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Dr. Stewart received a B.A. magna cum laude in Near Eastern Studies from Princeton University in 1984, completed the CASA program in Arabic at the American University in Cairo in 1985, and earned a Ph.D in Arabic and Islamic Studies from the University of Pennsylvania in 1991. He has been at Emory since 1990 and has also conducted research in Egypt and Morocco. He has taught widely in the areas of Arabic, Islamic, and Middle Eastern Studies, including courses on the Qur'an, Islam, History of the Middle East, Great books of the Islamic world, and advanced seminars on Egyptian Arabic dialect and medieval Arabic texts. His research has focused on Islamic law and legal education, the text of the Qur'an, Shiite Islam, Islamic sectarian relations, and Arabic dialectology. His published works include Islamic Legal Orthodoxy: Twelver Shiite Responses to the Sunni Legal System and a number of articles on leading Shiites scholars of the sixteenth, seventeenth, and eighteenth centuries.

ABSTRACT: "**Strategies of Sanctifying *Ijtihād* in Later Twelver Shi'ite Legal Theory**"

This presentation discusses two non-technical requirements for *ijtihād* that appear in Twelver Shiite discussions of legal theory between the sixteenth century C.E. until the present. One is termed *al-quwwah al-qudsiyyah* "sacred faculty" or *al-malakah al-qudsiyyah* "sacred aptitude," This first appeared in lists of the requirements for *ijtihād* in the works of ʿAlī b. ʿAbd al-ʿĀl al-Karakī (d. 940/1534) and al-Shahīd al-Thānī (d. 965/1558), It appeared in the standard textbook Maʿālim al-uṣūl of al-Ḥasan b. Zayn al-Dīn al-ʿĀmilī (d. 1011/1602), and has been discussed relatively regularly ever since, notably in the works of Muḥammad b. ʿAbd al-Wāḥid al-Bihbihānī (d. 1205/1791), Mīrzā Abū al-Qāsim b. Muḥammad Ḥasan al-Qummī's (d. 1231/1815-16) *Qawānīn al-uṣūl*, and also by more recent legal authorities such as Abū al-Qāsim al-Khōʾī, al-Sayyid al-Rūḥānī, al-Sayyid al-Iṣfahānī, and al-Sayyid. Sayyid ʿAbbās Kāshif al-Ghiṭāʾ has written a discussion of al-Bihbihānī's thought on this topic. Debate on this concept, which I have labeled "the sanctification of legal interpretive talent" and which, in my view, ultimately derives from Ibn Sīnā's philosophical discussions of the status of prophets, centers on comparing and contrasting this particular trait or aptitude with other ordinary traits or aptitudes that are functional in society. The second non-technical requirement for *ijtihād* is that of *takhliyat al-nafs* "emptying the lower soul," which, to the best of my knowledge, entered discussions of *ijtihād* in the works of Muḥammad b. ʿAbd al-Wahhāb al-Bihbihānī, *Risālah fī al-akhbār waʾl-ijtihād* and *al-Fawāʾid al-ḥāʾiriyyah*. This concept, which appears to derive from the Sufi tradition's concept of taṣfiyat al-bāṭin, or from ethical discussions of *takhliyah* and *taḥliyah* "cleansing and adorning" i.e., freeing oneself from negative traits and adopting positive ones, became an important consideration for al-Bihbihānī, and this clearly went beyond the ordinary requirement of *ʿadālah* "moral probity," which required the active mujtahid to have a clean public moral record. I have not yet found other discussions of this term in later Twelver Shiite legal theory, but I suspect that such discussions exist. Both of these concepts provide examples of the connections and cross-pollinations of legal theory with other traditions of Islamic thought.