

THE RISE OF A SHI'ITE LEARNED BODY:  
THE OFFICES OF  
MUFTI, FAQĪH AND QĀDĪ\*

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The development of the institution of 'ulamā' (sg. *'ālim*) in the Muslim community begins by the assignation of an authoritative status to the citation of the Traditions of the Prophet. That is to say that the transmitters of Prophetic Traditions acquire religious authority as the repository of one of the most needed lores of the times. In the same manner, the Shi'ite learned body emerged at the beginning of the 2nd century A.H. when more emphasis was laid upon the utterances of certain members of the House of the Prophet. As with Sunnism, the Shi'ite learned body consisted of first an *'ālim*, followed by a mufti, *faqīh* and *qāḍī*. The development of these offices will be dealt with in this survey. I will also have occasion to refer to designations such as *nā'ib* (deputy [for the Imams]), *bāb* (gate[of the Imams]), *naqīb* (head of the Alids) and *rāwī* (the transmitter of the tradition) who played a part in the evolution of the institution of 'ulamā' in Shi'ism.<sup>1</sup>

The learned body with a Shi'ite orientation made its first appearance from among the disciples of Imam Muḥammad al-Bāqir (d. 117/735) and Imam Ja'far al-Šādiq (d. 148/765) who were also often considered by contemporaries as learned (*'ālim*). The very adjectives *bāqir al-'ulūm*

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\* This paper appears as chapter two of my book *Religious Authority in Shi'ite Islam: From the Office of Mufti to the Institution of Marja'* (Kuala Lumpur: ISTAC, 1996).

<sup>1</sup> The emergence of *mujtahid* and *marja'* took a different course in Shi'ism and will not be discussed here.

(the splitter of knowledge, i.e., scrutinizer) for the Fifth Imam, and *al-ṣādiq* (the truthful) for the Sixth Imam indicate their theological status in the Islamic community. Ya'qūbī, the well-known historian of the 3rd/9th century, wrote: "He [Imam Ṣādiq] was the best of his time and the most learned in the religion of God."<sup>2</sup> It was customary for scholars who relate anything from Imam Ṣādiq to say: "The Learned One informed us."<sup>3</sup>

Broadly speaking, the time of these Imams was the period of the Successors of the Companions of the Prophet (*al-tābi'ūn*) with whom the positions of Muslim jurists in the capacity of mufti, *faqīh* and *qāḍī* were established. Prior to the time of the Successors, there was less need to inquire about the normative tradition (*al-sunnah*) since the Islamic community headed by the Companions of the Prophet had been practicing their direct understanding of the prophetic instructions without feeling much need to analyze them. It was among the Successors and under the reign of the Umayyads that the position of the learned in the Traditions (*'ālim bi'l-ḥadīth*) found its definitive shape and *'ilm* came to be regarded as knowledge of *ḥadīth*. The seven jurists, who are considered as transmitters of *'ilm* and pioneers of *fiqh*, all belonged to the first generation of the Successors. The Companions of the Prophet had not been specifically addressed as *faqīh*, but rather, as the bearers of knowledge (*ḥamalāt al-'ulūm*) which is, for example, how Ya'qūbī addressed them.<sup>4</sup> Moreover, the religious attitude of

<sup>2</sup> Aḥmad b. Abī Ya'qūbī, *Tārīkh al-Ya'qūbī*, 2 vols. (Beirut: Dār Ṣādir, n.d.), 2: 381; concerning the meaning of *bāqir al-'ulūm*, see p. 320.

<sup>3</sup> Husain M. Jafri, *The Origin and Early Development of Shī'a Islam* (London: Longman, 1979), 260.

<sup>4</sup> Ya'qūbī, *Tārīkh*, 2: 213. Ya'qūbī applied the title of *faqīh* for the learned jurists of the late Umayyad period, *ibid.*, 240, 282, 329, 348, 381 and 390. The seven jurists who are considered pioneers of Sunnī jurisprudence are: Sa'īd b. al-Musayyab, Qāsim