



Research Paper

Validation of Historians' Reports about the Practical life of the Infallibles and its Application to the Inference of Religious Rulings

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Abstract

Some Sunni jurists have made jurisprudential use of the historians' reports in the Sirah books (books about infallible's life). While the Ja'fari (Imamiyya) jurists do not want to infer to historical sources in their jurisprudence inference. Since historical books can provide jurists with a lot of data about the speech and behavior of infallibles, it seems necessary to investigate the possibility of citing the reports of historians in jurisprudential inferences. Therefore, in the present study, we try to answer the question of whether the historians' reports of the lives of the infallibles can be considered an independent reason in jurisprudential inference. The findings of the present research, which was carried out by descriptive-analytical method and based on library data, it shows that although the four titles "khabar vahed" (single news), "expert's opinion", "khabar motavater" (frequent news) and "instead" (blocking in Islamic sources) can be used as proofs of the authenticity of the historian's report. But according to the limitations and methodological problems in historical sources, only by accepting the validity of "Ensedad" in historians' reports, historical sources can be considered as one of the jurisprudential reasons for inferring imperative rule or positive rules.

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Extended Abstract

1- Introduction

According to the consensus of Sunni jurists, the actions and words of the Prophet, and according to the consensus of Imami jurists, the actions and words of the Prophet and other infallibles (Fatima al-Zahra, Amir al-Mu'minin, and their eleven descendants) are one of the sources for obtaining religious rulings, whose authority is accepted by specialists in the principles of jurisprudence, provided that they are not their private actions and that they are in the position of legislating and expressing divine rulings.

The conduct of the infallibles, just as it can be identified from the books of narrations, can also be accessed through the study of historical sources. When the role of history in deducing religious rulings is discussed, it is mostly referred to the historical reports being a clue for better understanding of verses and narrations, and consequently, the correct deduction of religious rulings from these two sources. However, it seems that historical reports can be given a role beyond being a clue for understanding other proofs and can be considered as an independent proof for discovering jurisprudential rulings.

From around the 8th century, among Sunni scholars, writing books with this aim began, which became known as "*Fiqh al-Sīrah*." *Fiqh al-Sīrah* refers to books that deal with deducing various jurisprudential, political, social, moral, etc. issues from historical reports related to the conduct of the Holy Prophet of Islam. Perhaps Ibn Qayyim al-Jawziyyah (d. 751 AH) can be considered the first person who seriously undertook such an endeavor by writing the book "*Zād al-Ma'ād fī Hudā Khair al-'Ibād*."

Although *sīrah* writing (biography of the Prophet) has also been common among Shi'i historians, its purpose has been to narrate the *sīrah* (life conduct) of the Holy Prophet of Islam, not to deduce religious rulings from his *sīrah*. Imami jurists have not shown an inclination to enter this field, which can be attributed to factors such as: the impossibility of deriving a general ruling from historical events, the lack of rigor and accuracy of historians in recording historical reports, the failure to mention *sanads*, and the fact that most historical narrators were not Shi'a.

Since the abundant historical sources of Islamic sects can open new doors for Muslim jurists in deducing religious rulings, and no research has been conducted so far on the credibility of historians' statements as an independent proof from the viewpoint of Imami jurists, it seems necessary to examine the credibility of historians' reports and the objections to them from a jurisprudential perspective.

In the following text, first, the main terms of the research are conceptually defined; then, the subject under discussion, i.e., history and historians' reports, is explained; next, the ways to prove the authority of the historian's statement and its relation to the issue of combining circumstantial evidence are discussed; and finally, some examples of jurisprudential deductions based on historians' statements are mentioned.

2- Method

The present research has been conducted using a descriptive-analytical method and relying on library data from narrations, history, jurisprudence, principles of



jurisprudence, and biographical evaluation of narrators.

3- Result

The findings of the present research show:

1. The books of Islamic history are methodologically divided into *musnad* (with chains of narrators) and non-*musnad* (without chains of narrators), and the reports of historians in them are sensory, near-sensory, and conjectural.
2. Validation (*hujjiyyah*) of historians' reports based on the authority of a single report (*khabar-i wāḥid*) does not lead to a practical jurisprudential result, as most historians lack the conditions for the authority of a single report from a trustworthy narrator.
3. Although the conjectural view of a reliable expert is authoritative, it cannot be applied to a historian's report, because it is not normally possible for the action or statement of an Infallible concerning a religious ruling to be a mere conjecture.
4. *Mutawātir* (widely transmitted) historical reports are very few and do not contain jurisprudential points; therefore, relying on *tawātur* (widespread

transmission) cannot serve as a basis for giving authority to historians' reports.

4- Conclusion

The findings of the present research show that although one can resort to the four categories of "single report," "expert opinion," "*tawātur*," and "*insidād*" (acceptance due to the absence of any other possibility) as proofs for the authority of a historian's report, given the methodological limitations and problems in historical sources, it is only by accepting the validity of *insidād* in historians' reports that historical sources can be considered as one of the jurisprudential proofs for deducing obligatory or positive (*taklifī* or *waz'ī*) jurisprudential rulings.

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6- Authors' Contribution

Saeed Sabouei Jahrom, the corresponding author of this article, is Ph.D. student of Jurisprudence and Fundamentals of Islamic Law, University of Tehran.

7- Conflict of Interest

Authors declared no conflict of interest