

A Critical Analysis of Imamiyyah Jurisprudence and Iranian Law Regarding the Exploitation of Groundwater with Emphasis on Environmental Obligations and the Principle of La-Zarar

Atieh. Araghi¹, Mohammad. Sepehri^{1*}, Sayed Abolfazl. Razavi²

¹ Department of History, CT.C., Islamic Azad University, Tehran, Iran

² Department of History, Faculty of Humanities, Kharazmi University, Tehran, Iran

* Corresponding author email address: 6529705805@iau.ir

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The excessive exploitation of groundwater in recent decades has become one of the fundamental environmental and legal challenges in Iran. This issue, beyond threatening vital resources and destroying ecosystems, has created a profound conflict between individual interests and public welfare. The present study, through a critical and comparative approach, examines the foundations of Imamiyyah (Shi'i) jurisprudence and the Iranian legal system concerning the exploitation of groundwater, seeking to clarify their relationship with environmental obligations and the principle of la-zarar (no harm). The findings indicate that in Imamiyyah jurisprudence, the principle of ownership and dominion (tasallut) over one's property is restricted by the rule of la-zarar and the consideration of public interest; therefore, it cannot serve as justification for harming shared resources or the environment. On the other hand, although Iranian legal documents and higher-order policies emphasize the protection of natural resources and sustainable development, their implementation suffers from structural weaknesses and conflicts between private rights and public interests. Consequently, to achieve environmental justice and prevent public harm, it is necessary to reinterpret and institutionalize the jurisprudential foundations of the la-zarar rule alongside the principles of environmental law in the country's water management policies.

Keywords: *Imamiyyah jurisprudence, Iranian law, groundwater, principle of la-zarar, environmental obligations, environmental justice*

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1. Introduction

The history of Islamic jurisprudence, as a reflection of the formation and transformation of legal and religious systems in the Islamic world, occupies a distinctive position in the study of religious sciences (Daftary, 1990; Hallaq, 2005). Examining this historical evolution allows for understanding the process of *ijtihad* (independent reasoning), the methods of deriving legal rulings, and the interaction among diverse intellectual movements. It also enables scholars to analyze how

various jurisprudential systems emerged and how they influenced the social life of Muslims (Hitti, 2002).

Among the many intellectual centers of the Islamic world, Basra, due to its geographical location, unique social and cultural conditions, and its active scholarly networks, stood out as a major hub in the development of Islamic jurisprudence and hadith (Kennedy, 2001; Paktchi, 2020). The city, through the contributions of the *Ashāb al-Ra'y* (proponents of reasoning), prominent traditionists, and diverse *ijtihadī* currents, contributed to



the production and transmission of structured religious knowledge, gradually evolving into a reference center in Islamic sciences (Motzki, 2002; Mousavi-Tinyani, 2017). The selection of the period between the 8th and 11th centuries CE (2nd–5th centuries AH) for the study of jurisprudential transformations in Basra has particular significance. During this era, Basra was recognized as an autonomous and dynamic intellectual center that accommodated a wide range of jurisprudential and hadith traditions simultaneously (Amini & Razania, 2018; Mousavi Tenyani, 2018). From the 12th century CE onward, many Basran scholars migrated to Baghdad, resulting in a gradual transfer of the center of Islamic jurisprudence from Basra to Baghdad (Khateeb Baghdadi; Ya'qūbī, 2003). This relocation not only affected the structure of scholarly networks and religious educational institutions but also transformed jurisprudential methodologies and schools, shaping the formation of later legal traditions (Hallaq, 2005; Krawietz, 2002).

Hence, focusing on the 8th to 11th centuries CE provides the opportunity to examine a period during which Basra still functioned as a primary hub for jurisprudence and hadith, and its scholarly contributions were produced independently and cohesively. The purpose of this article is to investigate the transformations in Islamic jurisprudence within the framework of the Basran scholars' approach and to analyze their scholarly contributions to the development of jurisprudence and hadith (Qureshi, 2005; Sellheim, 2016). The analytical axis of the study consists of several key components: first, examining the origins and expansion of Basra's intellectual tradition and its scholarly networks; second, analyzing the emergence of Basra's historiographical school and its distinctive characteristics; third, assessing the position of the Imamiyya (Shi'a) and the role of Imamiyya traditionists in consolidating and transmitting religious knowledge; and finally, studying the influence of the *Aṣḥāb al-Ra'y* and notable traditionists such as Ḥasan al-Baṣrī and Ibn Sīrīn on the development of jurisprudence and hadith (Mousavi-Tinyani, 2017; Sachedina, 1981).

The main research question is: how did the jurisprudential transformations and scholarly networks of Basra between the 8th and 11th centuries contribute to the formation of coherent and influential legal movements in the history of Islamic jurisprudence?

Addressing this question not only clarifies Basra's role in the historical evolution of Islamic law but also provides a foundation for analyzing the impact of the migration of Basran scholars to Baghdad and the resultant shift of jurisprudential centrality in the 12th century (Gorji, 1996; Rostami, 2009). Studying this historical period allows for a comparative analysis of jurisprudential currents, the interaction between the *Aṣḥāb al-Ra'y* and traditionists, and the role of the Imamiyya in shaping legal systems, thereby presenting a comprehensive picture of Basra's intellectual dynamism. Thus, this article, through an analytical and historical approach, highlights Basra's significance in the development of Islamic jurisprudence and hadith and elucidates the contribution of the Basran school to the production of religious knowledge in the Islamic world.

2. The Origins and Expansion of the Scholarly Tradition in Basra

This section explains the historiographical development of Basra and the emergence of its distinctive intellectual school.

2.1. *Basran Historiography: The Origins and Growth of a Scholarly Tradition*

In the early Islamic centuries, Basra was recognized as one of the key centers for the emergence and advancement of Islamic historiography, and its scholars played a pivotal role in establishing and promoting historical traditions (Ibn Nadīm; Tabari, 1996). This historiographical tradition emerged in Basra as an epistemological system from the first Islamic century and experienced significant growth during the 8th and 9th centuries CE (2nd–3rd centuries AH). The city's importance in this context stemmed from its geographical, cultural, and social features—a trading hub with a multicultural structure and a continuous presence of scholars and educational circles, providing fertile ground for the rise of prominent historians and writers (Hitti, 2002; Kennedy, 2001). The works and contributions of these figures substantially aided in shaping diverse schools of Islamic historiography (Miftakhri & Koushki, 2020).

A defining feature of Basran historiography was the prominent role of Qur'an reciters (*qurrā'*) in documenting and transmitting historical events, observable through two primary processes: first, the

direct narration of historical occurrences—Qur'an reciters, being eyewitnesses to early Islamic events, recorded and transmitted many historical reports themselves. Figures such as 'Ikrima, Ibn 'Abbās, Ḥasan al-Baṣrī, and 'Āmir al-Sha'bī played key roles in this regard (Hitti, 2002; Ibn Ḥajar al-'Asqalānī, 1971). Second, these reciters engaged in teaching and authoring historical works, including *maghāzī* (accounts of the Prophet's battles), as seen in the works of 'Urwa ibn al-Zubayr and his student Ibn Shihāb al-Zuhrī (Sijistani, 1989; Tabari, 1996). The role of the reciters thus extended beyond mere narration; their access to first-hand sources of early Islam enabled the establishment of a precise tradition of narration. These reports not only contributed to historical documentation but later inspired historiographical activity in Basra and other Islamic regions, laying the foundation for a critical and analytical historical tradition (Hitti, 2002; Kennedy, 2001).

2.2. The Emergence of the Basran Historiographical School

The historiographical tradition of Basra dates back to the early 7th century CE (1st century AH) but reached its zenith during the 8th and 9th centuries CE (2nd–3rd centuries AH), when Basra became one of the leading centers of Islamic historiography (Ibn Athir, 2004; Ya'qūbī, 2003). During this period, major historians such as Abū al-Yaḥyā Suhaym ibn Ḥaṣṣ al-Baṣrī (d. 805 CE/190 AH), Murraj ibn 'Amr al-Sadūsī (d. 811 CE/195 AH), Ma'mar ibn al-Muthannā al-Baṣrī (d. 828 CE/213 AH), and 'Umar ibn Shabba al-Numayrī al-Baṣrī (d. 875 CE/262 AH) emerged as influential figures (Ibn Nadīm; Khateeb Baghdadi). By utilizing both Sunni and Alid sources, focusing on detailed events, and applying critical analysis, they bridged Arab historiographical traditions with other cultural perspectives, thus enriching Islamic historiography (Motzki, 2002; Sellheim, 2016).

The Basran historiographical school exhibited distinctive features that set it apart from other scholarly centers. Among these were its emphasis on accuracy in reporting first-hand accounts, critical examination of sources, attention to the socio-political context of events, and thematic organization of historical material (Hitti, 2002; Kennedy, 2001). Furthermore, Basran historians, rather than focusing solely on grand events, paid

attention to everyday life, cultural practices, and intergroup interactions—elements that distinguished them from historians in Kufa, who primarily focused on collecting hadith and brief reports with less analytical emphasis (Amini & Razania, 2018; Tusi, 1996). Later, Baghdad became a hub for more systematized jurisprudential and historiographical traditions, expanding the analytical and critical approach pioneered by the Basran school (Hallaq, 2005; Krawietz, 2002).

Thus, Basran historians not only elevated the scholarly status of Basra but also laid the groundwork for later Islamic historiographical traditions. They demonstrated that a scholarly center could, through the combination of narrative precision, critical analysis, and use of diverse sources, generate structured religious and historical knowledge. Their works, as exemplary syntheses of Arab narrative tradition and analytical methodology, significantly influenced the development of historiography in other Islamic cities and solidified Basra's position in the intellectual and literary heritage of Islam (Mousavi Tenyani, 2018; Pakuchi, 2020).

3. Jurisprudential and Hadith Currents of Basra

In this section, the jurisprudential and hadith currents of Basra are explained.

3.1. Imamiyya Historiography in Basra

Imamiyya (Twelver Shi'i) historiography in Basra began in the second half of the 8th century CE and continued until the mid-10th century CE, playing a pivotal role in shaping Shi'i jurisprudential and hadith-based approaches. The entry of the Imamiyya current into Basra expanded scholarly networks and created a platform for the production of coherent religious knowledge, such that the works and theories of Imamiyya scholars not only documented the conduct and history of the Shi'i Imams but also provided a foundation for the development of legal reasoning and the transmission of reliable traditions (Daftary, 1990). One of the eminent figures of this school was Shawkār al-Baṣrī, whom 'Umar b. Shabba al-Numayrī (d. 875 CE) introduced as one of the notable Imamiyya historians. Sunni *rijāl* critics described him as a "traditionist historian" with Shi'i inclination, while not accepting the reliability of his transmissions (Mousavi Tenyani, 2018). This skepticism reflects the sensitive—at times

precarious—standing of Shi'i historians in the learned society of the period, even as it underscores their importance in recording and analyzing historical events. 'Abbān b. 'Uthmān al-Bajalī (d. 796 CE), a companion of Imams Ja'far al-Ṣādiq and Mūsā al-Kāzim, is regarded as a pioneer of Imamiyya historiography. Traveling between Basra and Kufa, he compiled his comprehensive work *al-Mabda' wa'l-Mab'ath wa'l-Maghāzī wa'l-Wafāt wa'l-Saqifa wa'l-Ridda*, which, in addition to documenting the Prophetic *sīra*, addressed the social and political issues of the earliest Islamic period and was later utilized by major historians such as al-Wāqidī and al-Ya'qūbī (Ya'qūbī, 2003). The importance of this work lies in its combination of historical narration with social analysis, thereby furnishing the grounds for the development of jurisprudential and hadith knowledge within the Shi'i community.

'Abbās b. Bakkār al-Ḍabbī al-Baṣrī (active in the 8th century CE) was also a prominent Shi'i historian in Basra. His works—such as *Akhbār al-Wāfidīn min al-Rijāl min Ahl al-Baṣra wa'l-Kūfa 'alā Mu'āwiya* and *Akhbār al-Wāfidāt min al-Nisā' 'alā Mu'āwiya b. Abī Sufyān*—offer valuable information on the political and social tensions of the formative period of Islam and play an important role in elucidating the social history of the Prophet's Household and their connections with the jurisprudential and hadith currents of the time (Mousavi Tenyani, 2018). Despite religious and political constraints, Imamiyya historiography in Basra not only preserved Shi'i perspectives but also, by enabling the exchange of ideas among diverse intellectual and historiographical schools, contributed to the development of Shi'i jurisprudential and hadith currents. This historical tradition shows that Basra, as a scholarly center, played a central role in producing coherent and analytical religious knowledge, leaving a lasting impact on the history of Islamic jurisprudence and hadith (Sachedina, 1981).

3.2. *The Aṣḥāb al-Ra'y (Proponents of Reasoning) in Basra*

During the era of the Successors, jurisprudential method and *tafsīr bi'l-ra'y* (interpretation according to reasoned opinion) expanded relatively, preparing the ground for the emergence of reason-based jurisprudence and independent interpretations. In this period, jurisprudential and doctrinal disagreements among

Muslims were widespread, and even various sects regarded themselves as the “saved sect.” Divergent readings of the Qur'an and the use of *ta'wīl* to resolve tensions among verses reflected an epistemic crisis of the time and an effort to create coherence in doctrinal foundations (Qasempour). Within this milieu, Basra became a crucible for diverse opinions and for interaction among jurisprudential schools, providing a conducive environment for the growth of *ijtihād* and theorization (Hallaq, 2005).

Among the notable *Aṣḥāb al-Ra'y* jurists in Basra was 'Uthmān al-Battī (d. 761 CE), the principal rival of Dāwūd b. Abī Hind, the leading representative of the *Aṣḥāb al-Ḥadīth*. Al-Battī's circle held a distinguished position due to its focus on *ijtihād* and the use of reasoned opinion in deriving rulings, drawing the attention of other scholars, including Sufyān b. 'Uyayna. His legal method was rooted in earlier Basran teachings (including those of Ibn Sīrīn), yet his inclination toward *ijtihād* and opinion brought him closer to the opinion-oriented jurists of Kufa, such as Abū Ḥanīfa. His *fatwās* were often grounded in Basra's local law, reflecting regional frameworks and responsiveness to social and judicial needs (Paktchi, 2020). The apex of Basran opinion-oriented jurisprudence is exemplified by 'Ubaydallāh b. al-Ḥasan al-'Anbarī (d. 785 CE). Born in the late 7th century CE and appointed judge of Basra in 773 CE, al-'Anbarī was an influential theorist in law and theology. Some of his views—such as the “*taṣwīb*” theory, which held that all mujtahids are correct in their rational judgments—were embraced by the Mu'tazila but were criticized by opponents, especially al-Ghazālī (Khateeb Baghdadi; Krawietz, 2002). This theory illustrates efforts to open space for *ijtihād* in Basra and to engage with other intellectual currents.

Other prominent Basran jurists—including 'Ubaydallāh b. Maṣṣūr al-Nājjī, Sawwār b. 'Abdallāh the judge, Hishām b. Ḥassān al-Baṣrī, and Sa'īd b. Ayyās al-Jarīrī—played significant roles in sustaining local jurisprudence and shaping a distinct Basran legal school. Their legal writings, particularly in the judicial sphere, display attention to social needs and the construction of a stable legal order (Motzki, 2002). The rivalry between the opinion-oriented jurists and the *Aṣḥāb al-Ḥadīth*—especially between 'Uthmān al-Battī and Dāwūd b. Abī Hind—reflected a robust contest of ideas and the emergence of independent jurisprudential currents,

turning Basra into a center of interaction among schools, including the *ahl al-ra'y* and the Mu'tazila.

In sum, the *Aṣḥāb al-Ra'y* in Basra not only localized jurisprudence and advanced theorization in theological and legal matters but also left a lasting imprint on the development of law and the judicial system across the Islamic world, demonstrating that Basra—by combining *ijtihād*, intellectual exchange, and attention to social needs—played a key role in the formation of opinion-centered jurisprudence.

4. Figures and Their Scholarly Roles

In this section, key figures and their scholarly roles are outlined.

4.1. Leading Scholars of Basra

In the early Islamic centuries, Basra was one of the principal intellectual, cultural, and scholarly hubs of the Islamic world. The city played a central role in training scholars and transmitting knowledge to other centers—especially Baghdad—and exerted profound influence across diverse disciplines, from Qur'anic studies and hadith to literature, theology, and historiography (Hallaq, 2005). The gathering of various groups—from Arab migrants to Persian *mawālī*—created a dynamic space for intellectual and social interaction, which fostered Basra's scholarly flourishing. In Qur'anic sciences, the first generation of reciters (*qurrā'*) were predominantly Arab migrants and *akhmās*, whereas in the second generation the presence of *mawālī* was notable. Among the foremost Basran reciters were Ḥasan al-Baṣrī, Abū al-ʿĀliya, Naṣr b. ʿĀṣim, ʿĀṣim al-Ḥajdarī, and Mālik b. Dīnār (Motzki, 2002). Ḥasan al-Baṣrī (d. 729 CE) and Ibn Sīrīn (d. 729 CE), both of *mawālī* background and eminent in exegesis, jurisprudence, and *taṣawwuf*, made substantial contributions to the expansion of religious sciences in Basra. Other notable exegetes included Shu'ba b. al-Ḥajjāj (d. 777 CE), who—though born in Wāsiṭ—pursued scholarly activity in Basra. This ethnic and social diversity not only enriched Basra's scholarship but also modeled inter-madhab and interethnic engagement in the city. In literature, figures such as Ibn Mufarrigh (d. 689 CE), who knew Persian, and great Arab poets like Jarīr, al-Farazdaq, and al-Akhtal were active. Writers and storytellers such as Ibn al-Muqaffa' (d. 760 CE) built a bridge between Iranian and

Islamic cultures, and the role of Persian-origin *mawālī* in expanding Basra's literary life reflects the intertwined cultural impact of Iran and Islam in the region (Sellheim, 2016).

In historiography, Abū al-Yaḥyā Suhaym b. Ḥaṣṣ (d. 806 CE), Murraj b. ʿAmr al-Sadūsī (d. 811 CE), ʿAbbās b. ʿUthmān al-Aḥmar al-Bajalī (d. 796 CE), and ʿAbbās b. Walīd b. Bakkār al-Ḍabbī al-Baṣrī were leading figures who, with a focus on the Imamiyya current, recorded Shi'i *sīra* and history. Their works serve not only as rich sources for Shi'i history but also as platforms for interaction among diverse intellectual schools (Mousavi Tenyani, 2018). Among leading theologians and early Mu'tazilites were Abū Yūnus al-Aswārī, Ma'bad al-Juhānī, Ibn al-Muqaffa', Ibn Abī al-ʿAwjā', and Abū Shākir al-Dayṣānī—all *mawālī*—who played important roles in advancing theological and jurisprudential thought. The presence of such figures indicates Basra's openness to ideas and the gradual transfer of intellectual currents, including Mu'tazilism, to Baghdad (Hallaq, 2005).

Basra's eminent jurists included Ibn Sīrīn and Ḥasan al-Baṣrī; after them, Dāwūd b. Abī Hind (d. 748 CE) emerged as a major hadith-oriented figure, and Sa'īd b. Abī ʿArūba Mihrān al-ʿAdawī (d. 773 CE) became one of the earliest compilers of the Prophetic *sunan*. Other leading jurists—Shu'ba b. al-Ḥajjāj, Ḥammād b. Zayd, Ḥallās b. ʿAmr al-Hajarī, and ʿUbaydallāh b. al-Ḥasan al-Khushkhāsh al-ʿAnbarī—played prominent roles in advancing jurisprudence, hadith, and Basra's judicial system. The religious and ethnic diversity of these jurists expanded Islamic discourses and facilitated their transmission to other centers (Paktchi, 2020).

Taken together, by combining *ijtihād*, narration, literature, and theology, Basra became a dynamic center for the growth of Islamic sciences and a platform for disseminating knowledge to other regions of the Islamic world. The presence of *mawālī* and migrants in scholarly positions reflects sustained cultural and religious interaction, underscoring Basra's importance as a model for building durable scholarly institutions in the Islamic world.

4.2. Ḥasan al-Baṣrī and Ibn Sīrīn: Two Eminent Figures in the History of Jurisprudence and Ḥadīth

Muḥammad b. Sīrīn (d. 729 CE), known as Abū ʿAmrah, was among Basra's prominent figures in the era of the Successors. Some historical sources report that he—or

his father—was captured in the Battle of ‘Ayn al-Tamr by Khālīd b. al-Walīd (Ibn Athir, 2004; Tabari, 1996). Anas b. Mālīk, a Companion of the Prophet, purchased Ibn Sīrīn and then emancipated him. Ibn Sīrīn is counted among the jurists and traditionists of the second tier of Basran Successors and transmitted reports from the Companions as well. His standing among Basran traditionists is particularly significant due to his precision in transmitting ḥadīth and adherence to principles of narration. In his teaching, Ibn Sīrīn avoided complex, highly theoretical debates and emphasized practice grounded in the transmitted precedent (*athar*). He insisted on conveying the exact wording of a ḥadīth and did not deem it permissible to alter its wording even if the meaning were preserved, whereas Ḥasan al-Baṣrī (d. 728/729 CE) held that if the meaning were accurately conveyed, changing the wording posed no problem. This disagreement reveals a key point of methodological divergence between their respective jurisprudential and hadith approaches (Paktchi, 2020).

Despite their different attitudes toward wording, both adopted a cautious stance toward excessive reliance on *ra’y* (personal reasoning). Nevertheless, within limited bounds—and in order to address everyday questions and specific occurrences—each allowed for the use of *ra’y*. Their fundamental difference becomes evident in their treatment of hypothetical issues (theoretical subjects beyond day-to-day cases): Ibn Sīrīn refrained from entering such hypothetical debates and maintained a conservative posture, whereas Ḥasan al-Baṣrī tackled these matters with seriousness and even employed analogy (*qiyās*) (Paktchi, 2020). This methodological contrast reflects two distinct intellectual currents in Basran jurisprudence and hadith: one resting on strict transmission and the other inclined toward *ijtihād* and rational deliberation.

Political and social conditions—especially governmental pressure—affected hadith transmission practices in Basra. Under such circumstances, transmitters sometimes avoided naming certain individuals, particularly those associated with the Prophet’s Household. Ḥasan al-Baṣrī is a salient example: at times he shortened chains of transmission and presented *mursal* reports (Rostami, 2009). By contrast, Muḥammad b. Sīrīn rejected the *mursal* reports of Ḥasan al-Baṣrī and Abū al-‘Āliyah and insisted on the reliability of named transmitters, whereas Ḥasan al-Baṣrī maintained that

the soundness of a report, in his judgment, sufficed even if it were *mursal*. This disagreement illustrates two different conceptions of hadith criticism and evaluation. Yūnus b. ‘Ubayd relates that Ḥasan al-Baṣrī said: “Everything you have heard from me is transmitted from ‘Alī b. Abī Ṭālib, but I live in a time when I cannot utter ‘Alī’s name.” This statement clearly shows the political impact on the concealment of isnāds and names (Amini & Razania, 2018). A similar method was adopted by Qatāda, who transmitted from traditionists from whom he had not directly heard (Sijistani, 1989). In sum, Ibn Sīrīn—emblematic of conservatism in hadith transmission—and Ḥasan al-Baṣrī—with his pragmatic and *ijtihād*-oriented approach—represented two distinct intellectual tendencies in Basra. The political and social pressures of the time shaped their methods and views, and despite their differences, both served religion and preserved the Prophetic tradition.

4.3. The Scholarly Standing of the Aṣḥāb al-Ḥadīth in Basra and Their Intellectual Impact

In the 8th century CE, Basra—one of the major intellectual centers of the Islamic world—hosted influential figures among the Aṣḥāb al-Ḥadīth. Among them, Dāwūd b. Abī Hind, Sa‘īd b. Abī ‘Arūbah, Shu‘bah b. al-Ḥajjāj, and Ḥammād b. Zayd not only occupied a special position in expanding hadith scholarship in Basra, but their role in institutionalizing methods of isnād-based documentation and critical analysis in hadith and law also directly influenced scholarly currents in Baghdad (Qureshi, 2005). Dāwūd b. Abī Hind, a prominent *muftī* of Basra who came from Khurāsān, became one of the most influential figures due to his learning and scholarly abilities; in addition to his reputation as a leading traditionist, he was also well-known in Qur’anic exegesis (Qureshi, 2005). Sa‘īd b. Abī ‘Arūbah is regarded as one of the fathers of hadith compilation. He was the first to systematically compile the Prophetic *sunan* in Basra and established a scholarly circle in the city. A distinguished pupil of Ibn Sīrīn, Sa‘īd emphasized mastery of the “science of differences” (*‘ilm al-ikhtilāf*) to understand divergent views in jurisprudence. He held that “whoever does not know *‘ilm al-ikhtilāf* has not even smelled the fragrance of jurisprudence, and it is impermissible for such a person to issue legal opinions for the public” (Khateeb Baghdadi). Among his students, Shu‘bah b. al-Ḥajjāj

developed and perfected his teacher's methods (Ibn Hajar al-'Asqalānī, 1971).

Shu'bah b. al-Hajjāj should be considered the founder of rigorous *rijāl* criticism in Iraq. He was the first Iraqi traditionist to seriously examine the quality and credibility of transmitters. Beyond transmitting hadiths, he concentrated on scrutinizing both chain and content. It is reported that he received narrations from more than 400 transmitters, and students such as 'Abd al-Raḥmān b. Maḥdī and many others benefited from him (Ibn Hajar al-'Asqalānī, 1971). Notably, Shu'bah transmitted reports such as the traditions of Mu'ādh b. Jabal and Ibn Mas'ūd that address the legitimacy of *ijtihād al-ra'y* (in the absence of an explicit textual proof). These traditions not only spread in Basra but later circulated in Baghdad and helped lay the groundwork for a particular *ijtihādī* orientation (Ibn Hajar al-'Asqalānī, 1971).

Ḥammād b. Zayd was a prominent defender of the *Aṣḥāb al-Ḥadīth*. He explicitly opposed a strong reliance on *qiyās* and the *ijtihādī* methods identified with Abū Ḥanīfa, and he rejected the notion of the "createdness of the Qur'ān" (Qasempour, 2014). His stance against *qiyās* and speculative *ijtihād* shows his commitment to preserving the traditional framework of the hadith-oriented school. With the rise of al-Shāfi'ī and the expansion of Shāfi'ī, Ḥanafī, and Mālikī jurisprudence in the 8th–9th centuries CE, the scholarly prominence of circles such as those of Basra declined. Unlike Baghdad—which, due to its status as the 'Abbāsīd capital, developed into a supra-regional intellectual hub—Basra assumed a less influential role in later periods. Nevertheless, in certain respects—such as attention to comparative jurisprudence and the transmission of particular traditions—the imprint of Basran scholarly currents can be discerned in the evolution of Baghdad's scholarly structures.

4.4. Imamiyya Traditionists of Basra: Status and Analysis of Their Scholarly Role

Alongside the powerful current of the Sunni *Aṣḥāb al-Ḥadīth* in Basra, Imamiyya hadith-oriented scholars also played an important role in developing narration and transmitting traditions. Shi'ī traditionists in Basra, while maintaining active ties with leading scholarly circles in Kufa and later Baghdad, laid the foundations for the spread of Imamiyya learning in the region. Their significance in transmitting the hadith legacy and

defending Imamiyya positions against opponents is considerable (Tusi, 1996).

Khallās b. 'Amr al-Hajarī is counted among the prominent figures and jurist-companions of Imām 'Alī. A close disciple of 'Ammār b. Yāsir, he exerted substantial influence even on Qatāda—one of the Sunni jurists. Sunni *rijāl* scholars described him as a narrator "with many traditions." It is said that Khallās possessed a book or *ṣaḥīfa* from Imām 'Alī and transmitted directly from it. This led some opponents to reject his reports on account of their origin in that *ṣaḥīfa* and to disparage him (Mousavi-Tinyani, 2017). Crucially, Khallās played a pivotal role in first-hand transmission of 'Alid teachings in Basra. His connection with Qatāda indicates the reciprocal influence of Shi'ī and Sunni hadith in Basra, while opposition from some Sunnis to his narrations reflects identity conflicts between Shi'ī and Sunni hadith currents that gradually hardened the lines separating them (Mousavi-Tinyani, 2017).

'Umārah b. Juwayn al-Baṣrī, known as Abū Hārūn al-'Abdī, was among the staunchest traditionists supporting Imām 'Alī and the Shi'ī current in Basra. His vehement stance against 'Uthmān—even to the point of declaring him an unbeliever—exposed him to censure and downgrading by Sunni traditionists. It is said he had a *ṣaḥīfa* titled *Ṣaḥīfat al-Waṣī* containing statements of Imām 'Alī, which he regarded as the "Book of Truth." Despite heavy criticism directed at him, some leading Sunnis, such as Sufyān al-Thawrī, nevertheless transmitted from him (Mousavi-Tinyani, 2017).

The explicit doctrinal positions of Abū Hārūn al-'Abdī and the harsh reactions of his opponents reveal the intensity of the scholarly "soft war" between Shi'ism and Sunnism in Basra. Yet the presence of his reports in Sunni sources—despite formal rejection—suggests the existence of hidden layers of scholarly interaction even amid sectarian contention (Mousavi-Tinyani, 2017). Ismā'īl b. Faḍl al-Nawfalī, a trustworthy Imamiyya figure resident in Basra, together with his brother Ishāq (a companion of Imām al-Bāqir), contributed to the dissemination of hadith and Shi'ī teachings. The simultaneous presence of both brothers among the Imamiyya companions indicates the importance of family linkages in knowledge transmission networks and in shaping the social layers of the Shi'ī community in Basra (Mousavi-Tinyani, 2017). Faḍl b. Yasār al-Baṣrī was a trusted companion of Imām al-Bāqir in Basra.

Numerous reports from him and his family (including his son ‘Alā’ b. Faḍīl and Qāsim b. Faḍīl) are preserved in Shi‘i hadith sources. It is said that Qāsim b. Faḍīl authored a hadith book to which the great Baghdadi traditionist Muḥammad b. Abī ‘Umayr devoted special attention, and that ‘Alā’ b. Faḍīl likewise had an independent hadith compilation that Muḥammad b. Sinān sought to disseminate (Mousavi-Tinyani, 2017).

Abū Sufyān Ḥarb b. Sarīj al-Minqarī was among the companions of Imām al-Bāqir and active in circulating hadith in Basra. He also engaged with Sunni traditionists in the city and is thus mentioned in Sunni *rijāl* sources; some Sunni scholars described his narrations as “strange and solitary” (Mousavi-Tinyani, 2017). Abū Wahb Sayf b. Wahb al-Tamīmī, a Basran transmitter for Imām al-Bāqir and connected with Abū al-Ṭufayl ‘Āmir b. Wāthilah (a Companion loyal to Imām ‘Alī), requested transmissions of ‘Alid reports from him; Sunni *rijāl* critics such as Sa‘īd b. Qaṭṭān said of him, “Sayf was among the destroyed” (Mousavi-Tinyani, 2017).

The Imamiyya traditionists of Basra, while linked to the main Imamiyya centers (Kufa and later Baghdad), played an active role not only in transmitting reports but also in shaping the cultural and doctrinal activities of Shi‘ism. Their dual engagement—with Sunni hadith circles on the one hand and with the preservation of the ‘Alid legacy on the other—both forged a valuable bridge between Shi‘i and Sunni heritages and exposed the enduring sectarian disputes that at times manifested in rejection and *takfīr* (Mousavi-Tinyani, 2017). Structurally, this network of traditionists served as a crucial intermediary in the two-way transfer of intellectual currents and scholarly foundations between Basra and Baghdad. Their importance can be traced to their role as agents for transmitting Shi‘i hadith culture and to its long-term ramifications for Baghdad’s scholarly efflorescence (Tusi, 1996).

5. Conclusion

In the 8th and 9th centuries CE, Basra, as one of the most important scholarly centers of the Islamic world, played a decisive role in shaping transformations in jurisprudence and the religious sciences. The city’s scholarly and legal currents—including the Sunni *Aṣḥāb al-Ḥadīth*, opinion-oriented jurists, and Imamiyya traditionists—not only operated within a local framework but also left long-term effects on Baghdad

and other scholarly centers, especially in the formation of jurisprudential and hadith methodologies. The Basran *Aṣḥāb al-Ḥadīth*, through precision in transmitting reports and careful attention to isnād and matn analysis, laid the groundwork for scientific hadith criticism and *rijāl* evaluation. Figures such as Shu‘ba b. al-Ḥajjāj and Ḥammād b. Zayd, by focusing on transmitter credibility and accuracy of wording, developed scholarly methods that later became accepted principles in Baghdad’s hadith circles. By emphasizing tradition and narrative precision, these currents provided the primary foundation for consolidating the religious sciences and safeguarding the authenticity of hadith transmission, such that even engagement with *ijtihād* and jurisprudential analysis occurred within a credible and reliable framework.

In contrast, opinion-oriented jurists, such as Ḥasan al-Baṣrī and some of his students, offered a balanced approach between transmission and *ijtihād*. By accepting limited *ijtihād* in addressing practical, everyday questions—and even employing analogy (*qiyās*) in certain hypothetical matters—they created the possibility of jurisprudential flexibility. This perspective not only advanced legal methodologies but also prepared theoretical currents to respond to new and complex issues. Interaction between the tradition-centered conservative current and the opinion-oriented current provided a fertile ground for deepening legal thought and showed that logical flexibility in jurisprudence can coexist with the preservation of the authenticity of transmission.

The Imamiyya traditionists of Basra—such as Khallās b. ‘Amr al-Hajarī, Abū Hārūn al-‘Abdī, and the family of Faḍīl—played a complementary role in this process. While transmitting the ‘Alid legacy and strengthening Shi‘i teachings, they interacted with Sunni scholarly circles, thereby generating a scholarly and social network that intertwined jurisprudential and hadith currents. This interaction, even amid sectarian contention, ensured that the transmission of knowledge and reports was not confined to a single group and that the city’s scholarly strata gained broad scope.

One salient feature of Basra’s scholarly transformations was its impact on the development of the religious sciences in Baghdad. The methods of isnād criticism, *rijāl* analysis, and hadith evaluation that took shape in Basra, once transferred to Baghdad, became foundational for

organized scholarly circles and for jurisprudential schools. Moreover, jurisprudential flexibility and acceptance of limited *ijtihād* enabled Baghdad to address new social, economic, and political issues and to consolidate its scholarly standing. This transmission and influence underscore the significance of Basra not only as a center of hadith transmission but also as a cradle of innovative currents in jurisprudence and the religious sciences.

The central research question—namely, “In what ways did the jurisprudential transformations and scholarly networks of Basra between the 8th and 11th centuries CE lead to the formation of influential legal currents in Islamic history, and what was the place of Basran scholars in this process?”—can be explained through three interrelated analytical answers: (1) Basra’s socio-institutional environment, (2) methodological innovations in jurisprudence and hadith, and (3) the role of transfer networks and the migration of Basran scholars in disseminating and consolidating doctrines.

First, due to its diverse ethnic and social composition (Arab migrants, Iranian *mawālī*, and new urban classes) and its commercial-administrative position, Basra provided an effective arena for intellectual interaction. This diversity generated practical needs within a plural society and, together with judicial-economic changes, produced new legal questions to which local jurists (such as opinion-oriented jurists) responded by employing limited *ijtihād* with attention to adjudication and judicial practice; conversely, the *Aṣḥāb al-Ḥadīth*, by focusing on isnād precision and *rijāl* criticism, sought to preserve the primacy of the authenticity of transmission. This simultaneous interplay between practical necessity and the concern for authentic transmission distinguished Basra from centers devoted solely to reporting.

Second, Basra’s methodological innovations—including the development of *rijāl* criticism, graded acceptance of reports (e.g., *mursal*, *mawqūf*, *mawqūf ‘alayh*), and conditional acceptance of *ijtihād* in practical matters—produced a new intellectual structure. Shu‘ba b. al-Ḥajjāj and Dāwūd b. Abī Hind exemplified the consolidation of hadith evaluation through deepened isnād analysis and attention to the “science of differences” and the abundance of transmissions; on the other hand, figures such as Ḥasan al-Baṣrī represented a pragmatic and relatively flexible approach to semantic inquiry and limited use of *qiyās*. The coexistence of these tendencies

enabled Islamic jurisprudence simultaneously to remain tied to the narrative tradition and to respond to emergent issues.

Third, the mechanism of knowledge transfer—student networks, scholarly circles, and the migration of elites to Baghdad—was decisive in extending Basra’s influence. When some of these elites migrated to Baghdad in the 12th century CE or sent students there, Basra’s techniques of *rijāl* criticism and *ijtihādī* methods were reproduced within new circles and institutions; thus, Basra’s impact structurally reappeared in judicial systems and in the formation of subsequent jurisprudential schools. Put differently, Basra functioned as an “intellectual kitchen”: ideas and methods were conceived there, and Baghdad became the place where they were refined and institutionalized.

With respect to Islamic jurisprudence more broadly, three main messages can be drawn. First, legal development in early Islam was the product of the coexistence and contestation of methods, not the result of a single approach. Second, exclusive emphasis on only one axis—either “transmission” or “opinion”—limits responsiveness to contemporary issues; Basra provides a historical example showing that a prudent synthesis of these two axes increases the dynamism and effectiveness of jurisprudence. Third, political and social pressures (such as the necessity of concealing isnāds or cautious behavior by transmitters) shaped the textual and oral structure of hadith; in other words, religious methodology is directly linked to external conditions.

For future research, several specific areas can be proposed: quantitative and network analysis of report transmission—identifying precise routes of transmission from Basra to Baghdad and Kufa using historical network analysis methods; comparative study of judicial texts—examining recorded judicial rulings in the *fatāwā* of Basran judges and comparing them with later rulings in Baghdad to assess practical impact; investigating the social effects of ethnic diversity—conducting socio-historical research on the contributions of *mawālī* and new classes to the production and shaping of Basra’s religious knowledge; and studying political pressures on the formulation of Shi‘i reports—undertaking closer analysis of *mursal* isnāds and name-concealment within the context of sectarian and political competition.

In conclusion, Basra was more than merely a “repository of reports”; it was an “experimental intellectual field” in which methods were tested, refined, and combined. It is precisely this field-like quality that made Basra a decisive pivot in the history of jurisprudence and hadith: not only as a source for narrative materials, but as a generator of questions, solutions, and methods that manifested much later across the broader landscape of Islamic jurisprudence. This analytical point underscores the importance of focused studies on Basra for a better understanding of the formation of Islamic jurisprudence and the transmission of religious knowledge.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

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