The Development of the Imāmi Shi‘ī Doctrine of jihād

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While the doctrine of jihād has attracted the attention of scholars dealing with Sunni Islam, its position in Imāmi (or Twelver) Shi‘īsm has remained relatively unexplored. This neglect is unwarranted, particularly in view of the special significance which the Imāmi Shi‘īs themselves attach to the subject. Hence the following attempt to examine some aspects of this doctrine.

I

Before embarking on an analysis of the specifically Imāmi views on jihād, it should be pointed out that a general similarity exists between Sunni and Imāmi doctrines on the subject. A particular area of similarity is the great significance which both attach to holy war. Though Imāmi (as well as Sunni) scholars did not as a rule follow the Khārīji example by officially sanctioning jihād as a sixth ‘pillar’ (rukūn), they none the less left no doubt as to its importance. Muḥammad b. Ṭalhah b. Bābawayhi (d. 381/991), one of the earliest Imāmi doctors, declares, “jihād is a religious duty imposed by God on mankind”. The leading Imāmi figure of the Buwayhid period, Muḥammad b. Muḥammad al-Shaykh al-Mufid (d. 413/1022), says that jihād “maintains the strength of the foundations of Islam”, and Abū Ja‘far al-Ṭūsī (d. 460/1067) sees in jihād “one of the religious duties of Islam and one of its pillars”.


3 Al-jihād [...] tathhutu bīhi qawāid al-islām (al-Shaykh al-Mufid: K. al-irshād, Tehran 1320, p. 31.)

4 Al-jihād farīda min farā‘īd al-islām wa-rukn min arkānīhī (Abū Ja‘far al-Ṭūsī: Al-nihāya. Beirut 1970, p. 289). Al-Ṭūsī does not, in this work, use the term rukūn to refer to any of the other five religious duties which are normally called arkān.
These and similar statements are based on a wealth of traditions ascribed to the Prophet or to the Imams. Muḥammad al-Baqir (d. 114/732 or 117/735) and Jaʿfar al-Ṣādiq (d. 148/765), the fifth and sixth Imams, are cited as authorities for the following utterance: “the root of Islam is prayer, its branch is alms-giving, and the top of its hump is jihad for the cause of God.” The Prophet is quoted as describing prayer, charitable piety (bīr) and jihad as the three works most beloved by God. In other sayings, jihad is counted as one of four, five, six, eight, or ten elements which constitute the Islamic faith. All that is good is embodied in the sword. Death in a holy war atones for all sins. (However, to die, even in a holy war, with outstanding debts for which no one would be responsible, is a sin.) Those who die in a jihad will enter Paradise through a special gate; conversely, those who try to save their skins

5 Or, according to a variant reading, “its peak and its hump” (dhurwatu-hu wa-sanāmihi).


9 In a tradition of the Prophet; the other four being prayer, fasting, almsgiving, pilgrimage. See Ḥaydar Amuli, op. cit., p. 591.


13 Al-khayr kulluhū fi 'l-sayf wa-taḥta zill al-sayf (Bihār, XXI, p. 94, quoting a tradition of the Prophet).


by running away from the battle-field (al-jīhād min al-zahf) are guilty of a grave sin (kabīra) and will be punished.\(^{16}\)

As in Sunnī Islam,\(^{17}\) so too in Imāmī Shi‘ism, the term jīhād does not merely refer to warfare, but is often broadened to include various meritorious acts requiring spiritual or physical exertion. Of these acts, perhaps the most famous is the so-called “greater jīhād” (al-jīhād al-akbar), which, in contrast to the “lesser jīhād” (al-jīhād al-asghar), involves a struggle not against hostile outside forces but against one’s own baser instincts (jīhād al-nafs).\(^{18}\) True jīhād is also said to consist in striving for knowledge (‘ilm),\(^{19}\) or in keeping the secrets of the Shi‘i religion.\(^{20}\)

Jīhād is described in a Shi‘i tradition as comprising four parts or “branches” (shu‘ab): jīhād al-nafs, struggle against attacking unbelievers (i.e. defensive war), struggle against an enemy (referring probably to a Muslim offensive), and struggle to revive a dormant or neglected custom of the Prophet and the early generations (ihyā’ sunna).\(^{21}\)

Other virtues are sometimes ranked above that of fighting in a holy war: thus Muḥammad ibn Bihār is said to have declared that on the Day of Judgment the ink of the scholars will outweigh the blood of the martyrs on the scales,\(^{22}\) and that the muʿāḍāthūn will receive a reward equalling


\(^{17}\) For which see especially the discussion in Goldziher, op. cit., II, pp. 350—354 (where Sunnī sources are quoted for some of the traditions mentioned below).


\(^{19}\) Ibn Bābawayhi, Amālī, p. 551.


\(^{22}\) Ibn Bābawayhi: Amālī, p. 149, on the authority of Jaʿfar al-Ṣādiq.
that of 40,000 martyrs. In another tradition the Prophet is quoted as ordering one of his followers to refrain from going on a jihād if his old parents would rather enjoy his company at home. As Goldziher has pointed out, these and similar traditions reflect the reaction of Muslim scholars against the fanatical urge to court death in battle (talab al-shahāda), as exemplified above all by the Khārijīs. Such traditions spring from a common Sunni-Shīʿī heritage, and cannot in themselves be cited as proof of any specifically Shīʿī reluctance to embrace the cause of holy war.

II

Some Imāmī traditions on jihād reflect the typically Shīʿī view of history as a series of wrongful acts perpetrated against the Shiʿa. This view is epitomised by the Shīʿī Imams being referred to as maẓlūmūn, i.e. the victims of evil and injustice. It also explains the following Shīʿī justification of jihād: all believers (i.e. Shiʿīs) are by definition maẓlūmūn, since they have been robbed of their rightful property, the territory at present held by the unbelievers (the dār al-ḥarb). Hence believers at all times are called upon to go on a jihād, and this is the meaning of the verse, “those who are fighting have permission [to do so], since they have been unjustly dealt with” (Qurʾān 22/39(40)).

The close connection between jihād and justice is also established in some Shīʿī legal texts, in which the portion dealing with the rules governing holy war includes a section on “enjoining what is good and prohibiting what is evil” (al-amr biʾl-maʿrūf waʾl-nahy ‘an al-munkar). Al-Shaykh al-Mufid, who stresses that this activity is a fard kifāya (collective duty), explains that it springs from the belief in justice and in the imamate. Since the Muʿtazilis regarded al-amr biʾl-maʿrūf waʾl-nahy

23 Alā wa-man adhāhana muḫtasiban yurīdu bi-dhālika wajh allāh ῥaṣṣa wa-jalla ʾaṭfāhu ʾllāh thawāb arbaʿaʾin alṭ shahād wa-arbaʿaʾin alṭ ʾiddiq (Ibn Bābawayh, Amāli, p. 388, on the authority of the Prophet).
"an al-munkar as one of their principal tenets, there is little doubt as to their influence on this aspect of Shi'i thought. Indeed, considerable similarity exists between the formulations on this subject made by the pro-Shi'i Mu'tazili al-Šāhib b. 'Abbād (d. 385/996) and the celebrated Shi'i theologian al-Sharīf al-Murtada (d. 436/1044). Al-Šāhib declares that the doctrine of enjoining what is good and prohibiting what is evil is obligatory "as far as possible," and al-Murtada makes the same point in saying that it is obligatory "as long as it does not lead to fasād (i.e. evil and corruption)."

III

The Imāmī Shi'i rules relating to jihād are often very similar to those of the various Sunni schools. Imāmī doctors, for example, agree with their Sunni counterparts in defining the duty of jihād as a fard kifāya, which may however turn into a fard 'ayn (individual duty) in case of a grave danger to the community. Both Sunnis and Imāmīs discuss ribāt (or murābata), which is an essentially defensive concept, within the general context of jihād. Both list certain categories of persons who are exempt from the duty of fighting a holy war (for instance women, children, old persons, slaves, the insane and the sick). There are, however, within the Imāmī legal theory, specifically Imāmī elements which differ from the Sunni system. These revolve around two major issues: the identity of the person who leads the jihād, and the enemies against whom jihād may be waged. Even on these two issues, Imāmī doctrine appears at first sight to bear a considerable resemblance to the Sunni position: Sunni and Imāmī doctors agree that leadership of the jihād is one of the duties and prerogatives of the ruler, or Imam;

31 Al-Sharīf al-Murtada: Muqaddima fi 'l-usūl al-i'tiqādiyya, loc. cit., II, p. 82.
and both state that *jihād* may be directed against polytheists, apostates, scripturaries (*ahl al-kitāb*, i.e. Jews, Christians, Sabians, Zoroastrians) and *ahl al-baghy* (or *bughāt*, i.e. dissenters who act wrongfully or unjustly).\(^{35}\)

The uniqueness of the classical Imāmi theory lies, first, in the fact that it limits leadership of the *jihād* to one of twelve divinely appointed Imams, or to a representative chosen by the Imam to perform that function on his behalf.\(^{36}\)

Secondly, the position of the *ahl al-baghy* in Imāmi legal theory is altogether different from their position in Sunnī *fiqh*. This difference applies both to the definition of the term *ahl al-baghy* and to the importance which is attached to *jihād* against them. In Sunnī Islam, the *ahl al-baghy* are those who oppose the legitimate ruler; the duty to fight them assumed particular significance whenever the government in power felt threatened by hostile Muslim elements, whether internal or external. Thus al-Māwardi (d. 450/1058) stressed the ruler’s right to fight the *ahl al-baghy* at a moment when the ‘Abbāsid caliphate had reached its nadir and was largely at the mercy of the Shi‘ī Buwayhids;\(^{37}\) and the Syrian atābeg Nūr al-Dīn (ruled 541/1146—569/1174) whipped up popular support for the *jihād* against the *ahl al-baghy* (by which he meant especially the Shi‘ī and Ismā‘īli heterodoxies) as part of his overall strategy of reviving enthusiasm for *jihād* in general in the context of the struggle against the Crusaders.\(^{38}\) On the whole, however, the first priority was reserved in Sunnī Islam for the holy war against the infidels.

The Imāmis, on the other hand, define the *ahl al-baghy* as those who rise against one of the twelve legitimate Imams; and the duty to fight them is a central tenet, which is not contingent upon any particular historical occurrence. For while the Imāmis concurred in the need to fight the infidels, they regarded as an essential first step the conversion of all Muslims into true believers (i.e. Imāmi Shi‘is); or, to put it in Imāmi legal terminology: the struggle to convert the *dār al-islām* into *dār al-imān* must precede the final onslaught on the *dār al-kufr*.\(^{39}\) The term *dār al-islām* here means those areas ruled by Muslims who did not accept, and often fought against, the imamate of ‘Ali and his descen-


\(^{36}\) On this point see below, p. 80.


\(^{39}\) For this three-partite division into *dār al-imān*, *dār al-islām* and *dār al-kufr* see al-Shaykh al-Mufīd: *Awā’il al-maqālāt*, pp. 70—71.
References to jihād against ahl al-baghy in Imāmī literature probably outnumber references to other kinds of jihād; in Imāmī ḥiḥ works the ahl al-baghy are occasionally listed even before the other categories of enemies. This is hardly surprising: the ahl al-baghy, after all, represent the entire hateful Sunni world, a world held responsible for all the harassment and persecution to which the Shi'is were subjected throughout the ages.

IV

Of the twelve Imams, only 'Ali b. Abī Ṭalib reached a position of power which enabled him to confront directly the threat posed by the ahl al-baghy; his conduct towards them lies therefore at the heart of all Imāmī thinking on the subject. In Imāmī tradition, 'Ali's role in combating the enemies of Islam is referred back to the time of the Prophet. Muhammad is said to have declared that just as he, Muḥammad, and the believers of his generation were destined to fight the polytheists, so 'Ali and the believers in his time would have to wage a jihād "against people who, though formally acknowledging God's unity and Muḥammad's apostleship, would nevertheless introduce harmful innovations, would persecute the Prophet's family ('itra), and would cause dissension". A similar idea is contained in Imāmī interpretations of the verse, "oh Prophet, fight the unbelievers and the hypocrites (munāfiqūn)" (Qur'ān 9/73(74), 66/9). This verse was somewhat problematic, since it was known that Muḥammad did not actually fight against the hypocrites; and the Imāmī interpretation is that the Prophet fought against the unbelievers and 'Ali against the hypocrites. Ibn 'Abbās is quoted as the authority for this interpretation.

40 This is done for example by Najm al-Dīn al-Ḥilli (both in his Sharā‘ī‘ al-islām (trans. Querry) and in the abridged version, i.e. Al-mukhtāsar al-nājī‘), but not by Ibn al-Muṭahhar al-Ḥilli (op. cit., I, pp. 281ff.), where the order is: (i) ahl al-dhimma; (ii) other unbelievers; (iii) the bughāt. Al-Qāḍī al-Nu‘mān lists the ahl al-baghy after the mushrikūn (op. cit., I, pp. 438, 452); this is also the procedure followed by al-Ṭūsī in his Niḥāya (pp. 291, 296). In the case of al-Ṭūsī this may be attributed to taqiyya (precautionary dissimulation): al-Ṭūsī was still alive during the Saljuq occupation of Baghdad (447/1055), and suffered persecution at the hands of the Sunni rulers.


42 'Ali b. Ibrāhīm al-Qummi, op. cit., II, p. 377, cit. Bihār, VIII, p. 147. Most Sunni commentators explain that 'Ali's jihād against the munāfiqūn consisted of threats that they would go to hell, or of the carrying out of the prescribed Quranic punishments (ḥudūd) whenever necessary. A different Shi‘ī solution to the problem inherent in this verse is provided by the reading (qirā‘a), "fight the unbelievers by means of the hypocrites" (jāhīdī
for the following tradition: “when the verse, ‘oh Prophet, fight the unbelievers and the hypocrites’ was revealed, the Prophet said, ‘I will fight the Amalekites’, referring to the unbelievers and the hypocrites. So Gabriel came down to him and said, ‘either you or ‘Ali [will fight them].’” Muḥammad, then, thought that he would fight all his opponents; Gabriel corrected him, pointing out that some of these opponents would be combated by ‘Ali. ‘Ali’s jihād is thus presented as an extension and continuation of Muḥammad’s own jihād.

The first occasion on which ‘Ali had to fight enemies within the Muslim camp was at the Battle of the Camel (Jumādā II 36/December 656), which took place near Basra shortly after ‘Ali’s accession. In that battle, ‘Ali and his supporters were pitted against the combined forces of ‘A’isha, Ṭalḥa, al-Zubayr and their followers. Sunnī traditionists view the Battle of the Camel, as well as the other civil wars fought during ‘Ali’s reign, as internal disputes within the community, for which no side was to blame. These traditionists neither present these wars as jihād, nor do they represent ‘Ali as viewing them as such. The Imāmīs, on the other hand, stress that from the moment ‘Ali realised the inevitability of war against ‘A’isha and her camp, he regarded that war as jihād and expressed himself accordingly. On his way from Medina to Basra, for instance, he reportedly made a brief stop at al-Rabadha, whence he despatched letters to the Kūfans urging them to join the jihād. He is also said to have appealed to Abū Mūsā al-Asḥā’ī to participate in the jihād, but without success. From al-Rabadha ‘Ali marched to Dhū Qār, whence he allegedly sent the Kūfans another appeal to join him, while reminding them of the importance of holy war: “God has imposed on us the obligation to wage jihād; he has made jihād glorious, and has made participation in it a sign of support for Him. By God, it is only through jihād that worldly or religious affairs have ever prospered.”


45 Bihār, VIII, p. 454 (quoting from al-Ṭūsī’s Amālī).

46 Bihār, VIII, p. 409 (quoting from the Sharḥ nahj al-balāgha of Ibn Abī l-Ḥadīd).


reported to have called the war against his enemies "the pure jihād" (al-jihād al-ṣāfī), since it was untainted by any doubts or misgivings. 47

'Ali's supporters in the Battle of the Camel are identified in Imāmi traditions with believers waging a holy war. Muḥammad is said to have prophesied that 70,000 shahīds would be killed at Basra, all of whom would attain the same rank as the shahīds of Badr; and 'Ali is quoted as declaring that "those who kill 'Ali's enemies are blessed; and so also are those who are killed by them, for their entry into Paradise is assured". 48

In a similar vein, 'Ali's son al-Ḥasan is quoted as having declared that "jihād with 'Ali is the same as jihād with the Prophet". 49

Both during and after the Battle of the Camel 'Ali is said to have shown great mercy towards his enemies: he ordered that their lives be spared if they were wounded or were attempting to flee the battle-field, and forbade any infringement of the sanctity of their homes and any molestation of their women. 50 'Ali's leniency towards the Basrans was the subject of a letter which he is said to have sent to his Kūfī supporters after the battle. 51

The Battle of the Camel did not significantly alter the position of 'Ali's opponents, led by Muṭāwiya b. Abī Sufyān, and 'Ali came to realise that the Syrian opposition could not be overcome by peaceful means. The Battle of Șīffin (Ṣafar 37/July 657), in which the armies of 'Ali and Muṭāwiya met in bloody conflict, is also regarded by Shi'i traditionalists as a jihād. Before the battle, 'Ali is said to have urged the reluctant Kūfans in speech after speech to join him in a jihād against the Syrians. 52

In 'Ali's view, Muṭāwiya and his men had not really converted to Islam; in their hearts they persisted in unbelief, and when they found supporters they made their unbelief public (azharūḥā). 53 In a letter to 'Abd Allāh b. 'Abbās, 'Ali reportedly urged him to excite people's desire for the struggle against Muṭāwiya (wa-ragkhībhum fi 'l-jihād), 54 and in

48 Bihār, VIII, p. 447 (quoting the same source).
another letter, to Mikhaf b. Sulaym (his governor in Isfahân and Hamadân), he is quoted as writing, "it is a religious duty (farîda), incumbent upon all men of true knowledge, to wage a jihâd against those who deliberately strayed from the truth, and who preferred instead to fall into a slumber of blindness and error". One of ‘Ali’s most loyal supporters, Qays b. Sa’d b. ‘Ubadâ, is said to have declared that jihâd against Mu‘awiyya was more important than jihâd against the Turks and the Byzantines. At Siffin, as in the Battle of the Camel, those who died while fighting for ‘Ali are regarded as shahîds. Perhaps the most famous of these is Ammâr b. Yasir, who was allegedly told by the Prophet that he would be killed by “the rebel band” (al-fi‘a al-bâghiyya).

Imâmî sources present conflicting accounts of ‘Ali’s behaviour towards his enemies at Siffin. According to some reports, he showed considerable leniency by freeing all prisoners (except those who had killed one or more of his followers), and by forbidding any maltreatment of women, even when they vilified his men. But other reports have it that ‘Ali killed both the wounded and those trying to flee.

The Battle of Siffin ended in virtual stalemate, and ‘Ali continued to regard the struggle against Mu‘awiyya as a religious obligation. After Mu‘awiyya’s envoys had assassinated Hassân b. Ḥassān, who had been appointed by ‘Ali as governor of al-Anbâr, ‘Ali is said to have delivered a speech to his troops in which he extolled jihâd as one of the gates to Paradise reserved by God for His most loyal supporters; who forsook jihâd would suffer ignominy and disgrace. In his speech ‘Ali is said to have strongly upbraided his followers for trying to conceal their reluctance to fight Mu‘awiyya by inventing flimsy excuses (e.g., in winter it was too cold, in summer too hot to fight).

In contrast to ‘Ali’s uncompromising attitude towards Mu‘awiyya, Shi‘i traditionists quote some conciliatory remarks allegedly made by him

56 Al-Minqârî, op. cit., p. 104.
60 E.g., “oh you who resemble men but aren’t” (yâ ashbâh al-rijâl wa-lâ rijâl).
about the Khārijīs. 'Ali is said to have been unwilling initially to take up arms against them. He is also quoted as declaring: "if they forsake the jamā′a or rise against a just ruler (imām), then fight them; but if they rise against an unjust ruler, do not fight them, for they have legitimate grounds for this". 'Ali is even quoted as saying, "do not kill the Khārijīs after my death; for those who erred while searching for the truth [sc. the Khārijīs] are to be distinguished from those who looked for falsehood and found it [sc. Muʿāwiya and his camp]". The famous theologian Muhammad Bāqir al-Majlisi (d. 1110/1699), feeling that 'Ali could not have meant that the struggle against the Khārijīs should cease forever, interprets 'Ali's attitude as referring only to the period in which Muʿāwiya and his ilk (wa-adrābuhū) were in power. In al-Majlisi's view, the Khārijīs were more sincere in their worship of God than Muʿāwiya, and were less sinful than he was. Therefore, while both had to be combated, the jiḥād against Muʿāwiya was the more important.

Such differences in degree notwithstanding, it is clear that all 'Ali's enemies, whether at Basra, Šīffīn, or Nahrawān, are regarded by Imāmī doctors as bughāt. To this category belong not only 'Ali's active opponents, but also men such as Abū Mūsā al-Ashʿarī and his followers, who refused to take sides and did not respond to 'Ali's pleas for support.

Two main issues are examined by Imāmī doctors as regards the bughāt. The first relates to their religious position, and on this a wide measure of agreement seems to have been reached. The Šīʿī philosopher, historian and politician Naṣīr al-Dīn al-Ṭūsī (d. 672/1274), who generally followed the views expounded by al-Sharīf al-Murtaḍā in his Kitāb al-shāfi, sums up the prevailing doctrine when he declares, "those who fought 'Ali were unbelievers and those who disobeyed him were grave sinners". This view is echoed by al-Ṭūsī's pupil, al-'Allāma Ḥasan b. Yūsuf Ibn al-Muṭahhar al-Ḥillī (d. 726/1325), who asserts in his authoritative commentary on his master's work (the Sharḥ al-tajrid): "anyone who fought 'Ali was an unbeliever". This assertion clearly refers to "the breakers of covenants,

62 Bihār, VIII, p. 600.
63 Bihār, VIII, p. 620, XXI, p. 97.
64 Bihār, VIII, p. 620.
65 Bihār, VIII, p. 621. For an example of a much harsher attitude displayed by 'Ali towards the Khārijīs see al-Qādī al-Nuṭmān, op. cit., I, p. 458. According to some Sunni authorities, 'Ali did not declare a jiḥād against the Khārijīs because of their small numbers. See Khadduri, op. cit., p. 78.
68 Ibn Maʿṣūm, op. cit., pp. 33—34.
the deviators, and the renegades" (al-nākithūn wa'l-qāṣīfūn wa'l-māri-
qūn), referring to 'Ali's enemies at Baṣra, Siŷin and al-Nahrawān
respectively.69 Of these enemies, Mušāwiya and his followers are
considered the most vicious, hence their unbelief is more forcefully
emphasised than that of the other groups.

The identification of the bughāt as unbelievers (kuffār) leads directly
to the second issue, which is of a legal rather than a religious nature:
are these bughāt to be treated in exactly the same fashion as other un-
believers, or are there different kinds of unbelievers, subject to different
laws? In attempting to answer this question, Imāmī jurists rely on
accounts of 'Ali's behaviour towards the bughāt, both at Baṣra and at
Siŷin.

As has been pointed out, many Shīʿī traditionists stress that 'Ali
showed great kindness to the Baṣrans. One explanation given for this
behaviour is that he was following the example set by Muḥammad, who
showed mercy to the Meccans after conquering their city in 8/630.70 'Ali's
lenient behaviour at Baṣra (and, according to some reports, at Siŷin as
well) is interpreted as having been the result of practical, as well as
humane, considerations: he was afraid that if he took action against his
defeated adversaries, retaliatory measures would be taken against his
supporters in areas controlled by his enemies.71 But such explanations
could be applied to a war against any category of unbelievers, and are
not in themselves proof that 'Ali's attitude to the bughāt was different
from his attitude to other enemies.

A different method of approaching the issue is to presuppose (as do
most Imāmī jurists) that 'Ali treated the Syrians more harshly than he
had treated his opponents in the Battle of the Camel, and then to explain
this alleged difference in 'Ali's behaviour by reference to what may be
termed the "fiʿa-theory". According to that theory (which does not
apply to non-bughāt unbelievers), there are two sets of rules regarding
conduct towards bughāt on the battle-field: when the bughāt can rely for
support on additional groups of men (man lā fiʿa lahu), their wounded and
imprisoned men are to be killed and their mudbir (i.e. soldiers fleeing
the battlefield) pursued; when they cannot fall back on any additional sup-
port (man lā fiʿa lahu), then their wounded and imprisoned men are to be

69 See in general Biḥār, VIII, pp. 454—459, where various earlier sources are
quoted.

Biḥār, VIII, p. 461.

71 Al-Barqī, op. cit., p. 262; Ibn Bābawayhi: 'Ila al-sharāʿi', pp. 150, 154,
spared and their mudir left alone. Mu‘awiya’s men belong to the first category, since they could muster reinforcements from Syrian supporters not yet directly involved in the fighting; ‘Ali’s enemies at Basra belong to the second category, since no such help was available to them. Moreover, in the Battle of the Camel Ṭalḥa and al-Zubayr were killed, thus leaving their followers in disarray, whereas at Ṣiffin Mu‘awiya remained at the head of his forces throughout the battle and showed no sign of wanting to put an end to the fighting.

The notion of fi‘a has a direct bearing on a related subject: the manner of dividing the spoils. According to Imāmī fiqh, a fifth of the spoils captured from non-bughāt unbelievers goes to the Imam, and the rest is distributed among the Muslims as follows: the warriors receive the possessions captured in the enemy camp (mā ḥawāhu ‘l-asḵar), and the rest of the community receives all other captured enemy property. In the case of the bughāt, in contrast, possessions not captured on the battlefield may not be touched (since the families of the bughāt may be loyal Muslims). As to possessions captured in the enemy camp, there are two conflicting views among Imāmī jurists. One group maintains that these possessions are to be distributed among the warriors in the same manner as possessions of other unbelievers, regardless of whether or not the bughāt could rely on others for support during the battle. A second group of jurists argues that these possessions may be distributed among the warriors only in the case of man lā fi‘a lahu, but not in the case of man lā fi‘a lahu. Both groups base their claims on ‘Ali’s alleged behaviour at Basra. The first group relies on an account to the effect that ‘Ali distributed among his warriors the spoils captured on the battlefield. Another version has it that ‘Ali subsequently decided to return these possessions to their original owners; but this is seen by the first group as a particular act of kindness and generosity, which does not establish any legal precedent. Members of the second group claim that ‘Ali definitely returned to the bughāt at Basra their possessions, and that

74 Al-Ṭūsī: Al-nihāya, p. 294.
76 Ibid.
78 Al-Qāḍī al-Nu‘mān, loc. cit.
this action is to be interpreted as meaning that any other behaviour would be illegal.\(^7^9\)

Imâmî doctors are at pains to prove that even when legal distinctions are made between laws governing \textit{bughât} and those governing other unbelievers, these distinctions do not affect the doctrine that all \textit{bughât} are unbelievers. Al-Shaykh al-Mufid, for instance, distinguishes two different categories of unbelief. He terms the first category \textit{kufr ridda}, “unbelief as a result of apostasy”, involving a total rejection of Islam. The second category is \textit{kufr milla}, explained by al-Mufid as referring to someone who is neither a believer, nor even a Muslim in the religious sense, yet who legally belongs to the Islamic community by virtue of his acquaintance of the \textit{shahâdatân}. Hence, from the legal point of view, he is to be treated differently from an unbeliever who is outside the community. In God’s eyes, however, a \textit{kâfir millî} is an unbeliever like any other, and as such is condemned to eternal hell-fire.\(^8^0\) By applying this theory to ‘Ali’s enemies, al-Mufid can explain ‘Ali’s lenient behaviour towards some of them, while at the same time insisting that they are unbelievers.

Al-Sharîf al-Murtadā, clearly influenced by the thinking of his teacher al-Mufid, also accepts without question that both classes of unbelievers go to hell, and therefore deals only with the purely legal issue, i.e. how they should be treated in this world. He points out that not all unbelievers are subject to the same laws (\textit{ahkâm al-kufîr}); for instance, a non-Muslim in lands not yet conquered by the armies of Islam (sc. a \textit{harbî}) is in a different legal category from a \textit{dhimmî}, although both are unbelievers. In the same way ‘Ali’s treatment of his enemies, though often different from that customary in dealing with infidels in conquered territories, does not imply that he did not regard them as unbelievers.\(^8^1\)

To sum up: Imâmî jurists regard the \textit{bughât} as unbelievers, but maintain that there are certain laws which apply only to them (\textit{ahkâm al-}}


\(^8^0\) Al-Mufid: \textit{K. al-jamâl}, pp. 13–14. Cf. also id.: \textit{Avâ'id al-maqa'âl}, p. 14. Al-Mufid was not the first to have used these terms, although he gave them a particularly Imâmî colouring. Ibn Taymiyya maintains (\textit{K. al-imân}. Cairo 1325, pp. 131–132) that the distinction between unbelief which excludes from the community (\textit{qanqul} \textit{an al-milla}) and unbelief which does not was already known to the Companion Ibn ‘Abbâs. According to Tritton (\textit{Muslim theology}. London 1947, p. 39), the Khârijis used \textit{kufr milla} as an equivalent to \textit{kufr shirk}. But this is not the sense in which al-Mufid understood the term.

bughāl), and which differ from the laws governing other unbelievers. Some aspects of these laws are in dispute; but there is broad agreement among jurists on two major issues: first, that the f'āl-theory (if it applies at all) applies only to the bughāl, and second, that possessions found outside the camp of the bughāl (mā 'adā mā ḥava l-askar) may not be distributed among the Muslims.

V

After 'Ali's brief reign and al-Husayn's abortive attempt to return the 'Alids to power, the Imams did not engage in active combat, since in their view their precarious political position dictated a quietistic policy. Rather than provoking the existing régimes through revolts and uprisings (a policy often followed by the Zaydiyya), they channelled their energies into consolidating the Shi'i heritage and providing spiritual leadership for their community. The suspension of jiḥād, which to them was an inevitable consequence of the new reality, was justified by reference to the need to practise taqiyya (precautionary dissimulation). At the same time, the courage displayed by the followers of the Imams in adhering to the Shi'i faith despite all dangers was seen as raising them to the level of warriors killed in a holy war. This idea is summarised in the words attributed to Muhammad al-Bāqir, "every believer is a shahīd, even if he dies in his bed". Similarly, the Imams themselves are regarded as shahīds. Jiḥād itself was considered as being in abeyance until a propitious moment for its revival should present itself. That moment was identified with the return of the concealed Imam as Mahdi. Until the Mahdi's appearance, a state of temporary truce (hudnā) would continue to exist between the Shi'is and their enemies. In fact, one of the main reasons given by the Imāmis for the concealment of the Twelfth Imam has to do with his future role as leader of the jiḥād. According to Abū Ja'far al-Ṭūsī, the rulers of the world know that the Mahdi, unlike his forefathers, would rise against them and would eradicate their unjust

82 Bihār, XV/i, p. 205. Aspects of taqiyya in Imāmi Shi'īsm are discussed in an article forthcoming in JAOS.
83 Bihār, XIII, p. 140b (quoting al-Ṭūsī's Amālī).
84 Ibn Bābawayhi: Amālī, p. 57. The belief that all the Imams died unnaturally as the result of the machinations of their enemies must also have led to their elevation to the rank of shahīds.
85 This doctrine led to pejorative parallels being drawn between the Shi'is and the Jews, both of whom were said to link resumption of holy war with the arrival of the Messiah (= Mahdi). See I. Friedlaender: The heterodoxies of the Shi'ites in the presentation of Ibn Ḥazm. II. In: JAOS 29 (1908), p. 95 (quoting al-Sha'bī).
86 Bihār, XVI, p. 233.
rule. They therefore constantly send out spies to find him and have him killed. Moreover, each Imam knew that if he were killed, he would be succeeded by the next Imam; after the Mahdi, however, there will be no Imam. For these reasons the Mahdi has to stay in hiding until the time for him to rise with his sword arrives. A different argument for the prolonged concealment of the Imam was that "in the personal presence of the Imam the obligations that would fall upon men would be more difficult, such as fighting in the jihād (holy war) against those opposing the Faith". At the same time, the very belief in the coming of the Mahdi meant that the practice of taqiyya, far from representing a defeat for Shi‘ism, was merely a stage which had to be passed on the road to ultimate victory.

The vast eschatological literature dealing with the return of the Mahdi as mujāhid deserves a separate study, but some outstanding motifs may be briefly mentioned here: the Mahdi’s weapon will be the sword Dhu ‘l-Faqr, used by both Muḥammad and ‘Ali; when the time for his return comes, that sword will call on him to rise and kill the enemies of God. Upon his return, he will be joined by 313 warriors (called asḥāb al-Qā‘im), equalling in number the Muslims who fought at Badr; they will proceed to punish the enemies of ‘Ali, including Abū Bakr, ‘Umar, ‘Uthmān and ‘A‘ishā, as well as the murderers of al-Ḥusayn and the Umayyads in general. The Mahdi will conquer the lands of the unbelievers and will invite all scripturaries and polytheists to choose between Islam and the sword; he will then establish a rule of justice and equity.

The belief in the Mahdi as sole leader of the future jihād is firmly entrenched in classical Imāmī doctrine. As promulgated by al-Shaykh al-Mufid, that doctrine stipulates that the concealed Imam does not delegate his authority, and that no one after him can claim to be divinely protected from error and sin (ma‘ṣūm). In theory, this would preclude...
anyone from declaring *jihād*, such declarations being a prerogative of the Imam. Yet already in the late Buwayhid period, the first chinks in this structure become apparent. By that time, the Imam (as well as his four *safirs*, or representatives) had long been gone, and Imāmi jurists must have felt the need to devise alternative methods of conducting the affairs of the community during his absence. Their problem assumed acute proportions when the Buwayhids found themselves under mounting military pressure from the Sunnī Saljuqs. Imāmi jurists must have realised that total suspension of all forms of warfare was becoming a practical impossibility if the Buwayhid régime was to survive. This realisation was probably at the root of the first significant modification of the classical theory of *jihād*, which was formulated by Abū Ja’far al-Ṭūsī, the last great jurist of the period. Al-Ṭūsī stresses that a defensive *jihād* may be carried on even when the Imam is absent. Thus guarding of the frontiers (*riḍāj*) is always a praiseworthy act, irrespective of whether an Imam is present, and he who vows to go to the frontier areas must always fulfil his vows.

Al-Ṭūsī’s views on *jihād* proved the basis for all subsequent Imāmi thinking on the subject. They were taken up and reinforced by leading jurists of the Įlkān period, which witnessed a revival of Imāmi Shi‘ī literature after two centuries of decline. Chief among these jurists are al-Muḥaqqiq Ja’far b. al-Ĥasan Najm al-Dīn al-Hillī (d. 676/1277) and Ibn al-Muṭahhar al-Hillī. They both declare that people may be summoned to *jihād* by the Imam or by a person appointed by the Imam for that purpose (*man nasaḥahū*). This (deliberately?) vague formulation leaves unanswered the question of the identity of the person thus appointed. Yet an indirect answer seems to be provided when they later say that during the Imam’s absence, where there is no need to practise *taqiyya*, the duty of executing the prescribed Quranic punishments (*ḥudūd*) devolves upon the doctors (*huqahā‘*). Since the *huqahā‘* thereby

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22 This was the conclusion reached by Goldziher: Schiitisches. In: ZDMG 64 (1910), p. 531.
effectively serve as the Imam’s representatives, it may perhaps be assumed that they are also responsible for summoning the people to jihād whenever necessary.

With the advent of the Șafavids in the late 9th/15th century, Imāmī ‘ulamā’ had to contend, for the first time, with Shi‘i rulers who had their own ideas on various doctrinal issues. Thus Shah Ismā‘īl (reigned 907/1501—930/1524), whose brand of Shi‘ism was imbued with extreme elements, claimed descent from the Imams and hence regarded himself as entitled to all of their prerogatives. These included jihād against his most dangerous external foes, the Ottomans. The ‘ulamā’ did not always acquiesce in these Șafavid pretensions to religious leadership, which were often used to further political ends. Consequently, authoritative theological works of that period do not as a rule reproduce the more radical views on jihād held by some of the Șafavid rulers, but are rather compilations of previous material on the subject. The best known of these works is probably al-Majlisi’s Bihār al-anwār, which includes numerous references to jihād, as well as a separate chapter devoted entirely to it, and comprising mainly hadiths and utterances of the Imams.

This situation changed in the late 18th century, when the Șafavids were superseded by the Qajar dynasty. From a purely religious viewpoint, the new dynasty (which did not even claim to descend from the Imams) was illegitimate and its leaders could not speak with authority on religious matters. As a result, the ‘ulamā’ found themselves in the position of sole interpreters of the shari‘a, a fact which increased their

97 “Ismā‘īl’s rule was] imbued with the ideal of promoting the cause of the Shi‘a and fighting the Sunna both within and without its borders” (D. Ayalon: Gunpowder and firearms in the Mamluk kingdom. London 1956, p. 109). This Șafavid attitude was more than fully reciprocated by the Ottomans, who heaped abuse on the Șafavids, branding them as unbelievers and finally declaring jihād against them. See J. R. Walsh: The historiography of Ottoman-Șafavid relations in the sixteenth and seventeenth centuries. In: Historians of the Middle East. Ed. B. Lewis and P. M. Holt. London 1962, pp. 204—206; and in general E. Eberhard: Osmanische Polemik gegen die Șafaviden im 16. Jahrhundert nach arabischen Handschriften. Freiburg i.Br. 1970.

98 According to the evidence of the 17th-century French traveller Jean Chardin, some members of the religious classes believed that the Imam’s role should be filled by a divinely-protected mujtahid, while others held that only a direct descendant of the Imam had this right. See A. K. S. Lambton: Quis custodiet custodes. In: SI 6 (1956), p. 132.


6 ZDMG 126/1
power and influence. Nothing can illustrate this better than the role played by the 'ulamā' in the proclamations of jihād in the 19th century. The most famous of these occurred during the Perso-Russian wars of 1808—13 and 1826—28. The anti-Russian campaign was initially set in motion by representatives of the state. Mīrzā Buzurg Abu 'l-Qāsim Qā'īm Maqām (d. 1237/1822), who was the minister of Crown Prince 'Abbās Mīrzā (d. 1249/1833), asked and obtained from the leading 'ulamā' fatwās sanctioning jihād, thus acknowledging that religious approval for the war was essential. The process repeated itself in the second Perso-Russian war. Yet once the movement for jihād was set in motion, the 'ulamā' emerged as the real driving force behind it, and when second thoughts arose in court circles as to the advisability of waging war, they were largely swept aside by the wave of popular religious enthusiasm. The fatwās issued by the 'ulamā', which were collected in a volume entitled Risāla-yi jihādiya, bear witness to a burst of new thinking on the subject. Earlier theories were often elaborated upon, and sometimes even supplanted. As a result, the doctrine of jihād as promulgated in the Risāla differs markedly from the classical Shi'i exposition of the subject.


101 ALGAR, op. cit., pp. 79—90; cf. R. K. RAMAZANI: The foreign policy of Iran, 1500—1941. Charlottesville 1966, p. 46. 'Abbās Mīrzā approached the 'ulamā' in order to gain popular support for the war against Russia, but his decision to go to war may in fact have been influenced less by religious conviction than by purely military considerations. See P. W. AVERY: An enquiry into the outbreak of the second Russo-Persian war, 1826—28. In: Iran and Islam. Ed. C. E. BOSWORTH. Edinburgh 1971, pp. 17—45.

102 ĀGHĀ BUZURG AL-TIQHĀNĪ: Al-dhāri‘a ilā tasfīd al-shī‘a. Najaf 1936—8, then Tehran 1941ff., V, pp. 296—298, gives a list of works (in Persian and Arabic) entitled Al-jihādiya, and most or all of these must be the fatwās issued at that period. Most of them are presumably included in the Risāla-yi jihādiya. Unfortunately, I had no access to the original fatwās, and could only consult an abridged version of the Risāla originally published in Tabriz in 1234/1819. (I used a photographic reprint, kindly sent to me by Dr. J. GURNEY.) The author of the abridgement is probably the second Qā‘im Maqām, who was the son of Mīrzā Buzurg (see AL-TIQHĀNĪ, op. cit., V, p. 296). His abridgement has the form of an independent treatise, and takes no account of whatever divergencies there may have been between the various responsas. I am indebted to Dr. Y. FRIEDMANN for help in translating various passages from this work.

103 The views of the leading contemporaneous theologian, Shaykh Ja‘far
The Risāla (in its abridged form) opens with an explanation of the revived interest in jihād: “The practice of jihād was neglected and abandoned in the lands of Iran — may God preserve them from misfortune — during the whole period between the concealment of the Imam and the accession, in our own times, of the glorious [Qajar] dynasty. As a result, none of the orthodox ‘ulamā’ and leading doctors wrote a work specifically devoted to this subject, and none took it upon himself to expound it. But it has now become clear that the Russians are plotting against Iran, and the Islamic community must once again use the sword of jihād; and so the ‘ulamā’ of this age — may God increase their likes — have decided that it is their duty to give a full account of the doctrines relating to jihād.”

The author distinguishes two kinds of jihād: offensive jihād (called jihād-i da’vati), in which Muslims turn to the lands of the unbelievers and call on them to embrace Islam, having first obtained permission for this action from the Prophet, the Imam or the Imam’s deputy (nā’īb khāṣṣ); and a defensive jihād (called jihād-i difā’i), which in turn is divided into four types.

After quoting a number of Quranic passages and several ḥadiths in praise of jihād, the author declares: “It is possible to say that jihād during the Imam’s concealment is more praiseworthy than during his presence.” One can hardly imagine a statement more strikingly in Najafi (d. 1228/1813), on the subject of jihād, as set out in his Kashf al-ghīṭa, have been summarised by Lambton in: SI 32 (1970), pp. 187—192. Interesting parallels exist between Shaykh Ja’far’s exposition and the treatment of the subject in the Risāla-yi jihādiyya, although there are also important differences. While the author of the Risāla is especially interested in clarifying the legal differences between offensive and defensive jihād, Shaykh Ja’far’s main concern seems to lie in establishing the predominant position of the mujahids and in defining the duties and responsibilities of the reigning sultan.

104 Risāla-yi jihādiyya, pp. 2—3.

105 This term is used in two senses: with reference to the period of the “lesser concealment” it is used to refer to one of the four sajīrs of the concealed Imam; and with reference to the “greater concealment” it signifies a person appointed for a specific task by the nā’īb ‘āmm, i.e. the body of the mujahids. See Lambton, op. cit., p. 181, n. 1.

106 These types are: (i) jihād to preserve the territory and community of Islam (bayzā-i islām) during an attack by unbelievers; (ii) jihād to prevent the unbelievers from gaining control over the persons of Muslims; (iii) jihād to repel a particular group of unbelievers when it is feared that they might gain ascendancy over a particular group of Muslims; (iv) jihād to evict unbelievers where they have succeeded in conquering Muslim territories. See Risāla-yi jihādiyya, pp. 9—10.

107 Ibid., p. 13. According to the author, this claim is based on Shi‘ī traditions relating to the verse, “Oh Lord our God, we have heard a caller calling [upon us] to believe” (Qurʾān 3/193(190)), but I do not know which traditions he has in mind. Most Sunni and Shi‘ī commentators agree in identifying the ‘caller’ as either Muhammad or the Qurʾān.

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contradiction with the classical view that a jihād can only be carried out under the leadership of an Imam. The author then proceeds to explain that in times of danger to the community, the duty of jihād turns from fard kifāya into fard ‘ayn.\(^\text{108}\) The Russian threat is a case in point: all Muslims must leave their families, their children and their property in order to preserve Islam.\(^\text{109}\)

The war against Russia belongs to the category of jihād-i dīfā’i, and the rest of the Risālā\(^\text{110}\) consists of a list of twelve — always a significant number in Imāmī Shi‘ism — differences between the rules governing defensive and offensive jihād. These differences may be summarised as follows:

(i) Whereas an offensive jihād may not be waged without the permission of a prophet, an Imam, or a nā‘īb khāṣṣ (whether present or absent), a defensive jihād depends neither on their permission, nor on the permission of the body of mujtahids (the nā‘īb ‘āmm). If the mujtahids are unable to lead the jihād, then it becomes the duty of the believers to follow whoever is best equipped to win the war, regardless of his moral qualities. There follows a quotation, presumably from the Kashf al-ghīṭā’, in which Shaykh Ja‘far authorises Fath ‘Alī Shah (reigned 1212/1797—1250/1834) to declare a jihād against the Russians.\(^\text{111}\)

(ii) Even persons who are exempt from fighting an offensive jihād (such as women, slaves, the sick, the old and the insane) must participate in a defensive jihād, since such a jihād is tantamount to self-preservation.

(iii) Offensive jihād is limited to one campaign a year, and is not permitted during the sacred months.\(^\text{112}\) Murābiṭūn (i.e. those who guard the frontiers) must not participate without specific authorisation from the Imam or the nā‘īb khāṣṣ. None of these limitations obtain in defensive jihād; it is in fact incumbent upon the murābiṭūn to wage jihād when faced with imminent attack.

(iv) Levies imposed to finance an offensive jihād may not reach a level where they bring about personal hardship and damage. In preparation for a defensive jihād, however, the necessary sums must be raised, regardless of the financial sacrifice involved.

(v) The spoils of war (ghanīmat) obtained during an offensive jihād must be distributed among the warriors; but in a defensive jihād, if the

\(^{108}\) Ibid., p. 15. Cf. above, p. 68.

\(^{109}\) Ibid., p. 16.

\(^{110}\) On the political implications of this act see Lambton, op. cit., p. 192.

spoils are needed in order to finance the continuation of the war on other fronts, then they are to be spent for that purpose and are not to be distributed among the warriors.

(vi) Only in a defensive jihād is it permissible to use coercion to obtain the funds needed for the battle.

(vii) The treaties agreed upon between Muslims and dhimmīs (such as the payment of jizya and the promise of protection) may not be broken by the Muslims during an offensive jihād, unless the other side has broken them first; in a defensive jihād, however, such treaties may be unilaterally revoked by the Muslims if they deem this necessary.

(viii) Whereas an offensive jihād is waged only against unbelievers, in a defensive jihād no distinction is drawn between unbelievers and those Muslims who resemble them in their greed for power and wealth. Such Muslims, who aid the unbelievers by divulging military secrets and by spreading sedition, are not part of the Muslim community, are regarded as belonging to the category of a murtadd fiṭrī,113 and are to be killed.114

(ix) In a defensive jihād, it is not obligatory, before attacking the enemy, to call upon him to embrace Islam (thus losing the element of surprise).115 If necessary, believers are allowed to wear — even during the prescribed prayers — clothes of a kind normally forbidden to them (e.g. garments made from the hide of animals whose flesh may not be consumed, or garments made with gold threads). No such dispensations apply in an offensive war.

(x) In an offensive jihād, care must be taken that the unbelievers do not outnumber the believers by more than two to one; in a defensive jihād, on the other hand, the number of the enemy is not to be taken into account.116

(xi) Various stratagems, which in an offensive jihād are frowned upon, are allowed in a defensive war. These include surprise attack, attack at night, using weapons such as muskets, pistols, caribones and grenades, uprooting trees, releasing water to flood the unbelievers or preventing water from reaching them so that they die of thirst, and so on.

113 A term referring to an apostate who was born as a Muslim. The distinction between such an apostate and an apostate who was not born as a Muslim (murtadd ghayr fiṭrī) was already known to the Meccan theologian ‘Atā’ b. Abī Rabāḥ (d. 115/733); cf. Goldziher: Muslim studies, II, pp. 199—200, and in general the article on ‘Atā’ by J. Schacht, in: EI², I, p. 730.

114 This clause may have been directed against those elements who hesitated to join the call for jihād against the Russians.

115 Cf. Khadduri, op. cit., pp. 96—98. For the formula of this duʿā’ see al-Kulīnī, op. cit., V, p. 36.

(xii) In an offensive *jihād*, it is forbidden to violate a cease-fire (*muhādanah*) once it has been agreed upon; in a defensive *jihād* this is allowed, as long as the danger from the unbelievers has not been completely averted.

The significance of the *Risāla-yi jihādiya* is two-fold: firstly, it established the religious leadership as the de facto vicegerents of the concealed Imam; and secondly, it reasserted the central position of the duty of *jihād* in Imāmi jurisprudence. While the ultimate victory of Shi‘ism continued to be linked to the coming of the Mahdi, the pursuance of *jihād-i dīfā‘i* could henceforth be regarded as a legitimate means of defending the Imāmi community. Viewed in perspective, the development of the Imāmi doctrine of *jihād*, from its earliest stages up to its manifestation in the *Risāla*, attests to the remarkable resilience of Imāmi thinking, which could adapt itself to vastly different historical situations without compromising the foundations upon which it was built.  

117 I am most grateful to Dr. F. H. Stewart for his painstaking revision of the text of this article and for his numerous suggestions relating to both style and contents.
Fragmente der uigurischen Version des „Dhāraṇī-Sūtras der großen Barmherzigkeit“

Von Klaus Röhrborn, Gießen


Nach Edkins ist eine der Formen, in denen Avalokiteśvara in China verehrt wurde, „Kuan-yin der 8 Unglücke“, die Reisende überkommen können. In den Tempeln Nordchinas gab es noch im letzten Jahrhundert