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Taqiyya According to Imamī Jurits and Kohlberg: A Critical Study

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ABSTRACT

Preservation of life and property against the risk of expressing opinions is an intellectual duty that the Imami jurists call it the taqiyyah rule. On the other hand, according to the famous scholar, Kohlberg, it was the Shia Imams (S.A) who used taqiyyah for the first time to justify their isolation and non-jihad, and therefore, due to the use of taqiyya, the jurisprudential texts of Imamiya are also not reliable. In this article, for the first time, with a descriptive-analytical method, we have examined Kohlberg's theory from the point of view of Imami jurists, and we briefly remind that by inferring from the jurisprudential works, including Imam Khomeini's ones, any person can use the intellectual rule of taqiyyah in order to avoid from harm or danger, but an Imam (S.A) or a jurist cannot use it to express the Imamiyya beliefs and laws, even in times of danger.

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1. Introduction

In Imamī jurisprudence, the primary ordinances of behavior turn into secondary ones with the absence of any of the duty`s conditions. When the perpetrator has no puberty, intellect, or will, mandatory observances and even some conventional ones, such as punishment, are null and void due to his minority, insanity, necessity, or duress. These rulings of the Sharia are also confirmed by the intellectual injunction, and they are considered as rulings of the independent intellect. *Taqiyya* is also one type of behavior subjected to secondary rulings because, due to fear, necessity, duress, and the like, a responsible man can verbally or actually pretend to have the same beliefs as his opponents against an imminent danger to himself or others (Anṣārī, 1993: 71; Majlisi, 1982, vol. 72: 435; Shaykh Mufid, 1992: 147). So *Taqiyya* and its types, including *taqiyya khawfī* (*taqiyya* caused by fear) and *taqiyya mudārātī* (*taqiyya* caused by tolerance), are also considered as judgments of independent intellect, are also considered as judgments of independent intellect because they have intellectual reasons.

But Dr. Etan Kohlberg,[1] a contemporary Shialogist (after that, we will refer to him as the author), in the third chapter of his book,[2] titled "Some Shīʿī Imamī views on taqiyya", shows another image of Taqiyya. He has introduced it not as an intellectual ruling but as a specific usual practice of the Imamīs to conceal their beliefs when there is a danger against the person (Kohlberg, 1991: 395). The author believes that the *Imamīs* have tried very hard to bring some arguments in order to attribute *taqiyya* to the Prophet (S.A), Ali (S.A) and their companions. Similarly, by using the ambiguity of the meaning of some *Quranic* verses, they have interpreted them as referring to *taqiyya* (Kohlberg, 1991: 396).

Therefore, the review of the argumentation and sources of the author's theory is the subject of this paper, and it will try to compare his theory with the *Imamī* jurists.

It is notable that the narrative and theological dimensions of the mentioned chapter on *taqayya* had been previously criticized in two Persian papers (Maaref and others, 2013: 155-180; Hasannia and others, 2014: 71-96), but this is the first time that the jurisprudential aspect of author`s view on the subject of "Taqīyah" will be criticized and analyzed in an English paper according to a descriptive-analytical and comparative method. Here, our main aim is for foreign readers to find out the extent of the author's jurisprudential information regarding the subject.

In a brief answer, it can be said that most of the contents of this chapter of the author's book are outside the scope of the title of his work, and are mainly based on the old Imamī sources and the Sunnī works. For this reason, the author has reached a point of view that contradicts the theory of contemporary Imamī jurists.

In any case, the research is organized by four topics: the literal and terminological meanings of taqiyya, the purpose of *taqiyya*, the author`s arguments, two jurisprudential problems. For the sake of convenience, we will first express the author's opinion and then his theory will be criticized according to the Imamī jurisprudential sources.

2. Literal and terminological meanings of *taqiyya*

2.1. The author`s opinion

The concealment of one`s true beliefs in times of adversity is an ancient phenomenon recurring in divers religions. In Islam, this practice, commonly known as taqiyya (precautionary dissimulation), is most often associated with Imami, Twelver, and Shīʿīsm. (Kohlberg, 1991: 395)

2.2. The Imami Jurists` viewpoint

Firstly, the author declared the meaning of *taqiyya* as precautionary dissimulation without referring to its sources, while *taqiyya* is literally derived from *wiqāya* (وقایه) and is used in the literal meaning of

1.He has a doctorate in Islamic studies in the field of Shia studies from Oxford University in England in 1971 and is fluent in Arabic and Persian languages. He has written lots of books and articles included Qur'an interpretation, mystical texts, ancient Shiite literature, witness in Islam in the Middle Ages For 20 years, he was the director of the Institute of Asian-African Studies in the occupying Zionist regime, and in 2008, this fake regime awarded him a one million dollar prize for his Shiite research.. Now he is living in his hometown of Tel Aviv at the age of 80. For more information: www.emetprize.org/english/Product.aspx?Product=90.

2. This book`s title is: Belief and law in Imamī Shīʿīsm (Great Britain, 1991, Variorum) .it consists of 17 chapters which are the author's published articles in the various journals.

protecting and avoiding harm (Ibn Athīr, 1988, vol. 5: 217; Rāghib, 1991: 881) So the meaning of *taqiyya* and even *taqwā* (تقوی) is to beware off harm (Shahīd Ṣadr, 1999, vol. 1: 100), not concealment. Secondly, the author has idiomatically used the term *taqiyy*a in the absolute meaning of concealment of opinions, while based on Imami jurisprudence, *taqiyya* means protecting oneself from the harm of opponents by pretending to agree verbally or practically with them (Anṣārī, 1993: 71). Therefore, the meaning of *taqiyya* is semantic to protect oneself against harm, and its requirement is to conceal or to pretend to agree with the enemy. Accordingly, concealment or precautionary dissimulation is not the first or semantic concept for *taqiyya*.

3. Purpose of taqiyya

The purposes of taqiyya are considered in accordance with the viewpoints of the author and the Imami jurist as follows:

3.1. The author`s theory

One of the most common accusations leveled against Imamīyya by their adversaries is that their professed belief in taqiyya is merely a convenient stratagem to explain away historical facts which do not tally with their doctrine. In particular, say their critics, the Imamīs cannot stomach certain basic truths pertaining to the role of the first three caliphs. Thus, when confronted with irrefutable proof that Abu Bakr`s caliphate was legitimated by Muhammad, they resort to the audacious argument that the prophet spoke out of taqiyya (Daḥlān, 1996: 45-45). When faced with the fact that Ali recognized the rule of Abu Bakr, ʿUmar andʿUthmān, they ascribe his behavior to taqiyya (Malaṭī, 1936: 25-24; Dahlan, 2000: 45).

Also, (in the view of Mu`in al-Din) Shīʿītes cannot admit that ʿUmar andʿAlī were on friendly terms and were formalized by Ali's daughter ʾUmm Kulthūm being given to (Mu'in al-Din, British No. 7991: 74a-75a) ʿUmar in marriage. (Kohlberg, 1991: 395)

3.2. Analysis of this theory

First, according to the title of his research, the author should have defined and explained the purpose and causes of taqiyya based on the Imamīs` point of view, but the author has based the sources of his study on the work of Aḥmad b. Zaynī Daḥlān, who has extremist views against the Imamīs.

However, the fact that he considered taqiyya as a justification for historical events contrary to the Shīʿīte beliefs in the Imamīyya has no proper basis and foundation. Because according to the consensus of Imamīyya jurists, the main reason for taqiyya is to prevent more important harm, including supporting a person or his religion of Islam against any risk or harm, not to justify events or beliefs. As a result, whenever taqiyya causes damage or corruption in religion, it is not only not permissible but also forbidden. In this case, Imam Khomeini believes: "If one of the Islamic or Imamī principles was the subject of taqiyya, surely, taqiyya on such a matter is impermissible; because the legality of taqiyya is for the survival of the religion and the preservation of its principles, and gathering the Muslims to establish the religion and its principles, so if taqiyya of a matter is resulted in destroying it, it is not permissible" (Khomeinī, 1999: 14). [1] For this reason, the Shīʿī jurist believesbelieves that the Prophet (s.a.) basically did not carry out taqiyya regarding succession and caliphate (Sayyid Murtaḍā, 1989, vol. 3: 256; Makārim Shīrāzī, 1990, vol. 1: 415; Hāshimī Shāhrūdī, 1426, vol. 2: 585), because it will lead the believers astray.

Second, according to the Imamīyya jurist, not only did the prophet not make Abu Bakr`s caliphate legitimated in any way, but also, on the contrary, he publicly declared the Imamate of Ali (S.A) on the day of Ghadir, and this matter was acknowledged by Aḥmad b. Zaynī Daḥlān himself book that stated in the same book, that more than one hundred thousand people were witnesses and observers of Ghadir's Hadith (Daḥlān, 2000, vol. 2: 143). Therefore, this should be considered definite proof that the Prophet did not carry out taqiyya in announcing the Imamate of Ali (S.A) and not the caliphate of Abu Bakr (Ibid, 1996, vol. 2: 306). [2] However, unfortunately, the author has not mentioned the contradictions of Aḥmad Daḥlān as to this important issue at all.

Third, the author attributes the acceptance of the sovereignty of the first three caliphs to Imam Ali (S.A), while “commander of the faithful” (amīr al-muʾminīn), Ali (S.A) used to state the reasons for

his succession in the necessary situations (Sulaym b. Qays, 1984, vol. 2: 644; Ibn Bābawayh, 2016, vol. 1: 276; Qumī Mashhadī, 1989, vol. 4: 152; Ṭabarsī, 1982, vol. 1: 147)[1] and maybe it can even be said that he never gave up his right of succession. (Majlisī , 1983 , vol. 26: 517)[2]

Therefore, since based on the view of Imam Ali (*Nahj ol-balāgha*: sermon 3),[3] they did not have competence for a caliphate at all; the *Imamī* jurist followed their Imam. As a result, the first three caliphs` political sovereignty was no longer an important issue for the Imami jurists, so there was no necessity for them to recourse to *taqiyya*.

Fourth, according to the *Imamīs*, Imam ʿAlī (S.A) did not perform *taqiyya* in any way, and in fact, there was no necessity for it. If the author would carefully reflect on the *Imamīyya* sources, he would probably have found that those other than Imam ʿAlī used *taqiyya* (of course, in the author's intended meaning, *i.e.* dissimulation) on the day of Ghadir because they considered ʿAlī (S.A) to be their *mawla* (leader), but nearly eighty days after the revelation of the second verse of *sūra māʾida* (Fakhr Rāḍī, 1999, vol. 11: 288; ʿAllāma Amīnī, 1995, vol. 1: 447; Subḥānī, 1991, vol. 4: 43)[4] they did not adhere to their promise in the Saqifa. In fact, they apparently said something on the day of Ghadir, and it became clear later that they did not believe in it. Therefore, *taqiyya* was completely happened opposite of the concept intended by the author, and our jurists describe it as haram and an example of hypocrisy.

Fifth, regarding the marriage of ʾUmm Kulthūm, the daughter of Imam ʿAlī (S.A) with Omar, there are different views (Subḥānī, 2002: 612; Riḍwānī, 2005, vol. 2: 171), which can be summarized as follows made:

1. Denial of this marriage; 2. Accepting the marriage, but with another ʾUmm Kulthūm, who was the daughter of Imamʿ Alī`s wife; 3. Just proposing to the daughter of the Imam (S.A); 4. the only marriage of contract, not wedding; 5. Marriage with consent; and 6-marriage with duress and threats.

However, even if this marriage had happened, it still had nothing to do with *taqiyya* because this type of relationship at that time and even in our time is reasonable and legitimate from the aspect of jurisprudence, as the Prophet (S.A) married with the daughter of Abu Bakr, `Umar`s daughter and even the daughter of Abū Sufyān, but despite its legitimacy in the Sharia, this was not interpreted as the sense of their qualification for the caliphate or other matters; so there is no need to justify these events with *taqiyya* and the like.

In thisthis way, of the mentioned three historical events, at least the first two occurrences have not happened at all, and the third incident, i.e. `Umar's marriage to the daughter of Imam ʿAlī, despite many uncertainties, even if it occurred, had nothing to do with *taqiyya*. Therefore, the purpose of the application of *taqiyya* in the Imami jurisprudence is preventing danger to the perpetrator of *taqiyya*, not justifying his beliefs, and as a result, the author should have cited more suitable sources to prove this aim of the Imamīs.

4. *Imamiyya`s* arguments for the necessity of *taqiyya*

4.1. Author's opinion

The author has introduced the verses of *sūrat l-ʿimrān*: "*illa anda tattqu minhum toqatan*" (Qur'ān 3:28),[5] *sūrat l- naḥl*: (Qur'ān 16: 106)[6] and *sūrat l- ḥujurāt* (Qur'ān 49: 13) and a number of hadiths

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١- حيث نزلت اطيعو الله و رسوله ....، وَ حَيْثُ نَزَلَتْ إِنَّما وَلِيُّكُمُ اللَّهُ ... وَ حَيْثُ نَزَلَتْ أَمْ حَسِبْتُمْ أَنْ تُتْرَكُوا....، قَالَ النَّاسُ يَا رَسُولَ اللَّهِ خَاصَّةٌ فِي بَعْضِ الْمُؤْمِنِينَ أَمْ عَامَّةٌ لِجَمِيعِهِمْ؟ فَأَمَرَ اللَّهُ عَزَّ وَ جَلَّ نَبِيَّهُ أَنْ يُعْلِمَهُمْ وُلَاةَ أَمْرِهِمْ ... فَنَصَبَنِي لِلنَّاسِ بِغَدِيرِ خُم؛

It means: when these verses were revealed, people asked the Prophet (S.A) whether these verses are about some believers or all of them? Allah commanded his Apostle (S.A) to introduce the governors to the people; so the Prophet appointed me as their governor in ghadir Khum.

٢- أَمَّا بَعْدُ فَقَدْ جَعَلَ اللَّهُ تَعَالَى لِي عَلَيْكُمْ حَقّاً بِوَلَايَةِ أَمْرِكُمْ وَ مَنْزِلَتِيَ الَّتِي أَنْزَلَنِي اللَّهُ عَزَّ ذِكْرُهُ بِهَا مِنْكُمْ؛

Mohammad Taqi Majlesi has interpreted this paragraph of Imam Ali` sermon, 550 as such: But then, my right to you is to obey me, because Allah almighty made me your leader and governor of your affairs, and bestowed on me the great dignity of Imamate and kingship.

٣- أَرَى تُرَاثِي نَهْباً ... لَشَدَّ مَا تَشَطَّرَا ضَرْعَيْهَا... الى ان قام ثالِثُ الْقَوْمِ نَافِجاً حِضْنَيْهِ بَيْنَ نَثِيلِهِ وَ مُعْتَلَفِهِ وَ قَامَ مَعَهُ بَنُو أَبِيهِ يَخْضَمُونَ مَالَ اللَّهِ خِضْمَةَ الْإِبِلِ نِبْتَةَ الرَّبِيعِ.

٤- اليوم اكملت لكم دينكم و اتممت عليكم نعمتى و رضيت لكم الاسلام دينا؛

Today, I have perfected your religion for you, completed My blessing upon you, and have consented Islam as your religion.

٥- لَا يَتَّخِذِ الْمُؤْمِنُونَ الْكَافِرِينَ أَوْلِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ وَمَنْ يَفْعَلْ ذَٰلِكَ فَلَيْسَ مِنَ اللَّهِ فِي شَيْءٍ إِلَّا أَنْ تَتَّقُوا مِنْهُمْ تُقَاةً وَيُحَذِّرُكُمُ اللَّهُ نَفْسَه وَإِلَى اللَّهِ الْمَصِيرُ.

٦- مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ.

as evidence of the Imamīs about *taqiyya*, and writes as such: "The basic meaning of the verb *attaqa* [derived from *tattqu* in the first verse] is to fear (God)"; "to practice dissimulation" is only a secondary meaning. This ambiguity permits the Shīʿīis to interpret the [third] verse: *inna akramkum `inda Allah atqakum* (" the most noble amongst you in the eyes of God is the most God fearing amongst you)[1] as referring to *taqiyya* (*atqākum = aʿmalakum bi l-taqīyya*, i.e.," who practices *taqiyya* most") (Ibn Bābawayh, 1860: 24a; *id*, *A Shīʿīite creed*, p.111; Ṭūsī, 2005, vol. II: 375; Biḥār, vol. XVI: 231). A saying attributed to Jaʿfar al-Ṣādiq deliberately evokes this Quranic verse: He is most excellent in God the performance of his religious duties in the eyes of God, who is best at observing *taqiyya*. Similar utterances ascribed to the Imams abound in Shīʿīi literature, e.g., "He who has no *taqiyya* (i.e., who does not practice precautionary dissimulation) has no faith. (Kohlberg, 1991: 396)

4.2. Analysis of opinion

First of all, according to *Imamī* jurists, the justifications of *taqiyya* are not limited to these three holy verses and the traditions of the Imams (S.A), but in addition to these, according to the jurist, *taqiyya* is also an intellectual and reasonable rule, and this is itself also the reason for the affirmation of *taqiyya* in many holy verses, the hadiths and consensus of *Imamīyya* jurists (Makārim Shīrāzī, 2003, vol. I: 49; Sayfī, 2004, vol. II: 101; Fāḍil Lankarānī, 2007: 22). Because when a Muslim resorts to *taqiyya* in his behavior or words in order to prevent any harm, in fact, he exercises the jurisprudential – intellectual rule of *lā ḍarar* (no harm). If he must select one of the two important and more important behaviors (*qāʿidat l-aham wa l-muhim*), such as between salvation and death or torture, in this case, he is still required to perform *taqiyya* due to the more important rational rule in order to save his life and wealth, or the life of another Muslim. Based on rational judgment, in cases of duress or necessity, also *taqiyya* is permissible. Therefore, the rationality of *taqiyya* is quite clear, and it is surprising that the author did not pay attention to it.

Secondly, it is true that in very old *Imamī* jurists and interpreters' works, the term " *atqākum* " in the *sūrat l-ḥujurāt* (Qurʾān 49:13) is expressed in the meaning of a person who exercises "*taqiyya*" more, but the author should not have limited his research to these ancient works, because such an interpretation of *taqiyya* is not found in the most famous interpretive works such as *Majmaʿ al-bayān* or *Al-mizān fī tafsīr al-Qurān* and the other contemporary Quranic commentaries, as well as in many contemporary jurisprudential sources.

Its reason is that there are two circumstantial evidences in this holy verse: *inn akramakum ʿinda allāh atqākum*. First, *atqākum* is attributed to God in this verse, so its meaning is divine piety. But in *a*verse 28, sūrat āl ʿimrān: "illā a tattqū mīnhum tuqātan," tattqū is attributed to the unbelievers; mīnhum, i.e., *mina l-kāfirīn* and it refers to from the unbelievers. So the intention of this holy verse is to avoid and beware of the unbelievers` harm (Ibn Athīr, 1988, vol. 5: 217; Maqarrī Fayyūmī, 1993, vol. II: 922; Shahīd Ṣadr, 1999: 100). The second circumstantial evidence is that *atqākum* shows that there is a concept of gradations in the term of piety which is comparable between the different persons. Piety, like justice or science, is an internal quality of the Muslims, and it can be strong or weak and can be compared between them (Fāḍil Lankarānī, 2009: 22). Therefore, someone can be called an impious person, more pious, or the most pious one, but *taqiyya* is an external behavior and behaviors cannot be attributed to be strong or weak. Therefore, *atqākum* is expressed in this holy verse with the comparative form, and its purpose is a faithful person who is the most pious, not a behavior that is the most *taqiyya*!

5. Two jurisprudential issues

5.1. The practicing *taqiyya* about drinking *nabīdh*

5.1.1. Author's opinion

In a striking saying has it that *taqiyya* may not be practiced as regards drinking *nabīdh* [raisin], the *masḥ `ala l-khuffayn* (wiping the outer part of the shoes before the prayer), and ( according to some versions) the *mut`at al-ḥajj* (i.e., performing the *`umra* and *ḥajj* during the same journey (Kūlini, vol. II: 217*; Biḥār*, vol. XVI: 232; Qāḍī Nū`mān, 1960, vol. II: 130). ... because there are Sunnis who themselves follow the same practices. But perhaps that saying may be given a different interpretation.

١- إِنّ أَكْرَمَكُمْ عِنْدَ اللّهِ أَتْقَاكُمْ.

In their literature, the Shīʿīs deliberately stress the differences – usually very minor – which separate them from Sunnī *madhāhib* (Linant de Bellefonds, n.d: 183-199). In this way, they wish to highlight the independence of their own school of law and protect themselves as the only Muslims who fatefully adhere to Muḥammad`s original teachings. (Kohlberg, 1991: 399)

5.1.2. Analysis of the author's point of view

First of all, as to drinking *nabīdh*, the *masḥ `ala l-khuffayn* and the *mut`at al-ḥajj*, there are two groups of hadiths in the Imami jurisprudential sources from which two kinds of rulings were inferred by the *fuqahā* (Muslim jurists): prohibition and permissibility or even obligatory of all of them (kulaynī, 1984, vol. 8: 61; Ṭūsī, 1986, vol. 1: 362). However, the author has only mentioned the first kind of hadith, which is faced with the main problems in its document and text. For this reason, according to many *fuqahā*, this hadith is too weak; in this regard, Imam Khomeini says the rational custom is that if a person were to be killed or merely drinking wine or wiping outer of his shoes, the preference would be with the second, rather it is the determinant (Khomeini, 2001: 535). Similarly, the famous contemporary fuqahā has believed that in the event of danger or harm from the enemy, *taqiyya* of drinking wine and so on is permissible, but even it is obligatory in order to preserve one`s life or that of another. (Khomeini, 2001: 535; khūyī, 1997, vol. 5: 220; Hamadānī, 1997, vol. 2: 437; Anṣārī, 1993: 89)

Secondly, the author stated: "the *Imamīs* intentionally stress the differences – usually very minor – which separate them from Sunnī *madhāhib*." In fact, based on the author`s hypothesis, the *Imami* community has no intellectual reason for the prohibition of *taqiyya* of drinking *nabīdh* and the like, unless they want to be inherently superior in comparison with the Sunnīs. But when we as find out that contemporary fuqahā`s famous theory is permissibility or even obligatory of taqiyya about these three behaviors. As a result, the author`s claim will have no validity. Nevertheless, even if there was no theory of permissibility of *taqiyya* about the mentioned matters, again the claim of the author would be invalid because he did not provide any Imami jurisprudential sources for his claim.

In addition, it should be mentioned that among Sunni jurists, only *Abu Hanifa* and the *Hanafis* consider it permissible to drink *nabīdh*; that is, they consider it permissible to drink like wine, unless it is intoxicated, and by the way, the rest of the Sunni *madhahib* do not consider that the *nabīdh* or like wine are permissible to drink. So, regarding this matter, their rule is like *Imami* jurists.

Therefore, a famous shialogist such as the author was expected to narrate the *hadith* from the suitable Imami sources, and not to mention only one hadith of *Imamyya* in order to attribute to the *Imamis* some unhuman qualifications**.**

5.2. The effect of *taqiyya* on the jurisprudential injunctions

5.2.1. The author`s opinion

Among contemporary Imamī scholars, Muḥammad Husayn Āl Kāshif al-Ghiṭā` (1877 -1954) complains that the Sunnīs misinterpret Shīʿī views on *taqiyya*. He argues that *taqiyya* is not specific to Shīʿism, but is a form of behavior which is dictated by reason. The author distinguishes three rules (*aḥkām*) as regards *taqiyya*: obligatory, [permissible], and forbidden *taqiyya* (Āl- Kāshif al-Ghiṭā`, n.d: 192-193). Āl Kāshif al-Ghiṭā` obviously wrote with a Sunnī audience in mind. This, in turn, raises a general question: How can it be ascertained that a particular statement on *taqiyya* (or on any other sensitive subject) is not itself an expression of *taqiyya*? The answer often depends on the immediate environment in which the author lived, the political situation at his time, and the audience to which his work was addressed. … But precisely such protestations of sincerity may have been dictated by the need to conceal his true thoughts … Such doubts also persist regarding similar statements by contemporary Shīʿī writers living under a Sunnī regime. (Kohlberg, 1991: 401-402)

5.2.2. Review of the author`s theory

About this author's opinion, at least two points can be mentioned:

Firstly, the author does not consider Āl Kāshif al-Ghiṭā`s statement as valid due to the probability of *taqiyya* because, based on his belief, there will be room for doubt regarding the correctness of the writing or saying of someone who believes in *taqiyya*; therefore, it is not possible to trust any jurisprudential sources of *Imamiyya*. If this is the intention of the author, which is almost certainly the

same, then we should consider this case to be true for non-Shiites who believe in *taqiyya*, such as Abu Hurayra, many narrators during the time of Ma'mūn ʿAbbāsī, Ibn Hajar ʿAsqalānī, Sarakhsī Hanafī, Imam Fakhr Rāḍī, Rashid Riḍā and others (Riḍvānī, 2005, vol. II: 644-646; Subḥānī, 2008: 583). So, according to Shahid Mutahari, this statement has no foundation (Shahid Mutahari, 2017: 24) because not only these but many other Sunni scholars believe in the necessity of *taqiyya* against the enemy (Sarakhsi, 1993, vol. 24: 45; Qirwani al-Maliki, 1999, vol. 3: 312; Nawawi, n.d, vol. 18: 8). Therefore, it is proved once again that, contrary to the opinion of the author, the practice of *taqiyya* is also current among the Sunnis and it is not limited to the *Imamiyya*, and no one has considered this as a reason for the invalidity of jurisprudential sources or works.

Secondly, unlike the author, the Imami jurists believe that *Imamiyya* jurisprudential works are not written out of *taqiyya* in any way so their validity is doubted. Basically, an Imami jurist cannot exercise *taqiyya* in order to express the Sharia rulings, regardless of whether his audience is an Imami or not, because this is a kind of forbidden *taqiyya*. In this case, it is appropriate to quote Imam Khomeini's opinion to see what a great distance there is between his opinion and the author's hypothesis (Imam Khomeini, 1999: 14):

"And more important than it regarding the impermissibility of *taqiyya* is where one of the main Islamic principles or of the Imamiyyah School, or one of the religious necessities, is subject to destruction and change, such as when rebellious deviant people want to make change the injunctions of inheritance, divorce, prayer, Hajj, and others; even if they want to change the principles of Islam or Imamiyya, taqiyya is not permissible in such cases. Because the legislation of these rulings is for the survival of the religion and the preservation of its principles and the unity of Muslims in order to establish the religion and its principles, so if *taqiyya* causes their destruction, *taqiyya* will not be permissible."[1]

Therefore, it was necessary that in order to strengthen his opinion, the author should have studied the theories and opinions of the contemporary jurists, and not limited himself only to cite the inappropriate works.

However, it is notable that perhaps the author's strongly different opinion from the Imami jurists` viewpoint due to a lack of access to reliable jurisprudential sources. But it seems that this argumentation is not correct because if the respected author had at least meditated more on the very works of the early jurists such as (Shaykh Mufid, 1992; Muhaqqiq Hilli, 1999, vol. 4: 466; Allame Hilli, vol. 10: 7), he and his readers would not have distanced themselves from the truth of the matter to such an extent during all these years.

6. Conclusion

Taqiyya, as a jurisprudential rule, is the very duty to preserve life or property, which the laws of all communities have recognized as a rational rule. Unfortunately, this significant aspect of *taqiyya* remains hidden from Kohlberg because:

1. The author has not tried to study *taqiyya* according to the *Shīʿī Imamī* valid sources, but he has unfortunately analyzed the basis and cause of *taqiyyah* based on Sunni sources and some ancient Imami works and attributed their opinion as the official ideas to all the Imamis, even to all the contemporary jurists, while it is contrary to the opinion of contemporary and even previous jurists.

2. The author apparently only has considered t*aqiyya* to be one type, while *taqiyya* has another form which is known in *Imamiyya* jurisprudence as *taqiyyah modarati*, but the author has not mentioned it. This type is to pretend to have the same opinion of a person due to the expediencies such as attracting his heart or due to tolerance with him.

3. As the other acts and omissions, *taqiyya* has five different jurisprudential rulings, including obligatory, recommended, permissible, indifference and forbidden. Based on *Imamiyya* jurists, one of the forbidden *taqiyya* is the use of *taqiyya* for expressing Sharia rulings and injunctions. Therefore, the validity and authenticity of jurisprudential books and works are guaranteed, and the author's doubt on this matter is groundless.

١- و أولى من ذلك كلّه في عدم جواز التقيّة فيه: ما لو كان أصل من أُصول الإسلام أو المذهب أو ضروريّ من ضروريّات الدين، في مَعرض الزوال و الهدم و التغيير، كما لو أراد المنحرفون الطغاة تغيير أحكام الإرث و الطلاق و الصلاة و الحجّ و غيرها من أُصول الأحكام، فضلًا عن أُصول الدين أو المذهب، فإنّ التقيّة في مثلها غير جائزة؛ ضرورة أنّ تشريعها لبقاء المذهب و حفظ الأُصول و جمع شتات المسلمين لإقامة الدين و أُصوله، فإذا بلغ الأمر إلى هدمها فلا تجوز التقيّة.

4-Summarily, due to his inability to consider the *Imamiyya* sources, the author did not present a correct picture of *taqiyya* and its various aspects as regards the *Imami* jurisprudence, and as a result, his research data is regarded as incomplete and it is not based upon the reliable and proper sources.

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