CHAPTER 17

An Eleventh-Century Justification of the Authority of Twelver Shiite Jurists

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Patricia Crone’s *God’s Rule* addresses the topic of legitimate government in the first six centuries of Islamic history from the perspectives of the Zaydī, Imāmi, and Ismā‘īlī Shiites, the Kharijites, the Umayyad and Abbasid Caliphs, Mu‘tazili and Ash‘ari theologians, and the Party of Hadith, making it the most comprehensive study of the Imamate to date. The work is also important for its insights into Islamic religious authority in general, and not just the political variety, for it clarifies a point that often remains muddled in other studies: namely, that various groups have laid claim to religious authority in the course of Islamic history, including caliphs, sultans, theologians, jurists, and hadith scholars, and that these groups, far from coexisting in harmony, have perpetually been in potential, if not always real, conflict. While Crone does not make this conflict of authorities the framework of *God’s Rule*, its chapters provide ample evidence of the contests between competing groups and the historical shifts they have undergone, as well as the resolutions and compromises that they reached. A particularly interesting case is that of the Imāmī or Twelver Shiites, whose tradition presents a historical problem with regard to religious authority, which passed, historically, from their Imams to Twelver Shiite jurists. Crone addresses this issue with insight, noting in particular a theory of delegation (*tafwīḍ*) presented by al-Shaykh al-Mufīd (d. 413/1022), a leading scholar of the Twelver Shiites living under Buwayhid rule in Iraq (945–1055), to justify the jurists’ authority. The key texts for this delegation are al-Mufid’s discussion of the execution of the prescribed punishments (*ḥudūd*) in his legal manual *al-Muqniʿa* and a similar discussion, based on that of al-Mufid, by al-Shaykh al-Ṭūsī (d. 460/1067) in his legal manual *al-Nihāya*.1 The following

1 Patricia Crone, *God’s Rule*, 243, 290, 292–3, 295–6, 300, 303. This usage of the technical term *tafwīḍ* is to be distinguished from another important usage in Shi‘ite theology to denote the doctrine – viewed as heretical by scholars such as al-Mufid – that while the Imams are not divine, God delegated to them His powers to create the world, all that is in it, and all acts. McDermott, *Theology of al-Shaikh al-Mufid*, 114. The few studies that have commented on al-Mufid’s theory of legal delegation, to the best of my knowledge, are Moussavi, *Religious
remarks examine another justification for the jurists’ authority by Abū al-Faṭḥ al-Karājikī (d. 449/1057), a student of al-Mufid.

Defining religious authority and addressing attendant questions of orthodoxy and heresy have proved thorny tasks in scholarship on the history of Islam, and the models that investigators have used to analyze such questions to date have often been simplistic and inadequate. Some scholars deny that religious authority exists as such in Islam, usually remarking that it lacks the papacy, ecclesiastical hierarchy, synods, and ratified creeds of Christianity. Others identify a single religious authority as determinative for Islam as a whole, often that of the Caliphs or theologians. A slightly more sophisticated approach, an attempt to reconcile evidence of two competing authorities, involves the claim that a synthesis has occurred which melds both into a single orthodox approach. Thus, al-Ghazālī (d. 505/1111) supposedly synthesized Islamic law and mysticism, creating a single Sunni orthodoxy that has lasted from his time until the present. A number of recent studies, however, describe in clear terms the existence of multiple authorities within Islam and admit that they exist in actual or potential conflict and that they have not been neutralized by a claimed synthesis.

Islamic history shows many instances of a radical shift from one regime of religious authority to another, and the rise of the authority of Twelver Shiite jurists is particularly striking, given that Shiite Islam is widely held, not least by the Shiites themselves, to be based on the exclusive authority of the current Imam, who is “God’s proof” on earth, the sole true representative of the Prophet Muhammad’s legacy. According to Twelver Shiite doctrine, the lay believer must pledge allegiance to the Imam of the current age, the legitimate successor of the Prophet Muhammad as leader and guide of the Muslim community. The

Authority, 66, 70–1, 149–50, 218, 221; Bayhom-Daou, Shaykh Mufid, 121–9; Gleave, “Shi‘ī Jurisprudence.”

2 For an example of exclusive attention to theology, see Henderson, Construction of Orthodoxy. For an example of exclusive attention to the Imamate, see Henri Laoust, Les schismes dans l’islam.

3 Stewart, “Authority and Orthodoxy”; Stewart, Islamic Legal Orthodoxy; Cornell, Realm of the Saint; Buehler, Sufi Heirs of the Prophet; Cooperson, Classical Arabic Biography; Abou El-Fadl, Speaking in God’s Name; Kugle, Rebel between Spirit and Law; Takim, The Heirs of the Prophet; Schmidtke and Kramer, Speaking for Islam; Aigle, Les autorités religieuses; Clayer et al., L’autorité religieuse.

4 It is nevertheless true that for Sunni societies, the regimes of juristic and monarchical authority have often enjoyed a long and stable existence in partnership or compromise, at least from the eleventh century to the eighteenth century, and one could even argue to the present day in some societies.