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## THE ZAYDĪ IMĀMATE THEORY AS EXPLICATED IN “AL-ASĀS LI-‘AQĀ’ID AL-AKYĀS” OF THE IMĀM AL-MANŞŪR BI-LLĀH

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The present paper is devoted to the lexical and conceptual study of the imāmate theory as explicated in “al-Asās li-‘aqā’id al-akyās” as one of the famous compendiums of the theological and legal doctrine (*fiqh*) of Zaydī school of Šī‘ī Islam composed by al-Manşūr bi-llāh al-Qāsim b. Muḥammad (967/1559–1029/1620), the Zaydī Imām of Yemen and prolific author of works concerning the Zaydī theology and jurisprudence.

“al-Asās”, the Imām al-Manşūr bi-llāh’s treatise was chosen as a source of the theory of the Zaydī imāmate due to the fact that it hasn’t become the subject of the Zaydī *fiqh* studies and was only marginally mentioned in the works on the Zaydī jurisprudence without being given detailed consideration. The literary and scholarly legacy of the Imām al-Manşūr bi-llāh and his main work “al-Asās li-‘aqā’id al-akyās” that is the collection of the rules and regulations of the Zaydī imāmate, were paid proper attention, not least because of the fact that the Imām al-Manşūr bi-llāh belongs to a cohort of later Zaydī writers who embraced in his work the provisions regarding the imāmate put forward by the classical theorists of Zaydī law.

A corpus of terms related to the Zaydī imāmate was extracted from “al-Asās li-‘aqā’id al-akyās” and given etymological and functional-semantic examination. The selected terminological body was described in the framework of certain thematic fields outlined to specify the religious and secular role and powers of the imām. It will be shown that the Zaydī legal terminology belongs to the lexicon of Classical Arabic which lexical components acquire terminological value due to its semantic development.

At the same time, it will be shown that the Zaydī imāmate *fiqh* revolves around such points as the exclusive right of the Family of the Prophet (*al-‘itra*) to the imāmate and ability of the imām to render independent legal judgments (*al-iğtihād*).

**Keywords:** Zaydī school of jurisprudence, *şārī‘a*, *fiqh*, the imām, the imāmate, concept, thematic field, terminology, etymology, meaning, semantic shift

### 1. The imām al-Manşūr bi-llāh: biography and works

Al-Manşūr bi-llāh al-Qāsim b. Muḥammad (967/1559–1029/1620), the eponymous founder of the Qāsimī dynasty (*al-dawla al-qāsimiyya*) of Zaydī imāms that dominated much of Yemen from the early 11/17 century until the republican revolution in 1962, was descended from al-Hādī ilā l-Ḥaqq Yaḥyā b. al-Ḥusayn b. al-Qāsim al-Rassī (d. 298/911) who established the temporal authority of the Zaydī imāmate in Yemen. Al-Qāsim b. Muḥammad formally proclaimed his claim to the imāmate (*da‘wa*) in 1006/1597. Then he continued the rebellion against Ottoman rule in Yemen, which started in 945/1538–9 and ended in 1045/1635 with the expulsion of the last Turks from Yemen by al-Qāsim’s son and successor, the imām al-Mu‘ayyad bi-llāh Muḥammad (1029/1620–1054/1644) [EI, VI, 436–437]. When the Imām al-Qāsim died, he controlled vast territories around Ṣan‘ā’, the Ottoman provincial capital.

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The Imām al-Manṣūr bi-llāh had prolific knowledge of Islamic law and religious practice. He is a productive author of compositions dealing mainly with Zaydī doctrine and jurisprudence. Abdullāh Muḥammad al-Ḥabṣī in his “Ḥukkām al-Yaman. Al-mu’allifūn al-muḡtahidūn” identifies and describes 40 works attributed to the Imām al-Manṣūr bi-llāh’s authorship [al-Ḥabṣī 1979, 233–244]. Among more frequently mentioned works of the Imām al-Manṣūr bi-llāh [EI, VI, 437] al-Ḥabṣī gives several compilations of his answers (*ḡawāb/ḡawābāt*) to questions regarding doctrine and jurisprudence [al-Ḥabṣī 1979, 239–244]; “al-I’tiṣām bi-ḥabl allāh al-matīn al-qādī bi-iḡmā’ al-muttaqīn an lā yatafarraqū fī l-dīn” (brief title “Kitāb al-i’tiṣām”), uncompleted at his death and later completed by al-Sayyid al-Ḥāfiẓ Aḥmad b. Yūsuf Zubāra (died 1252) who says about this work that it is a collection of the hadīṭs from the books of the greatest imāms of the Family of the Prophet (*akābir a’immat al-’itra al-nabawiyya*), the *al-ummahāt al-sitt* (*al-kutub al-sitta*, part of the official canon of Sunni Islam) and other works on the hadīṭ [al-Ḥabṣī 1979, 237–238]; “al-Irṣād ilā sabīl al-raṣād fī ṭarīq a’māl al-’ibād ‘inda faqḍ al-iḡtihād” (brief title “al-Irṣād ilā sabīl al-raṣād”), a work on the differences of the *ṣarī’a* laws of the Moslem nation (*al-ḥilāf fī l-aḥkām al-ṣar’iyya bayna l-umma al-muḥammadiyya*) [al-Ḥabṣī 1979, 234–236] and “al-Asās li-’aqā’id al-akyās fī ma’rifat rabb al-’ālamīna wa-’adli-hi fī l-maḥlūqīna wa-mā yattaṣil bi-dālika min uṣūl al-dīn” [al-Ḥabṣī 1979, 236–237].

The later work will be further referred to in the present article by its brief title “al-Asās li-’aqā’id al-akyās”/“al-Asās”. It is one of the most famous books of the Imām al-Manṣūr bi-llāh considered important work on the Zaydī jurisprudence (*fiqh*) and the fundamentals of religion (*uṣūl al-dīn*).

## 2. “al-Asās li-’aqā’id al-akyās” as a source of Zaydī theory of the imāmate

The “al-Asās li-’aqā’id al-akyās” was chosen as the main source of the present paper. Having searched for a long time for the original sources of the Zaydī authors to examine the theory of Zaydī imāmate developed by Zaydī jurists, I finally preferred to focus on “al-Asās” as one of the most important treatises on Zaydī jurisprudence compiled by the Imām al-Manṣūr bi-llāh, who was not only a distinguished Yemeni ruler and able military commander who declared the revolt against Ottoman rule trying to regain the independence of Yemen, but a leading scholar of his time acknowledged as imām and strongly respected by his fellow Zaydīs due to his profound knowledge of Islamic law.

The Imām al-Manṣūr bi-llāh offers a comprehensive overview of the theory of the Zaydī school (*maḏhab*) of Ṣī’a Islam based on his deep knowledge of the theological and legal principles not only of his native Zaydī, but also Imāmī sects of Ṣī’a branch of Islam and Mu’tazilī school of theology (*kalām*). In “al-Asās” he widely polemicizes with the prominent Mu’tazilī scholars about the doctrine of the imāmate as the highest authority in the traditional Muslim state and legal system, the role and powers of the imām, and the requirements that should be met by one who claims the imāmate to be legally acknowledged as the imām.

## 3. The commentaries on “al-Asās li-’aqā’id al-akyās”

Aḥmad b. Muḥammad b. Ṣalāḥ al-Ṣarafī al-Qāsimī (975–1055/1645–6), an early supporter of the Imām al-Manṣūr bi-llāh and one of his officials, composed the so-called Big commentary (*ṣarḥ*) upon the Imām’s “al-Asās li-’aqā’id al-akyās” (“Ṣarḥ al-Asās al-kabīr”) titled “Ṣifā’ ṣudūr al-nās bi-ṣarḥ ma’ānī al-asās” and so-called Small commentary (“Ṣarḥ al-Asās al-ṣaḡīr”) titled “Uddat al-akyās al-muntaza’ min ṣifā’ ṣudūr al-nās” [al-Ṣarafī 1995, I, 19].

Al-Ḥabṣī titles al-Ṣarafī’s commentary “Uddat al-akyās al-muntaza’ min ṣifā’ ṣudūr al-nās” and calls it the abridged version (*muḥtaṣaru-hu*) of his (full) version of the commentary on the Imām al-Manṣūr bi-llāh’s treatise titled “Ṣifā’ ṣudūr al-nās bi-ṣarḥ al-asās” [al-Ḥabṣī 1979, 236]. In “Mu’allafāt al-zaydiyya” al-Sayyid Aḥmad al-Ḥusaynī titles

the commentary of al-Šarafī “‘Uddat al-akyās fī šarḥ al-asās” and calls it the abridged version (*muḥtaṣar*) of his (full) version of the commentary (*min kitābi-hi*) on the Imām al-Manṣūr bi-llāh’s treatise titled “Šifā’ ṣudūr al-nās fī-šarḥ ma‘ānī al-asās” [al-Ḥusaynī 1413, II, 256].

In the present research, I relied on the printed edition of al-Šarafī’s commentary titled “Kitāb ‘uddat al-akyās fī šarḥ ma‘ānī al-asās” [al-Šarafī 1995]. This edition is used as an additional source of my paper to expand and elucidate the provisions of “al-Asās” noted by its concise and laconic style of composition.

#### **4. The structure of “al-Asās li-‘aqā’id al-akyās”**

The book, in which the Imām al-Manṣūr bi-llāh summarized the fundamentals of Zaydī beliefs and reviewed the beliefs of the other schools of law that differed from Zaydīs and refuted them, consists of the following chapters:

1. The introduction (*muqaddama*) regarding ‘ilm al-kalām.
2. The book of the Oneness of God (*kitāb al-tawḥīd*).
3. The Book of the Divine Justice (*kitāb al-‘adl*).
4. The Book of the Prophecy (*kitāb al-nubuwwa*).
5. The Book of the Imāmate (*kitāb al-imāma*).
6. The Book of the salvational status of the mortal sinner (*kitāb al-manzila bayna l-manzilatayn*).
7. The Book of the Promise and the Threat (*kitāb al-wa‘d wa-l-wa‘īd*) [Imām 1436].

The Imām al-Manṣūr bi-llāh dedicates final chapter (*ḥātima*) of his treatise (*fī ftirāq al-umma wa-bayān al-firqa l-nāğiya*) to discuss the splitting up (*iftirāq*) of *umma* to different sects (*mağāhib*) and clarify the qualifications of the sect that alone will be saved out of the 73 into which the community will be divided (*al-firqa l-nāğiya*), according to a *ḥadīṭ* (*ḥabar*) of the Prophet Muḥammad.

#### **5. The terminology of the imāmate**

##### **5.1. The term *imāma*: etymology and interpretation**

The Imām al-Manṣūr bi-llāh explains the lexical (*luğat<sup>an</sup>*) meaning of the term *imāma* as vn. V *al-taqaddum* ‘preceeding’ [Imām 1436, 130]. Al-Šarafī comments on the Imām al-Manṣūr bi-llāh’s linguistic explanation that this term is derived from vb. I *amma*: *amma l-qawm fulān*: *taqaddama-hum ‘alā wağḥ yaqtadūna bi-hi* ‘He preceded them so as to serve as an example, or object of imitation’, e.g. *imām al-ṣalāt* ‘He, who precedes them to serve as an example, or object of imitation in the prayer’ [Lane, I, 88; al-Šarafī 1995, II, 113–114].

The Imām al-Manṣūr bi-llāh clarifies the legal (*šar‘<sup>an</sup>*) meaning of the term *imāma* as general headship (*ri‘āsa* (vn. I *ra‘asa* ‘He was, or became, head, chief, commander, governor, ruler, lord, master, prince, or king, of, or over, the people; he headed them’ [Lane, III, 995] *‘amma*) emanating from legal rights of one who heads (*bi-stiḥqāq šar‘ī li-rağul*) [Imām 1436, 130]. He adds that there is no hand of anybody upon the hand of the imām (*fa-lā yakūn fawqa yadi-hi yad maḥlūq*) [Imām 1436, 130]. al-Šarafī explains the Imām al-Manṣūr bi-llāh’s words *ri‘āsa ‘amma* that such headship applies to all people (*‘alā ġamī‘ al-nās taṭbut*) and *bi-stiḥqāq šar‘ī* that this right is given to the imām by the proof of the Islamic law (*bi-dalīl min al-šar‘*), i.e. selection of one who holds the imāmate by the Law-Giver (*bi-ḥtiyār min al-šāri‘ li-šāḥibi-hā*) because the imāmate follows the prophecy (*tālīya li-l-nubuwwa*) [al-Šarafī 1995, II, 113–114].

One who holds the imāmate is called *šāḥib al-imāma*: *qahr al-zalama man yu‘īn šāḥiba-hā ay šāḥib al-imāma* ‘the oppressors maltreating the ones who help and support the imām’ [al-Šarafī 1995, II, 119].

##### **5.2. The functions and activities of the imām: lexical analysis**

The linguistic study of the works of The Imām al-Manṣūr bi-llāh and al-Šarafī selected as the material of the present research (see 2, 3) gives an insight of the implementation of

special segments of the *šarī'a* legal terminology widely used to express the following political developments related to the imām:

Announcing the claim to the imāmate (*da'wa*)

Al-Šarafī speaks of one who proclaims himself the imām as *al-qā'im bi-l-da'wa* (literally 'one who carries on a call (to himself) as the imām'): "We judge the imām who proclaims himself (*al-qā'im bi-l-da'wa*) ... as immune from sin (*maḥkūm bi-īṣmati-hi*)" [al-Šarafī 1995, II, 134].

Rising of the imām

The idiom *qiyām al-imām* (vn. I *qāma* 'He rose, i.e. from sitting or reclining' [Lane, VIII, 2995]) is typically used in the meaning of 'rising of the imām', e.g. [al-Šarafī 1995, II, 119]. The antonymous idioms '*uḍr 'an al-qiyām bi-l-imāma* 'excuse from the imāmate': *ḡawāz an yakūn la-hu 'uḍr 'an al-qiyām bi-l-imāma* '(one from the Family of the Prophet) may be excused from the imāmate' [al-Šarafī 1995, II, 129] and *ta'addur qiyāmi-hi* 'impossibility of the imām's rising': *ta'addur qiyāmi-hi li-ḥiḍlān al-akṭar la-hu* 'his rising is impossible because of his being deserted by the majority' [al-Šarafī 1995, II, 119].

Installation of the imām

*naṣb* (vn. I *naṣaba* 'He set up, put up, set upright, erected, a thing; He elevated, raised, reared, a thing' [Lane, VIII, 2799]) is used to denote installing the imām: *naṣb al-imām*, *naṣb al-'imma* [al-Šarafī 1995, II, 115].

*intiṣāb* (vn. VIII *intaṣaba* 'He, or it, became set up, put up, set upright, or erected; stood up, or upright, or erect; became elevated, raised, or reared' [Lane, VIII, 2799]) to signify installing himself as the imām: *qiyām al-imām wa-intiṣābu-hu* 'rising of the imām and his self-installation' [al-Šarafī 1995, II, 119]; *lam yaḡib 'alā l-mustaḥiqq li-l-imāma al-intiṣāb la-hā* 'one who meets requirements of the imāmate was not to install himself' [al-Šarafī 1995, II, 119].

Rank/dignity of the imām

Al-Šarafī uses the term *manṣib* (name of the place from vb. I *naṣaba* (see above) 'Origin, source of anything; that to which a person or thing is referred, as his or its source', 'place where a person or thing is set, or set up' > 'rank, or quality, nobility, or eminence'. In the post-classical language it means 'a post, an office, a function, or a magistracy'; as though meaning the place in which a man is set, set up, or elevated; or in which he is set, or set up, to see, or observe, (or supervise) [Lane, VIII, 2801]) to prove that a rank and dignity (*al-manṣib*) of the imām may be particularly appropriate (*al-maḥṣūs*) only to the Family of the Prophet [al-Šarafī 1995, II, 121].

Providing help and support to the imām

The helpers and supporters of the imām whose presence is stipulation of the obligatory status of the imāmate (*šarṭ fī wuḡūbi-hā* [Imām 1436, 132]) are called:

*man yu'in ṣāḥiba-hā* 'the ones who help and support the imām' [Imām 1436, 132]; *qahr al-ḡalama man yu'in ṣāḥiba-hā ay ṣāḥib al-imāma* "The oppressors' maltreating the ones who help and support the imām" [al-Šarafī 1995, II, 119].

*al-mu'in wa-l-nāṣir: lā yaḡibu 'alā l-mustaḥiqq li-l-imāma al-qiyām bi-hā illā ma' wuḡūd al-mu'in la-hu wa-l-nāṣir* "One who deserves the imāmate should rise only if has the helpers and supporters" [al-Šarafī 1995, II, 119].

Consequently, providing help and support to the imām (*al-i'āna*) is prerequisite of the obligation of the imāmate, i.e. the obligation of the imām's rising and his self-installation (*man yu'in ṣāḥiba-hā ay i'ānahu-hu šarṭ fī wuḡūbi-hā ay fī qiyām al-imām wa-ntiṣābi-hi*) [Imām 1436, 132; al-Šarafī 1995, II, 119]; *wa-yaḡib 'alā l-muslimīn fī kull 'aṣr i'ānat man yaṣluḥ la-ha iḡmā<sup>an</sup>* "The Moslems are to help and support one who meets the requirements of the imāmate" [Imām 1436, 131].

As synonymous to *al-i'āna al-nuṣra* is also attested once: *al-aqall min-hum 'āzim 'alā l-nuṣra wa-l-i'āna* "The minority resolves to provide support and assistance to the imām" [al-Šarafī 1995, II, 119].

Morphologically, vb. IV *a‘āna*, vn. IV *i‘āna*, and ap. IV *mu‘īn* are derivatives of the root ‘-w-n (confer ‘awn ‘help, assistance’). The same is true in respect to the pair vb. I *nuṣra* ‘support’ – ap. I *nāṣir* ‘supporter’.

#### Meeting the requirements for the imāmate

One who meets requirements (qualifies) for the imāmate is called:

*man yastaḥiqqu-hā: al-imāma yastaḥiqqu-hā l-fāḍil allādī yu‘raf faḍlu-hu bi-akṭar al-ra’y* “The excellent whose excellency is known deserves the imāmate by the majority of opinions” [al-Šarafī 1995, II, 131].

*al-mustaḥiqq li-l-imāma* (ap. X *istaḥaqqā* ‘to deserve’): *ḡawāz an yakūn li-mustaḥiqq al-imāma māni‘ min al-qiyām wa-l-intiṣāb imam li-‘adam al-nuṣra aw li-naḥwi ḍālika* “One who is qualified for imāmate may face obstacle to his rising and self-installation due to nonsupport and so on” [al-Šarafī 1995, II, 120].

*man yaṣluḥ la-hā* (vb. I *ṣalaḥa/ṣaluḥa* ‘It, and he, was, or became, good, incorrupt, right, just, righteous, virtuous, or honest; it was, or became, in a good, incorrupt, sound, right, or proper, state, or in a state of order; he, or it, throve; contr. of *fasada* and *fasuda*’ [Lane, IV, 1714]): *Wa-lā yaḥlū l-zamān mimman yaṣluḥ la-hā* “There is no time devoid of one who is appropriate for (the imāmate)” [Imām 1436, 131].

#### **5.3. The imāmate: related concepts**

It is generally understood from the works of the Imām al-Manṣūr bi-llāh and his commentator al-Šarafī that one of the main prerequisites of the imāmate is the belonging to the Family of the Prophet that is instantly called *al-‘itra*. This term ‘*itra*’ has a basic meaning ‘The stem, or stock, of a tree’ (confer ‘*itr*’ ‘Origin, or original state, or condition; and natural disposition’). It came to metaphorically denote the people, or tribe of a man, consisting of his nearer relations [Lane, V, 1946].

The ability to render independent judgment accepted by the Imām al-Manṣūr bi-llāh to be one of the preconditions of the imāmate is termed *al-iḡtiḥad* ‘A lawyer’s exerting the faculties of the mind to the utmost, for the purpose of forming an opinion in a case as law respecting a doubtful and difficult points’; ‘working out a solution of any difficulty in the law, by means of reason and comparison’; ‘referring a case proposed to the judge, respecting a doubtful and difficult point, from the method of analogy, to the Qurān and the Sunneh’ (vn. VIII *iḡtahada* ‘He took pains, or put himself to troubles, or fatigue, to form a right judgement or opinion’) [Lane, II, 473–474].

The concept of the imām’s excellence (*al-afḍaliyya*) is thoroughly discussed by al-Šarafī who says with reference to the Mu‘tazilīs that excellent one (*al-fāḍil*) can claim the imāmate (if his excellence is known), but sometimes installing the excelled as imām is more convenient (*al-mafḍūl*) and in this case his installing is obligatory and the excellent is not allowed to be installed [al-Šarafī 1995, II, 131].

One can see that both *fāḍil* (ap. I), *mafḍūl* (pp. I) are derivatives of vb. I *faḍala* ‘It exceeded’.

The term *muḥtasib* (ap. VIII *iḥtasaba: iḥtasaba ‘alayhi kaḍā* ‘He disapproved and disallowed his doing, or having done, such a thing; namely, a foul deed’ [Lane, II, 565–566]) is used by the Imām al-Manṣūr bi-llāh and al-Šarafī to designate the restricted imām whose rising (*qiyām*) is allowed to promote the virtue and prevent the vice (*al-amr bi-l-ma‘rūf wa-l-naḥy ‘an al-munkar*) when the imām is absent (‘*adam al-imām*’) [al-Šarafī 1995, II, 120].

#### **6. The imāmate concept: general considerations**

Al-Šarafī says that the imāmate follows the prophecy (*tābi‘a li-l-nubū‘a*) because the imāms take place of the prophets in communicating and reviving the *ṣarī‘a* (the Islamic law) (*al-a‘imma yaqūmūna maqam al-anbiyā’ fī tablīḡ al-ṣarī‘a wa-iḥyā’ mā ndarasa min-hā*) [al-Šarafī 1995, II, 109]. He stresses on the fact that the question of the imāmate is of the greatest questions of the fundamentals of religion (*mas‘alat al-imāma min akbar masā’il uṣūl al-dīn wa-a‘ẓami-hā*) because obeying Allāh and His Messenger, executing

the *šarī'a*, the *ḡihād* (the Holy war), the loyalty to the Family of the Prophet and the enmity to their enemies, the punishments and so on are the results of the imāmate (*ya-tarattab 'alay-hā tā'at Allāh wa-tā'at al-rasūl wa-l-qiyām bi-l-šarā'i' wa-l-ḡihād wa-l-muwālāt wa-l-mu'ādāt wa-l-hudūd wa-ḡayr dālika*). Each *mukallaf* is to know his imām because the imām is to be obeyed only by the knowledge of him (*taghib ma 'rifatu-hā 'alā kull mukallaf ... wa-lā tatimm tā'at al-imām illā bi-ma 'rifati-hi*) [al-Šarafī 1995, II, 109]. Al-Šarafī refers to the *ḥadīṭ* (*ḥabar*) of the Prophet: “One who died and hadn't known his imām died the death of ignorance” (*Man māta wa-lam ya 'rif imāma-hu māta mītat<sup>an</sup> ḡāhiliyyat<sup>an</sup>*) which he calls unanimously accepted and trustworthy (*mutalaqqā bi-l-qubūl*) [al-Šarafī 1995, II, 109].

As al-Šarafī says, the presence of more than one imām in the same time in the same country leads to the conflicts and the corruption (*ta'addud al-a'imma fī waqt wāḥid yu'addī ilā l-tašāḡur wa-l-nizā' wa-l-fasād*) contrary to the prophecy that cannot be troubled by the conflicts and corruption because the prophet follows the revelation (*bi-ḥilāf al-nubuwwa fa-lā yaqa'a fī-hā dālika li-anna l-nabī' yatba' al-waḥy*). However, if the countries are distant, rising of two imāms is probably allowed (*wa-idā tabā'adat al-diyār ḡāza qiyām imāmayn wa-llāh a'lam*) [al-Šarafī 1995, II, 114].

### 7. The obligatory status of the imāmate

The Imām al-Manšūr bi-llāh refers to some of the Zaydī imāms, Abū l-Qāsim al-Balḥī and Abū l-Ḥusayn al-Bašrī (al-Šarafī adds to them al-Ḡāḥiz) who say that the obligatory status of the imāmate is based on the rational considerations and tradition (*wa-hiya wāḡiba 'aql<sup>an</sup> wa-sam<sup>an</sup>*) [Imām 1436, 130]. Al-Šarafī comments on the Imām's view about the rational and traditional necessity of the imāmate by the phrase *yaḥkumu l-'aql bi-wuḡūbi-hā wa-l-šar' qad qadā bi-hi* ‘the rationality and the tradition judges on the obligation of the imāmate’ [al-Šarafī 1995, II, 114].

The Imām al-Manšūr bi-llāh: “The people are in need of imām (*ḥāḡat al-nās ilā l-imām*) to repel damage from those who are distressed by others (*li-daf' ḡarar ba'ḡi-him 'an ba'ḡ*), to preserve (*li-ḥifz al-šarī'a*) and revitalize the *šarī'a* (*wa-iḥyā mā ndarasa min-hā*)” [Imām 1436, 130]. Al-Šarafī comments on the Imām al-Manšūr bi-llāh view about rational necessity of the imām: “The people due to their multitude, the difference of their predispositions, and the strength of their motives for injustice and penchant for oppression (*al-nās ma'a kaṭrati-him wa-ḡtilāf himami-him wa-quwwat dawā'ī-him ilā l-'udwān wa-mayl anfusi-him ilā al-zulm*) won't be restrained from evil-doing to each other (*lā yakād yanzaḡirūna wa-yakuff ba'ḡu-hum šarra-hu 'an al-ba'ḡ*) unless they have their head who has strength, power and assistants (*illā idā kāna hunāka ra'īs la-hu quwwa wa-saṭwa wa-a'wān*) and the people are restrained by fear of their head from indulging in injustice (*fa-yamna'-hum ḡawfu-hum 'an al-tawattub fī l-'udwān*). If the ruler becomes weak and distracts himself from considering the affairs of common people (*idā ḡa'ufa l-sultān aw tašāḡala 'an al-nazar fī umūr al-'amma*), the injustice, the oppression, and corruption will be widespread (*kaṭura fī l-nās al-zulm wa-l-fasād*), the people will fear of highwaymen (*wa-ḡāfat al-ṭuruḡ*) and the strong will oppress the weak (*wa-taḡlub<sup>u</sup> l-qawī 'alā al-ḡa'īf*). Also at all times, there is no tribe unless it has its head (*lā tūḡad qabīla illā wa-la-hā ra'īs*) who prevents the strong from oppressing the weak (*yamna' l-qawī min al-ḡa'īf*) and obtains right from the oppressor to the oppressed” (*yantaṣif li-l-maḡlūm min al-zālim*) [al-Šarafī 1995, II, 114–115].

The Imām al-Manšūr bi-llāh also refers to some of the Zaydī imāms who say that necessity of the imām is based only upon tradition (*bal sam<sup>an</sup> faqaṭ (bal waḡabat sam<sup>an</sup> faqaṭ)*) [al-Šarafī 1995, II, 115] [Imām 1436, 130]. Al-Šarafī comments on this opinionion: “Some later imāms maintain that this is because the aim of the imāmate lays in such legal matters (*ṭamratu-hā umūr šar'iyya*) as the punishments (*al-hudūd*) and the Friday prayers (*al-ḡumu'āt*). According to them, nobody questions the fact that the imām is divine grace and general good for the people (*wa-lā iškāl anna l-imām luṭf wa-maṣlaḡa li-l-ḡalq*) but it

must be knowledge of his being divine grace and general good (*al-‘ilm bi-kawni-hi lutf<sup>an</sup> wa-maṣlahat<sup>an</sup>*). (The necessity of imām) as well as the prophecy (*ka-l-nubuwwa ‘indahum*) are based upon the tradition (*al-šar‘ (inna-mā ṭarīqu-hu l- šar‘)*)” [al-Šarafī 1995, II, 114–115].

The Imām al-Manšūr bi-llāh considers the idea that the imāmate isn’t obligatory proposed by some (*wa-qīla: lā-tağīb*) [Imām 1436, 130] (it isn’t obligatory (*lā-tağīb l-imāma*) whether it is based both upon reason (*lā ‘aql<sup>an</sup>*) and upon tradition (*wa-lā sam<sup>an</sup>*)) [al-Šarafī 1995, II, 115].

Al-Šarafī refers to “al-Šāmil”<sup>1</sup> which states that those who maintain this opinion are the prominent Mu‘tazilī theologians Abū Bakr al-Ašamm, Dirār, and Hišām al-Fuwaṭī (or al-Fawṭī), some Murğī’a and Ḥašwiyya, and such Ḥārīgī sub-sect as Nağadāt. Al-Ašamm maintains that installing the imāms (*naṣb al-a’imma*) is of no need (*lā yağīb*) in each time (*fī kull waqt*) but is necessary in the time when the people oppress each other (*yağīb ‘indahū al-zulm wa-l-tazālum bayna l-ḥalq*) to repeal oppression by installing the imām (*li-yudfa‘ bi-naṣb al-imām zulm al-nās*). On the contrary, al-Ašamm, and Hišām al-Fuwaṭī claim that there is no need in installing the imām (*lā yağīb naṣbu-hu*) in the time when the people oppress each other (*‘indahū al-zulm wa-l-tazālum bayna l-ḥalq*) because there is probability that the people will kill him (*rubba-mā qatalū-hu*) and his installing will be the reason of the conflict (*fa-yašīr naṣbu-hu sabab<sup>an</sup> fī l-fitna*), but in the time free of oppression (*‘indahū al-zulm wa-ḥuluww al-zamān ‘an-hu*) this is necessary (*yağīb naṣbu-hu*) to show the sign of Islam and its might (*li-izhār šī‘ār al-islām wa-quwwat šawkati-hi*). Nağadāt and Dirār b. ‘Amr make installing the imām (*naṣb al-imām*) not necessary (*fa-lam yūğībū*) in any case (*fī ḥāla min al-ḥālāt*)”. Al-Qurašī<sup>2</sup> tends to accept this opinion in “Minḥāğ al-taḥqīq wa-maḥāsīn al-talfīq” [al-Šarafī 1995, II, 115–116].

The Imām al-Manšūr bi-llāh: “The people oppress each other (*al-tazālum wāqi‘*) and the oppression cannot be repelled but by head (of the people) (*wa-lā yatimm daf‘u-hu illā bi-ra’īs*). The necessity of repelling the oppression is based upon reason (*wa-daf‘ al-tazālum wāğīb ‘aql<sup>an</sup>*) and because of it there is need for installing head (*fa-wağaba iqāmat ra’īs*)” [Imām 1436, 131].

As al-Šarafī says: “We refute (*qulnā radd<sup>an</sup> ‘alā*) ideas of those who disagree with the necessity of imāmate (*al-muḥālif fī wuğūbi-hā*) or who claim that the reason does not point at its necessity (*za‘ama anna l-‘aql lā yadull<sup>u</sup> ‘alā dālika*) saying the people oppress each other (*al-tazālum wāqi‘ bayna l-nās qat<sup>an</sup>*) and it cannot be repelled but by chief of the people to whom they may recourse (*wa-lā yatimm daf‘u-hu illā bi-ra’īs li-l-nās ‘umūm<sup>an</sup> yarğī ‘ūna ilayhi*). Repelling the oppression without head leads to its muchness (*wa-daf‘u-hu min ġayr ra’īs yu’addī ilā kaṭrati-hi*) and its necessity is based on reason (*wa-daf‘ al-tazālum wāğīb ‘aql<sup>an</sup>*)”. He continues: “It is incumbent upon the Moslems to install chief for themselves for repelling the oppression (*fa-wağaba ‘alā l-muslimīna iqāmat ra’īs la-hum li-daf‘ al-tazālum*)” [al-Šarafī 1995, II, 116].

The Imām al-Manšūr bi-llāh adduces (2:124):

*Wa-id<sup>i</sup> btalā Ibrāhīm<sup>a</sup> rabbu-hu bi-kalimāt<sup>in</sup> fa-atamma-hunna qāla Innī ġā‘il<sup>u</sup>-ka li-l-nās<sup>i</sup> imām<sup>an</sup> qāla wa-min ḍurriyyatī qāla lā yanāl<sup>u</sup> ‘ahdī l-zālimīna*

as the legal (*šarī‘a*) proof (*wa-dalīl<sup>u</sup>-hā šar‘<sup>an</sup>*) of the necessity of the imāmate [Imām 1436, 131].

Al-Šarafī comments on this āya: “Ibrāhīm asked Almighty God to make imāms after Him from His progeny who will obtain the excellence and honor (of His progeny) (*wa-ğ‘al yā rabb min ḍurriyyatī a’immat<sup>an</sup> min ba’dī yanālūna min faḍli-hā wa-šarafi-hā*) and Almighty God answered Ibrāhīm: “From Your progeny I make imāms (*wa-min ḍurriyyatika ağ‘al<sup>u</sup> a’immat<sup>an</sup>*), but I will exclude from them only wrongdoers whom my covenant won’t concern (*fa-innī lā astatnī illā l-zālimīna fa-inna-hum lā yanālu-hum ‘ahdī*)”. He adds to his commentary that Almighty Allāh chose Ibrāhīm and his progeny (*min ḍurriyyati-hi*) to the imāmate (*iḥtāra Ibrāhīm<sup>a</sup>... li-l-imāma*) and made him deserve the

imāmate (*wa-ḡa 'ala-hu ahl<sup>an</sup> la-hā*). Almighty Allāh allowed this (*aḍina bi-dālika*) and decided the imāmate in the favour of Ibrāhīm and his progeny (*fa-qad ḥakama la-hum bi-l-imāma*). He exclusively distinguished them by the imāmate (*fa-ḥaṣṣa-hum bi-hādihi l-faḍīla dūn<sup>a</sup> ḡayri-him*)” [al-Šarafī 1995, II, 116].

According to the Imām al-Manṣūr bi-llāh, the necessity of imāmate is corroborated by the *sunna* and the *iḡmā'* (the unanimous doctrine and opinion of the recognized religious authorities at any given time) [Imām 1436, 131]. Al-Šarafī says that necessity of the imāmate is proven by the *sunna* (*wa-dalīl-hā min al-sunna*) and also the *iḡmā'* of the Companions of the Prophet (*al-ṣaḥāba*), the Successors of the Companions of the Prophet (*al-tābi'īna*) and others (*wa-ḡayri-him*) [al-Šarafī 1995, II, 116].

Al-Šarafī: “When the Prophet passed away, all people unanimously decided that the *umma* unavoidably needs its leader for managing its affairs and that the imāmate is right sought after and needed of (*aḡma 'a ḡamī' al-nās 'alā anna-hu lā budda min ra'īs yaqūm<sup>u</sup> bi-amr al-umma ... aṭbaqū 'alā anna l-imāma ḥaqq maṭlūb muḥtāḡ ilay-hi*). Nobody denied that and said ‘We don’t need imām’ (*wa-lam yunkir dālika aḥad fa-yaqūlū lā naḥtāḡ ilā imam*). Nevertheless, the differences, confusion, chaoticness and erraticness in appointing the in charge of the affairs of the *umma* emerged after the Prophet (*waqa' a l-iḥtilāf wa-l-ḥabṭ wa-rukūb al-ahwā' fī ta'yīn al-qā'im bi-amr al-umma*). With the passage of time, after the Day of al-Saqīfa, the people were recouring to the imām, seeking after him and categorically believing in the necessity of the imāmate (*fa-inna-hum kānū yafza'ūna ilā l-imām wa-yaṭlubūna-hu wa-ya'taqidūna wuḡūb qiyāmi-hi qat<sup>an</sup>*)” [al-Šarafī 1995, II, 116–117].

He continues: “I think that such unanimity is a proof that necessity of the imām is based on the reason as well as the *ṣarī'a* (*ḥādā l-iḡmā' dalīl 'alā anna wuḡūba-hā bi-l-'aql muqarrar ka-l-ṣar'*) because the people unanimously accepted (*aḡma'ū*) the need of the *umma* in chief (*iḥtiyāḡ al-umma ilā ra'īs*) and this idea became fixed in their mind (*mā rtakaza fī 'uqūli-him*)” [al-Šarafī 1995, II, 116–117].

Al-Šarafī also says: “Almighty God ordered executing the punishments on those who perpetrate the grave sins (*amara l-lāh ta'ālā bi-iqāmat al-ḥudūd 'alā murtakibī-hā*) and the *umma* was unanimous in that the punishment is to be enacted only by the imāms or their appointees (*wa-aḡma 'at al-umma 'alā anna-hu lā yatawallā l-ḥudūd illā l-a'imma aw man yalī min ḡihati-him*)” [al-Šarafī 1995, II, 117].

In this case al-Šarafī uses the following method of deducing the *ṣarī'a* regulations: “That without which the absolute obligation cannot be performed (*mā lā yatimm l-wāḡib al-muṭlaq illā bi-hi*) provided this obligation can be performed by one upon whom it is imposed (*wa-kāna maqdūr<sup>an</sup> li-l-mukallaḡ*), is itself an obligation (*fa-huwa wāḡib*)”. Based on this logical method, he equates the order to execute the punishments (*al-amr bi-iqāmat al-ḥudūd*) with the order of installing the imāms (*amr bi-naṣb al-a'imma*) [al-Šarafī 1995, II, 117].

The Imām al-Manṣūr bi-llāh: “The Moslems in all times should help (*i'āna*) one who is appropriate for (the imāmate) (*man yaṣluḥ la-hā*)” [Imām 1436, 131]. Al-Šarafī comments on this statement of the Imām that the Moslems are to help the imāmate (*li-l-imāma*) by the money, the soul, heart and body (*bi-l-māl wa-l-naḡs wa-l-ḡanān wa-l-arkān*). This obligation is generally accepted by the *umma* except those who reject need of the imāmate (*illā man ankara wuḡūba-hā*) [al-Šarafī 1995, II, 117].

The Imām al-Manṣūr bi-llāh: “The imāmate is obligatory because its aim (*ṭamratu-hā*) lays in the protection of Islam (*ḥifẓ bayḍat al-islām*), repelling unjust treating one another (*daḡ' al-tazālum*), obtaining right to the oppressed (*iṣṣāḡ al-maẓlūmīna*) (from the oppressors (*min al-zālimīna*)) [al-Šarafī 1995, II, 117], executing the punishments (*iqāmat al-ḥudūd*) etc.” [Imām 1436, 131].

Al-Šarafī adds to this aims observing the Friday prayers (*iqāmat al-ḡumu 'āt*), dividing the spoil (*qasam al-fay'*), and the alms (*al-ṣadaqāt*) [al-Šarafī 1995, II, 117].



The Imām al-Manṣūr bi-llāh and al-Šarafi explains that one who is appropriate for the imāmate is to be provided help and support all time because the reasons that vindicate existence of the imāmate occur any time [Imām 1436, 131; al-Šarafi 1995, II, 117].

The Imām al-Manṣūr bi-llāh stresses on that there is no time devoid of one who is appropriate for (the imāmate) (*wa-lā yaḥlū l-zamān mimman yaṣluḥ la-hā*) [Imām 1436, 131].

Al-Šarafi gives a reference to the Imām ‘Alī who said: “Verily the Earth is not devoid of representative of God who is evidence of His will carrying out His orders (*allāhumma balā lā taḥlū l-arḍ min qā’im li-llāh bi-ḥuḡḡa*) lest the evidences of God’s will become vain (*kaylā tubṭal ḥuḡḡ Allāh wa-bayyinātu-hu*). He (representative of God) is either apparent and known (*zāhir<sup>an</sup> mašhūr<sup>an</sup>*) or obscure and unknown (*ḥāmil<sup>an</sup> maḡmūr<sup>an</sup>*)” [al-Šarafi 1995, II, 118].

As the Imām al-Manṣūr bi-llāh explains, the imāmate is said not to be necessary (*lā yaḡib*) due to the fact that an imām was absent in some times (*li-ḥuluww ba‘ḍ al-azmina ‘an imām*) and if the imāmate were obligatory the *umma* in that period of time would be unanimous in the violation of the obligation (*law kānat wāḡibat<sup>an</sup> la-kānat al-umma fī ḍālīka l-‘aṣr muḡma‘at<sup>an</sup> ‘alā l-iḥlāl bi-l-wāḡib*), but it is not allowed for the *umma* to be unanimous in the violation of the obligation (*lā yaḡūz an tuḡmi<sup>a</sup> l-umma ‘alā l-iḥlāl bi-l-wāḡib*) since the *umma* shouldn’t agree on deviation from what is right (*lā taḡtami‘ ‘alā ḍalāla*) [Imām 1436, 132].

Al-Šarafi: “Somebody maintains that it is not necessary to help (*lā taḡib i‘āna*) one who is appropriate for (the imāmate) (*man yaṣluḥ la-hā*) given that the imāmate is unnecessary either reasonably or traditionally (*lā taḡibu l-imāma lā ‘aql<sup>an</sup> wa-lā šar<sup>an</sup>*)” [al-Šarafi 1995, II, 118–119].

The Imām al-Manṣūr bi-llāh tells that sometimes (*ḥalā ba‘ḍ al-azmina*) there was no imām because the oppressors maltreated (*qahr al-ḡalama*) the ones who helped and supported the imām (*man yu‘īn ṣāḥiba-hā*) – the existence of the imām’s helpers and supporters is the condition of his obligation (*šarṭ fī wuḡūbi-hā*) – or because the majority deserted the imām (*ḥiḍlān al-akṭar*) [Imām 1436, 132].

Al-Šarafi comments on this: “Sometimes there was no rising of imām (*ḥalā ba‘ḍ al-azmina ‘an qiyām al-imām wa-zuhūri-hi*) because the oppressors maltreated (*qahr al-ḡalama*) the ones who helped and supported the imām (*man yu‘īn ṣāḥiba-hā ay ṣāḥib al-imāma*), i.e. one who deserves the imāmate (*man yastaḥiqqu-hā*), because the assistance provided to the imām (*i‘ānatu-hu*) by ones who support and help him (*man yu‘īn ṣāḥiba-hā*) is the condition of the obligation of the imāmate (*šarṭ fī wuḡūbi-hā*), i.e. rising of imām (*qiyām al-imām*) and his self-installation (*intiṣābu-hu*)” [al-Šarafi 1995, II, 119].

He continues: “One who deserves the imāmate should rise only if somebody can help and support him (*lā yaḡibu ‘alā l-mustaḥiqq li-l-imāma al-qiyām bi-hā illā ma‘ wuḡūd al-mu‘īn la-hu wa-l-nāšir*). If the imām’s helpers and supporters are maltreated by the oppressors and cannot help the imām (*iḍā kāna l-mu‘īn wa-l-nāšir maḡhūr<sup>an</sup> min al-ḡalama lam yatamakkan min i‘ānat al-imām*), one who deserves the imāmate should not install himself (*lam yaḡib ‘alā l-mustaḥiqq li-l-imāma al-intiṣāb la-hā*) because he causes himself to perish (*yakūn ilqā‘<sup>an</sup> bi-naḡsi-hi ilā l-tahlīka*). Moreover, even if the oppressors didn’t maltreat all people (the imām’s helpers and supporters) (*lam yaqhar al-ḡalama kull al-nās*), the imām’s rising is still impossible (*ta‘aḍḍur qiyāmi-hi*) because of his being deserted by the majority and their rebellion against him (*li-ḥiḍlān al-akṭar la-hu tamar-rud<sup>an</sup> min-hum*). Though the minority resolves to provide support and assistance to the imām (*al-aqall min-hum ‘āzim ‘alā l-nuṣra wa-l-i‘āna*), the requirements put forward to him are not met (*lā yaḡsul bi-hi al-maḡṣūd*)” [al-Šarafi 1995, II, 119].

The Imām al-Manṣūr bi-llāh and his commentator Al-Šarafi says: “If the supporters and helpers of one who vying for the imāmate unable to afford him meeting the requirement of this position (*al-maḡlūb ‘an taḡṣil al-šarṭ*) because of their being oppressed by

the people (*al-maḡhūr min al-nās*), and the minority of them (the supporters and helpers) eager to provide support and assistance to the aspirant to the imāmate (*al-aqall min-hum al-‘āzim ‘alā l-mu‘āwana*) cannot provide help to one who strives for the imāmate (*ḡayr mutamakkin min i‘ānat al-imām*), they didn't violate their obligations towards the candidate to the imāmate (*ḡayr muḡill bi-l-wāḡib*) because a merely resolution to fulfill the obligation is enough provided that its fulfilling is impossible (*al-‘azm ‘alā fi‘l al-wāḡib ma‘ ‘adam al-tamakkun min al-fi‘l kāfīn*) and a merely resolution to fulfill the obligation when it will be possible is enough for obeying the order of Allāh (*al-‘azm ‘alā fi‘li-hi (al-wāḡib) matā tamakkana min-hu yakfī-hi fī l-imtiṭāl li-amr Allāh*)” [Imām 1436, 132; al-Šarafī 1995, II, 119–120].

In this case, the imām is excused from the rising (*al-imām ma‘dūr ‘an al-qiyām*) [al-Šarafī 1995, II, 120]. In general, one who is qualified for imāmate (*mustaḡiqq al-imāma*) may face obstacle (*māni‘*) to his rising (*qiyām*) and self-installation (*al-intiṣāb*) due to nonsupport (*‘adam al-nuṣra*) (in the case of the Imām ‘Alī) and so on [al-Šarafī 1995, II, 120].

### 8. The qualifications of the imāmate (*fī šurūṭ al-imāma*)

As the Imām al-Manṣūr bi-llāh indicates, the imām is to meet the following 14 qualifications (*šurūṭ ṣāḡibi-hā*, i.e. *šurūṭ al-imām*) [al-Šarafī 1995, II, 120]:

Adulthood (*al-bulūḡ*) and the sound mind (*al-‘aql*), because of unanimity (*al-iḡmā‘*) about the fact that there is no exercise of authority (*lā wilāyat<sup>a</sup>*) by the minor (*al-ṣabī*) and the mad (*al-maḡnūn*) [Imām 1436, 132]. There is unanimity about the fact that there is no exercise of authority by the minor and the mad exercise no legal authority on themselves (*al-iḡmā‘ ‘alā anna lā wilāyat<sup>a</sup> li-l-ṣabī wa-l-maḡnūn ‘alā anfusi-himā*), let alone others (*faḍl<sup>an</sup> ‘an ḡayri-himā*) [al-Šarafī 1995, II, 120].

The maleness (*al-dukūra*). The Prophet said “May people who entrust their affairs to a woman not succeed” (*mā aflaḡa qawm<sup>un</sup> wallaw amra-hum imra‘at<sup>an</sup>*) [Imām 1436, 132]. The woman is not fully legally competent (*al-mar‘a lā tawallā ḡamī‘ amri-hā*) and mingling with the people is forbidden for her (*mamnū‘a min muḡālatat al-nās*) [al-Šarafī 1995, II, 120].

The freedom (*al-hurriyya*), because the slave (*al-‘abd*), who is (himself) a piece of property (*mamlūk al-raḡaba*) (*mulikat raḡabatu-hu*) [al-Šarafī 1995, II, 121] is incompetent to act (*mamlūk al-taṣarruf*) [Imām 1436, 132] (*mamnū‘ min al-taṣarruf qad mulika taṣarrufu-hu ‘alay-hi*) [al-Šarafī 1995, II, 121]. It is not valid for the slave to exercise authority on the others (*lā yaṣiḡḡ an yatawallā ‘alā ḡayri-hi*) [al-Šarafī 1995, II, 121].

Belonging to the Family of the Prophet (*al-‘itra*). It is generally maintained that one who holds the rank of imāmate (*al-manṣīb*) shall belong to the Family of the Prophet (*al-‘itra*) [Imām 1436, 132]. Al-Šarafī gives reference to al-Nazzām, Naṣwān b. Sa‘īd al-Ḥimyarī, the Ḥārīḡīs and some Ḥaṣwiyya who support the point of view that the imāmate is valid in absolutely all people notwithstanding whether or not the Qurayṣī is available (*taṣiḡḡ l-imāma fī ḡamī‘ al-nās muṭlaq<sup>an</sup> sawā‘<sup>un</sup> wuḡida l-quraṣī am lam yuḡad*) [al-Šarafī 1995, II, 121].

The Imām al-Manṣūr bi-llāh and his commentator al-Šarafī refer to Abū ‘Alī<sup>3</sup> who stated that the imāmate (*manṣīb al-imāma*) shall belong to the Qurayṣ (*yantasib ilā qurayṣ*) but if there is nobody present from the Qurayṣīs (*in ‘adama l-quraṣī*) who meets the qualifications of the imāmate (*al-ḡāmi‘ li-šurūṭ al-imāma*), the imāmate is allowed for all people (*ḡāzat fī ḡāmi‘ al-nās*) due to its necessity (*li-l-ḡarūra*) as it was said that the surpassed (*al-mafḡūl*) is allowed to the imāmate (*yaḡūz imāmatu-hu*) if the surpasser (*al-aḡḡal*) has an excuse (*ḡaṣala fī (al-aḡḡal) ‘uḡr*) for not to proclaim himself the imām and *tayammum* (the Islamic act of dry ritual purification) is allowed (*yaḡūz al-tayammum*) if no (clean) water is readily available (*iḡā ‘adama l-mā‘*) [Imām 1436, 132; al-Šarafī 1995, II, 121].

Al-Šarafī: “There is nothing to prove (*lā dalīla ‘alā tubūt...*) that the position of imāmate (*al-manšib*) may be particularly appropriate (*al-mahšūš*) for somebody else (*li-man ‘adā-hu*) not belonging to the Family of the Prophet. An authority (*wilāya*) is not exercised except by the will (*iḍn*) of the Supreme Law-giver (*al-šāri‘*) and by His ordaining (*iḥtiyāri-hi*) and the same is true for the prophesy (*ka-l-nubuwwa*)” [al-Šarafī 1995, II, 121].

According to the Imām al-Manšūr bi-llāh, the imāmate shall belong to the Family of the Prophet (*al-‘itra*) and their followers and supporters (*šit‘atu-hum*) namely the Legatee<sup>4</sup> (*al-wašī*), al-Ḥasan and al-Ḥusayn (*al-Ḥasanān*) and their progeny (*ḍurriyyatu-humā*). He mentions that others say that the imāmate shall belong to the Legatee (*al-wašī*) and all his progeny (*ḍurriyyatu-hu ḡamī‘*) [Imām 1436, 133].

Al-Šarafī: “The word (*lafẓ*) *al-‘itra* in reality encompasses (*yatanāwal*) only al-Ḥasan and al-Ḥusayn (*al-Ḥasanayn*) and their progeny (*ḍurriyyata-humā*) because they are the sons of the Prophet (*awlād al-nabī*)” [al-Šarafī 1995, II, 122].

The Imām al-Manšūr bi-llāh: “There is nothing to prove (*lā dalīla ‘alā tubūt...*) that the position of imāmate is appropriate for somebody else (*li-man ‘adā-hu*) not mentioned by us because the imāmate is of dire necessity for many people (*ya ‘umm bi-hā l-balwā*)” [Imām 1436, 133].

Al-Šarafī: “The imāmate is of dire necessity (*ta ‘umm bi-hi l-balwā*) by knowledge and by deeds (*‘ilm<sup>an</sup> wa-‘amal<sup>an</sup>*), i.e. the necessity of knowledge and acting according to the knowledge concerns all *mukallaḡs* (*ya ‘umm wuḡūb al-‘ilm wa-l-‘amal bi-hi ḡamī‘ al-mukallaḡīn*)” [al-Šarafī 1995, II, 122].

The Imām al-Manšūr bi-llāh: “the Mu‘tazilīs (*ḡumhūr al-mu‘tazila*) and others (al-Šarafī: e.g. the Aš‘arīs [al-Šarafī 1995, II, 123]): ‘The imāmate is appropriate to Qurayšīs according to the saying of the Prophet: ‘The imāms shall be from the Qurayš (*al-a‘imma min Qurayš*)’” [Imām 1436, 133].

The Imām al-Manšūr bi-llāh and al-Šarafī: “This ḥadīṡ is unauthentic (*ḡayr ṣaḥīḥ*) because ‘Umar b. al-Ḥaṡṡāb said that if Sālim mawlā (the freed slave of Abū Ḥuḍayfa) were alive (*law kāna ḡayy<sup>an</sup>*) he wouldn’t have any doubt in Sālim, i.e. that he is appropriate for inheriting the caliphate after himself (*mā šakkaktu fī-hi/mā šakkaktu fī anna-hu yašluḡ li-l-ḡilāfa ba‘dī*)” [Imām 1436, 133; al-Šarafī 1995, II, 123–124].

The Imām al-Manšūr bi-llāh and al-Šarafī: The mentioned Sālim didn’t belong to the Qurayš and no one from the Prophet’s Companions (*al-ṣaḡāba*) who attended contradicted (*lam yunkir*) what ‘Umar said. If this ḥadīṡ were authentic (*law kāna l-ḡadīṡ ṣaḡīḡ<sup>an</sup>*) the Prophet’s Companions would refute it (*la-ankarū ‘alay-hi*) and ‘Umar wouldn’t say that at all (*la-mā takallama bi-ḡālika ‘Umar*) in the presence of the Prophet’s Companions (*fī ḡaḡrat al-ṣaḡāba*) [Imām 1436, 133; al-Šarafī 1995, II, 124].

The Imām al-Manšūr bi-llāh and al-Šarafī: “This ḥadīṡ is narrated by only one narrator (*āḡḡadī, ḡabar wāḡid*) and not conveying certainty (*al-ḡabar al-āḡḡadī lā yufīd al-yaḡīn*). It shall not be used as argument in the question of the imāmate (*lā yaṡbut al-iḡtiḡaḡ bi-hi fī ḡāḡihi l-mas‘ala*) because the imāmate is a part of the fundamentals of the religion that are deduced only from the knowledge and certainty (*li-anna-hā uṡūl al-dīn wa-uṡūl al-dīn lā yu‘ḡaḡ fī-hi illā bi-l-yaḡīn*). According to the group of the imāms of ḡadīṡ, this ḡadīṡ is false (*al-ḡabar mawḡū‘*)” [Imām 1436, 133; al-Šarafī 1995, II, 124].

The Imām al-Manšūr bi-llāh refers to the ḡadīṡ of the Legatee (*al-wašī*): “The imāms shall be from Qurayš in the subdivision (*baṡn*) of Hāšim (*al-a‘imma min qurayš fī ḡāḡā l-baṡn min hāšim*)” [Imām 1436, 133] (al-Šarafī: the subdivision of the Prophet who belongs to Hāšim (*baṡn al-nabī*) is meant here [al-Šarafī 1995, II, 125]).

The Imām al-Manšūr bi-llāh: “Some of the Mu‘tazilīs say that (al-Šarafī: the position of the imāmate (*manšib al-imāma*)) can belong to all Arabs (*kull al-‘arab*)” [Imām 1436, 133]. Al-Šarafī: “This phrase (*kull al-‘arab*) was rendered (*riwāya*) by al-Qurašī and possibly false (*ḡayr ṣaḡīḡa*)” [al-Šarafī 1995, II, 125].

To prove the idea that the imāmate is to belong to the Family of the Prophet the Imām al-Manṣūr bi-llāh resorts to (11:17):

*A fa-man kāna ‘alā bayyinat<sup>an</sup> min rabbi-hi wa-yatlū-hu šāhid<sup>um</sup> min-hu*

Al-Šarafī interprets this āya in the following way: *kāna ‘alā bayyina min rabbi-hi* refers to the Prophet, and *šāhid<sup>um</sup> min-hu* ‘witness from him’ means the Commander of the Faithful (*amīr al-mu‘minīn*), the Legatee (*al-waṣī*) of the Prophet (*min-hu*), his relative (*min qarābati-hi*) by birth (*min luḥmati-hi*) made from his light (*ḥuliqa min nūri-hi*). *Al-šāhid* is the imām who witnesses for Almighty God (*yašhad li-llāh ta‘ālā*) by enacting His *šarī‘a* (*iqāmat šarī‘ati-hi*) and conveying His arguments to His servants (*tablīg ḥuḡḡati-hi ‘alā ‘ibādi-hi*) [al-Šarafī 1995, II, 125–126];

and (33:6):

*Ūlū l-arḥāmī ba ‘du-hum awlā bi-ba ‘d<sup>in</sup> fī kitābī l-llāhī*

Al-Šarafī: “Alī is proven to be the nearest of kin to the Prophet (*aqrab raḥim<sup>an</sup>*) because he was made from his light (*ḥuliqa min nūri-hi*), and al-Ḥasan and al-Ḥusayn (*al-Ḥasanān*) and their children are the children of the Prophet, his (male) relations (*‘aṣabatu-hu*) and family (*‘itratu-hu*). They are more entitled to the place of the Prophet (*awlā bi-maqāmi-hi*) according to the rational proof (*li-dalālat al-‘aql*)” [al-Šarafī 1995, II, 126–127].

Al-Šarafī refers to al-Quraṣī who says in his “Minhāḡ al-taḥqīq wa-maḥāsin al-talfīq”: “We have rational and traditional (*la-nā l-‘aql wa-l-sam‘*) proofs (*al-iḥtiḡāḡ*) of the restriction of the imāmate (*ḥaṣr al-imāma*) in the children of al-Ḥasan and al-Ḥusayn (*awlād al-Ḥasanayn*). The rational proof (*ammā l-‘aql*) is that the family of the man (*ahl bayt al-raḡul*) is more deserving of his position (*aḥaqq al-nās bi-makāni-hi*) and more entitled to the headship after him (*awlā-hum bi-l-ri‘āsa ba‘da-hu*). Both all Arabs of the Age of Ignorance (*al-ḡāhiliyya*) and the non-Arabs (*al-‘aḡam*) were guided by this principle (*‘alā ḥādā kāna...*). The latter are being guided by this principle until nowadays (*wa-hum ‘alay-hi ilā l-āna*)... We say that the rationality judges (*al-‘aql yaqḏī*) on this principle that it is the most meritable (*huwa l-awlā*)” [al-Šarafī 1995, II, 127].

Use of the methods of reasoning (*al-iḡtihād*). Al-Šarafī: “The imām shall have ability to render independent judgment in different species of knowledge (*yakūn muḡtahid<sup>an</sup> fī l-‘ulūm*), to be able to deduce rulings (*li-yatamakkan min istinbāt al-aḥkām*), made one who lost the right way follow it (*yuršid al-dāl*), solve the dubiousness (*yaḥill al-šubah*), give an answer to the legal question (*yuḡīb al-fatwā*). *Muḡtahid* is one who encompasses in himself five species of knowledge (*ḡama ‘a ‘ulūm<sup>an</sup> ḥamsat<sup>an</sup>*) namely the knowledge of Arabic (*‘ilm al-‘arabiyya*), the knowledge of proofs of the rulings (*āyāt al-aḥkām*), the knowledge of the Prophet’s sunna (*sunnat al-rasūl*), the points upon which the unanimity was reached (*masā’il al-iḡmā‘*) and the knowledge of the fundamentals of jurisprudence (*‘ilm uṣūl al-fiqh*). A small amount of those knowledges (*al-qadr...min al-‘ulūm ... sahl yasīr ḡayr ‘asīr*) is necessary to the imām (*yaḥtāḡu-hu l-imām*) with the intelligence (*al-dakā’ wa-l-fiṭna*)” [al-Šarafī 1995, II, 127–128].

The Imām al-Manṣūr bi-llāh: “The late Zaydīs and al-Ġazālī say that the acceptance of authority (*taqlīd*) is sufficient (*kāfī<sup>an</sup>*) if (*muḡtahid* (the learned authority)) is absent (*in lam yūḡad*)” [Imām 1436, 134]. Al-Šarafī: “It was transmitted from the Imām Yaḥyā that the *muqallid* (the follower of the learned authority) is allowed to hold the imāmate (*yaḡūz imāmat al-muqallid*) due to the necessity (*li-l-darūra*)” [al-Šarafī 1995, II, 128].

The Imām al-Manṣūr bi-llāh refers to the Ḥaṣawīs who say that the knowledge is not necessary in the imām (*lā yuštaraṭ al-‘ilm ra’s<sup>an</sup>*) [Imām 1436, 134].

The Imām al-Manṣūr bi-llāh: “The time cannot be devoid of one who is *muḡtahid* (*lā yaḥlū l-zamān min muḡtahid*)” [Imām 1436, 134]. Al-Šarafī explains it: “The imām is inevitably to be *muḡtahid* (*lā budda an yakūn al-imām muḡtahid<sup>an</sup>*)” [al-Šarafī 1995, II, 129].

The God-fearing/piety (*al-waraʿ*). Al-Šarafī: “The God-fearing/piety is executing the duties (*al-ityān bi-l-wāğibāt*), refraining from the forbidden (things) (*al-intihāʿ ‘an al-muḥarramāt*), and the self-restraining from it (*malāk al-naḥs ‘alā (‘an/‘inda) dālīka*)” [al-Šarafī 1995, II, 130].

Al-Šarafī: The imām Yaḥyā said in “al-Šāmil li-ḥaqā’iq al-adilla al-‘aqliyya wa-uṣūl al-masā’il al-dunyawiyya”: “There is no stipulation that the imām should exceed the highest level of piety. It is not a condition (*lā yuṣṭarāt*) that the imām attains the highest ranks in piety (*bulūğ-hu fī l-waraʿ a’lā l-marātib*), but the extent of what he attains (*miqdār mā yaḥṣul bi-hi*) is avoiding major sins (*muğānabat al-kabā’ir*) and abandoning the ignoble matters (*tark al-umūr al-mustardala*). The imāmate of the open sinner (*al-fāsiq*) and who does what only the open sinners do (*man yaf’al mā lā yaf’alu-hu illā ahl al-fisq*) is invalid (*lā taṣiḥḥ imāmat...*)” [al-Šarafī 1995, II, 130].

The Imām al-Manṣūr bi-llāh says that, contrary to the Ḥaṣawīs, the God-fearing/piety (*al-waraʿ*) is a requirement of the imāmate [Imām 1436, 134]. Al-Šarafī: “the Ḥaṣawīs don’t put the condition (*lā yaṣṭariṭūna*) of the justice (*al-‘adāla*, this term is used by some in the meaning of ‘the God-fearing (*al-waraʿ*), the generosity (*al-ṣaḥāʿ*), and the courage (*al-ṣağā’a*)” [al-Šarafī 1995, II, 130].

Avoiding the ignoble works (*iğtināb al-mihan al-mustardala*) (al-Šarafī: e.g. the tanning (*al-dibāğa*), the cupping (*al-ḥiğāma*), the knitting (*al-ḥiyāka*) [al-Šarafī 1995, II, 130]).

Excellence (*al-afdaliyya*). Al-Šarafī: “The imām shall be the most excellent of the people of his time (*yakūn al-imām afdal ahl zamāni-hi*)” [al-Šarafī 1995, II, 131].

Al-Imām al-Manṣūr bi-llāh refers to the ḥadīṭ of the Prophet *man wallā rağul<sup>an</sup> wa-huwa ya’lam anna ġayra-hu afdal mih-hu fa-qad ḥāna llāh fī arđi-hi* “One who appointed smb. superintendent (of smth.) and knows that smb. else is more excellent than he, breaches God’s trust on His earth” [Imām 1436, 134].

Al-Šarafī: “The Zaydīs and the Imāmīs are unanimous on that the imāmate of the excelled is not allowed (*imāmat al-mağdūl lā tağūz*) and the imām shall be the most excellent of them (*al-imām yağib an yakūn afdala-hum*). The imāmate in any way (*bi-wağḥ min al-wuğūh*) shall not be resigned (*lā yağūz an yu’dal ‘an-hu*) by the most excellent to smb. else (*ilā ġayri-hi*). This opinion is supported by the majority of the Murği’a and some Mu’tazilīs, among them al-Ğāḥiz” [al-Šarafī 1995, II, 131].

Al-Šarafī: “The Mu’tazilīs say that the excellent whose excellence is known deserves the imāmate by the majority of opinion (*al-imāma yastahiqqu-hā l-fāḍil allādī yu’raf faḍlu-hu bi-aktar al-ra’y*). However, a case may occur when installing the excelled as imām is more convenient (*illā an yaḥduṭ amr yakūn naṣb al-mağdūl ‘inda-hu aṣlah*) and in this case his installing is obligatory (*wağaba naṣbu-hu fī ḥāḍiḥi l-hāl*) and installing the excellent is not allowed (*lā yağūz naṣb al-fāḍil*) [al-Šarafī 1995, II, 131].

Al-Šarafī: “The tradition not the reason (*al-sam’ dūna l-‘aql*) according to our opinion is said to prevent installing the excelled as the imām (*yamna’ ‘inda-nā min imāmat al-mağdūl*). It is according to the fundamentals of the Zaydī imāms and their arguments. It is said in some of the Zaydī books that the reason (*al-‘aql*) prevents (*yamna’*) (installation of the excelled as the imām) and this is the doctrine (*mağḥab*) of the Imāmīs. The proof (*al-dalīl*) on the fact that installing the excelled as the imām is not allowed (*imāmat al-mağdūl lā tağūz*) is said to be the unanimous opinion of the Companions of the Prophet (*iğmā’ al-ṣaḥāba*)” [al-Šarafī 1995, II, 131].

Courage (*al-ṣağā’a*). The Imām al-Manṣūr bi-llāh: “The imām shall have equanimity (*rabāṭat al-ğā’s (šiddat al-qalb wa-ṭabātu-hu* [al-Šarafī 1995, II, 131]) to be able with its help to wage the war in the moment of defeat of the army (*mā yatamakkan ma’a-hā min tadbīr al-ḥurūb ‘inda faṣal al-ğumū’ (min al-hazā’im wa-naḥwi-hi* [al-Šarafī 1995, II, 131]) lest the Moslem armies break in pieces (*li-allā tataḥaṭṭam ġuyūš al-muslimīn*)” [Imām 1436, 134].

Good management (*al-tadbīr*). Al-Šarafī: “If the imām is good manager of state affairs, his opinions are right (*fa-takūn arā’u-hu šāliḥat<sup>an</sup>*), his looks are full of sound judgement and intelligence (*wa-anzāru-hu tāqibat<sup>an</sup>*), and his policy is good (*wa-siyāsatu-hu ḥasanat<sup>an</sup>*). It is not stipulated for the imām not to fall in erring (*wa-lā yuštaraṭ an lā yuḥṭi’ fī dālika*) in that but in his case he should be predominantly right (*bal yakūn al-aḡlab min ḥāli-hi al-iṣāba*)” [al-Šarafī 1995, II, 132].

Capability of carrying on the tasks of the imām (*al-qudra ‘alā l-qiyām bi-tamarat al-imāma*). Al-Šarafī: “It is the good of the dignitaries and the general run of people (*ṣalāḥ al-ḥāṣṣa wa-l-‘amma*), stopping up the frontier-access of the country by his bravery (*sadd al-tuḡūr*), managing the affairs of the Moslems (*al-qiyām bi-umūr al-muslimīn*), not conceiving disgust (*malūl<sup>an</sup>*), not lacking strength, or power, or ability (*‘āḡi<sup>an</sup>*), not being weak (*da’if<sup>an</sup>*), annoyed (*ḍayyiq<sup>an</sup> qalbu-hu*), incapable of bearing the burden (of the imāmate) (*lā yattasi’ li-taḥammul al-atqāl*)” [al-Šarafī: 1995, II, 132–133] lest the tasks of the imām be scattered (*li-allā tantatīr* [Imām 1436, 134]) and the aim of rising of the imām won’t be fulfilled (*fa-lā yaḥṣul al-maqṣūd min qiyām al-imām* [al-Šarafī 1995, II, 133]).

Generosity (*al-sahā’*). Al-Imām al-Manṣūr bi-llāh: “The generosity (*al-sahā’*) is to put the rights in their proper places (*bi-waḍ’ al-ḥuqūq fī mawāḍi’i-hā*), because it is the aim of the imāmate (*il-anna dālika min tamarat al-imāma*)” [Imām 1436, 135]. al-Šarafī: “The imām shall not prevent those who have their rights from obtaining their rights (*fa-lā yamna’ ahl al-ḥuqūq ḥaqqa-hum*)... he should help the Moslems with the good (*wa-l-nazar li-l-muslimīna bi-l-maṣlaḥa*), because preventing one who has the right from obtaining his right is injustice and turning aside from the right (*al-man’ li-l-mustaḥiqq min ḥaqqi-hi ḥayf wa-mayl ‘an al-ḥaqq*)” [al-Šarafī 1995, II, 133], and the justice will be lost (*tasqut bi-hi al-‘adāla*) [Imām 1436, 135].

Safety from everything repulsive (*al-salāma min al-munaḡfirāt*). Al-Imām al-Manṣūr bi-llāh: the leprosy (*al-ḡudām*) and the albinism (*al-baraṣ*) in order to mix with the Moslems (*li-yatamakkan min muḥālaṭat al-muslimīn*) [Imām 1436, 135]. Al-Šarafī: the affairs of the Moslems cannot be managed without mixing with them (*lā yatimm al-qiyām bi-umūr al-muslimīn illā ma’-hā*) [al-Šarafī 1995, II, 133].

Safety of the feelings and the limbs (*salāma al-hawāss wa-l-atrāf*), al-Šarafī: “The imām should not be blind, deaf, paralyzed, or lame (*lā yakūn a’mā wa-lā aṣamm wa-lā aṣall wa-lā a’raḡ*) lest his managing (the affairs of the Moslems) or mixing with them or his esteemed courage suffer diminution (*yantaqiṣ bi-hā amr tadbīri-hi aw muḥālaṭati-hi al-muslimīn wa-ṣaḡā’ati-hi al-mu’tabara*)” [al-Šarafī 1995, II, 134]. Al-Imām al-Manṣūr bi-llāh: “If the imām loses the feelings and limbs he cannot properly carry on his tasks” (*allātī yaḥtall al-qiyām bi-tamarat al-imāma ‘inda faqdi-hā*)” [Imām 1436, 135].

The Imām al-Manṣūr bi-llāh: “According to Abū l-‘Abbās al-Ḥasanī, and the Imāmīs, the requirement of the imām (*ṣurūṭ al-imāma* [al-Šarafī 1995, II, 134]) is the immunity from sin, or moral infallibility (*al-‘iṣma* [Imām 1436, 135], *an yakūn ma’ṣūman min irtikāb al-kabā’ir* [al-Šarafī 1995, II, 134])”.

Al-Šarafī: “We judge the imām who proclaims himself (*al-qā’im bi-l-da’wa*) and in whom the perfect features of the imāmate were manifested to us (*ṣaḥarat la-na kamāl ḥiṣāl al-imāma fī-hi zāhir<sup>an</sup>*) and about whom we don’t know that his hidden character contradicts that he shows (*lam na’lam min ḥaḡiyy ḥāli-hi mā yuḥālif zāhira-hu*) as immune from sin (*maḥkūm bi-‘iṣmati-hi wa-innā naqṭa’ bi-kawni-hi ma’ṣūm<sup>an</sup>*) because if it wasn’t true (*law lam yakun kaḍālika*) his hidden traits of character and his hidden moral turpitude become evident (*la-ṣaḥara ḥaḡiyy ḥāli-hi wa-maknūn fisqi-hi*)” [al-Šarafī 1995, II, 134].

The Imām al-Manṣūr bi-llāh: “As long as the imām is just, he won’t perpetrate (*mā dāma l-imām ‘adl<sup>an</sup> fa-lā wuqū’*) (the sin (*li-l-ma’ṣiya min-hu*) [al-Šarafī 1995, II, 135])” [Imām 1436, 135].

The Imām al-Manṣūr bi-llāh and al-Šarafī: “There is no proof on such a requirement of the imāmate as the immunity from sin (*lā dalīla ‘alā ištirāfi-hā ay al-‘iṣma*) except presupposing perpetration of the sin (*taqdīr ḥuṣūl al-ma‘ṣiya*) by the imām (*min al-imām*), as if he weren’t immune from sin (*law lam yakun ma‘ṣūm<sup>am</sup>*). It is not suitable as a proof (*lā yaṣluḥ dalīl<sup>am</sup>*)” [Imām 1436, 135; al-Šarafī 1995, II, 134–135].

The Imām al-Manṣūr bi-llāh: “(perpetrating the sin) can be presupposed in the infallible imām (*dālīka l-taqdīr ḥāṣil fī l-ma‘ṣūm*). Some say that it (perpetrating the sin) is ruled out by the infallible imām unlike non-infallible one (*fa-inna-hu imtana‘a wuqū‘u-hā min al-ma‘ṣūm bi-ḥilāf ḡayri-hi*)” [Imām 1436, 135].

Concerning the presupposition of sin to the infallible imām, al-Šarafī writes: “Let’s prohibit the rising of the infallible imām supposing his death and prohibit the imāmate of the just imām supposing his perpetrating the sin (*fa-hallā mana‘tum min qiyām al-imām al-ma‘ṣūm li-taqdīr mawti-hi kamā mana‘tum min imāmat al-‘adl li-taqdīr ma‘ṣiyati-hi*). In the same manner, we can suppose the blindness and leprosy (*taqdīr al-‘umy wa-l-ḡudām*) and so on to the imam [al-Šarafī 1995, II, 135]”.

Al-Imām al-Manṣūr bi-llāh: “The Imāmīs add that one of the requirements of the imāmate (*ṣurūṭ al-imāma*) is to be born scholar (*an yūlad ‘ālim<sup>am</sup>*). It is false (*bāṭil*) since there is no proof on it for the prophets (*lam yaṭbut dālīka li-l-anbiyā’*)” [Imām 1436, 135] (i.e. that the knowledge was created in the prophets from their birthime (*ḥalq al-‘ilm fī-hi min waqt al-wilāda*), however the prophets are better than the imāms (*wa-hum aḡḍal min al-a‘imma*) [al-Šarafī 1995, II, 135]).

#### **9. The restricted imām (*muḥtasib*)**

Al-Šarafī: “The imāms from the Family of the Prophet (*ahl al-bayt*) and his supporters (*ṣī‘atu-hum*) said to allow (*aḡāzū*) the rising (*qiyām*) of the restricted imām (*al-muḥtasib*) with function of promoting the virtue and preventing the vice (*al-amr bi-l-ma‘rūf wa-l-nahy ‘an al-munkar*). One of restricted imām’s qualifications (*ṣarṭ*) is that his establishment is invalid (*lā yaṣiḥḥ<sup>u</sup> intiṣābu-hu*) except the case when the imām is absent (*‘adam al-imām*) because one who has ability to render independent judgment may not be present in all times (*al-zamān qad yaḥlū min al-muḡṭahid*)” [al-Šarafī 1995, II, 120].

The *muḥtasib* is one installed (*al-muntaṣib*) to promoting the virtue and preventing the vice (*li-l-al-amr bi-l-ma‘rūf wa-nahy ‘an al-munkar*).

He should meet the following requirements (*ṣurūṭu-hu*):

The sound mind (*al-‘aql*).

The maleness (*al-ḡukūra*).

The good management (*al-tadbīr*).

The strength (*al-quwwa*).

Safety of the feelings and the limbs (*salāmat al-aṭrāf wa-l-ḥawāss*).

Safety from everything repulsive (*salāmatu-hu min al-munaffirāt*).

The knowledge (*al-‘ilm*) for his promoting the virtue and preventing the vice become valid (*li-yaṣiḥḥ<sup>u</sup> amru-hu bi-l-ma‘rūf wa-nahy-hu ‘an al-munkar*).

Absence of one who is suitable for the imāmate in his land without being prevented from the imāmate (*‘adam man yaṣluḥ li-l-imāma fī nāḥiyati-hi bi-lā māni’*).

The undoubted justice (*al-‘adāla al-muḥaqqāqa*).

For installing the *muḥtasib* the suitability is enough (*yakfī fī ntiṣābi-hi l-ṣalāḥiyya*) [Imām 1436, 152].

The Muslims must help the *muḥtasib* to carry out the functions he was installed to fulfill it (*yaḡib ‘alā l-muslimīn i‘ānātu-hu ‘alā mā ntuṣiba li-aḡli-hi*). He is to force to help him in repelling the vice because its repelling is obligatory as much as it is possible by the unanimous judgement of the Family of the Prophet (*la-hu l-ikrāḥ ‘alā mu‘āwanati-hi li-daf‘ al-munkar li-wuḡūb daf‘i-hi bi-‘ayy mumkin bi-iḡmā‘ al-‘itra*). The *muḥtasib* is also to take the property to repel the infidels and the tyrants because its repelling is also

obligatory (*aḥd al-māl li-daf' al-kuffār wa-l-ḡuḡāt li-wuḡūb daf'i-him kaḍalika*). The *muḥtasib* shouldn't forcefully deprive smb. of his rights (*laysa la-hu aḥd al-ḡuḡūq kurh<sup>an</sup>*), neither observe the Friday prayers (*wa-lā iqāmat al-ḡuma'*), nor execute the punishments (*wa-lā al-ḡudūd*) etc. – this functions concern the imām (*mimmā yaḡuṣṣ al-imām*) [Imām 1436, 152–153].

### 9.1. Promotion of virtue and the prevention of vice (*al-amr bi-l-ma'rūf wa-nahy 'an al-munkar*)

Promotion of the virtue and the prevention of the vice are unanimously obligatory (*yaḡīb al-amr bi-l-ma'rūf wa-l-nahy 'an al-munkar iḡmā'<sup>an</sup>*) on the restricted imām (*al-muḥtasib*) in the case when following requirements are available (*takāmalat šurūṭu-humā*):

1. Being *mukallaḡ* (*al-taklīf*), i.e. being smb. who is promoting virtue and preventing vice (*al-āmir al-nāhī*), adult (*bāliḡ<sup>an</sup>*) and in sound mind (*'āqil<sup>an</sup>*) because the minor and the mad are not *mukallaḡs* and therefore are relieved from being responsible (*raf' al-qalam 'an al-ṣabī wa-l-maḡnūn*).

2. Ability of promoting the virtue and preventing the vice (*al-quḍra 'alay-himā ay lā yakūn 'āḡiz<sup>an</sup>*).

3. Knowledge (*al-'ilm*) of smb. who is promoting virtue and preventing vice (*al-āmir al-nāhī*) that what he promotes is virtue and that what he prevents is vice (*mā amara bi-hi ma'rūf<sup>an</sup> wa-mā nahā 'an-hu munkar<sup>an</sup>*) because if he has no knowledge about it (*in lam ya'lam ḡālika*), he won't be safe from promoting the vice and prevent the virtue (*lam yu'man an ya'mur bi-l-munkar wa-yanhī 'an al-ma'rūf*) [Imām 1436, 151].

4. Thought of the influence (*ḡann al-ta'tīr*), i.e. when smb. who is promoting the virtue and preventing the vice thinks that his actions will have influence on emerging of the virtue and elimination of the vice (*yazunn al-āmir al-nāhī anna li-amri-hi wa-nahyi-hi ta'tīran fī wuḡū' al-ma'rūf wa-izālat al-munkar*) on the condition that those to whom promoting the virtue and preventing the vice are addressed, know that what is promoted is the virtue and what is prevented is the vice (*kāna l-ma'mūr wa-l-manhī 'ārifīna bi-anna l-ma'mūr bi-hi ma'rūf wa-l-manhī 'an-hu munkar*). Otherwise, if they don't know about it (*wa-illā ay wa-in lam yakūnā 'ārifīna bi-ḡālika*), smb. who is promoting the virtue and preventing the vice should let them know (*waḡāba l-ta'rīf*) that what is virtuous should be done and what is vicious should be avoided (*hāḡā ma'rūf fa-l-yuf'al wa-hāḡā munkar fa-l-yuḡtanab*) [Imām 1436, 151; al-Šaraḡī 1995, II, 215].

### Conclusions

The present paper shows that the Islamic law (*šarī'a*) terminology segment extensively used by the Imām al-Manṣūr bi-llāh to discuss the concept of the Zaydī imāmate is ethymologically of classical Arabic stock and some of its lexical components have undergone semantic shifts to acquire special legal terminological meaning. The technical terms considered in this research denote the actions and procedures involving the imām namely his rising and installation that symbolize his taking over the imāmate, certain theoretical notions of the imāmate, and the physical, moral, and intellectual qualities that are to be available in the aspirant of the imāmate for his acceptance as the imām – the holder of the most elevated and honoured spiritual and secular position in Zaydī community pivotal for Zaydī theological paradigm. The usage of the terminological units of the *šarī'a* law treated in the present study, is displayed in its legal context.

In addition, the purely legal aspects of the imāmate are examined in details in present study. They are general points of imāmate such as its immediate subsequency to the prophesy and Allāh's ordaining of a hopeful of the imāmate, the necessity of the imām, and the requirements to be met by the candidate to the imāmate for his claim to be valid. Al-Imām al-Manṣūr bi-llāh puts a considerable stress on deliberating such essential for Zaydī confessional identity legal problems as obligatory (*wuḡūb*)/non-obligatory status



of the imāmate, its belonging to the Family of the Prophet (*al-‘itra*), and the imām’s being/non-being capable of rendering independent judgment in different species of knowledge (*al-iğtihād*) by discussing different views and opinions of the scholars who represent not only his native Zaydī school of the doctrinal thought, but other schools, mainly Mu‘tazilī.

## ABBREVIATIONS

ap. – active participle  
pp. – passive participle  
vb. – verb  
vn. – verbal noun

<sup>1</sup> It is not clear what work shortly mentioned as “al-Šāmil” is exactly meant here. “al-Šāmil li-ḥaqā’iq al-adilla l-‘aqliyya wa-uṣūl al-masā’il al-dīniyya”, the work on Zaydī theology and law of the Zaydī imām and scholar al-Mu‘ayyad bi-llāh Yaḥyā b. Hamza (669/1270–745/1344), proclaimed his claim to the imāmate after the death of the Imām al-Mahdī Muḥammad b. al-Muṭahhar in 729/1329) is mentioned in [al-Ḥabšī 1979, 143; al-Ḥusaynī 1413, II, 122]. No “al-Šāmil”-named works other than that of the authorship of the Imām al-Mahdī Muḥammad b. al-Muṭahhar are mentioned in the available sources.

<sup>2</sup> “Minḥāğ al-taḥqīq wa-maḥāsin al-talfīq” of ‘Imād ad-dīn Yaḥyā b. al-Ḥasan al-Quraṣī al-Ša‘dī (died 780) is described in “Mu‘allafāt al-zaydiyya” as famous text (*matn ma‘rūf*) in kalām on the sect (*madḥab*) of the Family of the Prophet (*ahl al-bayt*) with the leaning to the Mu‘tazila (*al-mayl ilā l-mu‘tazila*) in the divine attributes (*al-ṣifāt al-ilāhiyya*) and some other matters [al-Ḥusaynī 1413, III, 75].

<sup>3</sup> His identity is not clear.

<sup>4</sup> The Imām ‘Alī b. Abī Ṭālib.

## REFERENCES

- al-Imām al-Manṣūr bi-llāh al-Qāsim b. Muḥammad b. ‘Alī (1436), *al-Asās li-‘aqā’id al-akyās*, Maktabat Ahl al-bayt, Ṣa‘da. (In Arabic).  
al-Ḥabšī Abdullāh Muḥammad (1979), *Ḥukkām al-Yaman. Al-mu‘allifūn al-muğtahidūn*, Dār al-Qur‘ān al-karīm, Beirut. (In Arabic).  
al-Ḥusaynī al-Sayyid Aḥmad (1413), *Mu‘allafāt al-zaydiyya*, Vol. I–III, Maṭba‘at Ismā‘īliyyān, Qumm. (In Arabic).  
al-Šarafī al-Qāsimī Aḥmad b. Muḥammad b. Šalāḥ (1995), *Kitāb ‘uddat al-akyās fī šarḥ ma‘ānī al-asās*, Dār al-ḥikma al-yamāniyya li-l-ṭibā‘a wa-l-naṣr wa-l-tawzī‘ wa-l-i‘lān, Ṣan‘ā‘. (In Arabic).  
Blackburn J. R. (1991), “al-Manṣūr bi-llāh al-Qāsim b. Muḥammad”, in *The Encyclopaedia of Islam*, Vol. VI (Mahk-Mid), Brill, pp. 436–437.  
Lane Edward William (1968), *An Arabic-English Lexicon: in eight parts*, Librairie du Liban, Beirut.

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### Теоретичні засади зейдитського імамату (за матеріалами трактату Імама аль-Мансура бі-ллаха “al-Asās li-‘aqā’id al-akyās”)

Стаття присвячена лексичному та концептуальному дослідженню теорії імамату за трактатом “al-Asās li-‘aqā’id al-akyās” – одним з відомих збірників положень фікху (юриспруденції) зейдитської школи шийтської течії в ісламі, укладеним аль-Мансуром бі-ллахом аль-Касимом Ібн Мухаммадом (967/1559–1029/1620), зейдитським імамом Ємену і плідним автором праць із зейдитської теології та юриспруденції.

Трактат Імама аль-Мансура бі-ллаха “al-Asās” було обрано джерелом теорії зейдитського імамату через те, що він досі не став предметом досліджень зейдитської правової школи

і його лише побіжно згадано в розвідках із зейдитської юриспруденції без детального огляду. Було приділено належну увагу літературно-науковій спадщині Імама аль-Мансура бі-ллаха та його програмній праці “*al-Asās li-‘aqā’id al-akūās*”, що являє собою збірник норм і приписів щодо зейдитського імамату не в останню чергу через той факт, що Імам аль-Мансур бі-ллах належить до когорти пізніших зейдитських авторів, який у своїй праці здійснив огляд положень класичних теоретиків зейдитського права, що було висунено щодо імамату.

Масив термінів, що ілюструє концепцію імамату зейдитської школи фікху, було сформовано на базі матеріалів трактату “*al-Asās li-‘aqā’id al-akūās*”. Проведено його етимологічне та функціонально-семантичне дослідження. Вибраний термінологічний корпус було стратифіковано за певними тематичними полями, окресленими з метою визначення релігійної та світської ролі та повноважень імама. Як з’ясовано, термінологія зейдитського права етимологічно належить до лексику арабської класичної мови, лексичні компоненти якої було термінологізовано в процесі її семантичного розвитку.

Водночас показано, що ключову роль у зейдитському фікху імамату відіграють такі положення, як виключне право Сім’ї Пророка Мухаммада (*al-‘itra*) на імамат і здатність імама ухвалювати незалежні судові рішення (*al-iğtihād*).

**Ключові слова:** зейдитська школа юриспруденції, шаріат, фікх, імам, імамат, концепт, тематичне поле, термінологія, етимологія, значення слова, семантичний зсув

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