrast, tend to be ‘reflexive laws’, whose regulations apply primarily to Muslims themselves.3

---


2 On the distinction between imposed law and reflexive law, see D. Freidenreich,