

***Zeyd bin Ali: Hayatı, Eserleri ve İslâm Hukuk Düşüncesindeki Yeri*** [***Zayd b. ʿAlī His Life, Works, and Place in Islamic Legal Thought***], by Eren Gündüz, (Istanbul: Düşünce Kitabevi Yayınları, 2008), XVI+374 pp., ISBN 978-975-6434-24-6

The current work is a PhD thesis on Zayd b. ʿAlī (d. 122/740), leader of the Zaydiyya sect and the attributed author of *al-Majmūʿ al-fiqhī*. It is composed of an introduction, three chapters, a conclusion, and a rich bibliography.

Zayd b. ʿAlī is a prominent scholar of the political history of Islam and an authority on the sciences of Islamic law/*fiqh*, Qurʾanic exegesis/*tafsīr* and Prophetic Tradition/*ḥadīth*. He is not only the leader of a sect but also at the center of discussions on the author of the first *fiqh* book and his political activities. Eren Gündüz selected the issue of the place of Zayd b. ʿAlī in Islamic legal thought as the main concern of his PhD thesis by focusing on the scientific value of *al-Majmūʿ al-fiqhī*, the attribution of which has been disputed.

In the first chapter, the author successfully examines the life of Zayd b. ʿAlī, the political and scientific conditions of the era in which he lived, his political and academic personality, and his sect (pp. 29-165).

The whole second chapter is dedicated to *al-Majmūʿ al-fiqhī*. In this chapter, the work's matter, process of narration, titles, content, printed and manuscript copies, commentaries and glossaries, methodology and the main features of its period are studied (pp. 167-263). Of course, the main question is whether or not *al-Majmūʿ* was written by Zayd b. ʿAlī. Its authorship has been a subject of debate in academic circles; criticisms have been expressed particularly in reference to its narrative technique and systematic structure. Some scholars doubt that such a systematic piece of work could be written during so early a period, and they find its attribution to Zayd b. ʿAlī unlikely. Moreover, the fact that the only narrator of the work is Abū Khālid has been strongly debated. Gündüz addresses these and other similar assertions. He concludes that some of these criticisms have a coherent basis, and although the attribution of the complete work to Zayd b. ʿAlī can barely be claimed when the ḥadīths mentioned in it

are checked with the Qurʾān, the book continues to have value in the eyes of Zaydīs (pp. 243, 335).

The third chapter considers the place of *al-Majmūʿ* in Islamic legal thought. It discusses it in terms of the science of narration, Zaydī and Sunnī sources of *fiqh*, branches of Islamic law (*furūʿ al-fiqh*) with some individual legal issues, and comparative law.

In the study, Gündüz set out to provide a unity of sources between Sunnī and Shīʿī *fiqh* through the legal thought of Zayd b. ʿAlī and his *al-Majmūʿ* (p. XIII). He points out that although Zayd b. ʿAlī was regarded as a respected scholar in both Sunnī and Shīʿī circles, his thought could not attract jurists of both sects, and offers possible reasons of this situation (p. XIII). Apart from all these, in our opinion, one of the major reasons could be the fact that Zayd b. ʿAlī, when considered in the classical classification, was seen by Sunnī scholars as a member of Shīʿa while Shīʿite scholars thought otherwise. While Imām Zayd shared the central Shīʿī idea that ʿAlī b. Abī Ṭālib was the most appropriate person to become caliph after the Prophet, some of his other thoughts differentiated him from Shīʿa. For example, he believed that the caliphate of the former three caliphs was legitimate and accepted the imamate of the inferior/*mafḍūl* in spite of the presence of the superior/*aḥḍal*. He also believed that the *imām* was not appointed by naming but by just describing his qualities; there is no hidden *imām*; belonging to the *Ahl al-bayt* was not a prerequisite for narrating ḥadīth; *mutʿa* (fixed-term marriage) is not allowed despite Jaʿfarī law; and washing feet during ablution is obligatory. By Shīʿa, we and the author mean Ithnā ʿAshariyya/Imāmiyya, which is the largest group in Shīʿa. Political-theological differences prevent one from grouping sects within each other. In fact, there is no need. As the author points out (p. 79), the main distinctive differences between Zaydiyya and Shīʿa are theological-political issues, especially over the imamate. There are not many important controversies between the Jaʿfarī, Zaydī and other Sunnī schools of law. Therefore, it does not seem coherent to claim that the legal thought of Zayd b. ʿAlī offers a new contribution to the Shīʿite perspective (p. 8). The conviction of the author that Zayd b. ʿAlī was seen as a Shīʿī by Shīʿīs and as a Sunnī by Sunnīs (p. XIV) remains questionable and should be treated cautiously. The fact that biographical works of both sects mention him does not necessarily mean that they saw him as a member of their sects. Furthermore, the author clearly states that he is undoubtedly Shīʿī even if he can be considered Sunnī (pp. 7, 342). While the

author demonstrates the value of Zayd b. ‘Alī’s ideas for both sects’ legal thought (p. XIII), this claim needs to be reconsidered. In fact, the writer admits that the academic personality and thought of Zayd was not treated adequately in the Ja‘farī sources (pp. 9, 14, 26). Moreover, the reaction of Ja‘farīs against the legal thought of Zayd and its narrators can be clearly seen in their respected sources.

By considering the fact that Zayd b. ‘Alī gained the confidence of both the Sunnī and Shī‘ī communities, Gündüz offers that finding a middle way based on the legal thought of Zayd between Sunnī and Shī‘ī camps could provide a closer relationship between them and thus mitigate the controversies set off by other external factors (pp. 2, 8). This middle way could also lead to interaction between the sects (p. 8) and eliminate differences that shake trust in Islamic legal sources (p. 341). Furthermore, Gündüz argues that the legal thought of Zayd is the basis of both Sunnī and Shī‘ī law (p. 7). This conclusion places a heavy burden on Zayd. With the exception of some local issues, it is difficult to discuss serious problems among sects, given the long-standing attitudes of sect leaders and scholars toward each other. Secondly, the author seems to claim that Zayd b. ‘Alī was embraced by Imāmī Shī‘a. The institutional separations between sects, however, are so deep and numerous that they make it difficult to view Zayd as a member of this sect. In fact, Shī‘ī books regard Zayd as part of the *al-‘amma*. Meaning “ordinary people”, this word is the opposite of the word of *kbawāṣṣ* (the elite people) and is used for the followers of Ahl al-sunna by Shī‘a.

Both the idea that a common point between Ahl al-sunna and Shī‘a can be found in the legal thought of Zayd b. ‘Alī and the notion that a unity of sources might be enabled with *al-Majmū‘* (p. 346) seem questionable. Because Imām Zayd shares many ideas with Ahl al-sunna and Shī‘a explicitly asserts the opposite, Shī‘īs regard him as a Sunnī. Moreover, while there is in our opinion no doubt that *al-Majmū‘* was written by Zayd, its attribution is still controversial in academic circles. In fact, the writer could not reach a definite conclusion about it. Thus it seems difficult to build a relationship between both sects by placing *al-Majmū‘* in the center.

In the social sciences, there is no one right answer. Statements may be right or wrong in terms of their basis or point of view. The value of one should not be evaluated with another. The remarks above are those of the writer and should not be regarded as a defi-

ciency for the study. Gündüz's study is one of the most comprehensive and significant works on Zayd b. 'Alī in recent times. It is also a valuable contribution to research on Islamic law in Turkey with its skill in introducing Zayd b. 'Alī, one of the most prominent figures in the history of Islamic law, to the academic world, in addition to its rich bibliography, plain and fluent style, and success upon the use of research techniques.

**Saffet Köse**

*Selçuk University, Konya-Turkey*