

About the author

*T*he author , Mohammad ibn Hasan ibn Ali ibn al-Hasan, known as

Abu Jafar, has been given the honorific title Shaykh al-Taifat al-Imamiyah (the Head of the Twelver Shiite School of Law and Thought by the Shiite community and school and is also referred to as Shaykh al-Tusi (the grand scholar/master from Tus). He was born in Ramadan 385 AH/995AD in the city of Tus in Khorasan, the northeastern province of modern Iran. He died on Sunday night of the 22nd of the month of Muharram in the year 460AH/1066AD in the city of Najaf, the city in southeastern Iraq where Imam Ali (*p.b.u.h*) is buried.

He left Tus and Khorasan in 408/1017 for Baghdad at the age of twenty-three, for further education after exhausting all means of education in his home town. He studied in Baghdad, Karkh, under the leading masters of his time and remained a close favorite student and disciple of the then head of the Shiite community and school, Mohammad ibn Numan , known as al-Shaykh al-Mufid , until his master died in 413/1022. Shaykh al-Tusi then became a close associate the Shiite community from Shaykh al-Mufid after his death. Sheikh al-Tusi studied with him too until his death in 438/1044. Agha Bozorg, in the introduction to al-Nihayah , suggests that Sharif al-Murtada died in 436 AH. Although there were quite a few eminent well-qualified disciples and students of Alam al-Huda to succeed him in leading the Shiite community and school, Shaykh al-Tusi succeeded him. While he was still living in Karkh in Baghdad, he was given the important and academically prestigious chair of theology at the grand center of higher Islamic education. Over three hundred well-qualified scholars attended his circle of learning. The Abbasid caliph, al-Qadir bi Allah, attended his lectures. There he had access to two major collections of books of his time: Dar al-Ilm, founded by Shapur bin Ardeshir, with over one hundred thousand books, and that of Sharif al-Murtada, with over eighty thousand books. Al-Tusi benefited greatly from these libraries and produced many of his works in Baghdad. In 447 AH Toghrul-bek, the Saljuq sultan, entered Baghdad and the anti-Shi'ites were gaining power. As a result of the anti-Shi'ite riots of 447/¹⁰5⁶, instigated by

the Hanbalites, in which al-Tusi's home, books and precious library were burnt, Shaykh al-Tusi was forced to leave Baghdad. He settled in Najaf where he remained until he died in 460/1067. He was buried in a house in Najaf which was later developed into a mosque according to his will.

Shaykh al-Tusi attended the learning circles of both Mohammad known as Shaykh al-Mufid and Sharif al-Murtada known as Alam al-Huda, but it was due to al-Tusi's initiative that Shi'ite law established itself as a legal system and evolved from being just a collection of legal opinions molded in the form of quotations and reports from the *Masum* (the infallible authority, the prophet and the Imams) to codes of law and a school of law. According to Tusi's approach, the Imam himself is the subject of the law as an independent Islamic institution. Being at ease with the Sunni schools of law and very familiar with them, as his book of comparative Islamic law (*Masum -Khilaf*) shows, Tusi even incorporated some of the features of Sunni Law into the Shi'ite legal system and thus developed it into one of the major schools of Islamic law.'

Al-Tusi established himself as a jurist with initiatives. He resolutely introduced *Aql* (human reason) as a Source of law. He stated, for example, that the reason why misappropriation (*ghasb*) is forbidden is that rational principles and human reason dictate that it is not right and thus should be forbidden. He has been wrongly accused of having Akhbari tendencies because he criticized his master, Sayyid al-Murtada, for rejecting the authority of a single tradition/narrative which had been reported only once , by a single reporter, and through a single chain of transmitters(*Khabar al-wahid*)²³. However, it must be understood jurisprudence , *usul*, in his book on Islamic jurisprudence, namely *al-Udah fi al-Usul*. He is thus using an *Usuli* approach to deal with the authority of traditions (*akhbar*)²⁴ . He should be credited for initiating the rational, philosophical method of commentary on the Quran. His rational approach in the filed of commentary on the Quran encouraged

²³Fiqh al- Ahl al-Bayt, volume 21, (1378 AH) Article on Shaykh al-Mufid

²⁴ Ibn Idris, *al-Sara'ir*, p.2 and *Fiqhu Ahl al-Bayt*, volume 26, article on Shaykh al-Tusi

other commentators to develop this approach as an established school of commenting of the Quran²⁵.

He established himself as a specialist in comparative Shiite law. His book , al-Mabsut (Islamic Law, a detailed description) shows clearly that al-Tusi was well acquainted with the opinions of his contemporary jurists and all Shiite lawyers before him. He also established himself as the first specialist in the field of comparative Islamic law, in general. His book, al-Khilaf is the first book written in the field of comparative Islamic law. He seemed to be very forward-looking in dealing with legal issues. For example, he seems to have foreseen organ transplants. He deals with a case in which animal bones have been grafted in to human bones. Al-Tusi's field of interest and learning extended over the entire Islamic studies of his time. This included ,inter alia, commentary of Quran, law , jurisprudence, traditions (sunnah), comparative law, theology, bibliography (al-Fihrist) and biography (Rijal). He produced works/books on these subjects which are still used as references by scholars.

Shaykh al-Tusi was given the honorific titles of Shaykh al-Taifah (the head, master, leader of the Ithna ashari community and school) by the Shiite community elite, which he has kept up to the present time! It was the immense contribution by al-Tusi to Shiite Islam and his tremendous impact and influence upon the succeeding generations of scholarship that earned him the title. His impact on the development of Shi'ite Islamic studies, especially law, was so great that for almost a century the Shi'ite jurists followed him, did not challenge his legal opinions and regarded his contributions sufficient, to which nothing needed to be added or altered. This era of following Shaykh al-Tusi, which later was regarded as the era of *Taqlid* (imitation/following), lasted until Ibn Zuhrah (d. 585Ah) produced *Al-Ghunya* and Ibn Idris (d.598 AH) produced *Al-Sara'ir*.

Shaykh al-Tusi produced over fifty major works, in different fields of Islamic studies -one of them is the present book- including law, philosophy, theology, biography, historiography, exegesis, traditions,

²⁵ Agigi Bakhshayesh, Fuqahaye namdar Shi'ah, section on Shaykh al-Tusi, Qum, Iran

etc. Two volumes of his work, on traditions/sunnah have established themselves as the early major collections of Shi'ite Islamic collections of Hadith (narratives). They are *Tahdhib al-Ahkam fi Sharh al-Muqni'ah* (refinement/quintessence of law ...), and *al-Istibsar fi ma Akhtlafa min al-Akhbar*(understanding the conflicting Traditions), which are regarded as two of the four early major collections of Shi'ite traditions along with *al-Kafi* by Y. al-Kulayni (329/949) and “*Man la Yahdurhu al-Faqih*” by Ibn Babawayh, al-Saduq (381/991), making up the four early canonical books (*al-Kutub al-Arba'ah*). Shaykh al-Tusi also trained, and taught many scholars who later contributed greatly to Shi'ite Islamic scholarship in their turn."