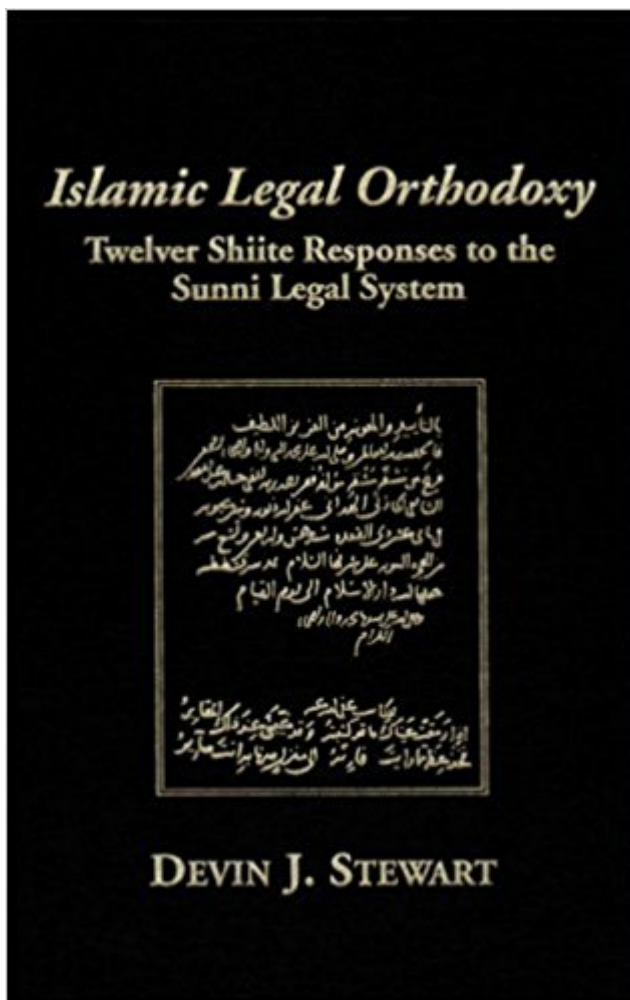


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# Islamic Legal Orthodoxy: Twelver Shiite Responses To The Sunni Legal System



## Synopsis

Stewart points to an underlying tension in Shi'ite intellectual history between assimilationist and nativist impulses in the debate over consensus, dissimulation, and in the lives of certain Shi'ite scholars who lived and studied among Sunnis. One of the most far-reaching developments in the history of Islam was the rise of the four classic Sunni schools of law between the ninth and eleventh centuries CE. Consolidation of these schools went hand in hand with the establishment of jurists' dominance over religious discourse and social institutions. Orthodoxy came to be defined as the consensus (ijma') of the Sunni jurists. Devin Stewart argues that it is to the margins of the emerging system that investigators must look to understand its historical dynamics. The development of Twelve Shi'ite jurisprudence in relation and reaction to the Sunni schools is particularly informative. In *Islamic Legal Orthodoxy*, Stewart explores the process by which Shi'ite jurists participated in the mainstream of Islamic jurisprudence and were influenced by Sunni legal doctrines. He identifies three main reactions to Sunni legal definitions of orthodoxy and the concept of consensus on which it was based. The Akhbaris rejected Sunni legal consensus and juristic authority for a scripture-based system; many Shi'ite outwardly accepted the ground rules of Sunni legal consensus and joined the Shafi'i school of jurisprudence; a third option was to adopt the concept of consensus to create a "fifth," Shi'ite, legal system. The development of the Sunni legal system effectively set the ground rules for the marginal sect's negotiation of their identity with respect to Islamic legal orthodoxy. Accordingly, Shi'ite jurists developed a legal institution that is structurally similar to the four Sunni madhhabs and even today serves as means to position themselves in the Muslim world. Stewart points to an underlying tension in Shi'ite intellectual history between assimilationist and nativist impulses in the debate over consensus, dissimulation (taqiyyah) and the lives of certain Shi'ite scholars who lived and studied among Sunnis. --This text refers to an out of print or unavailable edition of this title.

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"Meticulously and thoroughly referenced and will undoubtedly serve as a touchstone for future scholarship in the area." --Islamic Law and Society  
The subject of the book is certainly an important one for a proper understanding of the evolution of Twelver Shiism and has so far not received sufficient attention in Islamic studies. Brings out new data and insights.  
--Journal of the American Oriental Society  
--This text refers to an out of print or unavailable edition of this title.

Text: English, Arabic --This text refers to an out of print or unavailable edition of this title.

This book suprized me. It is the first time I was made aware of this claims or facts. The author shows that the Shia is a response to Sunnis. They did not have a school of their own but when they excluded from the Sunni community, first they dissimulate as a Shaf'i and than started their own school of thought. They did not know in the beginning what they were doing and in time they established and made their own philosophy and all these are due in response to Sunnis. Author provides a lot of short biographical information about the Shia muctehids, quite interesting information. Their acceptance of concensus just to get approved by the majority of community and than their refusal of concensus as part of usul al-fikh. Proof that Imam Cafer Al-Sadiq(as) was not really the founding Imam of the Shiat's. They did not have any school of thought at that time because majority of the community did not have their own school of thought where they would reject the Shiat's because of their belief in Imamate, Mutah etc. Interesting, definetely a must read.

Stewart has fully demonstrated the fallacy of perceiving Shii law as independent of Sunni law. His study reveals intriguing facts about the number of Sunni teachers that Shii luminaries such as Mufid, Tusi, Hilli, and others had. The book also shows the dependence which Shii scholarship had on Sunni works of usul al-Fiqh (legal principles) and Ijtihad (legal deduction). This book sets a fantastic precedent in our knowledge of Shiism and its historical background.

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