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اعتبار سنجی صدوری و دلالی حدیث «معایش العباد»

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چکیده

هدف: این پژوهش با هدف بررسی و ارزیابی انتقادی اعتبار سندهای مرسل در کتاب «تحف العقول» تألیف ابن‌شعبه حرّانی و همچنین سنجش حجیت دلالی و معنایی روایت معروف «معایش العباد» انجام شده است.

روش پژوهش: این مطالعه با استفاده از روش توصیفی-تحلیلی و بر پایه منابع اصیل و متقدم حدیثی و فقهی، به نقد و واکاوی اسنادی و متنی کتاب تحف العقول و روایت معایش العباد می‌پردازد.

یافته‌ها: با وجود مرسل بودن روایات، قرائن درون‌متنیِ محکمی حجیت و وثوق صدوری احادیث تحف العقول، به‌ویژه حدیث «معایش العباد» را تأیید می‌کنند. اجماع و گواهی علمای برجسته نقد حدیث (همچون سید حسن صدر، آقا بزرگ تهرانی، شیخ حر عاملی، علامه مجلسی و شیخ انصاری) بر انتساب صحیح کتاب، وثاقت مؤلف و یکپارچگی متن شهادت می‌دهد؛ به‌طوری‌که شیخ انصاری بیش از ۱۲ حکم فقهی را از این روایت استنباط کرده است.

نتیجه‌گیری: کتاب تحف العقول از اعتبار تاریخی و محتوایی بالایی برخوردار است و روایت «معایش العباد» نیز دارای انسجام مفهومی و ساختاری بدون اضطراب متنی بوده و با وجود ارسال سند، قابل اتکا در استنباط‌های فقهی می‌باشد.

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The Authenticity of *Tuḥaf al-ʿUqūl* and the Hermeneutical Signification of the Hadith of *"Maʿāyish al-ʿIbād"*: A Critical *Isnād* and Textual Analysis

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ABSTRACT

Objective: This study aims to critically evaluate the formal authenticity and epistemic probative authority (*ḥujjiyyah*) of omitted chains (*mursal*) in Ibn Shuʿbah al-Ḥarrānī's *Tuḥaf al-ʿUqūl*, while analyzing the hermeneutical and semantic validity (*al-iʿtibār al-dalālī*) of its prominent narration, "Maʿāyish al-ʿIbād" (The Livelihoods of Human Subjects).

Methodology: The research utilizes a descriptive-analytical methodology based on primary classical hadith and legal sources to conduct a critical *isnād* and textual analysis of *Tuḥaf al-ʿUqūl* and the "Maʿāyish al-ʿIbād" tradition.

Findings: Despite the lack of continuous chains (*isnād*), strong external and contextual indicators (*qarāʾin*) validate the textual credibility and provenance confidence (*al-wuthūq al-ṣudūrī*) of the narrations in *Tuḥaf al-ʿUqūl*. Consensus among major hadith scholars (such as Sayyid Ḥasan al-Ṣadr, Āghā Buzurg al-Ṭihrānī, and Shaykh al-Anṣārī) confirms the work's authentic attribution, the compiler's reliability, and the structural coherence of "Maʿāyish al-ʿIbād," from which Shaykh al-Anṣārī deduced over twelve jurisprudential rulings.

Conclusion: *Tuḥaf al-ʿUqūl* possesses high historical and substantive credibility, and the "Maʿāyish al-ʿIbād" narration exhibits internal conceptual and structural integrity, rendering it a valid textual basis for jurisprudential inference despite its *mursal* nature.

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Introduction

Alongside the Noble Qurʾan, the prophetic and apostolic Sunnah serves as a foundational pillar for deducing Islamic theological knowledge and formulating legal ordinances (*al-Aḥkām al-Sharʿiyyah*). Throughout its millennial history, the transmission of the Sunnah encountered significant historical disruptions—ranging from the early prohibition of hadith recording (*manʿ tadwīn al-ḥadīth*) to the emergence of deliberate fabrication (*al-waḍʿ*) and the infiltration of weak or forged reports (*al-Riwāyāt al-Ḍaʿīfah wa-al-Mawḍūʿah*). Consequently, early Islamic scholars systematically developed rigorous methodologies of hadith criticism and biographical evaluation (*ʿIlm al-Rijāl wa-al-Dirāyah*) to scrutinize chains of transmission and determine the epistemic validity and probative authority of received reports.

Within Shīʿī commercial jurisprudence (*Fiqh al-Muʿāmalāt*), the celebrated tradition of *"Maʿāyish al-ʿIbād"* (The Livelihoods of Human Subjects) in *Tuḥaf al-ʿUqūl* constitutes one of the most comprehensive normative texts governing contractual transactions. Notably, Shaykh Murtaḍā al-Anṣārī situated this tradition at the inception of his seminal work *al-Makāsib al-Muḥarramah* (Anṣārī, 1415 A.H, vol. 1, p. 5) as a foundational legal rubric for economic transactions. Despite its pervasive legal deployment, the tradition—alongside the compilation *Tuḥaf al-ʿUqūl* and its compiler, Ibn Shuʿbah al-Ḥarrānī—remains the subject of considerable methodological debate among classical and modern jurists.

On the one hand, several prominent authorities have rejected the probative standing of the report. Grand Ayatollah Sayyid Abū al-Qāsim al-Khūʾī dismissed the tradition not only on the grounds of its interrupted chain of transmission (*ḍaʿf al-sanad*), but also due to alleged textual disarray and internal inconsistency (*al-Iḍṭirāb fī al-Matn*) (Khoeī, 1413 AH, vol. 1, p. 7). Similarly, Ayatollah Ruhollah Khomeini initially rejected its probative authority and questioned the overall credibility of the source text (Mousavi Khomeini, 1418 AH, vol. 4, p. 602; ibid, 1421 AH, vol. 3, p. 85). However, in his subsequent treatment of *Wilāyat al-Faqīh* in *Kitāb al-Bayʿ*, Khomeini appeared to qualify his stance. After citing the famous tradition: *"The administration of affairs and ordinances is entrusted to the scholars knowledgeable in God…"* (Ibn Shuʿbah al-Ḥarrānī, 1404 AH, p. 238), he observed: *"Although it is a mursal report, the author of al-Wasāʾil relied upon this work, and its text accords with rational plausibility and sound intellect"* (Mousavi Khomeini, 1421 AH, vol. 2, p. 486).

This latter passage suggests a nuanced shift toward accepting the evidential weight of the text when corroborated by external rational indicators. Furthermore, ʿAlī al-Īrawānī classified the report as *mursal* and considered it disregarded (*ghayr muʿtanā bih*) by the compilers of the Four Books (*al-Kutub al-Arbaʿah*), arguing that it is improbable they were unaware of it. He further characterized its matn as structurally disordered, mirroring conventional human prose rather than the inerrant diction of the Imams (Najafī Īrawānī, 1406 AH, p. 2).

Conversely, other prominent jurists have vigorously defended the evidential validity of both the text and its compiler. Sayyid Muḥammad Kāẓim al-Yazdī, author of *al-ʿUrwah al-Wuthqā*, endorsed the report, asserting that because its contents align with established legal maxims and exhibit clear marks of authenticity, relying upon it is jurisprudentially sound (Ṭabāṭabāʾī Yazdī, 1421 AH, vol. 1, p. 2). In *Muhadhdhab al-aḥkām*, Sayyid ʿAbd al-Aʿlā al-Sabzawārī systematically refuted five major objections leveled against *Tuḥaf al-ʿUqūl* and substantiated the evidential validity of the *"Maʿāyish al-ʿIbād"* narration (Sabzawārī, 1413 AH, vol. 16, p. 197). Expanding on this defense, contemporary scholarship has compared al-Ḥarrānī's omission of chains to the *marāsīl* of Shaykh al-Ṣadūq formulated with the active verb of certainty (*qāla* / "he stated"), arguing that: *"Such an omission functions as an implicit authentication (tawthīq) of the intermediate transmitters, possessing evidential weight comparable to the formal authentications of authoritative biographers such as al-Kashshī and al-Najāshī"* (Movaḥḥidī Lankarānī, 1427 AH, p. 13).

Given these conflicting appraisals, a systematic critique of the arguments denying the evidentiary standing of *Tuḥaf al-ʿUqūl* is warranted. This study addresses four central research questions:

1. What evidence establishes the personal trustworthiness (*wathāqah*) of Ibn Shuʿbah al-Ḥarrānī and the authenticity of the book's historical attribution to him?

2. To what degree can the epistemic validity of the narrations be substantiated through the author's explicit testimony (*shahādah*) in his prologue?

3. How is the textual correspondence and historical continuity (*al-ʿayniyyah*) between the extant redactions of *Tuḥaf al-ʿUqūl* and its original archetype established?

4. Through what hermeneutical and structural criteria can the textual-probative validity (*al-iʿtibār al-dalālī*) of the hadith of *"Maʿāyish al-ʿIbād"* be verified?

Employing a descriptive-analytical methodology grounded in primary classical hadith and biographical literature (*rijāl*), this article provides a systematic examination of these four dimensions.

Literature Review

To date, no independent monograph has provided a comprehensive evaluation encompassing both the transmission chains (*isnād*) and the textual-hermeneutical signification (*dalālah*) of *Tuḥaf al-ʿUqūl* and its contained traditions. Existing scholarship has largely been confined to journal articles treating isolated facets of the problem.

One line of inquiry focuses primarily on the source-critical status, attribution, and general credibility of the compilation:

- Madadī (1389 SH), in *"Jurisprudential Reliance upon Tuḥaf al-ʿUqūl under Critical Scrutiny,"* examined the evidential limits of invoking the work in legal derivations.

- Shāyisteh-Nizhād (1390 SH), in *"The Position of Tuḥaf al-ʿUqūl among Shīʿī Hadith Compendia,"* situated the text within the broader landscape of early Imāmī literature.

- Īzadīfar et al. (1395 SH), in *"An Investigation into the Evidential Reliability of Narrations in Tuḥaf al-ʿuqūl,"* addressed the general epistemic standing of its *mursal* transmissions.

- Bannāʾī and Luṭfī (1402 SH), in *"A Source-Critical Approach to the Attribution of Tuḥaf al-ʿUqūl and its Author,"* focused on the historical verification of the compiler and textual transmission.

Another strand of research focuses specifically on the legal reception and structural assessment of the *"Maʿāyish al-ʿIbād"* narration:

- Nowrūzī (1394 SH), in *"A Jurisprudential Analysis of the Hadith on the Aspects of Human Livelihoods,"* analyzed its substantive legal applications in commercial contracts.

- Bāqirī (1394 SH), in *"Validating the Narration of Maʿāyish al-ʿIbād in Light of Imāmī Juristic Discourses,"* traced scholarly methodologies regarding its evidential authority.

- Fakhkhār-Shākirī and Bāqirī-Yazdī (1403 SH), in *"A Critical Examination of Late Imāmī Jurists' Approaches to the Hadith of Maʿāyish al-ʿIbād,"* critically reviewed contemporary and late-period legal engagements with the report.

While the aforementioned studies offer valuable insights into discrete historical or legal questions, they remain segmented. The distinct

contribution of the present study lies in its integrative methodology: it provides a unified critical framework that simultaneously addresses the author's reliability (*wathāqat al-muʾallif*), the historical continuity of the archetype (*al-ʿayniyyah*), the probative weight of the compiler's prologue (*shahādat al-muṣannif*), and the structural-hermeneutical coherence (*al-iʿtibār al-dalālī*) of the *"Maʿāyish al-ʿIbād"* narration.

First Dimension: Trustworthiness of the Author and Attribution of the Work

There appears to be no serious doubt concerning Ibn Shuʿbah's personal trustworthiness (*wathāqah*) or the established fact that he authored a work entitled *Tuḥaf al-ʿUqūl*. This conclusion is supported by the converging testimony of a significant number of of expert bio-bibliographers (*khirrītūn*).

1. Sayyid Ḥasan al-Ṣadr, in *al-Shīʿah wa-Funūn al-Islām*, describes the author as *"a scholar among the scholars of the third century"* and as one of the "early classical Shīʿī scholars" relied upon by leading authorities such as Shaykh al-Mufīd. He further characterizes *Tuḥaf al-ʿUqūl* as an unparalleled work: *"Among the early Shīʿī scholars who wrote on ethics was Abū Muḥammad Ḥasan ibn ʿAli ibn al-Ḥasan ibn Shuʿbah al-Ḥarrānī, one of the scholars of the third century. He compiled Tuḥaf al-ʿUqūl, a magnificent book the like of which has not been composed, and it was relied upon by senior Shīʿī scholars such as Shaykh al-Mufīd Ibn al-Muʿallim, who transmitted from him and others"* (al-Ṣadr, 1331 AH, p. 83).

In *Taʾsīs al-Shīʿah li-ʿUlūm al-Islām*, he likewise refers to the author as "our ancient Shaykh and our supreme leader" (*shaykhunā al-aqdam wa-imāmunā al-aʿẓam*) and as a figure "of exalted rank and great station" (*jalīl al-qadr ʿaẓīm al-manzilah*) (ibid, 1375 SH, p. 413).

2. Muḥaddith al-Qummī quotes Shaykh Ḥusayn ibn ʿAlī ibn Ṣādiq al-Baḥrānī, described as "the venerable Shaykh, the divine gnostic," who refers to Ibn Shuʿbah as "the noble, distinguished scholar" (*al-Fāḍil al-Nabīl*) and "one of the early companions," and remarks concerning *Tuḥaf al-ʿuqūl*: "Time has never produced its equal" (*lam yasmaḥ al-dahru bi-mithlih*) (al-Qummī, 1368 SH, vol. 1, p. 329).

3. Āghā Buzurg al-Ṭehrānī, the author of *al-Dharīʿah*, states that because Ibn Shuʿbah in his other work *al-Tamḥīṣ* transmits from Abū ʿAlī Muḥammad ibn Hammām (d. 336 AH), it follows that he was a contemporary of Ibn Hammām and belonged to the same generational tier (*ṭabaqah*). He further critiques the attribution of *al-Tamḥīṣ* to Ibn Hammām himself, adding that Shaykh al-Mufīd's transmission from Ibn Shuʿbah

indicates that he was among the masters (*mashāyikh*) of Shaykh al-Mufīd (Āghā Buzurg Ṭehrānī, 1403 SH, vol. 3, p. 400). Moreover, since Ibn Qūlawayh, the author of *Kāmil al-Ziyārāt* (d. 367 or 369 AH), also transmits from Ibn Hammām, Ibn Shuʿbah appears to belong to the same generational tier as Ibn Qūlawayh, who slightly preceded Shaykh al-Ṣadūq (d. 381 AH) (Subḥānī Tabrīzī, 1382 AH, p. 18). On this basis, it is not implausible to regard Ibn Shuʿbah as a master for Shaykh al-Ṣadūq in addition to Shaykh al-Mufīd.

4. Al-Baḥrānī, author of *al-Ḥadāʾiq*, introduces *Tuḥaf al-ʿUqūl* as one of the "relied-upon primary sources" (*al-Uṣūl al-Muʿtamadah*) (Baḥrānī, n.d., vol. 15, p. 180).

5. Al-Najafī, in *Jawāhir al-Kalām*, relies on narrations from *Tuḥaf al-ʿUqūl* without questioning its probative status, which is noteworthy (Najafī, 1404 AH, vol. 24, p. 212).

6. Al-Māmaqānī, in Rawḍāt al-Jannāt, praises the author as "virtuous, jurist, erudite, intelligent, elevated, and distinguished," and describes Tuḥaf al-ʿUqūl as "relied upon among the companions" (muʿtamad ʿalayh ʿinda al-aṣḥāb) (Māmaqānī, 1411 AH, vol. 1, p. 293).

7. Al-Ḥurr al-ʿĀmilī and ʿAllāmah al-Majlisī likewise affirm the author's standing: the former refers to him as "al-Shaykh al-Ṣadūq" (Ḥurr al-ʿĀmilī, 1414 AH, vol. 30, p. 156), while the latter describes him as "of elevated rank" (*rafīʿ al-shaʾn*) (Majlisī, 1403 AH, vol. 1, p. 29).

Taken together, these testimonies establish certainty not only concerning the author's trustworthiness, eminence, and elevated status, but also concerning the fact that he possessed a book titled *Tuḥaf al-ʿUqūl*.

The epistemic certainty attained (*al-wuthūq wa-al-iṭmīnān*) rests on three converging factors:

A. The Bio-bibliographical Expertise of the Authorities (Tajmīʿ al-Qarāʾin).

Consideration is given to the specialized competence of these figures in bio-bibliography (*rijāl* and *fihrist*), and to their proven ability to distinguish trustworthy from unreliable transmitters through the aggregation of contextual indicators (*tajmīʿ al-qarāʾin*) available to them.

B. The Rational Coherence and Internal Consonance of the Text (al-ʿAql wa-al-Iʿtibār).

Attention is given to the soundness and conformity of the traditions contained in *Tuḥaf al-ʿuqūl* with right reason and rational credibility (*al-ʿaql*

wa-al-iʿtibār). This point is underscored by Khomeini, who observes that "its text conforms with rational credibility and intellect" (Mousavi Khomeinī, 1421 AH, vol. 2, p. 486), and by a contemporary biographical scholar, Namāzī Shāhrūdī, who writes: *"The excellence of its composition is evidence of the author's virtue and perfection"* (Namāzī Shāhrūdī, 1414 AH, vol. 8, p. 496). Furthermore, as transmitted by al-Qummī and the author of *Muhadhdhab al-Aḥkām*, Shaykh Ḥusayn ibn ʿAlī ibn Ṣādiq al-Baḥrānī, in a treatise devoted to spiritual wayfaring (*sayr wa-sulūk*) following the path of the Ahl al-Bayt, cited this book as one "the like of which time has never produced" (Qummī, n.d., vol. 1, p. 330; Sabzawārī, 1413 AH, vol. 16, p. 197). Al-Sabzawārī continues: *"To anyone familiar with the traditions of the Imams and the sayings of the Prophet, it is not hidden that the contents of this book bear witness to their issuance from the Infallible. Moreover, they have said: 'I have not seen anyone impugn the author of this book even by the slightest disparagement; rather, everyone who addressed him coupled his mention with veneration, exaltation, and authentication'"*) (Sabzawārī, 1413 AH, vol. 16, p. 197).

C. The Direct Intertextual Transmission of Shaykh al-Mufīd.

Perhaps more decisive than the preceding two factors is the direct transmission from this book by Shaykh al-Mufīd — a luminary among the early companions — in his two works *al-Irshād* and *al-Ikhtiṣāṣ* — a fact explicitly affirmed by Shaykh Ḥusayn ibn ʿAlī ibn Ṣādiq al-Baḥrānī: *"I am pleased to transmit in this chapter an astonishing, comprehensive, and healing tradition which I found in Tuḥaf al-ʿuqūl by the noble and distinguished al-Ḥasan ibn ʿAlī ibn Shuʿbah, one of our early companions, to the extent that our master al-Mufīd transmits from this book")* (ibid.).

Al-Baḥrānī's attestation to al-Mufīd's transmission likely derives from his observation that certain traditions in al-Mufīd's works have no source prior to him other than *Tuḥaf al-ʿuqūl*. Two examples suffice:

1. The report in *al-Irshād* from the Commander of the Faithful: *"The most virtuous worship is patience, silence, and awaiting relief")* (Mufīd, 1413b, p. 302). The sole source for this report prior to *al-Irshād* is *Tuḥaf al-ʿuqūl* (Ibn Shuʿbah al-Ḥarrānī, 1404 AH, p. 201).

2. The report: "Fear God and speak the truth even if your destruction lies within it, for in it is your salvation; O so-and-so, fear God and abandon falsehood even if your salvation lies within it, for in it is your destruction")

(Mufīd, 1413a, p. 32). The only source for this report prior to al-Mufīd is likewise Tuḥaf al-ʿUqūl (Ibn Shuʿbah al-Ḥarrānī, 1404 AH, p. 408).

On the basis of this very epistemic assurance, contemporary scholars — while noting that "the custom of the ancients was to mention their own names in the preface or elsewhere in their books, whereas no such practice is observed in Tuḥaf al-ʿUqūl" (Madadī, 1389 SH, pp. 202–203) — explicitly concede that when authorities such as ʿAllāmah al-Majlisī and Shaykh Ḥusayn al-Baḥrānī accepted the attribution of the book to Ibn Shuʿbah, it is highly probable that the ancient manuscript bore the title Tuḥaf al-ʿUqūl on its cover; it is therefore unreasonable to impute forgery to them. Our knowledge that this book belongs to Ibn Shuʿbah is thus equivalent to our knowledge establishing the existence of the book itself (ibid., p. 203).

In any case, it is evident — as noted — that the reliance in this dimension does not rest upon the strict probative authority of a single trustworthy report (*ḥujjiyyat al-khabar al-wāḥid al-thiqah*), such that one might object that the primary proof of *khabar wāḥid* is the conduct of rational persons (*sīrat al-ʿuqalāʾ*), whose definitive core applies only to sensory reports (*akhbār ḥissiyyah*) and excludes reports proceeding from later scholars through conjectural deduction (*ḥads* and *ijtihād*) (Khoeī, 1413b, vol. 1, p. 42). Rather, the foundation is the epistemic assurance derived from the collective testimony of bio-bibliographical experts and hadith masters, together with the two other factors. The author of the present article has substantiated in his book *Mabānī wa Qawāʿid-i Istinbāṭ az Qurʾān wa Ḥadīth* that even a trustworthy solitary report — despite being sensory — has its probative authority confined to cases that yield epistemic assurance and confident supposition (*al-ẓann al-iṭmīnānī*), and that the proofs of authority, chief among them the rational convention, require no more than this (Qudsī, 1396 SH, vol. 1, p. 258) — a point to which Shaykh al-Anṣārī also confessed (Anṣārī, 1419 AH, vol. 1, pp. 296, 366).

Second Dimension: Proving the Credibility of the Book's Narrations through the Author's Testimony

In all fairness, the formulations adopted by the author in the preface of the book clearly indicate his testimony concerning the provenance and issuance of the narrations — that is, they evince the author's epistemic certainty (*wuthūq*) in their issuance from the Infallibles.

First, his explicit statement: *"And trustworthy transmitters conveyed it from the noble masters"* (Ibn Shuʿbah al-Ḥarrānī, 1404 AH, p. 10).

Second, the author's eloquent exhortation to accept, internalize, obey, and act upon the narrations of the book: "… Rather, take what has reached you from those whose obedience God has made obligatory upon you, and receive it with hearing and obedience, adherence, and action" (ibid, p. 10).

Third, the admonition the author offers prior to these two statements: "Reflect, O community of the faithful Shīʿah, upon what your Imams have uttered, recommended, and encouraged; perceive it with the eyes of your hearts and hear it with their ears… And do not be like your adversaries who hear binding proofs and profound wisdoms dismissively, browse through them superficially, praise them verbally, and admire their phrasing, yet derive no benefit from the admonition — neither desiring what they were exhorted toward nor refraining from what they were warned against. Hence the proof stands binding against them and everlasting sorrow envelops them" (Ibn ibid, p. 10).

Fourth, another explicit declaration in the preface: "I omitted the chains of transmission for the sake of lightness and brevity, even though most of it was received by me through direct auditive transmission [simāʿ], and because it comprises ethical conduct and wisdoms that testify to themselves" (Ibn Shuʿbah al-Ḥarrānī, 1382 SH, p. 3).

It is well known that the highest and most eminent method of receiving hadith (*taḥammul al-ḥadīth*) is direct auditive transmission (*simāʿ*), in which the student directly listens to the tradition recited by the shaykh from memory or from a book; when the transmitter transcribes the shaykh's dictation, this is termed *imlāʾ* (Māmaqānī, 1413 AH, vol. 3, pp. 66–67; Suyūṭī, 1392 AH, vol. 2, p. 418). By the consensus of traditionists, *simāʿ* is the most exalted among the eight methods of receiving hadith, conferring superior reliability because it occurs gradually and individually (*tadrījan wa-juzʾiyyan*), unlike general authorization, notification, or bequest, which occur summarily and all at once. As al-Shahīd al-Thānī observes: *"Direct audition from the shaykh is the loftiest method of reception among the majority of traditionists, because the shaykh is the most knowledgeable concerning the aspects of preserving and delivering the hadith"* (al-ʿĀmilī [al-Shahīd al-Thānī], 1408 AH, p. 231).

These affirmations establish that what the author recorded was, in his conviction, received from trustworthy transmitters whose provenance from the Infallibles was established, or at least generated confident epistemic assurance (*wuthūq*). Consequently, these narrations resemble those transmitted by Shaykh al-Ṣadūq with the definitive formula *qāla* ("he said"), which famously indicates his confidence in their provenance from reliable primary notebooks (*uṣūl muʿtabarah*).

This analysis likewise refutes the counter-objection that the author might have proceeded on the principle of the Presumption of Probity (*aṣālat al-ʿadālah*) — a premise whereby the early companions deemed any Imāmī Shīʿī transmitter trustworthy so long as no public transgression (*fisq*) was evident (Khoeī, 1413b, vol. 1, p. 71). Such a presumption does not by itself generate conviction in the issuance of a report; the author's expressions, by contrast, clearly show that he attained verified epistemic confidence (*iṭmīnān*), indicating that he took the traditions from reliable primary notebooks whose owners' integrity was known to him directly, or in a near-sensory manner.

Moreover, if the ancients based their evaluations on *aṣālat al-ʿadālah*, why should we deviate? In sensitive matters of religious law, prominent transmitters with their lineages, masters, and disciples would soon have any deviation or transgression uncovered and publicized. When Ibn Dāwūd assimilated unmentioned transmitters (*muhmalūn*) to praised transmitters (*mamdūḥūn*), ʿAllāmah al-Shūshtarī endorsed this practice: *"And this is the truth worthy of adoption, and upon this was the practice of the companions"* (Shūshtarī, 1431 AH, vol. 1, p. 38).

In the terminology of Ibn Dāwūd and the late ʿAllāmah, *muhmal* refers to a person whose name is mentioned in the biographical works of hadith transmitters (*kutub al-rijāl*) without any praise or criticism, whereas *majhūl* refers to a person whose name is not mentioned in the biographical works or whose being unknown is explicitly stated. This is despite the fact that, among later scholars such as Shahīd al-Thānī, ʿAllāmah al-Majlisī, and Māmqānī, *majhūl* has a broader meaning than *muhmal* (Subḥānī, 1369 SH, p. 122). It is noteworthy that the late Mudīr Shānahchī has also attributed ʿAllāmah's and Ibn Dāwūd's terminology concerning *majhūl* to Mīr Dāmād, albeit with a slight difference: Mīr Dāmād divides *majhūl* into two categories, terminological and lexical. The terminological meaning refers to one whose being unknown has been explicitly stated, whereas the lexical meaning refers to one whose name has not been mentioned in the biographical works of hadith transmitters (Mudīr Shānahchī, 1379 SH, pp. 88–89).

If we observe that works such as *Rijāl al-Najāshī*, or *al-Fihrist* and *Rijāl* of Shaykh al-Ṭūsī, do not praise or declare such individuals trustworthy, this does not indicate their weakness. Rather, this is because those works were not intended for that purpose; their objective in compiling such books was merely to provide lists of the authors and compilers of books.

Third Dimension: Ontological Identity and Concordance of the Extant Version with the Original Archetype

Among the objections raised is that even if the author's trustworthiness and the original compilation of *Tuḥaf al-ʿUqūl* are accepted, it remains doubtful whether the version in our hands today is identical to the original archetype hands today is identical to the original archetype composed by Ibn Shuʿbah al-Ḥarrānī. This skepticism arises because the earliest explicit mention of AH by Shaykh Ḥusayn al-Baḥrānī — leaving a six-century gap between the fourth and tenth centuries. Why did eminent jurists such as Shaykh al-Ṭūsī (d. 460 AH) in *al-Tahdhīb* and *al-Istibṣār*, al-Muḥaqqiq al-Ḥillī (d. 676 AH), ʿAllāmah al-Ḥillī (d. 726 AH), Shahīd al-Awwal (d. 786 AH), and Shahīd al-Thānī (d. 966 AH) make no mention of this book or its author? (Madadī, 1389, p. 207).

This objection is untenable for five definitive reasons:

First: The predominant genre of *Tuḥaf al-ʿUqūl* is ethical and moral. Thus, labeling expressions such as "Time has never yielded its match" as hyperbole when compared to *al-Kāfī* (Montazerī, 1415 AH, vol. 1, p. 89) is misplaced, because the uniqueness pertains specifically to ethics, arrangement, and pedagogical elegance. As one contemporary biographical scholar observed:

"If we compare this text with the famous *al-Kāfī*, the text that has reached us from *Tuḥaf al-ʿUqūl* is, in my view, more successful, sweeter, and more beautiful; it has not corrupted the narrations, and its selections are masterful…" (ibid, p. 208).

Works such as *al-Tahdhīb*, *al-Istibṣār*, and *Sharāʾiʿ* are strictly legal compendia, and it was not the practice of jurists to scour non-jurisprudential ethical books in order to append sporadic legal hadiths.

Second: The absence of citation in the Four Books (*al-Kutub al-Arbaʿah*) does not imply rejection. Historical evidence confirms that the three Muḥammads — al-Kulaynī, al-Ṣadūq, and al-Ṭūsī — did not possess all 400 primary notebooks (*al-Uṣūl al-Arbaʿumiʾah*) owing to historical dispersal, persecution under Abbasid rule, and geographic isolation. In *al-Tahdhīb*, Shaykh al-Ṭūsī includes narrations absent from *al-Kāfī*, demonstrating that al-Ṭūsī had access to sources that al-Kulaynī lacked, due to: (a) a 130-year temporal expansion (329–460 AH); (b) the growth of major Shīʿī libraries in Baghdad; and (c) the easing of severe dissimulation (*taqiyyah*) constraints.

Third: Ibn Shuʿbah al-Ḥarrānī resided in Aleppo (*Ḥalab*), Syria — outside the mainstream Shīʿī academic centers of Qom and Baghdad —

dedicating his life to community guidance, which accounts for the regional isolation (*mahjūriyyah*) of his manuscript until it was later transmitted (ibid, pp. 206–207).

Fourth: The great jurist and expert manuscript authority Shaykh al-Ḥurr al-ʿĀmilī, in the fourth benefit (*al-Fāʾidah al-Rābiʿah*) of the concluding volume of *Wasāʾil al-Shīʿah*, explicitly enumerates *Tuḥaf al-ʿUqūl* as book no. 37 among the 82 verified, relied-upon sources (*al-kutub al-muʿtamadah*) from which he directly transcribed verified copies (Ḥurr al-ʿĀmilī, 1414 AH, vol. 30, pp. 153–160). He deliberately excluded thirteen other books (such as *Miṣbāḥ al-Sharīʿah* and *ʿAwālī al-Laʾālī*) because he lacked verified manuscripts, proving his extreme rigor and meticulousness.

Fifth: In the fifth benefit (*al-Fāʾidah al-Khāmisah*), al-Ḥurr al-ʿĀmilī details his formal chains of authorization (*ṭuruq al-ijāzāt*) for these books through unbroken lineages of authorities — passing through Shahīd al-Thānī, Shahīd al-Awwal, Fakhr al-Muḥaqqiqīn, ʿAllāmah al-Ḥillī, al-Muḥaqqiq al-Ḥillī, and the son of Shaykh al-Ṭūsī, directly to Shaykh al-Ṭūsī (ibid, vol. 30, p. 169). This demonstrates that the text was transmitted via authoritative authorization (*ijāzah*) rather than mere unverified discovery (*wijādah*).

Thus, there remains no reasonable doubt regarding the authentic identity and concordance of the extant *Tuḥaf al-ʿUqūl* with its original archetype.

Fourth Dimension: Textual-Semantic Signification of the Hadith of Maʿāyish al-ʿIbād

The primary motivation for examining Tuḥaf al-ʿUqūl in jurisprudence is the narration of Maʿāyish al-ʿIbād, encountered in commercial transactions, notably in al-Makāsib al-Muḥarramah, to demonstrate the prohibition of trading in intrinsic impurities (aʿyān najisah). According to this tradition, five logical scenarios are conceivable in transactions, of which four are fully permissible (ḥalāl) and only one is prohibited (ḥarām):

1. Pure Benefit / Righteousness (Ṣalāḥ Maḥḍ): In the trade section, this is expressed as: "Whatever servants learn or teach others… of things needed by servants wherein lies their benefit and sustenance… its undertaking is lawful." The permissibility here is unquestionable.

2. Equality of Benefit and Corruption (*Tasāwī al-Ṣalāḥ wa al-Fasād*): Two passages in the section on manufacturing address this issue:

(a) The expression: "If that craft and that instrument can be used for various forms of corruption and acts of disobedience, while also serving as a means of supporting both truth and falsehood, there is no harm … [such

things] may be directed toward the purposes of benefit and the purposes of corruption and may serve as instruments and means for both."

(b) The concluding passage: "Therefore, it is forbidden … to engage in it in all its various forms of activity, unless it is a craft that may be directed toward various types of craftsmanship, even though it may also be used and employed for one of the forms of disobedience."

These passages explicitly declare permissibility within their intended scope.

3. Preponderance of Benefit over Corruption (*Tarjīḥ al-Ṣalāḥ ʻalā al-Fasād*): Permissibility remains unquestioned. The text states that the advantage to the user who channels it toward lawful sustenance predominates, followed by the caveat: *"And the sin and burden are solely upon the one who misuses it for corruption and illicit acts"*

4. Preponderance of Corruption (Tarjīḥ al-Fasād): Although not elaborated in detail, the implied reading (*al-madlūl al-iltizāmī*) supports permissibility because legal invalidity is confined to pure corruption, given non-negligible utility.

5. **Pure Corruption (Fasād Maḥḍ):** There is no doubt regarding its prohibition. However, the temporal and regional developments of our time must be taken into consideration, because the changing circumstances, together with the factors of time and place, have brought matters to the point where even retaining and not burying impure substances (*aʿyān al-najisah*) and waste that enters sewage channels and is subsequently treated not only entails no harm but is beneficial; indeed, if we wish to eliminate their corruption and harmful effects, we must deal with them in this manner.

Ultimately, if the use of an impure substance (*ʿayn najis*) provides such benefits that it not only causes no harm but actually removes harm and corruption, then, in such a case, the subject of the ruling of prohibition changes, because "the impure insofar as it is harmful and corruptive" was the subject of that ruling. This is precisely analogous to an intoxicating substance ceasing to be intoxicating and, as a result of the chemical reactions that have taken place, for example, being transformed into "vinegar."

Response to a Question

It may be asked: How could the Imam (peace be upon him) rule in this narration that impure substances (*aʿyān al-najisah*) are prohibited, given that they do not fall under the fifth category (pure corruption), while benefits may nevertheless be derived from them?

The answer is that the *Riwayat Maʿāyish al-ʿIbād* contains two propositions. The first is the statement of the general principle (*al-kubrā*) of the issue: if something possesses an aspect of benefit or soundness in any respect, it is lawful; but if it involves pure corruption, it is prohibited. The second is the identification of the specific case (*al-ṣughrā*) and the application of this general principle to various instances, including impure substances, by ruling that, in general, all impure substances at the time when the narration was issued were harmful and corruptive and offered no benefit.

The statement, "From everything in which there is some aspect of benefit for them, this is all lawful, and its sale is lawful …", together with the statement that follows it, "As for the unlawful forms of buying and selling, every matter in which there is corruption, among those things that are prohibited on account of eating, drinking, acquiring, marriage, ownership, retaining, gifting, lending, or anything in which there is an aspect of corruption, such as selling through usury because of the corruption involved in it," addresses the general principle of the issue. It states that only what constitutes pure corruption is not permissible to buy and sell.

However, the statement, "Or selling carrion, blood, or the flesh of swine, or the flesh of predatory animals among the various kinds of wild beasts or birds, or their skins, or wine, or anything among the forms of impurity—then all of this is unlawful and prohibited, because all of it is prohibited in terms of eating, drinking, wearing, owning, retaining, and engaging in any form of transaction involving it, because of the corruption contained therein; therefore, all forms of dealing with it are unlawful," performs an application of the general principle to the particular circumstances of that time. In other words, although the application of the general principle to external instances is ordinarily entrusted to common understanding (ʿurf), in some cases the Imam (peace be upon him) himself assists the legally responsible person of his time by identifying the specific instance and explaining the particular case (al-ṣughrā) applicable to the circumstances prevailing at the time of the narration. This does not conflict with the possibility that the specific instance may change over the course of time and, consequently, that the ruling may also change.

This is analogous to the general principle that *"every form of gambling is prohibited,"* in relation to which it may be stated that, at present, chess constitutes an instance of gambling. This does not conflict with the possibility that, if chess were one day to cease to constitute an instance of gambling and instead become a form of sport, its ruling would likewise change.

Conclusion

1. In response to the first question, namely, the *"reliability of the author and the attribution of the work to him,"* it was concluded that the reliability of Ibn Shuʿbah and the attribution to him of a book entitled *Tuḥaf al-ʿUqūl* are well established and reliable. Three factors contribute to establishing this confidence: **(a)** consideration of the expertise and proficiency of a significant number of highly accomplished bibliographers who have attested to the author's reliability and the attribution of the book to him; **(b)** consideration of the soundness and consistency of the narrations contained in *Tuḥaf al-ʿUqūl* with reason and rational standards; and **(c)** the citation of this book by a highly esteemed scholar among the early companions, namely Shaykh al-Mufīd, in his two works, *al-Irshād* and *al-Ikhtiṣāṣ*. This point is explicitly stated by Ḥusayn ibn ʿAlī ibn Ṣādiq al-Baḥrānī.

2. In response to the second question, concerning the establishment of the reliability of the book's narrations through testimony, it was concluded that the expressions employed by the esteemed author in the introduction to the book indicate his testimony to the authenticity of the narrations; in other words, they indicate the author's confidence in the authenticity of the narrations contained in the book. Consequently, the reliability of the book's narrations can be established through the author's testimony.

3. Regarding the third aspect of the discussion, and in response to the question concerning the *"identity"* and correspondence of the existing *Tuḥaf al-ʿUqūl* with the original *Tuḥaf al-ʿUqūl*, five considerations were presented. Their conclusion is that there is no doubt regarding the authenticity of the attribution of the existing book to Ibn Shuʿbah al-Baḥrānī and its identity with the original *Tuḥaf al-ʿUqūl*.

4. Regarding the fourth aspect of the discussion, namely, the question concerning the evidentiary value of the narration *Maʿāyish al-ʿIbād* in terms of its meaning, it was concluded that the validity of the narration *Maʿāyish al-ʿIbād* can be established with regard to its meaning. That is, in addition to having no deficiency in its chain of transmission, its text does not exhibit any significant inconsistency. This is so, first, because if differences are observed in some of its expressions, they may have arisen from transmission by meaning (*naql bi-l-maʿnā*), which was permissible, and they do not conflict with established principles of jurisprudence; and second, because the Imam, in addition to stating the general principle (*al-kubrā*), also addressed the specific ruling (*al-ṣughrā*) in relation to the circumstances of his own time.

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