

**Hermeneutics, Power and Juristic Authority:  
Studies in the history of Shī'ī Muslim Law**  
Robert Gleave (University of Exeter)

**Thursday 29<sup>th</sup> October 2009**

Seminar 1:

Charisma or Jurisprudence? Shī'ī contributions to the Early Development of Islamic Law

What distinguished the Shī'ī legal system in the early period of Islam? Was it merely a poor copy of the emerging (or established) Sunni system, or did it have its own distinctive dynamics? This lecture will piece together the evidence for the early development of legal thinking in Islam, and examine the Shī'ī contribution to that development. I shall argue that the Shī'ī contribution has been ignored by the many and conflicting accounts of the emergence of Islamic law. Furthermore, at various critical junctures in the early development of the law, the jurisprudence of the various Shī'ī trends played an important role in the establishment of legal mechanisms later found in works of Islamic law (*fiqh*). Two legal controversies provide examples of this role: the debated validity of temporary marriage (*mut'ā*) and ritual purification by wiping (or washing) one's feet.

**Thursday 5<sup>th</sup> November 2009**

Seminar 2:

“God does not always mean what he says”: The Hermeneutics of the Law and Scholarly Authority in Early Classical Shī'ī Jurisprudence

It is recognised that there was move towards a greater level of theoretical self-reflection within Muslim intellectual discourse during the ninth and early tenth centuries. In the legal disciplines, jurists began to move beyond whether this or that rule was valid, and started to contemplate how the validity of any rule might be demonstrated. This development was resisted by some Shī'ī jurists who thought it improper to ponder as to why God, the Prophet or the Imams ruled in a particular manner. However, this does not mean that speculation as to the mechanisms of legal interpretation was absent for the Shī'ī jurists. There was undoubtedly a time lag in the development of a specifically Shī'ī legal hermeneutics when compared with Sunni thinkers. However, it was quickly recognised amongst the majority Imāmī Shī'ī thinkers that as soon as theology had determined that the Imam was absent, law would have to shoulder the responsibility of maintaining a communal authority structure until the Imam's return.

**Thursday 12<sup>th</sup> November 2009**

Seminar 3:

Shī'ī Jurisprudence and Safavid legitimacy

To a large extent, Imāmī Shī'ī law developed as a scholastic activity in the medieval period. Imāmī Shī'ī jurists had little or no influence on the structures of power and rarely had the opportunity (or inclination) to participate in the (mostly Sunni) legal systems of established government. The extent to which the individual Shī'ī should work with or for the government in the absence of the Imam had been a controversial subject from the early period of Imāmī jurisprudence. The debate took on greater

importance with establishment of the first major Imāmī Shī'ī dynasty in 1501, when Shah Ismail I declared "Twelver" Shi'ism the state religion of the newly formed Safavid empire. In this lecture, I trace the various Imāmī Shī'ī legal developments during the Safavid period, and examining how the Imāmī jurists explored the dynamics of the novel situation of a government committed to the implementation of Imāmī law.

**Thursday 19<sup>th</sup> November 2009**

Seminar 4:

Piety, Knowledge and Legal Authority: The Intellectual Foundations of Shī'ī Juristic Power.

The prominence of Shī'ī jurists in the Iranian revolutionary movement of 1978-79 took some observers by surprise. Taken against the background of Shī'ī intellectual developments of the nineteenth and twentieth century, their prominence is less surprising. In this lecture, I examine how the complex hierarchy of Shī'ī jurists which developed in the nineteenth century in the seminary cities of Iran and Iraq encouraged particular modes of legal investigation. These trends, in turn, allowed comprehensive theories of Shī'ī political authority to develop in the twentieth century, the most famous of which was probably that advocated by Āyatallāh Rūḥallah Khumaynī (or Khomeini). Perhaps the most legally sophisticated, however, is that of Āyatallāh Muḥammad Bāqir al-Ṣadr, in which political engagement is linked with a reformulation of legal hermeneutics. An examination of key questions in the highly rarefied science of legal theory (*uṣūl al-fiqh*) enables us to characterise the emergence of political expressions of Shi'ism as simultaneously novel and traditional.

**Thursday 26<sup>th</sup> November 2009**

Seminar 5:

How "Islamic" is the Islamic Republic of Iran?

Āyatallāh Khomeini's theory of the leadership of the jurist (*velāyat-e faqīh/wilāyat al-faqīh*) was forced into becoming a political reality with the establishment of the Islamic Republic of Iran. Inevitably, some elements of his theory were morphed when realised in political structures following the 1979 Iranian revolution. Khomeini's political theory was, in many ways, peculiarly Shī'ī, and not easily transferred into a non-Shī'ī context. Interestingly, though, the problematic questions encountered in the early period of Shī'ī jurisprudence re-emerged in post-revolutionary Iran. Is the Imam an emissary bringing a law, or a jurist interpreting the sources of law? Is his decision an inscrutable truth or is there a hermeneutic which he employed and could be imitated by suitably trained scholars? The role of the Supreme Jurist (*walī-ye faqīh*) is, supposedly, the element of the revolutionary state which makes the system "Islamic". In this lecture, I bring out the tensions inherent in such a claim by examining a single issue on which Shī'ī *fiqh* has commented extensively: the legal status of Zoroastrians. By delineating the transition from the theoretical status of Zoroastrians in Shī'ī *fiqh* to the actualisation of this status in Iranian law (through the instrument of codification), the problematic nature of law making in the Islamic Republic is exemplified. These issues call into question both the "Islamic" nature of the Republic, and its supposedly "unique" status amongst modern states.