



Justification and Explanation of the Theory of Marginality of the Imamiyyah Inherited Heritage: A Case Study of Hadith from the Chapter on Inheritance (*al-Mīrāth*)

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(Received: November 2024, Accepted: December 2024)

DOI: 10.22034/hsr.2024.51641.1041

Abstract

The theory attributed to Ayatollah Boroujerdi, which considers Shi'a jurisprudence as marginal to Sunni jurisprudence, is a matter of dispute among jurists. In some interpretations, the scope of this view has extended beyond Shi'a jurisprudence and has been discussed regarding Shi'a hadith as well; meaning that Shi'a hadith is seen as marginal to Sunni hadith and has been influenced by it. In this case, understanding the validity of this theory is an important issue. The present study aims to demonstrate 'What arguments and evidence exist to support the theory of the marginality of Imamiyyah hadith?' and 'What interpretation of it can be presented?' Clarification regarding the doubts about the impact of Shi'a hadith necessitates research on this hadith

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issue. The innovative approach of this research is historical phenomenology, which, according to the author, through recounting the context of the emergence of several hadiths from the chapter on inheritance in Imamiyyah jurisprudence, depicts facets of the historical realities governing Imamiyyah hadith and explains the validity of this theory. According to the author's explanation, this marginality evokes the tradition of jurists annotating other viewpoints and indicates that some foundational Imamiyyah hadiths emerged in response to, confrontation with, and correction of the views of the general populace.

Keywords: Marginality, Ayatollah Boroujerdi, Inheritance (*Irth*), Imamiyyah Jurisprudence, Imamiyyah Hadith, Context of Issuance.

Introduction

The theory popularized by Ayatollah Boroujerdi that considers Shi'a jurisprudence as marginal to Sunni jurisprudence has been a subject of discussion and dispute among some scholars. Some contemporary scholars believe that the expression of marginality is not appropriate for Shi'a jurisprudence and that this expression misrepresents the realities of Shi'a jurisprudence. From their perspective, such a view is not evident in the legacy left by this great figure. The negative connotations of this perspective and the consequences of accepting the implications of it have led to challenges regarding the attribution of this view to Ayatollah Boroujerdi, and at times it has been denied.¹ Conversely, some students, researchers, and followers of Ayatollah

1. cf. Mohammad Hossein Abdi, "Independence of Imamiyyah Jurisprudence" scientific meeting, <https://andishehema.com/figh-shia-hashije-fhighamme/>; Sayyid Ali Milani, interview with Ijtihad Network, 18/12/1395.

Boroujerdi have explicitly or implicitly attributed this view to him in their discussions and writings, and at times they have attempted to clarify and articulate Ayatollah Boroujerdi's meaning in a way that mitigates the negative implications of this expression.¹ It is noteworthy that, in some of these interpretations, the scope of this view has extended beyond Shi'a jurisprudence to include Shi'a narratives;² meaning that Shi'a hadith is seen as marginal to Sunni hadith and has been influenced by it. Thus, discerning the correctness and validity of this hadith theory is an important issue. Therefore, the present research aims to show 'What arguments and evidence support the correctness and validity of this theory?' And in this assumption, 'What interpretation of it can be presented?' It seems that the hadiths from the chapter on inheritance (*al-Irth*) in Imamiyyah jurisprudence are a suitable option and context for testing this theory, especially as they possess the potential to address both the jurisprudential and hadith aspects of it. Given the existing background and the research

1. The Life of the Great Leader of the Shi'a Scholar Ayatollah Boroujerdi, p. 155; The School of Ijtihad of Ayatollah Boroujerdi, p. 189, 190, 201 and pp. 358-361; The Life of Grand Ayatollah Boroujerdi and His School of Jurisprudence, Uṣūl, Hadith and Rijāl, p. 63; The Eye and Lamp of Authority; Hawza Magazine Interview with Ayatollah Boroujerdi's Students, p. 84 and 85, p. 182 and p. 340; The Principles and Style of Inference of Ayatollah Boroujerdi, Hossein Ali Montazeri, Hawza Magazine, No. 43 and 44, April and May 1991; Lasting Manifestations; Wisdom, Advice and History in the Presence of Ayatollah Montazeri, pp. 131 and 132; Explanation of the Meaning of "Being on the Margins" of Shi'a Jurisprudence over General Jurisprudence; A look at the views of Ayatollah Shubairy Zanjani, <https://tamaddon.kateban.com/post/>; Explaining Ijtihad; Questions and discussions in argumentative jurisprudence from the presence of the distinguished jurist Ayatollah Sayyid Mohammad Hosseini Zanjani, p. 81.
2. The life of Grand Ayatollah Boroujerdi and his jurisprudential, Uṣūl, Hadith and Rijāl schools, p. 63.

gap, it is necessary to research this hadith issue, particularly as it can be effective in clarifying, dispelling doubts surrounding Shi'a hadith, and responding to the aforementioned disputes.

1. Research Background

Regarding the background of the research, it should be noted that interviews, academic meetings, books, and conducted studies have sometimes alluded to this theory while introducing the scientific approach of Ayatollah Boroujerdi, and at other times have focused specifically on this theory. In the first category, some of the most significant cases that briefly discuss this theory include the dialogue between Ayatollah Montazeri and the magazine *Hawzah*, which addresses the principles and style of inference of Ayatollah Boroujerdi. Additionally, the books "Everlasting Manifestations: Wisdom, Advice, and Life in the Presence of Ayatollah Montazeri," "The Life of Ayatollah Boroujerdi and His Jurisprudential, *Uṣūlī*, Hadith, and *Rijālī* School," "The Life of the Great Leader of the Shi'a World, Ayatollah Boroujerdi," and "The Jurisprudential School of Ayatollah Boroujerdi" by Lotfi, Ayatollah Vaez Zadeh, Dawani, and Akhavan Sarraf represent other important works in this domain.

In the second category, one can mention the discussions of scholars such as Alavi Boroujerdi, Vaez Zadeh, and a work by Hamid Reza Tamaddon, which have been presented in some academic gatherings or published in various journals.¹ Furthermore, there are studies such as "Documents of the Jurisprudence of Ahl al-Sunnah according to the

1. The characteristics of this source have mentioned in the references.

Approach of *Wasā'il al-Shi'a*" that have been conducted based on this theory. This current writing, believing in the usefulness of the contents of these works, has made tireless efforts to reconstruct aspects of the context of issuance and the historical atmosphere of the hadiths from the chapter on inheritance in Imamiyyah jurisprudence, and subsequently addresses concrete examples to provide a clearer image and a more precise account of this theory.

2. Research Method

The author's approach in this research is the historical phenomenology of certain ancient Imamiyyah hadith events, which can be effective in justifying this theory; consequently, it will present and describe an understanding of the context and the way some Shi'a hadiths emerged. By doing so, rather than engaging in abstract discussions surrounding this theory, the realities and historical events illustrating the principle of the influence of Shi'a hadith by Sunni hadith are depicted, thus affirming the validity of this theory. Therefore, the innovative aspect of the research can be considered to lie in the historical method and its concrete outcomes, which arise from attention to the historical contexts and the atmosphere surrounding the issuance of these hadiths. This distinction sets this research apart from the previously mentioned works. The author believes that, given the historical approach of Ayatollah Boroujerdi's method of jurisprudence, applying this method to reveal the dimensions of his theory is more beneficial than other methods and approaches, as it seems Ayatollah Boroujerdi achieved the efficacy and legitimacy of such a viewpoint regarding his

historical method. Thus, applying the historical method can vividly demonstrate the correctness of this theory.

The structure of the body of the article is organized into two sections: Evidences of the validity of the theory and articulation of the theory.

3. Evidence of the Validity and Justification of the Theory: Narrations from the Chapter on Inheritance in Shi'a and Their Historical Context

In this section, we will first reconstruct and depict the state of inheritance laws and their implementation in the first one hundred and fifty years of the Islamic world. By doing this, while recounting aspects of the history of hadith and jurisprudence, the relationship between Shi'a hadith and Sunni hadith, as well as the evidence supporting the validity of the theory, will become clear. Following this, several relevant hadith examples will be presented. It should be noted that numerous discourses and examples in Shi'a hadith can illustrate the correctness of Ayatollah Boroujerdi's perspective and theory. However, considering the limitations of the article's capacity to display examples, we will only focus on a number of hadiths related to inheritance in Shi'a sources.

The Holy Quran articulates some general principles of inheritance in verses such as 11, 12, and 176 of Surah *al-Nisā'* and 75 of Surah *al-Anfāl*.¹ However, the details and elaborations of the branches of inheritance must be sought in tradition. Nonetheless, it appears that

1. To obtain more examples, one can compare and examine the chapters of the two books of *Wasā'il al-Shi'ah* with the evidence of Sunni jurisprudence on the *Nahj* of *Wasā'il al-Shi'ah*. In addition, some students of Ayatollah Boroujerdi have also pointed out some examples.

sometime after the Prophet's (PBUH) passing, rulers and scholars in the community faced challenges regarding the handling of certain branches and propositions of inheritance and the distribution of inheritance among heirs in specific circumstances. These challenges primarily arose from the difficulties in distributing inheritance among relatives (*Kalālah*)¹ and the issues of *ʿAwl* (excessive claims)² and *Taʿṣīb* (prioritization)³, coupled with the uncertainty in establishing priorities in distributing and dividing inheritance. Therefore, during the first half of the first century, some inheritance commandments were considered complex issues in jurisprudence.

For example, the multiple and scattered views of the companions regarding the meaning and implication of *Kalālah* (Ṭabarī, 1991 AD/1412 AH: 4, 191-195), as well as the challenges faced by the caliphs in understanding and executing the related rulings, indicate the confusion and disorder in the inheritance jurisprudence system of the community during the post-Prophet era. Ancient sources and heritage speak of the reservations of the first caliph in expressing opinions about the meaning of *Kalālah* (ibid: 191 and 192),⁴ as well as the

1. In jurisprudence, the brothers and sisters of the deceased's father or mother are called *Kalālah*.
2. In jurisprudence, "*ʿAwl*" means an increase in the heirs' shares of the estate.
3. *Taʿṣīb* or *ʿAsbah*, in Sunni jurisprudence, occurs when the heirs' shares of the estate are insufficient, and the remaining and excess amount is allocated to the deceased's paternal male relatives without regard to inheritance classes.
4. "*An al-Shaʿbī Qāla: Qāla Abū Bakr raḍīyallāhu ʿanhu: Innī qad Raʿaytu fil kalālah Raʿyan, fa in kāna Ṣawāban fa manna Allahu Waḥdahū lā sharīka lahū, wa in Yakun Khaṭaʿan fa minnī wal Shayṭān, wa Allahu minhu Barīʾ. Inna al-Kalālah mā khala al-Walad wa al-Wālid. Falammā Istakhlafa ʿUmar raḍīyallāhu ʿanhu, Qāla: Innī la Astaḥyī min Allah Tabāraka wa Taʿālā an Ukhālīf Abā Bakr fī Raʿyin Raʿāhu.*"

difficulty encountered by the second caliph in distributing *Kalālah* inheritance and dealing with the issue of *ʿAwl* (Kulaynī, 1986 AD/1407 AH: 7, 79 and 80, H. 3). When he inquired from the Prophet (PBUH) about the inheritance of *Kalālah*, he received the response that rulings regarding *Kalālah* were expressed in the *Kalālah* summer verse. However, despite this, he, during the time of the passing of the Prophet, had asserted that "The Book of Allah is sufficient for us." (Bukhārī, 1989 AD/1410 AH: 94, H. 3855) In dealing with this verse, he faced difficulties and perhaps considered verses 12¹ and 176² of Surah *al-Nisāʾ*—which were identified according to their time of revelation as addressing winter and summer *Kalālah*—as inconsistent, especially in cases where the shortcomings of the estate were evident from the total shares, which hindered him from correctly deriving

1. For you shall be a half of what your wives leave, if they have no children; but if they have children, then for you shall be a fourth of what they leave, after [paying off] any bequest they may have made or any debt [they may have incurred]. And for them [it shall be] a fourth of what you leave, if you have no children; but if you have children, then for them shall be an eighth of what you leave, after [paying off] any bequest you may have made or any debt [you may have incurred]. If a man or woman is inherited by siblings and has a brother or a sister, then each of them shall receive a sixth; but if they are more than that, then they shall share in one third, after [paying off] any bequest he may have made or any debt [he may have incurred] without prejudice. [This is] an enjoinder from Allah, and Allah is all-knowing, all-forbearing.
2. They ask you for a ruling. Say, 'Allah gives you a ruling concerning the *kalālah*: If a man dies and has no children [or parents], but has a sister, for her shall be a half of what he leaves, and he shall inherit from her if she has no children. If there be two sisters, then they shall receive two-thirds of what he leaves. But if there be [several] brothers and sisters, then for the male shall be the like of the share of two females. Allah explains [the laws] for you lest you should go astray and Allah has knowledge of all things.'

rulings from the Quranic verse and applying them (Ibn Mājah, 1997 AD/1418 AH: 4, 288, H.1; Aḥmad Ibn Ḥanbal,¹ 1995 AD/1416 AH: 1, 312, H. 1416; Ṭabarī,² 1991 AD/1412 AH: 6, 30; Muttaqī Hindī,³ 1988 AD/1409 AH: 11, 26).

In this context, some ancient sources mention the role of the caliphs' tradition in the public inheritance jurisprudence (Kulaynī, 1986 AD/1407 AH: 100 and 101).⁴ Referring to ancient general sources also demonstrates that the public inheritance system was largely shaped by the opinions of the second caliph (cf. Muttaqī Hindī, 1988 AD/1409 AH: 11; Whole Book of al-Farā'id; al-Dārimī, 2000

1. "- 'An Ma'dān ibn Abī Ṭalḥah, Qāla: Qāla 'Umar: Mā sa'altu Rasūl Allah 'an shay'in akthar mim mā Sa'altuhū 'an al-kalālah, Ḥattā Ṭa'ana bi Iṣba 'ihī fī Ṣadrī, wa Qāla: Takfika Āyatu al-Ṣayfi allatī fī Ākhiri Sūratī al-Nisā'i.
 2. 'An abīhi Masrūq, Qāla: Sa'altu 'Umar wa Huwa Yakḥtabu al-Nās 'an Dhī Qarābati lī Waritha Kalālah, fa Qāla: al-Kalālah, al-Kalālah, al-Kalālah wa Akhadha bi Lahyati, thumma Qāla: Wa Allah li 'an A'lamahā Aḥabba ilayya min an Yakūna lī mā 'ala al-Ardī min Shay'in, Sa'altu 'anhā Rasūl Allah fa Qāla: "A lam Tasma' al-Āyah Allatī Unzilāt fī al-Ṣayf?" Fa A'ādahā Thalātha Marrāt.
 3. "'An al-Ḥakam ibn Mas'ūd al-Thaqafī Qāla: Qadā 'Umar ibn al-Khaṭṭāb fī Imra'ah Tawaffayti wa Tarakti Zawjahā wa Ummahā wa Ikhwatahā li Ummihā wa Ikhwatihā li Abīhā wa Ummahā, fa Asharaka 'Umar bayn al-Ikhwah lil Umm wa al-Ikhwah lil Ab wal Umm fīl Thuluthi, fa Qāla lahū Rajulun: Innaka lam Tushrik baynahumā, 'Āma Kadhā wa Kadhā, fa Qāla 'Umar: Tilka 'alā mā Qaḍaynā Yawma'idhīn wa Hādhihī 'alā mā Qaḍaynāhu."
 4. "Qāla Zurārah: al-Nāsu wa al-'Āmmah fī Aḥkāmihim wa Farā'idihim Yaqūlūna Qawlan qad Ajma'ū 'Alayhi wa Huwa al-Ḥujjata 'Alayhim ... Faqultu lahum ... Faqāla Allah 'Azza wa Jalla min Qā'ilin Yastaftūnak qul Allah Yufṭikum fīl Kalāla, falimā Farrqtum baynahumā? Faqalū: al-Sunnah wa Ijmā' al-Jamā'ah. Qulnā: Sunnah Allah wa Sunnati Rasūlih aw Sunnat al-Shayṭān wa Awlīyā'ih. Faqalū: Sunnat Fulān wa Fulān.
- al-Khilāf: 4, 74-75: Faqāla Zufar ibn Aws al-Baṣrī: Yā Abal 'Abbās, faman Awwalu man A'āla al-Farā'id? Qāla: 'Umar ibn al-Khaṭṭāb.

AD/1421 AH: 4, 1909). According to some sources, while the necessary fatwas for people during the era of the first caliph were derived from seven companions—who were regarded as inheritors of the Prophet’s knowledge—in the era of the second caliph, this group was limited to ‘Uthmān, ‘Ubayy ibn Ka‘b, and Zayd ibn Thābit, while the active roles of several others diminished (Ibn As‘ad, 1993 AD/1414 AH: 2, 267).¹ The latter companion was referred to as the official custodian of judicial matters and fatwas, playing a significant role in the distribution of inheritance within the general jurisprudential schools (Dhahabī, n.d.: 2, 432). It has been stated that the second and third caliphs would not prioritize anyone over Zayd regarding judicial matters, fatwas, statutory duties of inheritance, and recitation (Ibn Sa‘d, 1993 AD/1414 AH: 2, 274). According to ‘Umar’s directive, inquirers and those seeking rulings had to refer to Zayd (Zuḥaylī, n.d.: 10, 7747; Ibn Sa‘d, 1993 AD/1414 AH: 2, 274), who provided responses to these matters within the framework desired by the caliphs.² Notably, ‘Umar was considered a fundamental pillar in this

1. ‘An ‘Abd al-Raḥmān ibn al-Qāsim ‘an Abīhi: Anna Abā Bakr al-Ṣiddīq Kāna idhā Nazala bih Amrun Yurīdu fīhi Mushāwarat Ahl al-Ra’y wa Ahl al-Fiqh, wa Da‘ā Rijālan min al-Muhājirin wa al-Anṣār. Da‘ā ‘Umar wa ‘Uthmān wa ‘Alīyyan wa ‘Abd al-Raḥmān ibn ‘Uf wa Mu‘ādh ibn Jabal wa Ubay ibn Ka‘b wa Zayd ibn Thābit. Wa kullu Hā‘ulā’ kāna Yufti fī khilāfati Abī Bakr wa innamā Taṣīru Fatwa al-Nās ilā Hā‘ulā’ fa Maḍā Abū Bakr ‘alā Dhālika. Thumma Walā ‘Umar fa Kāna Yad‘ū Hā‘ulā’ al-Nafar wa Kānat al-Fatwā Taṣīru - wa Huwa Khalīfah - ilā ‘Uthmān wa Abī wa Zayd.”

2. For example: Muttaqī Hindī, 1988 AD/1409 AH: 11, 23: ‘an Zayd Ibn Thābit Qāla: Amaranī Abūbakr Ḥaythu Qatla Ahla al-Yamāmah an Yūritha al-Aḥyā’ min al-Amwāt wa lā Yūritha Ba‘ḍuhum min Ba‘ḍ.

regard (Dārimī, 2000 AD/1421 AH: 4, 1909).

In contrast, the reports of certain viewpoints by Imam Ali (AS) and his student *Ibn 'Abbās* regarding inheritance laws can be seen as a critique of the dominant views within the inheritance jurisprudence of society, highlighting the differences in Imam Ali's perspective. From Imam Ali's viewpoint, the God who knows the number of grains of sand in the desert does not allocate inheritance shares greater than the total estate (Kulaynī, 1986 AD/1407 AH: 7, 79, H. 2), and if the assumptions and priorities that God has specified in the Quran are taken into account, neither *'Awl* nor *Ta'ṣīb* arises (Kulaynī, 1986 AD/1407 AH: 8, 78, H. 1).¹ A report from *Ibn 'Abbās* indicates that the second caliph, when approached by heirs that included spouses and relatives (*Kalālah*), spoke of not knowing God's ruling on prioritizing one over the other and ultimately distributed the

1. "Qāla Alī (AS): Ayyatuhā Umma al-Mutaḥayyirah ba'da Nabīyyihā, ammā innakum law Qaddamtum man Qaddama Allah wa Akkhartum man Akhkara Allah, wa Ja'altum al-Wilāyah wa al-Qarāthah ḥaythu Ja'alahā Allah, mā 'Āla walīya Allah, wa lā Tāsha Sahma min Farā'id Allah, wa lā Ikhtalafa Ithnān fī Ḥukm Allah wa lā Tanāza'at al-Umma fī Shay'in min Amr Allah, illā 'Alima Dhālika 'Indanā min Kitāb Allah, fa-Dhūqū wabāla mā Qaddamat aydīkum wa mā Allah biẓālim li'l-'Abīd, wa Say'alam Alladhīna Zalamū ayya Munqalabin yanqalibūn.

Qāḍi Nu'mān, 1965 AD/1385 AH: 2, p. 366: 'An Amīr al-Mu'minīn 'alayh al-salām annahu Qāl: In Taraka Ibntayn fa likulli Wāḥidatan minhumā al-Thulutha bil Mīrāth, kamā Qāla Allah 'Azza wa Jall, wa Yurid 'alayhimā al-Thulutha al-Bāqī bil Raḥim ..."; ibid: 382: "'An Amīr al-Mu'minīn 'alayh al-salām annahu Akhraja al-Farā'id allatī A'alahā ahl al-'Awl bilā 'Awl fī Kitāb Allah jalla dhikruhu, wa Dhālika Annahum bada'ū biman Bad'a Allah bih Faqaddamūh, wa Akhkarū man Akkhkharah Allah 'azza wa jall, wa lam Yuḥṭū man Ḥaṭṭahu Allah 'an Darajah ilā Darajah dūnah 'an al-Darajah al-Suflā."

deficiency of the estate among all heirs. Ibn ‘Abbās, following the teachings of his teacher and cousin Ali (AS), added that if they had considered the Quranic rulings on inheritance priorities, ‘*Awl* would not have occurred. He considered fear of the second caliph as a barrier to expressing opinions (Kulaynī, 1986 AD/1407 AH: 7, 79 and 80, H. 3). Moreover, when he confronted the commonly accepted view on a specific inheritance issue, which conflicted with a Quranic verse, with ‘*Uthmān*, he was met with the response that he was unable to change a ruling that had become established among previous generations and was already widespread in society (Muttaqī Hindī, 1988 AD/1409 AH: 11, 35).

Although the expression "We have judged in accordance with" has been reported by the second caliph through various sources (Ibn Sa‘d, 1993 AD/1414 AH: 2, 258-259), and instances of the caliphs benefiting from Imam Ali's (AS) advisory views on difficult matters—such as judiciary and fatwa—have been documented (Ṭūsī, 1993 AD/1414 AH: 238, H. 14; Ṭūsī, 1986 AD/1407 AH: 10, 94, H. 18), it is clear that his perspective and approaches regarding this important jurisprudential and social issue did not receive acceptance from the caliph or were relegated to the margins. As a result, from the early years following the Prophet's (PBUH) passing, the dominance of governmental perspectives cast a shadow over the entire community, to the extent that, apart from the Imams, most Shi‘a and even some members of Imam Ali's (AS) family in the Hasan lineage lived under the influence of governmental jurisprudence; for instance, in the dispute between *Banīl Ḥasan* and the Zaidis with Imam Ṣādiq (AS),

the Imam challenged their ignorance of Imam Ali's (AS) views regarding the share of "Maternal aunts and cousins." (Şaffār, 1983 AD/1404 AH: 1, 157, H. 16)

Nevertheless, as conditions became favorable towards the end of the first century, the *Husaynī* Imams found the opportunity to present foundational Shi'a perspectives. A narration in ancient Imamiyyah sources indicates that Imam *Bāqir* (AS) played a fundamental role in elucidating and branching out such Shi'a viewpoints (Kulaynī, 1986 AD/1407 AH: 2, 19, H. 16; Tūsī, 1988 AD/ 1409 AH: 425, H. 799).¹ Researching Imamiyyah hadith shows that the *Ja'farī* Shi'a developed inheritance rulings based on a return to Ali's teachings. In this regard, the book of Imam Ali (AS)—which is part of the heritage and deposits of Imamate and testament—was transmitted from one Imam to the next and played a crucial role in promoting the propositions of Imamiyyah inheritance rulings (Kulaynī, 1986 AD/1407 AH: 7, 77, H. 1 and 2; 77, H. 1 and 2; 81, H. 6; 91, H. 2; 94, H. 3; 98, H. 3). Consequently, the propositions and hadith concerning inheritance, which had previously lacked sufficient opportunity for presentation, were narrated by the *Şādiqayn* Imams. In this context, Imam *Bāqir* (AS) challenged *Zayd ibn Thābit*'s actions in dividing inheritance and accused him of following the laws of ignorance (Kulaynī, 1986 AD/1407 AH: 7, 407, H. 2). The use of the term "Ignorance" not only

1. "Qāla Abī 'Abdillāh: ... Thumma kāna 'Alī ibn al-Husayn, thumma kāna Abū Ja'far, wa kānat al-shī'ah qablahū lā Ya'rifūn mā Yahtājūn ilēh min Ḥalāl wa lā Ḥarām illā mā Ta'allāmū min al-Nās, ḥattā kāna Abū Ja'far (AS) Fataḥa lahum wa Bayyana lahum wa Aallamahum, Faşārū Yu'allimūn al-Nās ba'da mā Kānū Yata'allamūn minhum ...

deemed the commandment un-Islamic but likely referred to the pre-Islamic customs that prioritized male relatives in lower classes over certain female relatives in higher classes when the estate surpassed the share amount. This contrasts with the Imamiyyah inheritance system, where inheritance was divided based on familial ties and class rank, and *‘Aṣabah* and *‘Awl*—unlike the common practices in general jurisprudence—had no place.

Thus, it seems that the transmitted Shi‘a jurisprudence, which had lost the capacity to thrive within the scientific community's framework in the first century in some areas, was influenced by the overarching environment of general jurisprudence. In other words, the dominance of general jurisprudence over the entire community meant that certain hadiths and Shi‘a teachings, particularly concerning inheritance, did not find opportunities to circulate among the Shi‘a until the era of *Ṣādiqayn* (AS), and even prominent Shi‘a scholars were not well-informed about these matters. The data from Imamiyyah sources, which provide a scattered overview of the situation of the Imams' companions during the establishment of the foundations of Imamiyyah jurisprudence, indicates that some companions actively engaged with the newly emerging teachings of the Imams in relation to inheritance issues, and at times frantically seek to correct erroneous beliefs and teachings, learn the correct perspective, and promote the unique views of the Imami school. The echoes of these differing voices of the Imams and their companions have been, to some extent, reflected in ancient sources and narrations, which are manifested in the mirror of traditions, of which examples will be provided.

4. The Alawite Hadith in Contrast to the Prevailing Opinion

In a hadith, *Zurārah* asks Imam *Bāqir* (AS) about the decree of paternal grandfather in the Quran. The Imam states that the understanding of the people in this matter is based on opinion, except for Imam Ali (AS), who articulates the viewpoint of the Prophet (PBUH) (Kulaynī, 1986 AD/1407 AH: 7, 109, H. 1).¹ A review of some ancient Sunni sources also attests to this opinion-based approach (Dārimī, 2000 AD/1421 AH: 4, 1909, Chapter *al-Jadd*). This hadith indicates that the prevalent views among the people differ from the Alawite perspective. It is worth mentioning that in the inheritance system of the Sunni, the grandfather benefits from inheritance based on *Ta'ṣīb* (prioritization of paternal relatives), while in the jurisprudential system of the Imamiyyah, he is placed in the second tier of the kinship structure and benefits from the inheritance.

5. The Perspective of Imam *Bāqir* (AS) Against General Provisions

In another hadith, when a questioner asks Imam *Bāqir* (AS) about a commandment concerning inheritance, he considers the Imam's response to be in opposition to the provisions of *Zayd ibn Thābit*, the general provisions, and those of other judges and jurists, listing the general viewpoint. Then, Imam *Bāqir* (AS) refers to part of verse 176 of Surah *al-Nisā'*, mentioning the inheritance provisions, and subsequently challenges the Sunni inheritance system, explaining its

1. *Muḥammad ibn 'Isā 'an Yūnus 'an 'Umar ibn 'Udhaynah 'an Zurārah qāla: Sa'altu Abā Ja'far (AS) 'an Farīdat al-Jadd, Faqāla mā A'lamu Aḥadā min al-Nās Qāla fihā illā bil Ra'y illā 'Alī (AS) fa innahū Qāla fihā bi Qawl Rasūl Allāh.*

detrimental consequences, including the insufficient shares for whom (those with specific minimum and maximum shares as stated in the Quran) from the provisions set forth in the Quran (Kulaynī, 1986 AD/1407 AH: 7, 102, H. 4).¹

6. Inheritance of Those of Close Relationships (*Ulul Arḥām*); Benefiting or Being Deprived?

In another hadith, Imam *Bāqir* (AS) discusses the inheritance shares of uncles and aunts in light of verse 75 of Surah *al-Anfāl*: "And those of close relationships are more entitled to each other in the Book of Allah." He states that uncles and aunts benefit from inheritance if no other heirs are present (Kulaynī, 1986 AD/1407 AH: 7, 119, H. 2).² This verse speaks to the priority of certain relatives over others in the

1. 'An Bukayr qāla: Jā'a Rajul ilā Abī Ja'far (AS) fa Sa'alahu 'an Imra'ah Tarakat Zawjahā wa Ikhwatah li Ummihā wa Ukhtihā li Abihā fa Qāla lil Zawj al-Niṣfu Thalāthatu as-hum wa lil Ikhwah min al-Umm al-Thulthu Sahmān wa lil Ukht min al Ab al-Sudusu Sahm, fa Qāla lahu al-Rajul fa-inna farā'id Zayd wa farā'id al-āmmah wa al-quḍāt 'alā Ghayri Dhālika yā Abā Ja'far (AS) Yaqūlūn lil Ukht min al Ab Thalāthatu as-hum Taṣīru min Sittah Ta'ūl ilā Thamāniyah.

Faqāla Abū Ja'far (AS) wa limā Qālū Dhālika? Qāla li-anna Allāh 'Azza wa Jall Yaqūl (wa lahu Ukhtun Falahā Niṣfu mā Tarak). Faqāla Abū Ja'far (AS) fa-in Kānat al-Ukht Akhā, Qāla fa-laysa lahu illā al-Sudus. Faqāla lahu Abū Ja'far (AS) fa-mā lakum Naqāṣtum al-Akh in kuntum Taḥtajjūn lil-Ukht al-Niṣfa bi-anna Allāh Sammā lahā al-Niṣfa fa-inna Allāh qad Sammā lil-akh al-kull wa al-kull Aktharu min al-Niṣf li-annahu Qāla 'azza wa jall (falaha al-Niṣfu) wa Qāla lil-Akh (wa Huwa Yarithuhā) Ya'nī jamī' Māli-hā in lam Yakun lahā Walad fa-lā Tu'tūna Alladhī Ja'ala Allāh lahu al-Jamī' fī ba'di Farā'idikum Shay'an wa Tu'tūna Alladhī Ja'ala Allāh lahu al-Niṣfa Tāmmā ... "

2. "'An Abī Baṣīr 'an Abī Ja'far (AS) Qāla: al-Khāl wa al-Khālatu Yarithāni idhā lam Yakun Ma'ahumā Aḥad, inn Allāh 'azza wa jall Yaqūl (wa ulū al-arḥām ba'dhum awlā bi-ba'd fī Kitāb Allāh).

matter of inheritance (Ṭabāṭabā'ī, 1969 AD/1390 AH: 9, 142). It seems that Imam *Bāqir*'s (AS) viewpoint arises from the Alawite perspective ('Ayyāshī, 1960 AD/1380 AH: 2, 71, H. 84)¹ and addresses some Sunni viewpoints regarding the lack of entitlement of the deceased's uncles and aunts; according to the Imam, uncles and aunts belong to the category of *Ulul Arḥām* (close relatives) and are entitled to inheritance. This perspective appears to confront, and in a way, challenge, the views of Sunni rulers and scholars who claimed that the Quran made no mention of the inheritance of the deceased's farthest relatives (Mālik, 2004 AD/1425 AH: 3, 740 and 741). As a result, if a person was not among those with prescribed shares or *Uṣbah*, they would not receive any portion of the inheritance, and whatever was left would go to the public treasury ('Ayyāshī, 1960 AD/1380 AH: 2, 71, H. 84). The reference to verse 75 of Surah *al-Anfāl* by Imam *Bāqir* (AS) indicates that the Quran speaks of the priority of *Ulul Arḥām*, which includes aunts and uncles as well. In this context, another hadith can be cited in which Imam *Bāqir* (AS) states that if the heirs are exclusively the spouse, the entire inheritance goes to them (Kulaynī, 1986 AD/1407 AH: 7, 125, H. 1).² This commandment pertains to the kinship classification system of the

1. 'An Ibn Sinān 'an Abī 'Abd Allāh (AS) Qāla: lammā Ikhtalafa 'Alī ibn Abī Ṭālib (AS) wa 'Uthmān ibn 'Affān fī al-Rajul, Yamūtu wa laysa lahu 'Aṣabah Yarithūnahu, wa lahu dhū Qarābah lā Yarithūnahu, laysa lahu Sahmun Mafrūḍ, Faqāla 'Alī: Mīrāthuhu li-Dhawī Qarābatihi, li-anna Allāh Ta'ālā Yaqūl: "wa Ulū al-Arḥām ba'dhum awlā bi-ba'd fī Kitāb Allāh" wa Qāla 'Uthmān: Aj'alu Mīrāthahu fī Bayt māl al-Muslimīn wa lā Yarithuhu Aḥadun min Qarābatihi.
2. 'An Abī Ja'far (AS) fī Imra'atin Tuwuffiyāt wa lam Yu'lam lahā Aḥad wa lahā Zawj, Qāla al-Mīrāth Kulluhu li-Zawjihā."

Shi'a, where in the presence of the spouse, issues like *'Awl* and excessive shares do not occur. Contrary to the Sunni viewpoint, which states that the excess based on priority is distributed among male relatives, female relatives, and the public treasury, the excess over the share, in the absence of other heirs, belongs to the spouse and not the public treasury. The numerous questions from the companions regarding this topic stem from the difference between this perspective and the prevailing jurisprudential approach in the general community, to the extent that these narrations are organized into a chapter of jurisprudence in the book *al-Kāfi* (Kulaynī, 1986 AD/1407 AH: 7, 125).

7. *Zurārah's* Role in Explaining the New Hadiths on Imamiyyah Inheritance

In a hadith, *Zurārah*—prior to joining the Imamiyyah sect and while being well-versed in the Sunni laws of inheritance—came across certain viewpoints on inheritance in an old book that was presented to him with the permission of Imam *Bāqir* (AS). He dismissed them entirely as invalid! Imam *Bāqir* (AS) introduced the book, attributing it to the dictation of the Prophet (PBUH) and the writing of Imam Ali (AS), emphasizing the correctness and legitimacy of the views presented in it (Kulaynī, 1986 AD/1407 AH: 7, 94 and 95, H. 3).¹

1. “An *Zurārah* Qāla: Sa'al'tu Abā Ja'far (AS) 'an al-Jadd, Faqāla mā ajidu Aḥadan Qāla fihi illā bi-Ra'yih, illā Amīr al-Mu'minīn (AS). Qultu: Aṣḥaḥaka Allāh, famā Qāla fihi Amīr al-Mu'minīn (AS)? Qāla: idhā kāna Qhadā fa-al-Qinī Ḥattā Uqr'iyaka-hu fī Kitāb. Qultu: Aṣḥaḥaka Allāh, Ḥaddithnī fa-inna Ḥadīthaka Aḥabb ilayya min an Tuqr'iyānī-hu fī Kitāb. Faqāla liya al-Thānīyah Isma' mā Aqūlu laka: Idhā kāna Ghadā fa al-Qinī ḥattā Uqr'iyaka-hu fī Kitāb.

Fa'Ataytu-hu min al-Ghad ba'da al-Zuhr, wa Kānat Sā'atiyya allatī Kun'tu Akhlū bihā fihā bayna al-Zuhr wa al-'Aṣr, wa Kuntu Akrahu an As'alahu illā—

After joining the Imamiyyah sect, *Zurārah* played a significant role for some companions in elucidating the Imamiyyah inheritance jurisprudence due to his exposure to Imam Ali's (AS) book. For instance, when *‘Umar ibn Udhaynah* expressed doubt about the accuracy of an issue regarding inheritance that seemed to be based on the Sunni inheritance system, he asked *Zurārah* to present the correct viewpoint. In response, *Zurārah* refuted that perspective and clarified the Shi‘a view (Kulaynī, 1986 AD/1407 AH: 7, 91 and 92, H. 1).

In another narrative, *‘Umar ibn Udhaynah* brought up the ruling of one of the branches of inheritance law that he had heard from *Muḥammad ibn Muslim* and *Bukayr ibn A‘yun* from Imam *Bāqir* (AS), finding it novel. To ensure the correctness of its content, he discussed

VKhāliyya Khashyata an Yufti-yani min ajl man Yaḥḍuruḥu bi al-Taḥiyyah. Falammā dakhlu ‘Alayhi, Aqbala ‘alā Ibnihi Ja‘far (AS) Faqāla lahu: aqri’ Zurārah Ṣaḥīfat al-Farā’id. Thumma Qāma li-Yanam fa-Baqītu anā wa Ja‘far (AS) fi al-Bayt. Faqāma fa-Akhraja ilayya Ṣaḥīfatan Mithla fakhiḍ al-Ba‘ir, faqāla: Lastu Uqri’ukahā ḥattā Taj‘ala li ‘alayka Allāh an lā Tuḥadditha bimā Taqrā fihā Aḥadan abadan ḥattā ādhina laka, walam Yaqūl: Ḥattā Ya’dhina laka abī. Faqultu: Aṣlahaka Allāh, wa limā Tuḍayyiqu ‘alayya walam Ya’mur’ka Abūk bi-Dhālika? Faqāla li mā anta Bināzirin fihā illā ‘alā mā Qultu laka. Faqultu: fa-Dhālika laka wa Kuntu Rajulan ‘āliman bi al-Farā’id wa al-Wasāyā Baṣīran bihā Ḥāsiban lahā. Albath al-Zamān aṭlub Shay’an Yulqā ‘alayya min al-Farā’id wa al-Wasāyā lā a’lamhu fa-lā Aqdiru ‘alayh. Falammā Alqā Ilayya Tarfa al-Ṣaḥīfah, idhā Kitābun Ghalīzun Yu’rafu annahu min Kutub al-Awwalīn, Fanazartu fihā fa-idhā fihā Khilāf mā bi-Aydī al-Nās min al-Silāh wa al-Amr bi-al-Ma’rūf alladhī laysa fihī Ikhtilāf, wa idhā ‘āmmiṭu-hu kadhālika. Fa-qara’tu-hu ḥattā Ataytu ‘alā ākhirihi bi-Khubth Nafsin wa Qillati Ṭaḥaffuzin wa Suqām Ra’yin. Wa Qultu: wa anā Aqra’uhu Bāṭilun ḥattā Ataytu ‘alā ākhirihi. Thumma Adrājtu-hā wa Dafā’tu-hā ilayhi, falammā Aṣbahtu laqītu Abā Ja‘far (AS) faqāla li: Aqrāta Ṣaḥīfat al-Farā’id? Faqultu: Na’am. Faqāla: kayfa Ra’ayta mā Qara’t? Qāla: Qultu: bāṭilun laysa bi-Shay’in Huwa Khilāf mā al-Nās ‘alayhi

it with *Zurārah*, who confirmed its accuracy. The share of each parent and the spouse is derived from verses 11 and 12 of Surah *al-Nisā'*: "And for each of his parents a sixth of what he leaves, if he has children" (4/11) and "For you shall be a half of what your wives leave... but if they have children, then for you shall be a fourth of what they leave." (4/12) The remainder of the inheritance belongs to the children, whether it be one or two daughters or one or two sons. It is evident that *Zurārah*'s explanation and confirmation is based on the following process in the event of a shortfall in the estate from the total shares of the heirs (namely the parents, spouse, and children): 1) Attention to the priority of heirs based on the class-based and kinship-oriented inheritance system in Shia Islam; 2) Prioritizing the prescribed shares¹ heirs who in the Quran have both minimum and maximum shares, ensuring that the inheritance granted to them does not fall below the minimum shares and that any shortfall in the estate does not affect them; 3) Applying the shortfall in the estate to the later class and the remaining heirs (Kulaynī, 1986 AD/1407 AH: 7, 96, H. 1).

8. Attention to Inheritance Shares in Contrast to 'Awl

In a hadith, Imam *Ṣādiq* (AS) discusses the spouse's share according

1. In the Quran, specific shares of the deceased's estate are designated for certain heirs, known as *Farḍ*, such as half, quarter, third, and sixth of the inheritance and assets. Accordingly, heirs whose portion from the estate is specified and who always inherit based on these fixed shares are referred to as the owner of *Farḍ* or those entitled to shares, including the mother, husband, and wife. In contrast, there are heirs for whom the Quran has not assigned a specific share, and they are referred to as those related by kinship.

to verse 12 of Surah *al-Nisā'*: " If a man or woman is inherited by siblings and has a brother or a sister, then each of them shall receive a sixth; but if they are more than that, then they shall share in one third, after [paying off] any bequest he may have made or any debt [he may have incurred] without prejudice. [This is] an enjoinder from Allah and Allah is all-knowing, all-forbearing." (4/12) He mentions that the amount of inheritance for a maternal relative is derived from verse 176 of Surah *al-Nisā'*: "They ask you for a ruling. Say, 'Allah gives you a ruling concerning the *kalālah*: If a man dies and has no children [or parents], but has a sister, for her shall be a half of what he leaves, and he shall inherit from her if she has no children. If there be two sisters, then they shall receive two-thirds of what he leaves. But if there be [several] brothers and sisters, then for the male shall be the like of the share of two females. Allah explains [the laws] for you lest you should go astray and Allah has knowledge of all things." (4/176)

Thus, if there are two sisters, they have two-thirds of what he left, and if they are siblings, male and female, then the share of the male is equal to that of two females. Imam explains that in this branch of law, the share of the spouse and maternal relatives, which is defined by specific minimum and maximum prescribed shares according to the verses of the Quran (unlike the Sunni distribution system), does not decrease from the minimum Quranic share. Hence, the concepts of over-distribution and the distribution of decreased inheritance across the total shares—as seen in the general distribution system—do not apply to them. The Imam then noted an important point, adding that verse 12 of Surah *al-Nisā'* applies to maternal *Kalālah*, while verse

176 covers other *Kalālah* (Kulaynī, 1986 AD/1407 AH: 7, 101, H. 3).

In another hadith, Imam *Ṣādiq* (AS) said: "The total shares of inheritance cannot exceed six parts." Amir al-Mu'minin Ali (AS) always used to say: "Indeed, whoever knows the number of pebbles in the region of *ʿĀlij*, surely knows that the total shares of inheritance cannot exceed six parts. If others understood the matter, it would never exceed six parts." (Kulaynī, 1986 AD/1407 AH: 7, 79, H. 2)

The issue of *ʿAwl* and over-distribution of shares among heirs beyond six parts stems from not knowing how to deal with the six prescribed shares in the Quran.

Examining these narratives shows that the Imam aimed to correct what is commonly accepted in society and provided the original viewpoint for Shi'as. These narratives highlight the foundational teachings and occasional rituals of Shiism in contrast to Sunni views. They also emphasize the essential role of the inheritance of Imam Ali (AS) in Shia inheritance jurisprudence while countering the prevailing opinion-based approach of Sunni jurisprudence. Furthermore, the efforts of the companions and narrators of *Ṣādiqayn* (AS) to access the newly emerging inheritance rulings of the Imamiyyah are revealed. Additionally, some of these narratives, referencing certain verses regarding inheritance rulings, demonstrate that merely understanding the verses, as thought by the Sunni, is not sufficient for achieving a complete understanding of jurisprudence. The deduction of inheritance rulings from these verses and their implementation require attention to the hadiths and teachings of the Prophet, which have been disseminated through the lineage of the Ahl al-Bayt (AS). Moreover,

it becomes clear how the narrators have reconstructed the inherited Shia inheritance rulings and cleansed them of the residues of the Sunni opinion-based jurisprudence, which led to deviations such as an increase or decrease in the shares of inheritance from the Quranic prescribed shares. Consequently, it appears that in Shia inheritance jurisprudence, there are multiple narratives aimed at addressing the Sunni common views and confronting them. Thus, we can speak of hadiths that have been influenced by the erroneous approach of the Sunnah. These hadiths can serve as evidence of the correctness and justification of the aforementioned theory.

9. Elaboration of the Theory

Now that it seems the Imamiyyah hadiths, at least in some cases, have arisen under the influence of the Sunni views and hadiths, we will now delve into each of the components of the discussed theory and present our elaboration concerning it.

First, in reference to the theory of Ayatollah Boroujerdi as an introduction to the elaboration of the theory, it must be stated: the approach of Ayatollah Boroujerdi in jurisprudential research is to refer to the historical roots of the discussion and to observe the narrative heritage during the era of hadith transmission, as his innovations are mostly in the realm of heritage interactions. The previously discussed hadiths, although they serve as historical and even comparative examples for his viewpoint and theory, must be considered just a handful of evidence that truly marks the origin of this theory. Therefore, it seems that the intended meaning of "Jurisprudence" in

the theory founded by the late Qom jurisprudential school is traditional jurisprudence, and this theory does not imply a critique of *ijtihad* jurisprudence. Although Shia *ijtihad* jurisprudence has also, in some aspects and periods, been influenced by the *ijtihad* jurisprudence of the mainstream for the improvement of the jurisprudential process, this influence is not so pervasive as to be deemed dominating over Shiite *ijtihad* jurisprudence, nor should it lead to such an interpretation from him.

For this reason, it seems that Ayatollah Boroujerdi's theory does not oversee *ijtihad* jurisprudence. However, on the other hand, a review of the hadiths in the jurisprudential chapters of both factions and tracing the emergence and biases of the Hadiths from the Imamiyyah tradition—as previously discussed—indicates, to some extent, the susceptibility of Imamiyyah hadiths to the views and hadiths of the Sunni community. The nature of this influence will be clarified further.

The term "Shi'a" linguistically means supporter, follower, group, or party, and in the context of theological scholarship, it refers to Muslims who believe that Imam Ali (AS) is the appointed successor of the Prophet Muhammad (PBUH) and are critical and distrustful of the actions of the *Saqīfah* companions in electing a caliph (Nubakhtī, 1996 AD/1375 SH). This term is a generic label that applies to various factions and groups of Shiism. Among them, though the Zaidiyyah is one of the Shia groups, its jurisprudence is influenced by mainstream jurisprudence and does not have a significant connection with Shia jurisprudence. The *Ja'farī* Shi'ism, which was based on the efforts of

the two Imams, became fruitful in the era of Imam *Ṣādiq* (AS) and subsequently experienced divisions. Ultimately, the main faction of *Ja'farī* Shi'ism took shape under the title of Imamiyyah, whose followers believe in the succession and authority of the twelve Imams of Shiism (cf. Mufīd, 1992 AD/1413 AH: 35-38). A review of hadith sources and ancient catalogs like those of *Najāshī* and *Ṭūsī* indicates that most of what we now consider as hadith is not the hadith heritage of "Shia" but rather belongs to the legacy of "Imamiyyah." Therefore, in articulating and refining this theory, it should be noted that using the term Shi'a in this context is somewhat lax in expression, and the precise term intended is "Imamiyyah," as well as, even today, the use of the term Shi'a in place of Imamiyyah remains prevalent and widespread.

Regarding the roots of the term "Ahl al-Sunnah," we must return to the transitional years of the second century, which marked the beginning of formulating the idea of "Ahl al-Sunnah and al-Jamā'ah." The term "Ahl al-Sunnah and al-Jamā'ah" emerged in opposition to the scholars of Hadith who regarded those they called the people of "Innovation" and "Revolt with the sword." It is noteworthy that with the shift of *Mutawakkil* toward the scholars of Hadith, government support for the Mu'tazillah and their accommodation with the Shi'a waned, and the views of the scholars of Hadith became dominant. From their perspective, the beliefs of the Mu'tazillah and the Shi'a were considered innovations and a deviation from the traditions of the predecessors. Furthermore, the approach of the Zaidiyyah and the *Khawārij* in armed uprisings was perceived as a break from the Muslim community and deemed objectionable (Pakatchi, 2012

AD/1392 AH: 1, 32-34). During this period, over several centuries, a number of books were authored by the scholars of Hadith that outlined the characteristics of being Ahl al-Sunnah and al-Jamā'ah and demonstrated what thoughts and actions a true Sunni should possess.¹ However, before the emergence, circulation, and institutionalization of the term Ahl al-Sunnah and al-Jamā'ah—which eventually became less reliant on the usage of the word "Jamā'ah"—the ancient hadith and biographical sources of the Imamiyyah employed terms like *‘Āmmī*, *‘Āmmah*, and *Nās* to refer to non-Shi'a individuals and, conversely, used the term "Khāṣṣah" for the Imamiyyah or Shi'a minority.

Therefore, the application of the term "Ahl al-Sunnah" for non-Shi'a individuals during the era of the Ahl al-Bayt (the Prophet's family) and the period of the narration of hadith is neither precise nor accurate. It is more appropriate to use the ancient term "*‘Āmmah*" to refer to non-Shi'a individuals of the Ahl al-Bayt era, although we know that this usage is also somewhat lax and is currently prevalent and widely recognized.

However, the fundamental criticisms of the aforementioned theory regarding the "Peripheral Nature" have been raised. This claim implies, on one hand, that the hadith and jurisprudence derived from the Imamiyyah are subordinate to the essence of the hadith and jurisprudence of the general community and, on the other hand, at

1. For example, the books of Sunnah by *Aḥmad ibn Ḥanbal*, al-Sunnah by *Abū Bakr Khalāl*, *Sharḥ al-Sunnah* by *Barbahārī*, and *Shā'ar Aṣḥāb al-Hadith* by *Ḥākim Nīshābūrī* are prominent examples of these sources that were written in successive decades and centuries.

least implicitly and discontinuously challenges the historical continuity of the Ahl al-Bayt's knowledge. Nevertheless, this expression can, at least within the literature of jurists, be considered a form of homonymy, evoking the notion of marginal writing in the tradition of juristic writings and sometimes in those of hadith scholars; in this tradition, the jurist, at their discretion and when necessary, records their viewpoint as an explanation and clarification, presentation, approval, critique, opposition, rebuttal, and correction of the textual view. Based on this, the hadith and jurisprudence of the Imamiyyah reflect developments regarding the views of the general community and maintain a marginal approach towards them. Therefore, the expression of "Being Peripheral" within this theory signifies oversight, opposition, confrontation, and correction. This interpretation aligns with the intellectual space and practices of Imamiyyah jurists and hadith scholars, and it seems this is also what Ayatollah Boroujerdi intended. In this case, the peripheral nature of the derived jurisprudence and hadith of the Imamiyyah not only does not carry a negative connotation or imply weakness and deficiency in Shi'ism but is indicative of the foundational aspects of Shia jurisprudence.

Regarding the scope of this theory, it is noteworthy that the impact of the Imamiyyah heritage on the Sunni community is one of partial affirmation. This interpretation encompasses, on one hand, the alignment of certain aspects of the derived jurisprudence and hadith of the Imamiyyah with the jurisprudence and hadith of the Sunni community, and on the other hand, indicates the divergence and disconnection of the derived jurisprudence and hadith of the

Imamiyyah from the Sunni narrative in other dimensions. However, this theory has the potential for development and reform from two perspectives; from the Imamiyyah side, it should be added that this theory is not limited to derived jurisprudence, as multiple evidences indicate that, in addition to the derived jurisprudence of the Imamiyyah, other hadith sciences such as theology and interpretations from the Imamiyyah tradition have also emerged in contrast to the views of the Sunni community. In this regard, one can reference hadiths concerning the "Matter between the two options," "Rules of Judgment," and the "Part of the *Basmalah*," although elucidating the details is beyond the scope of this discussion. From the Sunni side, this kind of influence is not confined to jurisprudence and hadith; further investigation shows that various scientific fields—based on thematic relevancies and correspondences—have played a role in the emergence of certain Imamiyyah hadiths. Additionally, as was clarified concerning Imam Ali's views on inheritance law, it seems that besides scholarly approaches, the social and political contexts of society have also contributed to the formation of the derived heritage. Therefore, the theory of peripheral nature can be articulated as follows: "Some of the derived heritage of the Imamiyyah has emerged in contrast to the scholarly approach and the social and political contexts prevailing in the Sunni community."

Conclusion

1. Based on historical evidence and indications, some Imamiyyah hadiths, such as certain hadiths regarding inheritance, have emerged

in opposition to the views of the Sunni community and are, in a sense, foundational.

2. Just as jurists express correct viewpoints from their perspective while annotating the views of their rivals, the Imams have also presented certain hadiths to critique and correct the hadiths and scholarly approaches of the Sunni community. This similarity has led some to use the term "Peripheral" for such hadiths.
3. With this interpretation, the application of the term "Peripheral" to hadith and even the derived jurisprudence of the Imamiyyah is devoid of negative connotations and appears justified, although it has resulted in certain misunderstandings.
4. Nonetheless, the expression of being "Peripheral" requires refinement. It should be noted that, in addition to the hadith and derived jurisprudence of Shia, several aspects of the Imamiyyah heritage in other fields, such as theology and interpretation, have emerged in the same context of opposition and are related to the hadith and views of Ahl al-Sunnah. Furthermore, using the terms Shi'a and Sunni in this regard is not accurate; rather, the terms Imamiyyah and *ʿĀmmah* should be employed. Moreover, these hadiths are influenced not only by the views and scholarly approaches of the Sunni community but also by the socio-political context of that society.
5. Ultimately, the theory of peripheral nature can be articulated as follows: Some of the inherited and foundational legacies of the Imamiyyah have emerged in contrast to the hadiths and scientific views, as well as the prevailing social and political contexts of the Sunni community.

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