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## **ANALYTICAL APPROACH OF QOM AND NAJAF JURISPRUDENTIAL SCHOOLS REGARDING THE ISSUANCE AND DOCUMENTARY AUTHENTICITIES OF HADITH AND THEIR EFFECTS**

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### **ABSTRACT**

*In order to be able to introduce our jurisprudential basics in a regular and systematic form in proportion to the frameworks known to the law researchers around the globe, it is necessary to investigate the two important jurisprudential schools of the contemporary era, to wit Najaf and Qom schools, via an analytical method so that the weak points of each can be avoided and advantage can be taken of the strong points of each. Thus, the fundamental basics, Hadith study and biographical evaluation of the dignitaries in each of the two schools as well as the jurisprudential resources and their realms and also the methods of inference used by each of these two schools should be identified and investigated. The current research paper uses a library research method to direct attentions to the expressions by the prominent jurists thereby to examine one of the dignitaries' basics regarding the issuance and documentary authenticities of Hadith and criticize and explore the proofs offered by each of these two schools to finally come up with the selection of Qom's jurisprudential school perspective that relies on issuance authenticity of Hadith.*

**Keywords:** Najaf's jurisprudential school, Qom's jurisprudential school, dignitaries' basics, issuance authenticity, documentary authenticity.

### **INTRODUCTION**

#### **Conceptualization:**

#### **School:**

Lexicographers have mentioned various meanings and application for school (equivalent in Arabic to Maktab, plural Makateb) such as teaching institution, place of reading a book, place wherein writing is taught, office, institution of learning, collection of thoughts and mindsets of a professor that have found influence amongst a group and following a theory in philosophy and art and so forth<sup>1</sup>.

The fact that no clear-cut definition has been offered for school has made some apply it for Islamic jurisprudence and law; some others use it for one of the important attitudes in Islamic jurisprudence and law such as jurisprudence and Imamiyyeh law (Ja'afari Langrudi, 1991) and yet some others use it for one of its subsystems like Akhbari and Usuli (Modarresi

<sup>1</sup> Dehkhoda Dictionary, the term "school"

Tabataba'ei, 1989) attitudes and some about a jurisprudent and even about the jurisprudential notions of a jurisprudent (Hosseini, 1996). Therefore, it is appropriate to offer a scale for the identification of the jurisprudential schools and their separation.

It can be stated that school is used to refer to the disagreements in a scientific field with the components of each of these scientific approaches being coherent and systematic. And, in other words, the disagreements are not solely quantitative so that it can be said that the schools disagree on numerous and notable issues rather the components of each school should have an internal consistency and congruence.

Another point is that the disagreements are rooted in extra-scientific issues and there should be proportion between the accepted extra-scientific affairs and problems of that science in every school.

### ***1. The Jurisprudential Schools' Separation Scale:***

To separate the jurisprudential schools from one another, reference can be made to the discrepancies in the jurisprudential resources, basics and methods.

#### **1.1. Disagreements in Jurisprudential Resources:**

From the perspective of the majority of the Muslim jurisprudents, the holy Quran and the tradition are two major sources of the canonical verdicts' issuance and discrepancy may arise about the other resources. Some believe in the credibility of intellect alongside with the book and the tradition (Javadi Amoli, 1996). And, some have added consensus thereto (Shahid Avval, no date) and some have annexed the intellectuals' ways of conduct to the book, tradition and intellect (Musavi Borujerdi, 1967).

There are discrepancies in the interpretation of the resources (besides the numbers of them). For example, in defining intellect and specifying its function, there are differences and some consider it as an organic faculty and some envision it as being independent.

Those who adopt an organic approach to the intellect summarize its role in the discovery of the canonical rulers' intentions not that it can be given a rank at the side of the book and the tradition while the other group of jurisprudents posit intellect as an independent source alongside the book and tradition hence envision the decisive intellectual verdicts also as canonical verdicts (Shabar, 1982).

And, yet, the ones who believe in the credibility of the intellectuals' way of conduct alongside with the book and tradition adopt these same different approaches, i.e. organic and independent, towards it. Some believe that the intellectuals' way of conduct is based on the rulings of immaculate Imams (peace be upon them) (organic look) hence consider the endorsement by the immaculate Imams (peace be upon them) as a precondition (Esfahani, 1992).

One outcome of adopting such an approach to the intellectuals' way of conduct is that it cannot be considered as an independent source for canonical verdicts' inference but it is believed by some jurisprudents to be an independent source and proof in itself for their adopting of an independent approach to the intellectuals' way of conduct but, of course, under two conditions, one stemming from the maxim that "the intellectuals rule intellectual ideas" that cannot be denied by any wise



person and the other is that it is based on intellect and human nature (Tabataba'ei, no date). One result of adopting such a look at the way of conduct is the attainment of canonical verdict for a great many of the issues like authorship, reference to the general ideas in administrating the society and so on.

### 1.2. Discrepancies about the Authenticity Conditions of Jurisprudential Resources:

There are discrepancies amongst jurists regarding the conditions of the jurisprudential resources' authenticity. A group believes that the sure resources are less than adequate for jurisprudential answers and sufficiency has to be made on suspicion hence it has been stated in defining and interpreting exegesis that "spending due effort for obtaining suspicion over the canonical verdict" (Allameh Helli, 1999). Of course, it has been asserted that the suspicion should have not been prohibited by the canonical ruler such as analogy and others of the like.

One outcome of such a tendency is making lesser reference to the practical principles.

Some others are of the belief that only sure sources can be proof and the majority of Akhbari jurists hold such a perspective (Astar Abadi, no date).

One of the antecedents of jurisprudence, Sayyed Mortaza, has the following statement about narrations: "narration is credible if decisive" (Sayyed Mortaza, 1983).

One outcome of such a look is the restriction of jurisprudential resources' realm.

Another group, incorporating a great many of the jurists following Qom and Najaf schools, believe that the resources should be concrete in their authenticity and this is sufficient because acquisition of a concrete decision is impossible in all of the jurisprudential issues and such an ancillary knowledge (credible for the decisiveness of the jurisprudential verdict) takes the place of a conscience knowledge and decision (Esfahani, no date).

One outcome of such a type approach is its relative ease in respect to scientific principles.

### 1.3. Discrepancies about the Inference Operation's Instruments:

To infer canonical verdicts, the jurists are incumbently forced to take advantage of various tools that are the very basics and regulations of fundamentalism, jurisprudence, dignitary and Hadith study. Some believe that only the correct news is proof and some others consider proof the reliable news, as well. The outcomes of these two types of approaches are well-evident because the jurists who know proof both the correct and reliable news, would have access to a greater many of the resources. And, even some jurists substantiate the rulings on the authentically issued news and they also realize some letters as authentic as a result of which they will have access to a more massive body of resources.

In the present article, an analytical method is used to investigate one of the dignitary basics and regulations that has had a considerable effect on many of the jurisprudential standpoints in Qom and Najaf jurisprudential schools, to wit the issuance authenticity versus the documentary authenticity.



## **2. Dignitary Basics of Qom School (Issuance Authenticity):**

In Qom's jurisprudential school that was founded since Sheikh Abd Al-Karim Ha'eri during the contemporary era and perfected by the innovative jurisprudent Ayatullah Borujerdi and gained special value and effectiveness with Imam Khomeini's innovations in its foundations, especially in governmental jurisprudence area, ensuring the credibility of the news by any possible way is deemed sufficient and the authenticity of the Hadith issuance is stated to be attainable only from the immaculate Imams (peace be upon them), whether be it in regard of the authenticity of the document or the authenticity of the other evidence such as the context of the narration or other than the narrations' texts.

It is worthwhile here to succinctly define issuance and documentary authenticities:

**Issuance Authenticity:** it is obtained when a jurisprudent becomes sure of the credibility of a narration and hadith issued by the immaculate Imams (peace be upon them). Such sureness can be attained based on hadith's document (in separate) or the other evidence (in separate or assisted by the hadith document).

**Documentary Authenticity:** if a jurisprudent becomes sure of the authenticity of a hadith's document it is said that it enjoys documentary authenticity.

In Hadith study terms, these two are respectively called as news authenticity (sureness of the news correctness) and informer authenticity (sureness of the authenticity of the individuals mentioned in the document).

As it can be seen, these two feature general and specific relations because it is sometimes the case that the documentary authenticity is attained but issuance authenticity is missing; in other words, the authenticity of a narration's document has been ensured but we may simultaneously be sure that the narration has not been issued by an immaculate imam.

On the other hand, issuance authenticity has been ensured occasionally but the narration is flawed in terms of document. The acceptable narration from Amr Ibn Hanzaleh is an example of this latter case that it has been accepted by the scholars and jurisprudents in the course of history even with its non-trustable and anonymous narrators.

And, finally, there are numerous cases wherein both documentary and issuance authenticities hold; in fact, documentary authenticity is a way for reaching the issuance authenticity.

The issuance authenticity's roots can be traced into the elders of the prophet's assistors and Hadith narrators though it has not been explicitly expressed in their words because the antecedents did not only suffice to the document in trusting the narrations rather they made use of a series of evidence for ensuring the authenticity of Hadith. Thus, if we see weak narrators in their books of which they have narrated issues, they cannot be criticized because they had ensured the authenticity of the narration.

The documentary and issuance authenticities have important effects and instruments, including the idea that a hadith can be accepted based on issuance authenticity even if its document is found flawed and decrees are made based on its contents but, another group of jurisprudents who believe in documentary authenticity, cannot decree based



on the contents of this same hadith because it lacks the required substantiation. And, another outcome of such different perspectives regarding some of these ideological narrations and others, such as Nahj Al-Balaqa, Ashoura prayers and Jame'eh prayers, that might even have no perfect and correct document is that they are not considered as proof based on document authenticity but these types of letters and many of the other prayers that have excellent contents are accepted based on issuance authenticity. Another outcome of these perspective differences pertains to the compensation of Hadith weakness with the explanation being that the assistants' lack of paying attention to a Hadith that is authentic in document based on issuance authenticity makes the narration lose its substantiation. This perspective reached the peak of its fame after Vahid Behbahani's time and the belief became prevalent that the fame-compensated weak news can be exercised. The jurists supporting such an idea are Sheikh Ansari, Saheb Jawaher, Mirzay-e-Ghomi, Sayyed Mohsen Hakim, Borujerdi and Imam Khomeini.

But, in the opposite, those who believe in the documentary authenticity do not consider the assistants' turning of their faces away from the documentarily authentic narrations as the cause of hadith weakness.

### 2.1. An Example of Imam Khomeini's Jurisprudence based on Issuance Authenticity

#### Foundation:

To elucidate the theory, an example of Imam Khomeini's jurisprudence is pointed out below:

There are two decrees about the cleanliness of the milk in the breast of a dead:

Some jurists believe in its canonical uncleanness and some others opine its cleanliness. Sheikh Ansari has decreed that it is dirty but many of the other jurists have decreed that it is canonically clean. Imam Khomeini believes in its cleanliness and substantiates his ruling to three narrations:

One is the document by Hussein Ibn Zerarah and the other is Sadough's letter in his book "Man La Yahzaraho Al-Faqih". The author of Wasa'el states that Sadough has also mentioned the narration in Khesal but with some differences; it seems that its meaning has been mentioned. Imam Khomeini writes in his book "Al-Mobi'e (Khomeini, 1999)" that "those who believe in the dirtiness of the milk have considered these three narrations as weak because, it is stated in the first narration by Hussein Ibn Zerarah that the same idea has been vaguely brought in dignitaries' books hence lacking authenticity but it has been narrated from Imam Sadeq (PBUH) that he has accompanied the person by his good will upon his delivery of the message to his father. But, his highness's benediction cannot be envisioned as authentication and ... . Sadough's letter, though being definitely attributed to Imam (PBUH) and we believe that these types of letters are proof and their issuance is devoid of any harm but the thing that causes flaw in this letter is that Sheikh Sadough has stated underneath "Man La Yahzarah" hadith that I have also mentioned this narration in a documented manner in my book "Al-Khesal" and, upon referring to the document in Al-Khesal, it can be seen that the document has



also been mentioned by Ali Ibn Ahmad Ibn Abdulla and his father but they are both vague hence lacking authentication in dignitaries' books.

Based on these same narrations, Imam Khomeini opines the cleanliness of the milk and writes: "with all these (all the documentary deficits), the strong idea is the cleanliness and dispute in these narrations, based on which the antecedent and the subsequent jurisprudents have acted, is eventually weak and flawed because weakening of Hussein Ibn Zerareh is baseless for his being a praised Imam. It means that although he has not been authenticated, he has been praised. Moreover, the elders of the prophet's assistors, like Safwan Ibn Yahya, have narrated it.

The other evidence indicating the authenticity of the narration is that Sheikh Kolaini has quoted Hussein Ibn Zerareh's narration in another form and he states in the end that "it has been also mentioned by Ali Ibn Aqabah and Ali Ibn Al-Hassan" ... . It is made clear from this utterance by Kolaini that these two individuals have also quoted the hadith from Hussein Ibn Zerareh. Ali Ibn Aqabah is an assistor of Imam Sadeq (PBUH) and the same thing has also been stated about Ali Ibn Al-Hassan and if, assumingly, Ali Ibn Al-Hassan is considered as an assistor of Imam Reza (PBUH), it is not improbable if it is stated that he has also perceived Imam Sadeq (PBUH)'s presence, as well, even if he has not narrated it from him.

Therefore, it can be concluded that the narration has been mentioned by Hussein Ibn Zerareh, Ali Ibn Aqabah and Ali Ibn Al-Hassan and the narration by the two latter narrators is additional to the narration by Hussein Ibn Zerareh and, because they both are considered credible, their narration is also authentic even if the narration by Hussein Ibn Zerareh is debated ... .

The dispute about Sadough's letter is also baseless because Sadough has decisively and definitely attributed the narration to Imam (PBUH) and this sure attribution by Sadough to Imam implies the credibility of the document narrators or its being accompanied by evidence causing the decisiveness and definiteness of its attribution to Imam (PBUH). Furthermore, it is made clear from the idea that Sadough has decisively attributed the narration to Imam (PBUH) that the narrators of Khesal document had also been considered credible by him. Sadough has also guaranteed in the beginning of the book "man La Yahzaraho Al-Faqih" that he has mentioned only those of the correct narrations that are proofs and that he has only made decrees based on these authentic narrations so the narrations are to be considered credible under any circumstance no matter if the narrator is found not much credible.

To prove the credibility of Hussein Ibn Zerareh's narration and Sadough's letter in "Man La Yahzaraho Al-Faqih" and "Khesal", Imam Khomeini mentions over ten evidence and proves the credibility of the narrations based on these evidence and proofs.

It is worth mentioning that Sadough mentions the request by one of his contemporary scholars for the authoring of the book in the beginning part of his book "Man La Yahzaraho Al-Faqih" and states that the book is the reference and support and will meet the scientific needs and, also, everyone can make use of it and



practice its instructions. Then, he writes "... I do not intend it to be a book as commonly authored by the other writers in regard of what I have inserted therein rather I would like to make decrees in it and rule the authenticity of them and I believe in it that it is a proof between me and my God, sacred be His name and sublime be His power, and that the entire things in it have been extracted from the famous books to be used for substantiation and as reference ..." (Sheikh Sadough, 1991).

Sheikh Horr Ameli realizes these expressions as Sadough's testimony on the authenticity of the entire narrations inserted in the book (Horr Ameli, 1987).

***Criticism and Investigation:***

Sadough's expressions imply the authenticity and substantiative nature of the book's narrations as believed by the author himself but they do not imply that these narrations should be proof for everyone rather Sadough, himself, as well, follows his master, Ibn Walid, in this regard and Sadough considers valid any narration affirmed by him so his words do not imply that he has found a special attribute in the narrations' documents or that he is aware of the evidence to which he brings testimony in his book.

But, the statement by Sheikh Sadough that he has written the book based on famous and trustable Hadith books ("I have extracted everything in it from famous books ...") also does not imply that all of the narrations are credible because famousness of a book is not a reason justifying the substantiative nature of all narrations therein.

**2.2. Examples of Several Evidence Resulting in Hadith Issuance Authenticity (Borujerdi, 2008) (Qom school):**

Ayatullah Borujerdi believed in credibility of the narrators based on certain existent evidence and he knew it as an ensuring method but he had conditioned it to the knowledge and mastery of the exegete who wanted to assure the narrator's credibility based on this method: full knowledge of the narrator classes and consideration of the narrator's characteristics in terms of his masters and disciples and the quantity of his narrations and the extent to which he has made records of them (Ja'afar Sobhani, 1993).

**2.2.1. Presenting the Book to an Immaculate Imam and His Highness's Confirmation:**

As an example, the book by Zarif Ibn Naseh that is highly substantiated in *Diyat* is amongst the important hadith works and governmental charters provided by his highness Imam Ali (PBUH) to the immaculate Imams (peace be upon them) and they have confirmed its content and attribution to Imam Ali (PBUH).

The reason for the book's ascription to Zarif Ibn Naseh is its narrative nature.

This principle has been cited by the three Sheikhs in their comprehensive narrative books: *Kafi*, *Faqih* and *Tahzib*. In a narration from Yunes Ibn Abd Al-Rahman and, in another narration from, Abu Omar Al-Motabbab, Kolaini



narrates that each of them has stated that they have presented Imam Reza (PBUH) with the book by Naseh Ibn Zarif and Imam ordered that the book is authentic and you can narrate the contents thereof.

This might be the reason why Saheb Jawaher has repeatedly substantiated his rulings in his book “Diyat” on Zarif maxim and reminded that “it is based on an authentic document”.

This is while Shahid-e-Sani has repeatedly pointed to the weakness of Zarif’s narrations in Diyat-e-Rawzeh and Masalek Al-Afham and believes that “Zarif’s narration is flawed for the existence of such narrators as Hassan Ibn Ali Ibn Fazal (Fathi) and Sahl Ibn Ziyad in the narrator hierarchy of its document. Since Sahl Ibn Ziyad has been mentioned in Kolaini and Sadough’s document as the narrator and Sahl Ibn Ziyad and Hassan Ibn Ali Ibn Fazal have been mentioned in Al-Tariq by Sheikh Sadough, they are both deemed as weak by Shahid-e-Sani (Shahid Sani, 1964).

Amongst the books presented to and confirmed by Immaculate Imams (peace be upon them), Banu Fazzal books can be pointed out. In Qaibat, Sheikh Tusi narrates that Abd Al-Kufi, servant of Al-Sheikh Al-Hussein Ibn Ruh, (may God be consent with him) says “I asked the Sheikh, i.e. Aba Al-Qasem (may Allah be consent with him), about the book by Ibn Abi Al-Azaqer after the denouncement of what he had mentioned in his book and his own being cursed”. He said: “how can we not practice his book instructions while our houses are full of them?”

And, I asked: “but, there are utterances in it from Abu Muhammad Al-Hassan Ibn Ali (may God bestow him and his sacred progeny the best of His regards) and questions have been asked about the books by Bani Fazzal”. He said: “how can we not practice his book instructions while our houses are full of them?”

Then, he said: “take whatever his highness has said in his books and throw away what he himself has said” (Sheikh Tusi, 1989).

#### 2.2.2. Mentioning of a Narration along with Several Documents in a Book:

If a writer of a work narrates a narration along with the mentioning of several documents indicating its being issued by an Immaculate Imam (PBUH), these several documents are served as proving its authenticity.

For instance, in the discussion on the jurisprudential guardianship, Imam Khomeini resorts to jurisprudential treatise and writes that “amongst the intended narrations that can be substantiated in discussions on jurisprudential guardianship is the one narrated by Sadough in the Oyun Akhbar Al-Reza (PBUH) in three ways: Amir Al-Mo’menin (PBUH) said that the God’s apostle (may Allah bestow him and his sacred progeny the best of His regards) has said ‘O God, please have mercy on my successors’ and he asked ‘O, the God’s apostle, who are your successors? And, he ordered: ‘those who come after me and narrate my Hadith and tradition’”. Besides being narrated in Oyun Akhbar Al-Reza (PBUH), the hadith has also been



stated in three ways in Mabani Al-Akhbar with another document and in Majales with the same documentation as presented in Ma'ani Al-Akhbar. In addition, it has also been narrated in Sahifeh Al-Reza (PBUH) and Qawali Al-Lithali, as well.

### 2.2.3. Calling Out for Prayers (Azan Speak-out):

At the time of the immaculate Imams (peace be upon them) and afterwards, not everyone deserved speaking out the Azan rather, as stated in the related narrations, there have been individuals assigned with the duty of calling out for prayers (Azan speak-out) and these individuals were considered trustees in regard of saying prayers (Namaz) and observing fast (Horr Ameli, 1987). Based thereon, Ayatullah Borujerdi realized Azan speak-out, to wit the position of a person who called out for Namaz, as one sign of the narrator's credibility. As a specimen, regarding Hakim Mo'azzen Ibn Issa, he states that "as it is clear from his epithet, he has been a person who had been assigned with the duty of calling out for Namaz and this position specifies rather implies that he has been careful and observing the Namaz times and this is reflective of his credibility rather justness (Borujerdi, 1958).

### 2.2.4. Sadough Sheikhs:

Ayatullah Borujerdi believed that Sadough's masters, especially if the expression "may God be consent with them" was used about them along with some other signs, were credible. For example, it has been stated about Abd Al-Wahed that this person is amongst Sadough's masters and Sadough, himself, has expressed his satisfaction of them. This issue added to the acceptance of the narration about his way of conduct by Allamehh and confirmation of his way of conduct by Shahid Sani and narration of his being a man of extolment by Majlesi all imply his credibility. He believed that the multiplicity of the admiring expressions such as "may God have mercy on his soul" after the name of a person as used by Kolaini and Sadough indicate his qualification.

### 2.2.5. Antecedents' Decrees:

Amongst the evidence that ensure Ayatullah Borujerdi about the authenticity of a narration is the antecedents' decrees based on the narration's content. For instance, he believed that after substantiation of such elders as Sheikh Mofid and Sheikh Tusi and others on the narration content, there would remain no dispute about its document in such regards as issuance (Borujerdi, 1993).

### 2.2.6. Evidence in Narration's Text:

The verdicts expressed by immaculate Imams (peace be upon them) differed in terms of the historical conditions and limitations of those elders in respect to the audience degrees and ranks. The immaculate imams sometimes told materials to a person that made it clear he had been a Shiite elite hence credible in his narrations. As an example, in regard of the narration that Imam Sadeq (PBUH) orders the narrator who has asked him about Khums



that “it means the income they earn everyday but my father let Shiites be free on this one so that they can become clean anyway they want”, Ayatollah Borujerdi writes about the narration and its document that “the narrator had become amazed about the concealment of the verdict and Shiites’ lack of exercising it based on a permission by Imam Baqer (PBUH) and Imam Sadeq (PBUH) made it clear to him”. Ayatollah Borujerdi states that “it becomes clear from Imam Sadeq (PBUH)’s expression that the narrator has been a Shiite elite and this way his credibility can be deduced (Borujerdi, 1958).

#### **2.2.7. The Fame of the Book from which the Narration has been Quoted:**

Ayatollah Borujerdi believes that the mere belief and denomination of the narrator is not a good reason for rejecting the narration. As a specimen, he did not rejected the narrations by Ammar who was a follower of Fathi creed and had written a book on jurisprudence in which he had collected Marvi Ahadith from Imam Sadeq (PBUH), from physical cleaning to atonement, and his book was trusted by his assistants and considered as a reference. He reasoned that Fathi creed followers (who believed in imamate of Abdullah Aftah, the elder son of Imam Sadeq (PBUH), do not have discrepancies on jurisprudential verdicts and practical secondary orders with Imamiyyeh followers because Abdullah passed away shortly after Imam Sadeq (PBUH)’s martyrdom and nothing has been narrated in jurisprudential secondaries contradicting those of Imamiyyeh (Borujerdi, no date).

Additionally, about Ahmad Ibn Hilal who was corrupt in his beliefs and religion, he, upon hearing a narration from a famous book like Ibn Abi Amir, would say that the flaw of religion and belief of a narrator is not harmful<sup>2</sup>.

Ayatollah Borujerdi did not believe that all of Imam Sadeq (PBUH)’s assistants are credible meaning that the sole being of an assistant of the Imam did not bring him credibility; also, he did not know the multiplicity of the narrations from the immaculate Imams (PBUH) or the existence of them in the documents of some books like Ali Ibn Ebrahim’s interpretation or Kamel Al-Ziyarat alone as the cause of a narration’s credibility and it was via the summing of the evidence that he made sure of a narrator’s credibility.

#### **2.2.8. Asking for and Granting Permission:**

Ayatollah Borujerdi believed that asking for and granting permission by and to the credible narrators both can indicate the authenticity of them. That is because if a credible narrator, especially the high ranking ones, is found having asked for permission, it can be understood that the grantor of the permission was also considered credible by the narrator.

In regard of the narration in the document of which Ahmad Ibn Muhammad Ibn Yahya (who is not mentioned as a credible person in dignitaries’ book) has been mentioned, Ayatollah Borujerdi states that “his credibility can be discerned from Sheikh and Sadough’s narration from him, especially with

<sup>2</sup> Annotations to the discussions by Al-Sayyed Al-Borujerdi, v.1, p.259

that frequency, because he has been a narrator of his father's book by a permission from him (Borujerdi, no date).

**Imam Khomeini's Ideas:**

Imam Khomeini was of the belief that being a grantor sheikh alone does not imply credibility because weak individuals are also seen amongst the Sheikhs and some of them have even been Nasebi. Under a narration on the prohibited jobs, he has the following statement about Mo'alla Ibn Muhammad: "he is weak because Allameh Helli and Najjashi have said about him that he is anxious in hadith narration and religion". And, Ibn Qaza'eri states that "learn his hadith and deny it". And, Najjashi has said about him that "his books are close so he cannot be trusted and his being granted with a position of sheikh does not indicate his authenticity and trust and it has not also been proved that he is a permission-grantor sheikh" (Khomeini, 1995).

Of course, as it was mentioned, Imam Khomeini does not realize being a permission-grantor sheikh alone as a sign of credibility otherwise he could have enumerated it as evidence marking the narrator's credibility. In other words, Imam Khomeini might have considered as evidence of credibility the cases that the permission-grantor sheikh position of a narrator is not accompanied by the weakening of the dignitaries.

***Criticism and Investigation:***

Regarding this order by the late Imam about Mo'alla Ibn Muhammad that he is weak because of being anxious in hadith and religion, it can be stated that the statement might not imply weakness because the primary intention is that he has narrated various hadith some of which are reliable and some others are not. It is not that he has been anxious in narration otherwise it was envisaged as indicating weakness.

As for considering being a permission-grantor sheikh as evidence of credibility, several points have to be explained: the term "sheikh" is used for a person who was old enough and the signs of senescence were clear in his face. It is an Arabic word with its plurals being "Ashiyakh, Shoyukh, Sheikheh, Moshayyakheh and Mashayekh" (Ibn Manzour, 1986). But, in science of dignitaries and biographical evaluations, sheikh is used to refer to a person from whom a narration has been received. In science of astuteness, as well, permission has also been recognized as a method for learning and bearing hadith (Jadidinejad, 2003). By "permission-grantor sheikhs", the ones are intended who neither have authored a book nor are amongst the assistants of the immaculate Imams (peace be upon them) rather they are famous as sheikhs and only serve the transferring of the writings by the antecedents to the subsequents. Of course, not having a book is not a qualifying condition of permission-grantor sheikh and the permission-grantor sheikh might even have had books. For instance, Hassan Ibn Ali Washa'a has a book and is amongst the permission-grantor sheikhs (Kalbasi,



2001). Based on some perspectives, permission-grantor sheikhs are all credible. Shahid Sani has been considered as one of the first theoreticians in this regard. He writes in his book *Al-Derayah* that “the justness of the credible narrator is figured out by the confirmation of two just persons or via its being affirmed in several narrations meaning that the narrator’s justness should be well-known to the hadith scientists and other famous scholars such as our antecedent sheikhs from the time of Muhammad Ibn Ya’aqoub Kolaini till the present time. None of these popular sheikhs is required to prove his justness by offering documents because they have been famous for their credibility, piety and attachment in their times and all these surpass the value of justness (Hafeziyan, 2011).

This perspective speaks of a sort of general authentication. Those who consider the permission-grantor sheikhs as credible have based their reasoning on the following proofs:

- 1) Each of the permission-grantor sheikhs, from Kolaini time on, has been famous for credibility, narration and continence. These characteristics exceed the justness conditioned as a prerequisite for being a narrator and, thus, the Shiite scholars have not dealt much with the investigation of their whereabouts (Hafeziyan, 2011).
- 2) The antecedent and subsequent scholars like Sheikh Tusi and Allameh Helli did not debate about the permission-grantor sheikhs and only sufficed to the investigation of the authors and narrators before them. Such a behavior is a reason exclusively indicative of their authenticity (Aameli, 1983).
- 3) Veneration and affirmation by the hadith sheikhs and elders of the permission-grantor sheikhs implies their credibility (Mir Damad, “*Al-Rawasheh Al-Samaviyyah*”).

It might be stated in criticizing this perspective that “the scholars’ non-investigation of the biographical whereabouts of the permission-grantor sheikhs can be a reason indicative of something other than their popularity of credibility. As a specimen, it might have been so, in their opinions, that the permission-grantor sheikhs have not been involved in the credibility of hadith.

In criticizing the reason, some have stated that the fame of the permission-grantor sheikhs for authenticity, exact quoting of the hadith and piety cannot be considered as a credible proof indicating the authenticity of them all; because, if the fame amongst the subsequents was intended, it could have not been accepted because it is only exegetic and conjectural. And, if the fame amongst the precedent was intended, there is no reason indicating its existence (Davari, 1994).

The statement is flawed in that, by fame in here, the jurisprudential fame is not intended so that it would require a proof of credibility rather the sole justification of the practical way of conduct by the dignitaries and



the authors of Hadith books suffices because at least one credible authenticity can be found amongst them.

But, the antecedents and subsequents' lack of debate on the permission-grantor sheikhs' whereabouts might have been due to the famousness of the book, the existence of other ways for it and so forth. So, it does not necessarily mean their authenticity. And, in cases that the a popular book can be attributed to an author in definite terms, the mentioning of it by a permission-grantor sheikh only serves the attachment of the document and has no effect on the credibility of the book and the Ahadith thereof. In cases of this type, frequent narrations by a permission-grantor sheikh cannot be a concrete sign of his credibility in a decisive manner. As for the veneration and affirmation, they have not been stated about all the permission-grantor sheikhs. Moreover, the implications of these two renderings to the credibility are controversial.

Of course, these debates do not seem to be posable to Qom's jurisprudential school, especially Imam Khomeini, because the perspective being a permission-grantor sheikh alongside with the other evidence leads to the credibility inference.

#### **2.2.9. Multiplicity of Narrations:**

If a credible and high-ranking person presents a lot of narrations from a person, it has been stated to be an indicator of the latter person's credibility because the common way of conduct amongst the hadith scientists, especially followers of Qom school, has been that the scholars and elders did not narrate from a person whose credibility had not been affirmed and the ones narrating from the weak persons were also considered weak. Kashi mentions the names of a number of rejected and credible individuals in a translation by Abdullah Ibn Senan (following the citing of the narrations praising and admiring Ibn Senan). It means that he intends that the mentioning of these elders marks and substantiates the credibility of Abdullah Ibn Senan.

Ayatollah Borujerdi knows the narrations from the elders by a person as a sign of credibility, especially if the narration reaches multiplicity. For example, he has the following statement about Muhammad Ibn Yahya: "the multiplicity of the narrations by Sheikh Tusi and Sheikh Sadough from him removes any doubts about his credibility because, although he has not been mentioned in Najjashi and Sheikh Tusi's books for his not authoring of a book, he had been allowed by his father to make narrations from his book (Borujerdi, no date).

#### **2.2.10. Narrations from the Authors of the Four Books:**

One issue related to the science of biographical evaluation of the dignitaries is that does it have any effect on the credibility of a book or a principle if the authors of the four books rarely narrate from a narrative principle or book or make no narrations at all? And, is this lack of narrating or making few



narrations superior in contention times to the authentication of the book author by the dignitaries or not?

Imam Khomeini implicitly and in a discussion about Zaid Nersi's principle (that he rejects) points to the issue and, besides recounting the lack of narrating or making few narrations as indicating the discredibility of the principle or the book, finds it superior to the dignitaries' authentication (Khomeini, 1999).

- 2.2.11. The majority of antecedents' practicing of the narrations by such individuals as Sahl Ibn Ziyad and Muhammad Ibn Ryan whose weaknesses have been pointed out in the books by the scholars of science of biographical evaluation compensates their weakness and the news instigating the rejection by the majority of the assistors, even if literally true, causes the stripping away of the credibility.

Imam Khomeini, as well, believes that that the fame considered by the antecedent assistors for a narration or a narrator causes the strengthening of a document and fame is realized by him as a distinguisher of proof from the non-proof meaning that the substantiative nature of a narration can be discerned from its popularity (Khomeini, 1999).

By fame, his highness intends the popularity of a narration amongst the antecedent assistors and not amongst the subsequent assistors. Under a letter about the quality of cleaning the body by flowing water, his highness writes: "... this letter is weak ... and the mere fame of the verdict between the subsequents rather their substantiation on it assuming the vagueness of the antecedent assistors' substantiation thereon does not compensate the document's weakness (Khomeini, 1999).

And, also, as viewed by Imam Khomeini, jurisprudents' substantiation on a document is the precondition for the compensation of a document's weakness based on its popularity (Khomeini, 1999).

- 2.2.12. The narrations by the Shiite elders and dignitaries of a narrator as well as the narration's repetitive citation in various jurisprudential matters provides for the narrator's credibility and neutralizes its weakening by the scientists of biographical evaluation (Borujerdi, no date).
- 2.2.13. The narrations and letters from Ibn Abi Amir are authentic (Borujerdi, 1994). Furthermore, the letters by Ali Ibn Asbat and Jamil are also credible (Borujerdi, 1993).
- 2.2.14. A narration is considered credible if it has been commonly mentioned by the three sheikhs (the authors of the four books, Kolaini, Sadough and Tusi) and they are even preferred to negating news. The mentioning of a narration by the three Sheikhs means that the narration has been narrated in books that have been read from generation to generation by the permission-grantor sheikhs (Borujerdi, 1994).



2.2.15. Weakening is not considered sufficient in religion because, in our ideas, it might have been due to something that does not cause weakening and problem in religion.

### 3. *Dignitaries' Foundation in Najaf School (Documentary Authenticity):*

Ayatollah Khou'ei, the head of Najaf school in the contemporary era, considered the existence of a text indicating the credibility of the narrator as the sole factor giving rise to the credibility of a narrator and authenticity of a narration's document and did not realize the narrations by the fellows of consensus and issuance by Ibn Abi Amir and the permission-grantor sheikhs and the numerous elders and others of the type as a cause of credibility of a narration.

For several reasons, the late Ayatollah Khou'ei is of the belief that being a permission-grantor sheikh does not convey any authenticity and credibility (Khou'ei, 1987). A narrator sometimes receives a hadith by hearing and sometimes by reading. It is sometimes received by permission and without hearing or reading in which case a hadith is said to have been narrated from a master and the narrator would state that "I was told ...". Therefore, the only benefit of the permission is the authenticity and the accuracy of a narration quoted by a sheikh. Yes, accepting that the narration of an authentic narration from a person indicates the credibility or authenticity of that person makes us conclude that the permission-grantor sheikh has also been credible otherwise the mere asking for and being granted with the permission does not indicate the authenticity of the master.

#### *Criticism and Investigation:*

We also believe that the mere asking for or being granted with a permission does not indicate the master's credibility. But, the authenticity of the masters can be concluded by adding one point and that is the idea that the multiple narrations from weak persons has been denounced and, the common way of conduct in narrating from a book is that the person being granted with the narration permission quotes many Ahadith from the permission-grantor sheikhs. Thus, asking for permission is per se indicative of a sort of the permission-granted person's confidence over the permission grantor's narrations and his practical authenticity stemming from the trust in sheikh and master.

1) The permission-grantor sheikhs do not reach the ranks of the fellows of the consensus and the other similar narrators who are famous for truthfulness and authenticity even with the sureness of their authenticity and glory. So, why is it that the authenticity of the fellows of consensus has been confirmed in the biographical evaluation and jurisprudential books but the sheikhs' credibility has not been affirmed even with its transparency and vividness?

#### *Criticism and Investigation:*

The fact that the permission-grantor sheikhs have not been mentioned in the dignitaries and biographical evaluation books might have been for the reason that they have not been of the rank permitted to state the names of all narrators.

1) Najjashi has weakened some of the permission-grantor sheikhs like Hassan Ibn Muhammad Ibn Yahya and Hussein Ibn Hamdan Khasibi. Cases of this type contradict the general axiom of permission-grantor sheikhs' authenticity.



***Criticism and Investigation:***

The axiom has been allocated to the aforementioned cases.

Ayatollah Khou'ei believes that:

The method of figuring out the substantiative nature of the news is one of the following two: justification of the narrator's credibility and/or admiration along with the apparent goodness of the narrator (Khou'ei, 1985). Weakness of the document of a narration cannot be made up by the common practicing and citation of it and the rejection of a narration by the majority does not harm the credibility of the authentic news (Khou'ei, 1995).

The narrations by individuals like Zerarah and Muhammad Ibn Moslem and Ibn Fazzal from a narrator is not a good reason for us to trust that narrator and consider him as credible ... "and their status, including that of Bani Fazzal, in regard of what they narrate is like that of the other credible narrators such as Zerareh and Muhammad Ibn Moslem and this also holds for those who accept their narrations so this does not imply anything other than their credibility because they do not narrate except from the credible individuals" (Khou'ei, 2012). In disputed cases, the narrations of the three sheikhs by a narrator do not grant him credibility ... "and their practices ... do not make them being considered credible by the others, from the antecedent to the subsequent assistors, for the fact that they have acted in opposite" (Khou'ei, 2012). The letters are not credible whether being issued by Ibn Abi Amir or any other person (Khou'ei, 2012).

Kolaini's narrations from some of our assistors are amongst the letters hence devoid of credibility (Khou'ei, 2012).

Ahmad Ibn Muhammad Ibn Yahya, though being an elder, is treated like the weak narrators and his narrations are not trusted because his authenticity has not been justified (Khou'ei, 2012).

Reasons like these that the narrator is amongst Imam Sadeq (PBUH)'s assistors or that the narrator is Ibn Abi Amir or that it has been exercised by the majority or that the document includes high-ranking and prominent Shiite narrators is useless and these reasons do not cause the correction of the narrations narrated by weak narrators (Khou'ei, 2012).

A person's narration from the elders does not provide him with credibility because the narrators' job is only narration and it does not differ for them whether the narrator is credible or otherwise (Khou'ei, 2012).

Approval by the Qom school's followers does not cause the credibility of the narrator because their affirmation might be based on the originality of the narrator's justness (Khou'ei, 2012).

Noufeli is not credible hence his narrations are not acceptable (Khou'ei, 2012).

Authenticity of the narration has no effect on the credibility of the news unless it provides personal confidence and this is outside the scope of the discussion (Khou'ei, 2012).



The letters by the fellows of consensus are also devoid of credibility and they themselves are only considered authentic (Khou'ei, 2012). The criticism and investigation of the debates about them are:

Dignitaries' consideration of the narrators' justness and authenticity as well as weakness is laid on their exegesis hence lacking the credibility for the exegetes.

The dignitaries might have made mistakes in the investigation of the names of the narrators and their fathers. Discarding might have occurred in some of the classes and ... these cause the discredibility of the dignitaries' utterances.

The name similarity of many of the narrators may have forced the dignitaries turn to weak signs in identification of each of them and the contradictions in the dignitaries' sayings about the narrators and the blurriness of the foundations of their assertions might have caused the discredibility of the dignitaries' utterances.

Sadough and Kolaini's testimony to the accuracy of the narrations is not less than Najjashi and Sheikh Tusi's authentication of the documents and credibility of the narrators hence their testimonies should not be considered fruitless.

***Answers:***

The aforesaid debates can be replied as below:

Authentication by the dignitaries is based on senses and not personal exegesis. Such dignitaries as Najjashi and Sheikh Tusi have borrowed their authentication from their masters and they from their masters. These authentications are credible since they provide confidence but Sadough and Kolaini's quoting of the news does not provide such confidence because it is possible that exegetic evidence might have made them trust the accuracy of the news.

***Criticism and Investigation:***

These answers are followed by such disputes:

Not all the fundamentalists lay the foundations of their rulings on this. Some have explicitly asserted that the authentications by the dignitaries is only beneficial to suspicions hence not assuring and it is subsequently believed that the suspicion has to be considered sufficient in terms of putting an end to the discussion and, also, there is no reason that can prove the authentications by dignitaries is sense-based in terms of their testimonies.

Another point is that even if the dignitaries' authentication of the news narrators distrusted by the sheikhs can be considered as safeguarding the authenticity of the news, their weakening of the narrators trusted by such sheikhs as Kolaini and Sheikh Sadough in terms of their narrated news cannot decrease the authenticity of the news.

***Summary:***

In order to be able to increasingly better introduce the rich Shiite school and Ja'afari jurisprudence to the world's legal schools, the analytical methodology of Qom and Najaf schools in the contemporary era, as pointed out above, is enumerated amongst the necessities of the seminary parallel to the investigation and recognition of the weak and strong points and this is per se very vast in domain and needs years of subtle research. In the present article, as an example and due to the important and essential role of the dignitaries' foundations in the inference of the canonical verdicts and their effects on the jurisprudential schools'



discrepancies including Qom and Najaf jurisprudential schools, the authors dealt with the investigation of two of these basics, i.e. the documentary authenticity and issuance authenticity. Next, the discrepancies between the two foresaid schools were examined and, finally, the perspectives of Qom's jurisprudential school was chosen and pinpointed as a solution-provider for the newly emergent and modern problems of the society.

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