

# Twelver Shiite Scholars' Position on Adopting Hadiths Transmitted by Sunnis and Non-Twelver Shiites

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**ABSTRACT:** This article deals with the positions taken by Twelver Shiite hadith scholars on the question of adopting hadiths narrated on the authority of *al-‘amma*, that is, non-Shiites. The article begins by defining the terms *al-‘amma* and *al-khāṣṣa* as employed by the Twelver Shiites and the evolution of their meanings, noting that the issue of adopting narratives passed down on the authority of *al-‘amma* had not been resolved among Shiite scholars when the Shiite sect emerged in the first and second centuries AH, during which time numerous hadiths were being passed down by Shiites through *al-‘amma*. However, once the idea of the minor occultation had crystallized, and following this, the major occultation, Shiite scholars began restricting the use of narratives passed down via *al-‘amma*. Shiite scholars were divided into two groups over the question of adopting hadiths narrated on the authority of *al-‘amma* (Sunnis) and non-Twelver Shiites, with the first group approving this practice, and the second group forbidding it on the grounds that Sunnis and non-Twelver Shiites were not believers in the twelve imams.<sup>1</sup> Thus, a doctrinal debate arose over the qualifications of hadith narrators which had nothing to do with the status of the hadith, or whether the person who had transmitted the hadith had sat directly with the imam on whose authority he had narrated it.

**Keywords:** hadith, *al-‘amma*, *al-khāṣṣa*, Shiite, Twelver, Imami, the People of Consensus.

## Introduction

Shiite hadith scholars have used the terms *al-‘amma* and *al-khāṣṣa*<sup>2</sup> to communicate two sets of meanings. In the first use, *al-khāṣṣa* refers to the companions

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<sup>1</sup>In Shiite terminology, a believer (*mu‘min*) is anyone who believes in the Imamate.

<sup>2</sup>*Al-Khāṣṣa* is a term used to refer to the Twelver Shiites, as contrasted with *al-‘amma*, which refers to the Sunnis. The term *al-khāṣṣa* ("the elite") is a complementary term which the Shiites apply to themselves, as they view themselves as the most worthy of those to have emulated the example (*sunna*) of the Prophet, and a special Muslim sect. The Shiites hold that during the time of the imams, especially the earliest ones, the followers of the Prophet's family (*ahl al-bayt*) were a small but elite minority who were opposed by the majority of Muslims. See Muḥsin al-Amīn, *A ḡān al-Shī‘a*, ed. Ḥasan al-Amīn (Beirut: Dār al-Ta‘āruf li-l-Maṭbū‘āt, 1998), 1:24; Muḥammad Bākārīm Bā ‘Abd Allāh, *Wasāṭiyyat Ahl al-Sunna bayn al-Firaq* (Riyadh: Dār al-Rāya, 1994), 138;

of the twelve imams, while *al-‘amma* refers to the entire Shiite sect. In the second, by contrast, the term *al-khāṣṣa* refers to the Twelver Shiites to the exclusion of others, such as the Zaydiyya, the Faṭḥiyya, the Wāqifiyya, or the Batriyya (or Butriya), as well as the Ghāliya (Extremists),<sup>3</sup> while *al-‘amma* refers to those who followed the caliphs Abū Bakr and ‘Umar while slandering ‘Alī, that is, the Sunnis.<sup>4</sup> For the purposes of this article, it is the second usage which will be adopted. That is to say, the term *al-khāṣṣa* will refer to all members of the Twelver Shia sect, while the term *al-‘amma* will refer to Sunnis and non-Twelver Shiites.

The reason for the evolution in the meanings of the terms *al-‘amma* and *al-khāṣṣa* is that after the age of the twelve imams had passed, Shiite hadith scholars began judging

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Mohammad Reza Jadeedinejad, *Mu‘jam Muṣṭalaḥāt al-Rijāl wa-l-Dirāya* (Qom: Mu‘assasat Dār al-Ḥadīth al-Thaqāfiyya, 1380 AH/1960 CE), 59; Ibrahim Surūr, *al-Mu‘jam al-Shāmil li-l-Muṣṭalaḥāt al-‘Ilmiyya wa-l-Dīniyya* (Beirut: Dār al-Hādī, 2008), 485.

<sup>3</sup> These names are given to Shiite sects that no longer exist, with the exception of the Zaydiyya sect. The term "Extremists" (*al-ghāliyya*) differs from the others in that it includes numerous sects that promote views of the Imam and interpretations of Islamic laws that depart from the general consensus of the Muslim community. The name al-Qaṭriyya refers to a Shiite sect which held that after the death of Imam Mūsā b. Ja‘far, the imamate passed to his son ‘Alī b. Mūsā al-Riḍā. As for al-Wāqifiyya, it is a sect according to which the Imamate came to an end with Mūsā b. Ja‘far al-ṣādiq. Adherents of al-Wāqifiyya held that Imam Mūsā b. Ja‘far remained alive in occultation and would return when God permitted him to do so. And as for the Bushriyya, it was a sect which taught that ‘Alī was the best of people after the Messenger of God. See Nabila ‘Abd al-Mun‘im Dāwūd, *Nash‘at al-Shī‘a al-Imāmiyya* (Beirut: Dār al-Mu‘arrikh al-‘Arabī, 1994), 251-252.

<sup>4</sup>See ‘Abd Allāh b. Muḥammad al-Māmaqāni, *Miqbās al-Hidāya fī ‘ilm al-dirāya*, ed. Muḥammad Riḍā al-Māmaqāni (Qom: Mu‘assasat Āl al-Bayt li lhyā’ al-Turāth, 1411 AH/1991 CE), 3: 76; ‘Alī b. al-Ḥusayn al-Khāqāni, *Rijal al-Khāqānī*, Second Edition, ed. Muḥammad Ṣādiq Baḥr al-‘Ulūm (Qom: Maktab al-‘Ilām al-Islāmī, 1404 AH/1983 CE), 2: 328; and Muḥammad Bāqir al-Bahbahānī, *al-Fawā‘id al-Ḥā‘iriyya* (Qom: Majma‘ al-Fikr al-Islāmī, 1414 AH/1993 CE), 36.

the authenticity of hadiths based on the doctrine adhered to by the narrator, not on whether he had been a companion of the imam or sat in his presence and heard the hadith directly from him. Hence, the meaning of the term *al-‘amma* gradually changed from those ignorant of the inward knowledge bestowed by the imam, to those who were opposed to the Twelver Shiite doctrine. This change was significant because, whereas a person who is merely ignorant will still attain salvation because he remains a follower, someone who differs with Shiite doctrine by denying the imamate of the imam will be doomed to perdition. As a consequence, the terms *al-‘amma* and *al-khāṣṣa* came to belong to a set of phrases which were referred to by scholars specializing in the discrediting or confirmation of the reliability of narrators (*ahl al-jarḥ wa-al-ta‘dil*) as “terms of praise and censure” (*alfāz al-madh wa-l-dhamm*).<sup>5</sup> Thus, these two terms came to be used in Twelver Shiite hadith criticism as a means of praising or censuring a narrator, and of identifying a hadith as trustworthy or weak. Consequently, the basis for declaring a hadith trustworthy or weak was now linked to the doctrine adhered to by its narrator.

In al-Kashshī’s (d. 369 AH/979 CE) book on narrator criticism, he wrote about those on whose authority one should and should not base one’s religion, saying:

I was told by Ḥamdawayh<sup>6</sup> and Ibrāhīm,<sup>7</sup> the sons of Nuṣayr, who said: We were told by Muḥammad b. Ismā‘īl al-Rāzī, who said: I was told by ‘Alī b. Ḥabīb al-Madā’inī on the authority of ‘Alī b. Suwayd al-Sā’ī, who said: I received a letter from Abū al-Ḥasan al-Awwal while he was in prison in which he wrote: As for what you have mentioned, ‘Alī, concerning those from whom you take the features of your religion, do not take them from anyone but our following [“our Shiites”]. If you go beyond them, you will have taken your religion from turncoats who have

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<sup>5</sup> See Miqbās al-Mamāqānī, *Miqbās al-Hidāya*, 67-90; Mīrzā Abū al-Ḥasan b. ‘Abdul-Ḥasan al-Mishkīnī, *Wajza fi ‘Ilm al-Rijāl*, ed. Zuhayr al-A‘rajī (Beirut: Mu‘assasat al-A‘lamī li-l-Maṭbū‘āt, 1410 AH/1990 CE), 73-84.

<sup>6</sup> Despite being unsighted, Ḥamdawayh b. Nuṣayr b. Shāhī, known as Abū al-Ḥasan, possessed great knowledge and understanding of jurisprudence, and had memorized many narratives. He was trustworthy, with sound beliefs, and was unparalleled in his day. See Muḥammad b. al-Ḥasan Ṭūsī, *Rijāl al-Shaykh al-Ṭūsī*, ed. Jawād al-Qayyūmī al-Iṣfahānī (Qom: Mu‘assasat al-Nashr al-Islāmī, 1415 AH/1994 CE), 421, Biography No. 6074-9; al-Ḥasan b. ‘Alī b. Dāwūd al-Ḥillī, *Rijāl B. Dāwūd* (Tehran: University of Tehran Publishing Institute, 1383 AH/1963 CE), 134, Biography No. 517.

<sup>7</sup> His full name was Ibrāhīm b. Nuṣayr b. Shāhī, a reliable and prolific narrator who did not narrate on the authority of the imams. See al-Ḥillī, *Rijāl B. Dāwūd*, 7, Biography No. 27.

betrayed God and His Messenger and betrayed their trust. They were entrusted with the Book of God, may He be glorified and exalted, but they have distorted and altered it. Thus, upon them is the curse of God and His Messenger, the curse of His angels, the curse of my honorable and righteous forefathers, as well as my curse and that of my followers [Shiites] until the Day of Resurrection.<sup>8</sup>

Once the era of the Imams had come to a close, some confusion arose regarding whom the followers of the Shiite sect should look to for religious guidance. This confusion appears to have intensified between the end of the era of the imams and the beginning of the minor<sup>9</sup> and major occultations.<sup>10</sup> This is due to the interruption of the

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<sup>8</sup> Muḥammad b. ‘Umar b. ‘Abd al-‘Azīz al-Kashshī, *Rijāl al-Kashshī*, validated, annotated, introduced and indexed by Ḥasan al-Muṣṭafawī (Mashhad: The Publishing Institution of Mashhad University, 1929), 10.

<sup>9</sup> The Minor Occultation is a Shiite term referring to the period of time during which the Twelver Shiites believe that Imam Muḥammad b. al-Ḥasan al-‘Askarī, also known as al-Mahdī, was in occultation in Samarra. During this period, which extended from 265 AH/878 CE to 329 AH/941 CE, four individuals close to the Mahdi conveyed his news, rulings, and messages to the Shiite masses. This period of minor occultation ended with the death of ‘Alī b. Muḥammad al-Samurī in 329 AH/941 CE, the last of the Mahdi’s four emissaries. The minor occultation, which lasted approximately 64 years, coincided with the Abbasid caliphate, including the caliphs al-Mu‘tamid, al-Mu‘taḍid, al-Muktafī, al-Muqtadir, al-Qāhir and al-Rāḍī. See M. G. S. Hodgson, “Ghayba,” *The Encyclopedia of Islam*, New Edition, II, 1026; and Dwight Donaldson, *The Shi‘ite Religion: A History of Islam in Persia and Irak* (London: Luzac & Company, 1933), 251-255.

<sup>10</sup> The Major Occultation is the Shiite designation for the long period of time during which the Twelfth Imam, Muḥammad b. al-Ḥasan al-‘Askarī, also referred to as the Mahdi, or the Hidden Imam, has been absent from people’s sight, and which will last until his reappearance at the end of time. According to Shiite sources, the Major Occultation began in 329 AH/941 CE, the year in which ‘Alī b. Muḥammad al-Samurī, the fourth emissary of the Mahdi, died. The notions of the Major Occultation and waiting for the Hidden Imam’s reappearance have contributed significantly to the survival of Twelver Doctrine and its predominance over other Shiite currents

emissaries' mission during the Minor Occultation, and its complete cessation during the Major Occultation.<sup>11</sup> The confusion among rank-and-file Shiites concerning whom to seek out for religious instruction appears to have resulted from the awareness of an alternative religious authority that had begun to emerge in place of the Shiite imams.

Shiite sources are filled with reports indicating that many hadith students and scholars attended study circles led by the imams, particularly the Fifth Imam, Muḥammad al-Bāqir (d.113 AH/731 CE) and the Sixth Imam, Ja'far al-Ṣādiq (d. 148 AH/765 CE), without having become Shiites themselves. However, the study circles of the first and second centuries AH were not segregated along sectarian or doctrinal lines. Thus, in keeping with the customs of the day, there would have been nothing unusual about a decision by someone like Sufyān al-Thawrī (d. 171 AH/777 CE) to attend the study circles of Ja'far al-Ṣādiq and narrate hadiths on his authority.<sup>12</sup> A similar case is that of Ismā'īl b. Abī Ziyād al-Sakūnī al-Sha'irī, a companion of Ja'far al-Ṣādiq who

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with differing notions about the concept of occultation and the Hidden Imam. See Muḥammad b. Ibrāhīm b. Ja'far b. Abī Zaynab al-Nu'mānī, *al-Ghayba*, ed. Fāris Ḥassūn Karīm (Qom: Mu'assasat Intishārāt Midyan, 2005); Hodgson, "Ghayba," 1026; and Donaldson, *The Shi'ite Religion*, 227-240.

<sup>11</sup> As indicated earlier, the four emissaries, also known as agents of the imams, served as agents and deputies for the Hidden Imam throughout his minor occultation (see Footnote 9 above). The four emissaries communicated with the Hidden Imam out of people's sight and conveyed his orders, rulings, and messages, also referred to *al-tawqī'āt* ("signatures") to the Shiite masses in Iraq in particular.

The four emissaries, sometimes referred to as deputies (*nuwwāb*), agents (*wukalā'*) or gates (*abwāb*), have been identified as: (1) Abū 'Umar 'Uthmān b. Sa'īd al-'Umarī; (2) Abū Ja'far Muḥammad b. 'Uthmān b. Sa'īd al-'Umarī; (3) Abū al-Qāsim al-Ḥusayn b. Rūḥ al-Nawbakhtī, from a well-established Shiite family in Baghdad whose forebear embraced Islam during the time of the Abbasid caliphate; and (4) 'Alī b. Muḥammad al-Samurl (or al-Saymarī, or al-Ḍaymarī), the last of the four emissaries whose death in 329 AH/941 CE marked the end of the Minor Occultation and the beginning of the Major Occultation.

<sup>12</sup> Al-Munṣif 'Abd al-Jalīl, "*Alāqat Sufyān al-Thawrī bi Ja'far al-Ṣādiq*," *Ḥawliyat al-Jāmi'ah al-Tūnisīyya*, No. 47 (2003), 25-62.

narrated hadiths on his authority according to Twelver Shiite collections of hadith narrator biographies.<sup>13</sup> The sources also tell us that Mālik b. Anas (d. 179 AH/795 CE) and Abū Ḥanīfa (d. 150 AH/767 CE) narrated hadiths on the authority of Ja‘far al-Ṣādiq.<sup>14</sup> Thus, Shiite hadith scholars were faced with the question of whether it was permissible to adopt hadiths that had been narrated by *al-‘amma*—that is, Sunnis—when such emphasis was placed on the need for the narrator to adhere to the right creed in order for his hadiths to be reliable.

In what follows, I will clarify the positions taken by Shiite hadith scholars on the acceptability of adopting hadiths narrated by *al-‘amma* (Sunnis), while identifying the Sunni narrators who were deemed trustworthy by Shiite hadith scholars and whose hadiths they endorsed.

### **The positions of Shiite hadith scholars on adopting hadiths narrated on the authority of *al-‘amma* (Sunnis)**

A careful examination of Shiite writings on hadith reveals two positions deserving of analysis. The first has to do with the narration of Shiite hadiths between the second and early third centuries AH. The second position is expounded by al-Kashshī (d. 369 AH/979 CE) in his *Rijāl*, or biography of hadith narrators. **The first position**

The period of Shiite history extending up to the early third century AH/ninth century CE was characterized by two distinguishing features with respect to adopting hadiths narrated on the authority of Sunnis (*al-‘amma*). The first of these is that Shiite doctrine had yet to crystallize in a definitive way. Indeed, its features changed markedly between the emergence of the disagreement over eligibility to succeed the Messenger of God, and the time at which the Twelver Shiites reached clarity in their belief that the Twelfth Imam was the awaited Mahdi. In his book on Shiite factions, al-Nawbakhtī (d. 300 AH/912 CE) points out the important shifts that occurred in Shiite doctrine, and in the attitudes of Shiite scholars towards adoption of hadiths narrated on the authority of the Imam by non-Shiites.

One such shift consisted in the emergence of a position which viewed Imam ‘Alī as possessing virtues and distinctions that surpassed those of all people but the Prophet, but which nevertheless acknowledged the leadership of Abū Bakr and ‘Umar, arguing that ‘Alī himself had bowed to their authority and voluntarily pledged allegiance to them as caliphs, and that Shiites are duty-bound to be satisfied with what ‘Alī himself

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<sup>13</sup>Al-Māmaqānī, *Miqbās al-Hidāya*, 1: 127.

<sup>14</sup> Muḥammad b. Aḥmad b. ‘Uthmān al-Dhahabī, *Tadhkirat al-Ḥuffāz* (Beirut: Dār al-Kutub al-‘Ilmiyya, 1998), 1: 166; Aḥmad b. ‘Alī b. Ḥajar al-‘Asqalānī, *Tahdhīb al-Tahdhīb* (Hyderabad: Dā‘irat al-Ma‘ārif al-‘Uthmāniyya, 1325 AH/1907 CE), 2: 88. Al-Khaṭīb al-Baghdādī does not include an account as lengthy as that included by Abū Ḥanīfa on the authority of al-Ṣādiq. See Aḥmad b. ‘Alī al-Khaṭīb al-Baghdādī, *Tārikh Madīnat al-Salām (Tārikh Baghdād) wa Dhayluhu al-Mustafād*, ed. Bashshār ‘Awwād Ma‘rūf (Beirut: Dār al-Gharb al-Islāmī), 1422 AH/2001 CE), 15: 444-585.

was satisfied with. Those who adopted this view were the early adherents of the Butriyya sect.<sup>15</sup>

There was also an important change in the Shiite position after the killing of al-Ḥusayn b. 'Alī on 10 Muḥarram 61 AH/10 October 680 CE with the emergence of the *Tawwābūn*, or Penants' Movement led by Sulaymān b. Ṣurad (d. 65 AH/684 CE),<sup>16</sup> a member of the Khuzā'a tribe and a Shiite notable of Kufa. Upon his death, Sulaymān b. Ṣurad was succeeded in Iraq by al-Mukhtār al-Thaqafī (d. 67 AH/686 CE),<sup>17</sup> who called for recognition of Muḥammad B. al-Ḥanafiyya (d. 81 AH/700 CE), the third son of 'Alī after al-Ḥasan and al-Ḥusayn. According to al-Nawbakhtī, al-Mukhtār's argument was that Ibn al-Ḥanafiyya, not his older brothers, had been his father's standard bearer at the Battle of the Camel in 36 AH/657 CE. The group led by al-Mukhtār, known as the Kaysāniyya,<sup>18</sup> declared Muḥammad b. al-Hanafiyya the Mahdi, though Ibn al-Ḥanafiyya himself denied this claim until his death in 81 AH/700 CE. Nevertheless, following his death, those who believed in his Imamate were divided amongst themselves. Of the resulting factions, two emerged as most important, one of which claimed that he had not died, and that he was living on Mount Radwa near Medina, and the other of which, known as the Hashemite sect, held that he had died, and that the imam after him was his eldest son 'Abd Allāh, nicknamed Abū Hāshim.<sup>19</sup> Still other groups attributed the Imamate to al-Ḥusayn's successor 'Alī Zayn al-'Ābidin, nicknamed al-Sajjād (the one who prostrates), his son Muḥammad al-Bāqir after him, and his son Ja'far al-Ṣādiq.

Two further points call for attention concerning this period. First, as noted earlier, the principal orientation of the Twelver Shiites had not yet solidified, as evidenced by their uncertainty as to whether to support Muḥammad al-Bāqir (d. 113 AH/731 CE) or his brother Zayd (d. 122 AH/739 CE). They were then divided following the death of Ja'far al-Ṣādiq in 148 AH/765 CE between allegiance to his son

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<sup>15</sup>There is a notable connection between this position and that taken by the Zaydiyya, who affirmed the imamate of Zayd b. 'Alī b. al-Ḥusayn b. 'Alī b. Abī Ṭālib. It is believed by some scholars that either the Zaydiyya arose out of the Butriyya, or the Butriyya make up the majority of Zaydis Ḥasan b. Mūsā al-Nawbakhtī, *Firaq al-Shī'a*, ed. Hibat al-Dīn al-Shahristānī (Najaf: al-Maṭba'a al-Ḥaydariyya, 1379 AH/1959 CE), 20-21; see al-Māmaqanī, *Miqbās al-Hidāya*, 85.

<sup>16</sup> For more on Sulaymān b. Ṣurad al-Khuzā'ī, see Etan Kohlberg, "Sulaymān b. Surad," in C.E. Bosworth, E. J. van Donzel, W. P. Heinrichs, and G. Lecomte (eds.), *Encyclopedia of Islam*. Vol. 9 (Second Ed.) (Leiden: BRILL, 1997), 826-827.

<sup>17</sup> For details on al-Mukhtār al-Thaqafī, see Gerald R. Hawting, "al-Mukhtār b. Abī 'Ubayd," in C. E. Bosworth, E. van Donzel, W. P. Heinrichs, and Ch. Pellat (eds.), *The Encyclopedia of Islam*, Second Edition, Vol. VII: *Mif-Naz* (Leiden: E. J. Brill, 1993), 521-524.

<sup>18</sup> Al-Nawbakhtī, *Firaq al-Shī'a*, 23.

<sup>19</sup> *Ibid.*, 29-31.

Ismā'īl (d. 143 AH/760 CE)<sup>20</sup> and his son Mūsā al-Kāzīm (183 AH/799 CE). In fact, some Shiites pledged allegiance to still another of Ja'far al-Šādiq's sons, 'Abd Allāh al-Afṭah (d.148 AH/765 CE),<sup>21</sup> while another group, named al-Sumayṭiyya after a leader of theirs known as Yaḥyā b. al-Sumayṭ,<sup>22</sup> would claim that Ja'far al-Šādiq's fourth son Muḥammad (d. 203 AH/818 CE) was the true Imam. Heinz Halm has concluded that it was not until 122 AH/739-740 CE—the year in which the revolt led by Zayd b. 'Alī was suppressed—that the Shiites settled on one of 'Alī's offspring.<sup>23</sup> Differences among Shiites over recognition of imams and decisions regarding who to favor over another would thus remain a recurring source of controversy.

The second point of note is the emergence of certain extreme claims, perhaps in response to the Shiites' acute awareness of the failure of their successive proselytization campaigns. This awareness was compounded by the suffering they endured under the Umayyads' unjust rule, and the erosion of the justice brought by the imams, whom the Shiites viewed as more important even than the Prophet. Perhaps it was this feeling that prompted some to claim that Muḥammad b. al-Ḥanafiyya had not died. Indeed, this belief would be adopted by the companions of Muḥammad b. Bashīr al-Asadī, known as the Bashīriyya, who maintained that Mūsā b. Ja'far al-Šādiq had not died or been imprisoned but that, to the contrary, he was the immortal Mahdī who could not die, and that at the time of occultation, he had appointed Muḥammad b. Bashīr as his successor.<sup>24</sup> A similar view was held by the Wāqifiyya,<sup>25</sup> followers of al-Ḥasan al-'Askarī (d. 260 AH/873 CE) who claimed after his death that he remained alive in occultation, saying, "he is immortal, and cannot die."<sup>26</sup> Some went so far as to say that the Imam been granted divine authority to create and sustain (*al-tafwīḍ*).<sup>27</sup> Writings on sects and their beliefs, as well as Shiite hadith collections, contain numerous narratives having to do with the Imam's knowledge, his miracles, his will, and the divine revelation that descended upon him. Even al-Kulaynī had no difficulty accepting such narratives, which he included in his book *al-Uṣūl min al-Kāfī* despite his vehement

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<sup>20</sup> Ibid., 67-78.

<sup>21</sup> Ibid., 76-77.

<sup>22</sup>H. Halm, *Shi'ism*, translated from German by Janet Watson (Edinburgh, Edinburgh University Press, 1991), 21.

<sup>23</sup> Al-Nawbakhtī, *Firaq al-Sh'ā*, 82.

<sup>24</sup> Ibid., 80-81.

<sup>25</sup> Ibid., 96.

<sup>26</sup> One meaning of the term *al-tafwīḍ* is the authorization of the Imam to create and sustain.

See al-Māmaqānī, *Miqbās al-Hidāya*, 87-88.

<sup>27</sup> Muḥammad b. Ya'qūb al-Kulaynī, *al-Uṣūl min al-Kāfī*, ed. 'Alī Akbar al-Ghifārī (Tehran: Islamic Book House, 1409 AH/1988 CE), 1: 283-344.

opposition to extremism and tireless efforts to give correct responses to exaggerated claims.<sup>28</sup>

This phase, through which Shiite doctrine passed prior to the Minor Occultation (between 874-941 CE), indicates that hadiths narrated on the authority of the Imam were connected to and mingled with hadiths being circulated by many groups that had embraced Shiism. These groups began composing hadiths attributed to the imams in order to strengthen supporters' devotion to them. Consequently, there was some hesitation to object to hadiths simply on the grounds that their conveyers were from the Butriyya or Wāqifiyya sect, for example. In fact, during the fourth and fifth centuries AH, a number of Twelver Shiite scholars devoted themselves to giving "rational" justifications for some extremist views of the Imam, despite their purported rejection of extremism and the fact that they viewed extremists as infidels.<sup>29</sup>

However, later Shiite hadith scholars employed derogative terms which had the effect of discrediting narrators associated with sects such as the Kaysāniyya, the Hashemite Ismā'īliyya, and the like despite the fact that, as we have seen, adherents of these sects had been among those whose narratives were accepted due to their devotion to the Prophet's family and, hence, their positive orientation toward Shiism. The only disagreements between them at that time had to do with the hierarchy of imams and the degree of religious authority possessed by this imam or that. Those connected to the imams and those who narrated hadiths on their authority lived in an era in which the foundations of Shiite theory were as yet vaguely defined apart from a general principle embodied in attachment to an imam and expressions of love for him. Hence, it would have made no sense to vilify people for holding differing views or to cast doubt on the credibility of their narrations unless one was viewing them from the standpoint of a later time, namely, the era in which the Twelver Shiite sect emerged after 260 AH/873 CE.

As for the second distinguishing feature of this era, it lies in the exceptional fame that was enjoyed by the study circles held by Muḥammad al-Bāqir and his son Ja'far al-Šādiq. Most of the hadiths which later scholars would include in the four Shiite hadith collections<sup>30</sup> seem to have first circulated in these two study circles, which helps

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<sup>28</sup> Muḥammad b. 'Alī B. Bābawayh al-Qummī al-Šadūq, *Risālat al-ʾItiqā dāt* (Najaf: Maṭba'at al-Ādāb, 1363 AH/1944 CE), 138-144; Muḥammad b. Muḥammad al-Shaykh al-Mufīd, *Awā'il al-Maqālat fī al-Madhāhib al-Mukhtārāt* (Tabriz: Maṭba'at Riḍā'i, 1364 AH/1944 CE), 39-42.

<sup>29</sup> al-Šadūq, *Risālat al-ʾItiqā dāt*, 138-144; al-Shaykh al-Mufīd, *Awā'il al-Maqālat*, 39-42.

<sup>30</sup> These are four ancient Shiite works which contain a large number of narrations, hadiths, and reports passed down on the authority of the Prophet and the imams with Shiite chains of transmission, and which bear little similarity to what is contained in Sunni hadith collections. These books are: (1) *Al-Kāfi fī al-Uṣūl wa-l-Furū'* by Muḥammad b. Ya'qūb al-Kulaynī, which contains 16,000 hadiths on Shiite doctrine and law; (2) *Man Lā Yaḥḍuruhu al-Faḥīh* by

to explain the fact that far more hadiths are attributed to these two imams than to any others. What should be stressed once again with respect to this era is that the gatherings of scholars specializing in Qur'anic interpretation, methods of recitation, hadith and scholastic theology were not segregated on the basis of clear doctrinal principles or beliefs but were, rather, scholarly gatherings led by people of varying persuasions. As a result, many eminent non-Shiite hadith scholars transmitted hadiths on the authority of these two imams (al-Bāqir and al-Ṣādiq). Mālik b. Anas, for example, as well as Abū Hanifa and Abd al-Raḥmān al-Awzā'ī (157 AH/773 CE), passed down hadiths on the authority of Ja'far al-Ṣādiq. Given the praise bestowed by Shiites on Mālik and al-Awzā'ī in particular, it appears that like others, Shiites regularly adopted these two men's narrations given the loftiness of their station. Shiite historical sources also mention that Muḥammad b. Shihāb al-Zuhri (d. 120 AH/737 CE), one of Medina's most erudite scholars and among its most prolific hadith transmitters and issuers of fatwas in his day, was a companion of 'Alī b. al-Ḥusayn (94 AH/712 CE).<sup>31</sup> Similarly, 'Abd al-Malik b. Jurayj (d. 150 AH/767-768 CE) is mentioned in Shiite sources as having frequented the study circles of Ja'far al-Ṣādiq and transmitted the hadith dealing with temporary marriage (*zawāj al-mut'a*) on his authority.

It appears that the Shiites also accepted hadiths narrated by Ibn Jurayj. Indeed, it was this acceptance on their part that required them to speak well of the man, classing him among those who "harbor affection for the Shiites."<sup>32</sup> Al-Māmaqānī mentions that Ibn Shahrāshūb (d. 588 AH/1192 CE) classed Sufyān b. 'Uyayna (d. 198 AH/813 CE), the leading jurist of Mecca in his day, "among the elite companions of al-Ṣādiq" despite his being a Sunni.<sup>33</sup> The phrase "among the elite companions of al-Ṣādiq" affirms the man's trustworthiness, thus justifying the adoption of narratives transmitted by him.

Based on the foregoing examples, it appears that during the era in question, scholars and hadith transmitters were not isolated from one another, nor did they limit their gatherings to their own followers. Rather, they would transmit one another's narrations, and accept narrations transmitted on each other's authority regardless of

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Muḥammad b. 'Alī b. Bābawayh al-Qummī, known as al-Shaykh al-Ṣadūq, which contains 6,000 hadiths on Islamic jurisprudence and legal rulings; (3) *al-Istibṣār fīmā Ukhtulifa min al-Akḥbār* by Muḥammad b. al-Ḥasan al-Ṭūsī, which contains 13,590 hadiths on Islamic jurisprudence and legal rulings; and (4) *Taḥdhīb al-Aḥkām fī Sharḥ al-Muqṣā'a* by al-Ṭūsī, which contains 16,000 hadiths on Shiite doctrine and law. See Donaldson, *The Shi'ite Religion*, 289-283; Muḥammad Husayn Tabāṭabā'ī, *Shi'ite Islam* (London: George Allen & Unwin Ltd, 1975), 110; and Etan Kohlberg, "Al-Uṣūl al-Arba'umi'a," *Jerusalem Studies in Arabic and Islam* 10 (1987), 128-166.

<sup>31</sup> 'Abd Allāh b. Muḥammad al-Māmaqānī, *Tanqīḥ al-Maqāl fī 'ilm al-Rijāl*, ed. Muḥammad Riḍā Māmaqānī (Najaf: al-Maṭba'a al-Murtaḍawiyya, 1930), 1: 132.

<sup>32</sup> *Ibid.*, 2:229.

<sup>33</sup> *Ibid.*, 2:39.

whether they sympathized with Shiites or some other sect. Scholars of that day were competent seekers of knowledge capable of memorizing vast amounts of material who critiqued the reports available to them, carefully examining and applying the conditions for accepting or rejecting this source or that.

From the foregoing it may be deduced that as of the first and second centuries AH, the distinction between *al-‘amma* and *al-khāṣṣa*—or, in modern parlance, between an “in-group” and an “out-group” within Islamic circles—had not yet arisen. Rather, this distinction emerged as a result of the Sunni-Shiite controversy, whose intellectual and religious foundations and repercussions would become visible only after the Twelver Shiite doctrinal theory was fully formed, that is, during the period known as the Minor Occultation and the beginning of the Major Occultation in 941 CE. It is most likely, in my view, that during the historical period in question, the adoption of a given hadith did not depend on which study circle the hadith transmitter attended or on some particular doctrinal criterion. Indeed, the adoption of hadiths narrated by other scholars was a widespread and accepted practice among Sunnis and Shiites alike. The only thing that may have called for hesitation, verification, and caution would have been the fact that some hadith narrators had begun attributing exaggerated qualities and abilities to the Imam in order to elevate his status. However, the default mode among hadith scholars was to adopt each other’s hadiths in a spirit of mutual trust.

Nevertheless, the first class of Twelver Shiite scholars felt the need to critique and reorder this inherited store of sayings and hadiths, classifying them in keeping with their Twelver Shiite doctrine. Their most salient contributions to the field of doctrine were to firmly root their beliefs, as al-Qummī did in his “Treatise on Beliefs” (*Risalat al-Tiqādāt*), and to lay down conditions for adopting hadith narratives on the authority of the Imam, as we see in *Rijāl al-Kashshī*.

### **B . The second position: Restricting the adoption of narratives on the authority of Sunnis: from al-Kashshī to al-Ṭūsī**

Abū ‘Amr al-Kashshī is credited with having been the first to narrate the report of consensus (*khābar al-ijmā‘*) on the authority of his sheikhs.<sup>34</sup> Al-Kashshī’s practice was also adopted by al-Najāshī (d. 588 AH/1192 CE) and Abū Ja‘far al-Ṭūsī, who defined consensus in his book *Rijāl al-Shaykh al-Ṭūsī* in a step-by-step manner. He first expounded on the virtue of narration and hadith, after which he specified the qualifications of the hadith transmitter who is worthy of providing religious teaching. Al-Ṭūsī then went on to list those individuals whose trustworthiness had been confirmed by the “people of consensus” (*aṣḥāb al-ijmā‘*)<sup>35</sup> as sources of instruction on

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<sup>34</sup> That is to say, al-Kashshī was the first to transmit reports conveying the views of the infallible imams (*khābar al-ijmā‘*) via his shaykhs, who had in turn passed them down on the authority of the Imams’ close companions.

<sup>35</sup> The People of Consensus (*aṣḥāb al-ijmā‘*) is a term used among Twelver Shiites in the field of *‘ilm al-rijāl*, or the science of hadith narrators, to refer to eighteen companions of the imams who lived between the end of the first century and the early third century AH. These eighteen

what is religiously permitted and forbidden. The most important of the three reports mentioned by al-Kashshī<sup>36</sup> has to do with the Twelver Shiites' agreement at that time on three classes of narrators whom they deemed to be sources of reliable and authoritative religious instruction, and all of whom had been companions of the Imam.

The first class consisted of six individuals who had been companions of Muḥammad al-Bāqir and Ja'far al-Ṣādiq, namely: Zurāra b. A'yan (d. 150 AH/767 CE), Ma'rūf b. Kharbūdh, Burayd b. Mu'āwiya al-'Ijlī (d. 150 AH/767-768 CE), Abū Buṣayr al-Asadī (or Abū Būṣayr al-Murādī, who was Layth b. al-Bakhtarī (d. 148 AH/765 CE)),<sup>37</sup> al-Fuḍayl b. Yasār (d. before 148 AH/765 CE), and Muḥammad b. Muslim b. Rayyāḥ al-Ṭā'ifī (d. 150 AH/767-768 CE). The most learned of the six is said to have been Zurāra.

The second class also included six people, who were the juvenile companions of Ja'far al-Ṣādiq: Jamīl b. Darrāj (d. after 183 AH/799 CE), 'Abd Allāh b. Muskān (d. before 183 AH/799 CE), 'Abd Allāh b. Bukayr (d. 175 AH/791 CE), Ḥammād b. 'Uthmān (d. 190 AH/805 CE), Ḥammād b. 'Īsā (d. 208-209 AH/823-824 CE), and Abān

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men, who were famed for their knowledge of jurisprudence and hadith, were divided into three groups of six. Research conducted by scholars of *'ilm al-rijāl* have discussed the possibility of declaring authentic any narrative properly transmitted on the authority of any one of these men. Such a narrative is to be deemed authentic in its entirety and acted upon regardless of the conditions of the remaining narrators, from the People of Consensus to the infallible Imam. The first scholar to discuss the issue of the People of Consensus was al-Kashshī, who listed six companions of Imam al-Bāqir, six companions of Imam al-Ṣādiq, and six companions of the two imams al-Kāẓim and al-Riḍā. See al-Ḥasan b. 'Alī B. Dāwūd al-Ḥillī, *Rijāl B. Dāwūd* (Najaf: Manshūrāt al-Maṭba'a al-Ḥaydariyya, 1972), 30, 55, 66, 77, 84, 124, 233; Muḥammad b. Shahrāshūb, *Manāqib Āl Abī Ṭālib* (Najaf: al-Maṭba'a al-Ḥaydariyya, no date), 3: 340; Muḥammad b. al-Ḥasan al-Ḥurr al-'Āmilī, *Wasā'il al-Shī'a* (Qom: Mu'assasat Āl Bayt, 1409 AH/1988 CE), 30: 224; Muḥammad b. Ḥusayn al-Bahā'ī, *Mashriq al-Shamsayn wa-lksīr al-Sa'ādatayn* (manuscript) (Qom: Manshūrāt Maktabat Baṣīratī, no date), 270; Muḥammad Bāqir al-Mīr Dāmād, *al-Rawāshih al-Samāwīyya* (Qom: Dār al-Ḥadīth li-l-Ṭibā'a wa-l-Nashr, 1422 AH/2002 CE), 78.

<sup>36</sup> Al-Kashshī, *Rijāl al-Kashshī*, 206, 322, 466.

<sup>37</sup> Ibid., 206.

b. 'Uthmān (d. 140 AH or 200 AH/758 or 815 CE). The most learned of the six was said to be Jamīl.<sup>38</sup>

The third class consisted of six men who were companions of Imams Mūsā al-Kāzīm (d. 183 AH/799 CE) and 'Alī al-Riḍā (d. 203 AH/818 CE), namely, Yūnus b. 'Abd al-Raḥmān (d. 208 AH/823 CE), Ṣafwān b. Yaḥyā al-Bajalī (d. 210 AH/825-826 CE), Muḥammad b. Abī 'Umayr al-Azdī (d. 210 AH/825 CE), 'Abd Allāh b. al-Mughīra (b. 183 AH/99 CE), al-Ḥasan b. Maḥbūb (d. 224 AH/838 CE), and Aḥmad b. Muḥammad b. Abī Naṣr al-Bīzanṭī (d. 217 AH/832 CE). Some have referred to al-Ḥasan b. Maḥbūb as al-Ḥasan b. 'Alī b. Faḍl (d. 224 AH/838 CE) and Faḍḍāla b. Ayyūb (b. 183 AH/799 CE), while others replaced Faḍḍāla b. Ayyūb with 'Uthmān b. 'Īsā (d. 251 AH/865 CE). The most learned of these were said to be Yūnus b. 'Abd al-Raḥmān and Ṣafwān b. Yaḥyā.<sup>39</sup>

It is noteworthy that these three groups did not include the *abwāb* ("gates"), that is, the senior disciples and authorized deputies of the current Imam, nor his *wukalā'* (agents), who were the closest of all people to the imam, the most knowledgeable concerning the issues that people inquired about, and those who had memorized the most of his statements and declarations. It is likewise notable that the "report of consensus" (*khabar al-ijmā'*)<sup>40</sup> which al-Kashshī was the first to pass on did not include the most elite of the imams, but, rather the companions of four specific imams, namely, al-Bāqir, al-Ṣādiq, al-Kāzīm, and al-Riḍā, which testifies to the unique scholarly status that was enjoyed by their study circles. The consensus among the Twelver Shiites concerning the aforementioned classes and the group of six notables may have arisen gradually after the role of the "emissaries" (*sufarā'*) had come to an end in 329 AH/940 CE. Moreover, the consensus concerning the duty to believe these narrators opened the way for rank-and-file Shiites to accept juristic rulings from them.

However, this consensus did not prevent people from turning to other companions of the imams and those who narrated on their authority, of whom there were many. Scholars who specialized in classifying hadith narrators were aware of this fact. In his work entitled, *Miqbās al-Hidāya*, al-Māmaqānī stated,

Trustworthy individuals have testified to the reliability of countless numbers of narrators other than the People of Consensus, and given their reliability, the [Shiite] sect has acted in accordance with their reports. According to al-Shaykh al-Mufīd, b. Shahrāshūb, al-Ṭabarsī and others, four thousand trustworthy individuals have narrated on the authority of al-Ṣādiq. To this, al-Ṭabarsī adds that in his classification of answers to [juristic] questions, he has come upon four hundred renowned *uṣūl* (singular, *aṣl*), that is, works consisting of what their authors heard directly from the Imam, or from others on his authority.<sup>41</sup>

However, the problem that faced Shiite authors of works on hadith narrators was the fact that adherents of the Faṭḥiyya, Batriyya, and Wāqifiyya sects, as well as a

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<sup>38</sup> Ibid., 322.

<sup>39</sup> Ibid., 466.

<sup>40</sup> See Footnote 34 above.

<sup>41</sup> Al-Māmaqānī, *Miqbās al-Hidāya*, 72.

number of Sunnis, were companions of the imam, while some of them belonged to his elite circle. In fact, some of them had narrated numerous hadiths on his authority, while some had written an *aṣl* based on his teachings. Matters were complicated further when the Imam spoke in praise of one of these companions who did not belong to the Twelver Shiite community. Imam Mūsā al-Kāzīm was quoted as saying, “I asked my Lord to make ‘Ammār my follower,<sup>42</sup> and He granted my plea,”<sup>43</sup> this ‘Ammār having been an adherent of the Faṭḥiyya sect. A similar situation arose when Imam al-Ḥasan al-‘Askarī commended the writings of Banū Faḍḍāl, who were also affiliated with the Faṭḥiyya.<sup>44</sup> Twelver Shiite scholars spoke well of the sons of al-Sakūnī, Ḥafṣ b. Ghayyāth, Ghayyāth b. Kallūb, Nūḥ b. Darrāj, and Ṭalḥa b. Zayd, and acted in accordance with the hadiths they had narrated even though they were all Sunnis.

The solution that appears from al-Kashshī’s classification, and which was approved after him by al-Najāshī and al-Ṭūsī, is based on a combination of two opinions. According to the first opinion, the agreement of the ‘People of Consensus’ on the importance of believing the aforementioned elite companions of al-Bāqir, al-Ṣādiq, al-Kāzīm and al-Riḍā and of adhering to the reports they narrated on the authority of the imams need not prevent one from affirming the trustworthiness of other imams and abiding by what they transmitted. In other words, the fact that a given narrator was a companion of the Imam was itself a form of praise which provided justification for

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<sup>42</sup> Ammār b. Mūsā al-Sābāṭī was a Kufan who hailed originally from al-Madā’in (an ancient metropolis founded by the Sasanian Empire and situated on the Tigris River in what is now Iraq). Shiite scholars have differed regarding his doctrine, his reliability, and the authenticity of his reports. Nevertheless, extensive reports attributed to him appear in the four books (see Footnote 30 above). See al-Kashshī, *Rijāl al-Kashshī*, 411, No. 639 and 327, No. 471; al-Kulaynī, *al-Uṣūl min al-Kāfī*, 3: 362; al-Ṭūsī, *Tahdhīb al-Aḥkām*, Fourth Edition, ed. ‘Abīr al-Ākhwandī (Tehran: Dār al-Kutub al-Islāmiyya, 1365 AH/1945 CE), 7: 11; al-Ṭūsī, *al-Istibṣār fīmā ukhtulifa min al-akhbār*, Third Edition (Tehran: Dār al-Kutub al-Islāmiyya, 1390 AH/1970 CE), 1: 37; Ja‘far b. al-Ḥasan al-Ḥillī, *al-Mu‘tabar fī sharḥ al-mukhtaṣar* (Qom: Mu‘assasat Sayyid al-Shuhadā’, 1364 AH/1985 CE), 1: 60; and al-Ṭūsī, *al-‘Idda fī uṣūl al-fiqh* (Qom: Matba‘at Sitāra, 1417 AH/1996 CE), 1: 56.

<sup>43</sup> Al-Kashshī, *Rijāl al-Kashshī*, 218.

<sup>44</sup> Ibid., 445-446; al-Ṭūsī, *Kitāb al-ghayba* (Qom: Mu‘assasat al-Ma‘ārif al-Islāmiyya, 1411 AH/1991 CE), 239-240. For details on the Faṭḥiyya, see Khālid Sindāwī, “*Min firaq al-shī‘a al-bā‘ida: al-faṭḥiyya—tasmiyatuhā, nash‘atuhā, ‘aqīdatuhā*,” *Al-Karmal* (2015), No. 34, 57-107.

deeming his narrations to be authentic and reliable.<sup>45</sup> But what does one say about companions of the Imam who were Sunnis, for example? It is here that the second opinion comes into play.

Al-Kashshī listed the names of Sunnis who disagreed with the Twelver Shiites, but who harbored affection for the imams, such as Muḥammad b. Ishāq, author of *al-Maghāzī*, Muḥammad b. al-Munkadir, ‘Amr b. Khālīd al-Wāsiṭī, ‘Abd al-Malik b. Jurayj, and al-Husayn b. ‘Alwān al-Kalbī. Concerning these individuals, al-Kashshī wrote, “These men are Sunnis, but they feel intense sympathy and love [for the imams].”<sup>46</sup> I suspect that the reason this distinction was being made was that this early class of Twelver Shiite scholars felt awkward excluding every companion of the Imam whose creed they did not approve of, especially given the fact that the foundations of the Twelver Shiite creed had yet to be firmly established. Al-Kashshī recognized the situation of the companions of the imams, and the fact that hadith scholars attended many study circles with the imams without regard for differences in creed, while at the same time recognizing the situation of those who were laying the foundations of the Twelver Shiite creed, with its governing consensus concerning the authoritative sources of its jurisprudence. It is to al-Kashshī’s credit, and to the credit of others belonging to his class of scholars, that they maintained a separation between the beliefs held by those who narrated hadiths on the authority of the Imam on the one hand, and the question of these individuals’ honesty and trustworthiness on the other.

Al-Najāshī appears to have followed in al-Kashshī’s footsteps in permitting the adoption of hadiths narrated by Sunnis who had been commended by companions of the imams. Similarly, Abū Ja‘far al-Ṭūsī gradually introduced arguments in favor of adopting hadiths narrated by Sunnis, especially if they had authored an *aṣl* (a work consisting of statements directly from the Imam, or from others on his authority), a *kitāb* (a commentary on the Imam’s words), or *nawādir*<sup>47</sup> in which entire reports were

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<sup>45</sup> On the term *taṣḥīḥ* (referring to the act of declaring a hadith authentic and reliable), see al-Māmaqānī, *Tanqīḥ al-Maqāl*, 1: 176; and al-Mishkīnī, *Wajīza fī ‘ilm al-rijāl*, 41-42.

<sup>46</sup> Al-Kashshī, *Rijāl al-Kashshī*, 333.

<sup>47</sup> The term *aṣl* (plural, *uṣūl*) refers to a work consisting of what its author heard directly from the Imam, or from others who heard it on the imam’s authority. The term *kitāb* refers to a work that contains the words of both the imam and the author, and the author’s explanations and clarifications thereof. And as for the term *nawādir* (singular, *nādira*), it refers to writings of companions of the imams from the first four centuries AH which contain unfamiliar hadiths and rulings that are exceptional or not widely circulated. See al-Māmaqānī, *Miqbās al-Hidāya*, 91; Aḥmad b. ‘Alī al-Najāshī, *Rijāl al-Najāshī*, ed. Muḥammad Jawād al-Nā‘īnī (Qom: Mu’assasat al-

transmitted on the authority of the Imam. In his book entitled, *Uddat al-Uṣūl*, al-Ṭūsī states that “the People of Consensus have unanimously agreed to abide by the hadiths narrated on the authority of al-Sakūnī, ‘Ammār and other such trustworthy individuals.”<sup>48</sup> However, this was probably not the same as the first consensus reported by al-Kashshī on his shaykhs’ authority. The first was a consensus establishing an authoritative reference concerning what was permissible and impermissible, while the second was a consensus justifying the adoption of hadiths narrated by those who disagreed with the Twelver Shiites on matters of doctrine.

The apparent reason for this justificatory consensus is that by the fourth and fifth centuries AH, Twelver Shiite scholars had come to appreciate the veracity of hadith transmitters who, though they differed with them on doctrine, nevertheless narrated their hadiths on the authority of the imams. This appreciation was based on the imams’ own praise for these narrators, and/or on the fact that the accounts they narrated were consistent with the knowledge which Shiite narrators themselves had transmitted on the authority of the imams. Some, if not all, later scholars understood that the unanimous agreement by the People of Consensus on accepting al-Sakūnī’s hadiths, for example, was tantamount to declaring him reliable and trustworthy.<sup>49</sup> Following the Minor Occultation, this consensus was apparently rendered a necessity given the keenness of Twelver Shiite scholars to lay the theoretical foundations of the doctrinal principles that had been approved by their religious authorities. It was then declared impermissible to adopt reports or narratives from others as a means of safeguarding their sect’s autonomy. To this end, the history of the imams, the conditions of their companions, both elites and others, and those who attended their study circles needed to be formulated in a manner that would reconcile the completion of Twelver Shiite theory with the concrete circumstances of both Shiite and non-Shiite scholars during the era of the imams.

The basis for the second position on adopting hadiths narrated by Sunnis was the unanimous agreement among the People of Consensus in favor of acting on the hadiths narrated by certain individuals who disagreed with Twelver Shiite doctrine. Understanding this consensus to be an endorsement of the narrators in question, some collectors of hadith narrators’ biographies stipulated that in order for a hadith to be acceptable, it would have to agree with the version narrated by a trustworthy individual. Otherwise, it would have to be rejected.<sup>50</sup> In application of this principle, al-Qummī stated in *Man lā yaḥḍuruḥu al-faqīh*,

Zoroastrian priests may pass on their inheritances based on blood lineage, but not on the basis of an illegitimate marriage. If a Zoroastrian

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Nashr al-Islāmī, 1407 AH/1986 CE), 40, No. 82 and 42, No. 86; Ja‘far Sabḥānī, *Kulliyāt fī ‘ilm al-rjāl* (Qom: Mu‘assasat al-Nashr al-Islāmī, 1408 AH/1987 CE), 474ff.

<sup>48</sup> Muḥammad b. al-Ḥasan al-Ṭūsī, *al-Udda fī Uṣūl al-Fiqh* (Qom: Maṭba‘at Sitāra, 1417 AH/1996 CE), 386.

<sup>49</sup> See al-Bahbahānī, *al-Fawā‘id al-Ḥā‘iriyya*, 55.

<sup>50</sup> For al-Mishkīnī’s explanation of al-Ṭūsī’s opinion on the matter, see al-Mishkīnī, *Wajīza fī ‘ilm al-Rjāl*, 81.

priest [who had married his mother or his sister] dies leaving a widow, she will inherit by virtue of being his mother, but not by virtue of being a sister or a wife. According to al-Sakūnī, 'Alī (peace be upon him) would allow a Zoroastrian priest who had married his mother, his sister, or his daughter to bequeath his wealth on two bases: on the basis of her being his mother [or sister or daughter], and [also] on the basis of her being his wife. [However,] I will not issue a fatwa based on a hadith that was narrated by al-Sakūnī alone.<sup>51</sup>

Interestingly, Abū Ja'far al-Ṭūsī, who laid down this condition for adopting hadiths narrated by Sunnis, took a position in his book *al-Istibṣar* which was directly opposed to the fatwa issued by al-Qummī. Al-Ṭūsī wrote,

Our companions have differed concerning the inheritance of a Zoroastrian priest who had married a woman whom he would have been forbidden to marry under Islamic law. According to Yūnus b. 'Abd al-Raḥmān and later scholars who followed him, a Zoroastrian priest can only pass on his wealth by inheritance based on factors of lineage and marriage which are permitted by Islamic law, whereas actions which are prohibited under Islamic law will prevent him from passing on his inheritance under any circumstances.

As for al-Faḍl b. Shādhān and a number of later scholars who were in agreement with him, they held that such a person may bequeath his inheritance based on lineage even if he has engaged in actions which are forbidden by Islamic law. In other words, the Zoroastrian priest may bequeath his inheritance based on both lineage and other factors, whether they are permissible under Islamic law or not. This is the doctrine held by a group of earlier scholars, which may be seen in what Muḥammad b. Aḥmad b. Yaḥyā transmitted on the authority of Bunān b. Muḥammad on the authority of his father, on the authority of Ibn al-Mughira, on the authority of al-Sakūnī, on the authority of Ja'far, on the authority of his father, on the authority of 'Alī...<sup>52</sup>

This disagreement between al-Qummī and al-Ṭūsī over the condition for adopting hadiths narrated by Sunnis does not reflect a confusion pertaining to their fundamental principles as it might seem to do. Rather, it points to another issue which presented a genuine difficulty for Twelver Shiite jurists and hadith narrators, namely, the fact that some hadith transmitters passed on narrations on the authority of the imams which had not been passed on by anyone else. In his book entitled, *al-Udda fī Uṣūl al-Fiqh*, al-Ṭūsī stated that hadiths narrated by Sunnis should be adopted based on Ja'far al-Ṣādiq's statement:

If you are presented with a case concerning which you find no ruling in what has been narrated on our authority (i.e., the authority of the imams),

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<sup>51</sup> Muḥammad b. 'Alī b. Bābawayh al-Qummi, *Man lā yaḥḍuruḥu al-faqīh*, authenticated and annotated by 'Alī Akbar al-Ghifārī (Qom: Mu'assasat al-Nashr al-Islāmī, 1992), 4: 236-237.

<sup>52</sup> Al-Ṭūsī, *al-Istibṣār*, 4: 196-197. For a discussion of this position within the biography of Ismā'īl b. Abī Ziyād al-Sakūnī, see al-Māmaqānī, *Tanqīḥ al-maqāl*, 1: 128.

then examine what was narrated on the authority of ‘Alī (peace be upon him) and take action based thereon. For this reason, the Twelver Shiite sect acted on what had been narrated by Ḥafṣ b. Ghayyāth, Ghayyāth b. Kallūb, Nūḥ b. Darrāj, al-Sakūnī and other Sunnis on the authority of our imams, peace be upon them. Thus, they did not deny or reject [their narrations], and there was no disagreement among them.<sup>53</sup>

Perhaps it was the difficulty that arose as a result of hadiths that had been transmitted by only one narrator which necessitated a justification for adopting hadiths narrated by Sunnis based on the unanimous agreement of the People of Consensus. However, it was a justification that violated one of the most critical conditions required of a narrator, namely, that of faith in the tenets of Twelver Shiite doctrine.

Al-Ṭūsī’s endorsement of both Sunni narrators and narrators who were Shiites whose doctrine conflicted with his, such as adherents of the Faṭḥiyya, Wāqifiyya and Batriyya sects, can be understood to mean that he lent no importance to a narrator’s doctrinal views if said narrator was known to be a truthful individual. Later Shiite compilers of hadith narrators’ biographies understood al-Ṭūsī to have been drawing a distinction between *al-fisq* (immorality by the standards of Islamic law) and *al-kadhib*, or dishonesty. A narrative transmitted by someone who is *fāsiq*, or immoral, in the sense of adhering to a corrupt doctrine or committing transgressions, need not be rejected if he is not known to be guilty of *kadhib* (lying) or *tadlīs*.<sup>54</sup> In his book, *Miqbās al-Hidāya fī ‘Ilm al-Dirāya*,<sup>55</sup> al-Māmaqānī explained al-Ṭūsī’s position by detailing the argument of later scholars who had followed him. Al-Mīrzā Abū al-Ḥasan al-Mishkīnī also clarified al-Ṭūsī’s position, saying,

The reason for accepting a report is that its transmitter is trustworthy in what he says even if he has committed major sins. Thus, to state that a hadith transmitter has committed major sins is not inconsistent with an appreciation of his efforts, and (...) the fact that a narrator’s Islamic theology is unsound does not require that the hadiths he narrates be censured. Thus, in his book *‘Uddat al-Uṣūl*, al-Ṭūsī wholeheartedly defended acting upon hadiths narrated by al-Sakūnī ...<sup>56</sup>

Al-Kashshī, al-Najāshī, and al-Ṭūsī accomplished the important tasks of establishing the foundations of consensus and incorporating into their doctrine the principle of adopting hadiths narrated by those who opposed their teachings in a manner that was suited to their theorization of the fundamentals of the Twelver Shiite creed, while at the same time demonstrating an understanding of the concrete circumstances of the imams and their elite companions. However, a group of their contemporaries and followers disapproved of this legitimization of the practice of adopting hadiths narrated

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<sup>53</sup>Al-Mishkīnī, *Wajīza fī ‘ilm al-rjāl*, 81.

<sup>54</sup> *Tadlīs* is the practice of narrating hadiths from someone one has met, but not actually received hadiths from, or narrating hadiths on the authority of one person while giving others the false impression that he is someone else.

<sup>55</sup>Al-Māmaqānī, *Miqbās al-Hidāya*, 55.

<sup>56</sup>Ibid.

by Sunnis. There thus emerged a position that stood opposed to al-Ṭūsī's orientation, despite the tremendous respect he enjoyed among Twelver Shiites.

In his explanation of faith, which is the fourth condition a narrator must meet in order for his hadith narrations to be acceptable, al-Māmaqānī wrote,

What this means is that he [the narrator] must be a Twelver Shiite. This condition was set forth by a group of scholars who included al-ʿAllāma b. Muṭahhar al-Ḥillī (d. 726 AH/1360 CE), Muḥammad b. Maṣṣūr al-Ḥillī (d. 598 AH/1201 CE),<sup>57</sup> the two martyrs (the first martyr being Muḥammad b. Makkī al-ʿĀmilī, who was killed in 786 AH/1384 CE, and the second being Zayn al-Dīn ʿAlī b. Aḥmad, who was killed in 966 AH/1558 CE), Muḥammad b. Shahrāshūb, author of *Maʿālim al-Ulamā*,<sup>58</sup> al-Karakī (d. 940 AH/1533 CE) and others. In practice, this condition means that it is not permissible to act based on the reports of those opposed [to the teachings of the imams], or adherents of any other Shiite sect.<sup>59</sup>

From the foregoing it may be understood that acceptance of a report narrated on the authority of the imam by someone opposed to Twelver Shiite teaching was not the only, nor even the prevailing position among scholars of the first class. For, despite al-Kashshī's trustworthiness and venerable status among Twelver Shiite scholars, his contemporary, al-Shaykh al-Ṣadūq, stipulated that in order for a report narrated on the authority of the imam to be accepted and applied in action, its narrator must believe in the twelve imams. This position continued later with a group of Shiite hadith scholars which included Muḥammad b. Makkī al-ʿĀmilī, known as the First Martyr, as well as the Second Martyr and his son, Jamāl al-Dīn, whose example was followed by al-Ḥurr al-ʿĀmilī himself in his book *Amal al-Āmil*.<sup>60</sup>

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<sup>57</sup> The phrase *al-Faḍīlān* ("the two virtuous ones") refers in Shiite sources to Abū al-Qāsim Jaʿfar b. al-Ḥasan b. Saʿīd al-Muḥaqqiq al-Ḥillī (d. 676 AH/1277

CE) and the scholar al-Ḥasan b. Yūsuf al-Muṭahhar (d. 762 AH/1360 CE). See Muḥammad b. al-Ḥasan al-Ḥurr al-Āmilī, *Amal al-Āmil fi ʿulamāʾ Jabal ʿĀmil*, ed. Aḥmad al-Ḥusaynī (Baghdad: Maktabat al-Andalus, 1385 AH/1965 CE), 48, 81.

<sup>58</sup> Al-Shaykh Jamāl al-Dīn Abū Maṣṣūr al-Ḥasan, son of the Second Martyr (d. 1011 AH/1602 CE), was a leading Twelver Shiite scholar who composed numerous works on the science of knowledge, including *Maʿālim al-dīn wa malādh al-mujtahidīn*, and *Muntaqā al-jumān fi al-aḥādīth al-ṣiḥāh wa-l-ḥisān*. See *Amal al-Āmil*, Section I, 57-63.

<sup>59</sup> Al-Māmaqānī, *Miqbās al-Hidāya*, 55.

<sup>60</sup> Al-Ḥurr al-Āmilī, *Amal al-Āmil*, Section I, 17-18; Section II, 365.

Al-Ṣadūq insisted on defining faith as an acknowledgment of the twelve imams while considering anything less to be unbelief (*kufr*). This position appears to have stemmed from the suffering the Shiites endured during the Minor Occultation, as well as the crystallization of the Twelver Shiite creed following the announcement of the Major Occultation.

Al-Kashshī (d. 350 AH/962 CE), and al-Kulaynī (d. 329 AH/940 CE) had endured the same suffering. However, they acknowledged hadiths narrated by those opposed to Twelver Shiite doctrine, either because such narrations were expressions of love for the Imam, or because they recognized such narrators' sincerity and commitment to truth telling, all of which clearly served the purpose of collecting and acting on reports passed down on the imams' authority.

The argument proffered by those who refuse to act based on hadiths narrated by Sunnis and/or non-Twelver Shiites is that the non-believer<sup>61</sup> is a *fāsiq*, or an immoral person by Islamic criteria, as there is no greater immorality (*fīsq*) in their view than lack of faith. This is consistent with many Qur'anic verses, including: "And whoever does not judge by what God has revealed, those are the transgressors (*al-fāsiqūn*) (Q. 5:47); "among them are believers, while most of them are iniquitous (*al-fāsiqūn*)" (Q. 3:110); "And God does not bestow His guidance upon the iniquitous (*al-qawm al-fāsiqūn*) (Q. 9:80)."<sup>62</sup> However, the verse on which they rely the most heavily reads, "O you who have attained to faith! If any iniquitous person (*fāsiq*) comes to you with a report, use your discernment" (Q. 49:6). They also argue that if a report narrated by a believer and a non-believer are both accepted, then believers and non-believers are being treated as equals, which they are not: "Is, then, he who is a believer to be compared with one who is iniquitous? [Nay,] these two are not equal!" (Q. 32:18). Similarly, they argue on the basis of the verse quoted above—"And whoever does not judge by what God has revealed, those are the transgressors (*al-fāsiqūn*) (Q. 5:47)—that a non-believer is unjust and, therefore, his reports should not be taken into account. Lastly, they cite reports narrated on the authority of the imams according to which whoever dies without knowing the imam of his time will die as an infidel and a hypocrite. Therefore, neither he nor his reports may be relied upon. This prohibition is further supported by the words of the Almighty: "And do not incline towards, nor rely upon, those who are bent on evildoing lest the fire [of the hereafter] touch you" (Q. 11:113). To the foregoing they

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<sup>61</sup> In Shiite terminology, the word "believer" (*mu'min*) refers to the Muslim who embraces the correct Islamic religion, i.e., the Shiite who is loyal to the family of the Prophet (*ahl al-bayt*), while the word "Muslim" (*muslim*) refers to Sunni Muslims who do not believe in the imamate and guardianship. Abū 'Abd Allāh is reported to have said, "Whoever acknowledges the religion of God is a Muslim, and whoever does what God Almighty has commanded is a believer." See al-Kulaynī, *al-Uṣūl min al-Kāfī*, 2: 38, hadiths 1-6.

<sup>62</sup> See Muḥammad Fu'ād 'Abd al-Bāqī, *al-Mu'jam al-mufahras li alfāz al-qurān al-ka'nīm* (Beirut: Dār Al-Fikr, 1986), 519, entry on "*fīsq*."

add a further argument based on the fact that one is not to accept the testimony of someone who rejects Twelver Shiite teachings.<sup>63</sup>

### Summary

It will be seen based on the foregoing that al-Kashshī arranged classes of imams with deep knowledge of Islamic jurisprudence and those who narrated on their authority in such a way as to guarantee that reliable hadiths would be adopted and acted upon. This arrangement constituted the first authoritative reference documenting those who were companions and hadith transmitters of the imams who were either Sunnis, or Shiites who differed with Twelver Shiite doctrine. In addition to his works on occultation, al-Ṭūsī also helped to establish the rules that would govern the adoption and application of hadiths narrated on the authority of the imams by Sunnis and non-Twelver Shiites. By thus approving non-Shiite narrators who had been the imam's companions prior to the emergence of the Twelver Shiites' doctrine, these scholars established rules which made it possible to legislate thanks to the narrators' trustworthiness and truthfulness without regard for their doctrinal stances.

However, the endorsement of certain Sunnis who had narrated hadiths on the authority of the imams sparked a controversy which resulted in a refusal by some to acknowledge the validity of hadiths narrated by individuals who did not share in the Twelver Shiites' belief. The second, stricter, position stipulated belief in the twelve imams as a condition for acceptance of a narrator's hadiths, and continued in existence alongside the first position. Moreover, given that many of the Twelver imams' companions had not witnessed the two occultations, the second position became colored by doctrinal controversies which had nothing to do with the status of the hadiths in question or whether the narrator had heard them directly from the imam. Hence, scholars who record the biographies of hadith narrators who were Sunnis or non-Twelver Shiites have been required to juggle these two perspectives down the centuries.

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<sup>63</sup>Al-Māmaqānī, *Miqbās al-Hidāya*, 55.