



## The Mu'tazilī and Zaydī Reception of Abū l-Ḥusayn al-Baṣrī's *Kitāb al-Mu'tamad fī Uṣūl al-Fiqh*: A Bibliographical Note\*

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### Abstract

The article focuses on the reception of the *Kitāb al-Mu'tamad fī uṣūl al-fiqh* of Abū l-Ḥusayn al-Baṣrī among Mu'tazilī and non-Mu'tazilī Sunnis (Shāfi'īs, Ḥanbalīs and Ḥanafīs) and among Zaydīs. Special attention is paid to a summary of the work by Abū l-Ḥusayn's later follower, Rukn al-Dīn Ibn al-Malāḥimī (d. 536/1141), entitled *Tajrīd al-Mu'tamad*. Apart from a detailed description of the Bodleian manuscript of the text, a second manuscript of the text is discussed, the current whereabouts of which are unclear.

### Keywords

Legal methodology, *uṣūl al-fiqh*, Abū l-Ḥusayn al-Baṣrī, *al-Mu'tamad fī uṣūl al-fiqh*, Zaydīs, Rukn al-Dīn Ibn al-Malāḥimī, *al-Tajrīd fī uṣūl al-fiqh*, Mu'tazilīs

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\* This publication was prepared within the framework of the European Research Council's FP 7 project "Rediscovering Theological Rationalism in the Medieval World of Islam". We take the opportunity to thank Camilla Adang and the anonymous reviewer for helpful remarks on an earlier draft of this paper.

## I. Mu'tazilī Contributors to *Uṣūl al-fiqh* before Abū l-Ḥusayn al-Baṣrī

From the very beginning, *mutakallimūn*, specifically the Mu'tazilīs among them, took a leading role in developing theories of legal methodology, and their treatment thereof was intimately linked with their respective theological notions and considerations.<sup>1</sup> Wāṣil b. 'Aṭā' (d. 131/748) is reported to have composed a *Kitāb al-Sabil ilā ma'rifaṭ al-ḥaqq*. The title suggests that the work was concerned with epistemological issues that are of immediate relevance both to legal methodology and to theology.<sup>2</sup> Questions relating to authoritative sources of law are also dealt with in detail by Ḍirār b. 'Amr (d. ca. 200/815) in his *Kitāb*

<sup>1</sup> The history of *uṣūl al-fiqh* has only rudimentarily been explored so far. Relevant studies are N. Calder, "Uṣūl al-fiqh," *EI*<sup>2</sup>, 10:931-4; Aḥmad Pakarçī, "Uṣūl al-fiqh," *Dā'irat al-ma'arifi buzurg-i islāmī*, 9:289-306; Aron Zysow, *The economy of certainty: An introduction to the typology of Islamic legal theory*, PhD dissertation, Harvard University, 1984; Wael B. Hallaq, *A History of Islamic Legal Theories: An introduction to Sunnī uṣūl al-fiqh*, Cambridge 1997; Devin J. Stewart, *Islamic legal orthodoxy: Twelver Shi'ite responses to the Sunnī legal system*, Salt Lake City 1998; *Studies in Islamic Legal Theory*, ed. Bernard G. Weiss, Leiden 2002; Birgit Krawietz, *Hierarchie der Rechtsquellen im tradierten sunnitischen Islam*, Berlin 2002; Josef van Ess, *The Flowering of Muslim Theology*, Harvard 2006, 153ff; 'Alī b. Sa'd b. Ṣāliḥ al-Ḍuwayḥī, *Ārā' al-Mu'tazila al-uṣūliyya: Dirāsa wa-taqwīm*, Riyadh 1995; Zafar Ishaq Ansari, "Islamic Juristic Terminology Before Ṣāfi'ī: A Semantic Analysis with Special Reference to Kūfa," *Arabica* 19 (1972): 255-300; Murteza Bedir, "The Early Development of Ḥanafī Uṣūl al-Fiqh," Ph.D. diss., University of Manchester, 1999; David R. Vishanoff, *The Formation of Islamic Hermeneutics*, New Haven 2011; and numerous works on individual legal theorists or the history of specific topics, including works by Camilla Adang, Roger Arnaldez, Murteza Bedir, Marie Bernand, Robert Brunschvig, John Burton, Norman Calder, Éric Chaumont, Ahmed El Shamsy, Josef van Ess, Mohammed Fadel, Robert Gleave, Ignaz Goldziher, Wael Hallaq, Ahmad Hasan, Wolfhart Heinrichs, Sherman Jackson, Joseph Lowry, Christopher Melchert, Ebrahim Moosa, Aisha Yusef Musa, Abd al-Rafi'i Oyewumi Omotosho, Felicitas Opwis, Amr Osman, Kevin Reinhart, Joseph Schacht, Gregor Schwarb, Nabil Shehaby, Devin Stewart, Hans-Thomas Tillschneider, Abdel Magid Turki, Jeanette Wakin, Judith Romney Wegner, Bernard Weiss, and Aron Zysow.

<sup>2</sup> Cf. Josef van Ess, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra: Eine Geschichte des religiösen Denkens im frühen Islam* 1-6, Berlin 1991-97, 2:268; 5:137, no. 10. Some of Wāṣil's views are reported by 'Abd al-Jabbār al-Hamadḥānī in his *Faḍl al-i'tizāl* and by Abū Hilāl al-Ḥasan al-'Askarī in his *Kitāb al-Awā'il*. See *ibid.*, 2:276-80; 5:161-3, text 21; cf. also *idem*, *Flowering of Muslim Theology*, 155ff.

*al-Taḥrīsh*<sup>3</sup> and by al-Nazzām (d. 221/845), whose *Kitāb al-Nakth* was particularly influential.<sup>4</sup> Important contributions to the development of the discipline were also made by Abū Mūsā al-Murdār (d. 226/840), who wrote a *Kitāb ‘alā aṣḥāb ijtihād al-ra’i*,<sup>5</sup> Ja‘far b. Mubashshir (d. 234/849), who wrote extensively on legal issues,<sup>6</sup> Abū l-Ḥusayn al-Khayyāt (d. ca. 300/912), who composed a tract against the *khābar al-wāḥid (al-Radd ‘alā man athbata khābar al-wāḥid)*,<sup>7</sup> and, during the scholastic phase of the movement, Abū ‘Alī al-Jubbā’ī (d. 303/915-6)<sup>8</sup> and Abū Hāshim al-Jubbā’ī (d. 321/933).<sup>9</sup> Although none of their writings is extant, their views are regularly mentioned in the later Mu‘tazilī literature.

<sup>3</sup> The work was mostly concerned with the authority of prophetic traditions as a legal source. On the *Kitāb al-Taḥrīsh*, see Ḥasan Anṣārī, “Kitābi kalāmī az Ḍirār b. ‘Amr,” *Kitāb-i māh* (Dīn) 89-90 (1383-4/2005), 4-13; Josef van Ess, *Der Eine und das andere: Beobachtungen an islamischen häresiographischen Texten* 1-2, Berlin 2011, 1:132ff. A critical edition of the *Kitāb al-Taḥrīsh* is currently being prepared by Hassan Ansari and Wilferd Madelung.

<sup>4</sup> Josef van Ess has published fragments of the work as preserved in Jāḥiẓ (d. 255/869), *Kitāb al-Fuṭyā*; cf. his “Ein unbekanntes Fragment des Nazzām,” *Der Orient in der Forschung: Festschrift für Otto Spies zum 5. April 1966*, ed. Wilhelm Hoenerbach, Wiesbaden 1967, 170-201; idem, *Das Kitāb an-Nakṭ des Nazzām und seine Rezeption im Kitāb al-Fuṭyā des Ġāhiz: Eine Sammlung der Fragmente mit Übersetzung und Kommentar*, Göttingen 1972. Subsequently, additional extensive fragments have been identified in Fakhr al-Dīn al-Rāzī (d. 606/1209), *Maḥṣūl*, and in the writings of Ibn Shahrāshūb (d. 588/1192) and of Ibn Ṭāwūs (d. 664/1266); cf. van Ess, *Theologie und Gesellschaft*, 6:1-2, no. 19. Cf. also *ibid.*, 3:380-92 for an analysis of Nazzām’s views on issues of legal methodology, with 6:176-95 (Nazzām: Erkenntnislehre und Hermeneutik).

<sup>5</sup> Cf. Abū l-Faraj Muḥammad b. Ishāq al-Nadīm, *Fihrist*, ed. Ayman Fu‘ād Sayyid, London 1430/2009, 1/ii:574; cf. also van Ess, *Theologie und Gesellschaft*, 5:331, no. 30.

<sup>6</sup> Several of Ja‘far b. Mubashshir’s writings are specifically concerned with central notions of *uṣūl al-fiqh*, including *K. ‘alā aṣḥāb al-ra’i wa’l-qiyās*, *K. al-Ijtihād*, and *K. al-Ijmā‘ mā huwa*; cf. van Ess, *Theologie und Gesellschaft*, 6:274-5, nos. 18, 19, 20. See also *ibid.*, 4:65-8. Cf. also Ibn Nadīm, *Fihrist*, 1/ii:577.

<sup>7</sup> Ibn Nadīm, *Fihrist*, 1/ii:17, 610.

<sup>8</sup> Several of his writings such as *K. al-Ijtihād* and *Kitāb al-Akbbār* are specifically concerned with central notions of legal methodology; cf. Ibn Nadīm, *Fihrist*, 1/ii:607; cf. also Daniel Gimaret, “Matériaux pour une bibliographie des Ġubbā’ī,” *Journal Asiatique* 264 (1976), 277-332 at 280, no. 1; his *K. al-Ijtihād* is also mentioned in Abū l-Ḥusayn al-Baṣrī’s *Mu‘tamad fi uṣūl al-fiqh* 1-2, ed. Muhammad Hamidullah, Damascus 1965, 2:722.

<sup>9</sup> Abū Hāshim is known to have written a *K. al-Ijtihād* and a *K. al-Awāmīr*; cf. Ibn Nadīm, *Fihrist*, 1/iii:627; Gimaret, “Matériaux,” 305, no. 3, 307-8, no. 9. In addition, he integrated discussions on legal methodology into his *summae*, as in his *al-Baghdādiyyā*; cf. Gimaret “Matériaux,” 308-12, no. 10.

An important shift occurred with Abū l-Qāsim al-Balkhī (d. 319/931), who, in his homeland of Khurāsān, was under predominantly Ḥanafī influence, which had an immediate impact on his thought relating to *uṣūl al-fiqh*. Al-Ka‘bī, who was a student of al-Khayyāṭ, criticized his teacher’s rejection of *khābar al-wāḥid* in his *Qabūl al-akhbār wa-ma‘rifat al-rijāl*.<sup>10</sup> This is one example of the Ḥanafization of *uṣūl al-fiqh* among the Mu‘tazilīs, who have accepted *khābar al-wāḥid* ever since. The close relation between Mu‘tazilism and Ḥanafism continued for most of the 4<sup>th</sup>/10<sup>th</sup> and 5<sup>th</sup>/11<sup>th</sup> centuries, during which many leading Ḥanafīs of Iraq were Mu‘tazilīs in theology and *vice versa*.<sup>11</sup> This was the case with the renowned Ḥanafī legalists Abū l-Ḥasan ‘Ubayd Allāh b. al-Ḥusayn al-Karkhī (b. 260/873, d. 340/952)<sup>12</sup> and his student Abū Bakr Aḥmad b. ‘Alī al-Rāzī “al-Jaṣṣāṣ” (b. 305/917, d. 370/981),<sup>13</sup> who had Mu‘tazilī tendencies in theological matters. Al-Karkhī in turn had a strong influence on Abū ‘Abd Allāh al-Baṣrī (d. 369/980), the head of the Bahshamiyya during his time and also a Ḥanafī. Abū ‘Abd

<sup>10</sup> *Qabūl al-akhbār wa-ma‘rifat al-rijāl* 1-2, ed. Abū ‘Amr al-Ḥusaynī b. ‘Umar b. ‘Abd al-Rahīm, Beirut 2000, 1:17-8. Cf. Racha Moujir el Omari, *The Theology of Abū l-Qāsim al-Balḥī al-Ka‘bī (d. 319/931): A Study of Its Sources and Reception*, PhD dissertation, Yale University 2006, 226-93; *eadem*, “Accommodation and Resistance: Classical Mu‘tazilites on Ḥadīth,” *Journal of Near Eastern Studies* 71 ii (2012) [in press].

<sup>11</sup> Cf. Wilferd Madelung, “The Spread of Māturidism and the Turks,” in *Actas [do] IV Congresso de Estudos Arabes e Islamicos, Coimbra-Lisboa 1968*, Leiden 1971, 109-68; Aron Zysow, “Mu‘tazilism and Māturidism in Ḥanafī Legal Theory,” in *Studies in Islamic Legal Theory*, ed. Bernard G. Weiss, Leiden 2002, 235-65.

<sup>12</sup> Cf. Ibn Nadīm, *Fihrist*, 2/i:34-5; Fuat Sezgin, *Geschichte des arabischen Schrifttums*, Band I, Leiden 1967 [= GAS], 444, no. 22. For an analysis of al-Karkhī’s views in *uṣūl al-fiqh*, see Ḥusayn Khalaf al-Jubūrī, *al-Aqwāl al-uṣūliyya li’l-Imām Abī l-Ḥasan al-Karkhī*, [n.p.] 1409/1989; cf. also Zysow, “Mu‘tazilism and Māturidism,” 236. His *Kitāb al-Uṣūl* was published as *Uṣūl al-Karkhī*, together with *Uṣūl al-Badawī: Kanz al-wuṣūl ilā ma‘rifat al-uṣūl*, Karachi: Mīr Muḥammad Kutubkhāna, n.d. The publication also contains a commentary on the “*Uṣūl al-Karkhī*” by Abū Ḥafṣ ‘Umar b. Aḥmad al-Nasafī (d. 537/1142).

<sup>13</sup> Cf. Ibn Nadīm, *Fihrist*, 1/ii:35; GAS, 1:444-5, no. 23; Marie Bernand, “Ḥanafī *Uṣūl al-Fiqh* through a Manuscript of al-Ḡaṣṣāṣ,” *Journal of the American Oriental Society* 105 (1985), 623-35. Al-Jaṣṣāṣ’ *Kitāb al-Fuṣūl fī l-uṣūl* has been published several times: (i) *Fuṣūl fī l-uṣūl: Abwāb al-ijtibād wa’l-qiyās*, ed. Sa‘īd Allāh al-Qāḍī, Lahore 1981 [partial edition]; (ii) *al-Ijmā‘*, ed. Zuhayr Shafīq Kabbī, Beirut 1413/1993 [partial edition]; (iii) *al-Fuṣūl fī l-uṣūl* 1-4, ed. ‘Ujayl Jāsim al-Nashamī, Kuwait 1414/1994 (2<sup>nd</sup> ed.); (iv) *Uṣūl al-Jaṣṣāṣ al-musammā al-Fuṣūl fī l-uṣūl* 1-2, ed. Muḥammad Muḥammad Tāmir, Beirut 2000. The views of al-Karkhī and al-Jaṣṣāṣ are regularly cited by later Mu‘tazilīs as well as non-Mu‘tazilī Ḥanafīs.

Allāh was instrumental in setting the Mu'tazilī treatment of *uṣūl al-fiqh* on a new basis and his views remained authoritative among subsequent generations of Mu'tazilis.<sup>14</sup> While none of his writings is extant,<sup>15</sup> his positions are attested in the works of two prominent students of his, viz. *qāḍī l-quḍāt* 'Abd al-Jabbār al-Hamadhānī (d. 415/1025) and the Zaydī Imām al-Nāṭiq bi'l-Ḥaqq Abū Ṭālib al-Hārūnī (d. 424/1033).<sup>16</sup> Abū Ṭālib recorded the teachings on legal methodology of Abū 'Abd Allāh al-Baṣrī in two of his works that are specifically devoted to this discipline, viz. his *al-Mujzī fī uṣūl al-fiqh*<sup>17</sup> and his more concise *Jawāmi' al-adilla fī uṣūl al-fiqh*. The latter was composed at the request and during the lifetime of Abū 'Abd Allāh ("*al-shaykh al-jalīl*") and particularly reflects the latter's views.<sup>18</sup> 'Abd al-Jabbār, who was Abū 'Abd

<sup>14</sup> Ibn Nadīm devotes two entries to Abū 'Abd Allāh, one in his section on the Mu'tazilis (*Fihrist*, 1/ii:628-9: *fāḍil<sup>an</sup> faqīh<sup>an</sup> mutakallim<sup>an</sup>*), and another when discussing the Ḥanafis (*Fihrist*, 2/i:36). Cf. also Muḥammad Jawād Anwārī, "Abū 'Abd Allāh al-Baṣrī," *Dā'irat al-ma'ārif-i buzurg-i islāmī*, 5:680-3.

<sup>15</sup> For Abū 'Abd Allāh's writings on *fiqh* and *uṣūl al-fiqh*, cf. Anwārī, "Abū 'Abd Allāh al-Baṣrī," 683.

<sup>16</sup> On the development of *uṣūl al-fiqh* among the Mu'tazilī Zaydīs, see also Gregor Schwarb, "Zaydī-Mu'tazilī traditions of *uṣūl al-fiqh*, 4th/10th–10th/16th centuries," in *Theological Rationalism in Medieval Islam: New Texts and Perspectives*, ed. Lukas Muehlethaler and Gregor Schwarb, Leuven: Peeters [forthcoming].

<sup>17</sup> The second part of the work has erroneously been edited as Abū l-Ḥusayn al-Baṣrī's *Sharḥ al-'Umad* by 'Abd al-Ḥamīd b. 'Alī Abū Zunayd (2 vols., Medina 1410/1989-90). Part One is preserved in MS Ambrosiana, ar. E 409, 286 ff., containing a complete copy of the text. The manuscript was copied in 1028/1619 by Ṣalāḥ b. 'Abd al-Khāliq b. Yahyā al-Ḥabūrī al-Qāsimī from a manuscript dated 544/1150 in the handwriting of Zayd b. al-Ḥasan b. 'Alī al-Khurāsānī al-Bayhaqī (d. ca. 551/1156), who arrived in Yemen in 541/1146-47 following an invitation from 'Ulayy b. 'Isā b. Ḥamza b. Wahnās and there became a teacher of the Imām al-Mutawakkil bi-llāh Aḥmad b. Sulaymān (b. 500/1106, d. 566/1170). For a description of the manuscript, see Oscar Löfgren and Renato Traini, *Catalogue of the Arabic Manuscripts in the Bibliotheca Ambrosiana*, Vol. III: Nuovo Fondo: Series E (Nos. 831-1295), Vicenza 1995, 165-6, no. 1239. For al-Bayhaqī, see Wilferd Madelung, *Der Imam al-Qāsim ibn Ibrāhīm und die Glaubenslehre der Zaiditen*, Berlin 1965, 211-12; Gregor Schwarb, *Handbook of Mu'tazilite Works and Manuscripts* [forthcoming], no. 350. Another complete manuscript of the work is preserved in the Maktabat al-Aḥqāf in Tarīm (no. 98 *fiqh*), copied in the 7<sup>th</sup>/13<sup>th</sup> century, 217 ff; cf. *Fihris al-makhṭū'āt al-Yamaniyya li-Maktabat al-Aḥqāf bi-Muḥāfazat Ḥaḍramawt, al-Jumhūriyya al-Yamaniyya* 1-3, ed. 'Abd Allāh b. Ḥusayn b. Muḥammad al-'Aydārūs, 'Abd al-Qādir b. Ṣāliḥ b. Shihāb, 'Abd al-Raḥmān al-Saqqā, Qum 1430/1388/2009, 1:471, no. 1052.

<sup>18</sup> Cf. Madelung, *Der Imam al-Qāsim b. Ibrāhīm*, 179-80; idem, "Zu einigen Werken des Imāms Abū Ṭālib an-Nāṭiq bi-l-ḥaqq," *Der Islam* 63 (1986), 5-10. The earliest extant copy

Allāh's successor as head of the Bahshamiyya, dedicated Part 17 of his *summa*, *al-Mughnī fi abwāb al-tawhīd wā'l-'adl*, to legal methodology ("*al-Shar'īyyāt*").<sup>19</sup> In addition, he composed several works devoted to this discipline that are lost, including the well-known *Kitāb al-'Umad* and his autocommentary (*Sharḥ al-'Umad*).<sup>20</sup> 'Abd al-Jabbār is reported to have taught the *'Umad* and to have added much material during his lessons. Throughout his *al-Mu'tamad fi uṣūl al-fiqh* his student Abū l-Ḥusayn al-Baṣrī (d. 436/1045) repeatedly refers to statements made by 'Abd al-Jabbār in the course of his lessons (*dars*).<sup>21</sup> However, neither the *'Umad* nor the *Sharḥ al-'Umad* seems to have reached Yemen in the course of the transfer of religious literature from Iran to Yemen during the 6<sup>th</sup>/12<sup>th</sup> century, which may explain why they are no longer preserved. 'Abd al-Jabbār is also known to have composed a *Kitāb al-Nihāya* in this discipline, which is likewise lost.<sup>22</sup>

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of *Jawāmi' al-adilla*, as yet unpublished, is preserved in MS Vienna Glaser 205 [old number: Glaser 106], ff. 2b-63b. The codex was copied in 507/1113-14, apparently in Baghdad, and was subsequently brought to Yemen. Cf. M. Grünert, *Kurzer Katalog der Glaser'schen Sammlung arabischer Handschriften* [unpublished manuscript (ca. 1894)], 22, no. 56. A facsimile of the entire codex is forthcoming in the "Muslim History and Heritage Series" (Tehran). Another manuscript is preserved as MS Ambrosiana ar. B 49; cf. Oscar Löfgren and Renato Traini, *Catalogue of the Arabic Manuscripts in the Bibliotheca Ambrosiana*, Vol. II: Nuovo Fondo: Series A-D (Nos. 1-830), Vicenza 1981, 84, no. 173.

<sup>19</sup> *Al-Mughnī fi abwāb al-tawhīd wā'l-'adl*, imlā' Abī l-Ḥasan 'Abd al-Jabbār al-Asadābādī, bi-ishrāf Ṭāhā Ḥusayn, Cairo [1960-69]: *al-juz'* 17: *al-Shar'īyyāt* (ed. Amīn al-Khūlī). A lengthy discussion of *uṣūl al-fiqh* issues is found in Volume Four of his *al-Majmū' fi l-muḥiṭ bi'l-taklīf*. A critical edition of this volume is currently being prepared by Margaretha Heemskerck.

<sup>20</sup> On his *Kitāb al-'Umad* and the autocommentary, see 'Abd al-Karīm 'Uthmān, *Qāḍī l-quḍāt 'Abd al-Jabbār b. Aḥmad al-Hamadānī*, Cairo 1967, 61, nos. 12, 13. Al-Shaykh al-Ṭūsī (d. 459 or 460/1006-7) frequently mentions 'Abd al-Jabbār's *'Umad* in his *al-'Udda fi uṣūl al-fiqh*, ed. Muḥammad Riḍā Anṣārī, Qum 1376/1417/1997, 1:56; 2:426, 443, 502, 528.

<sup>21</sup> Cf. GAS, 1:626, no. 13 where the references to 'Abd al-Jabbār's *dars* have erroneously been taken to represent an independent work.

<sup>22</sup> Cf. 'Uthmān, *Qāḍī l-quḍāt*, 62, no. 15. The work is mentioned only twice by Abū l-Ḥusayn in his *Mu'tamad*, 2:494, 749. It seems that the *Nihāya* was less important than the *'Umad* with the *Sharḥ al-'Umad*. As for the relative chronology of the three works, 'Abd al-Jabbār mentions both the *'Umad* and the *Nihāya* as among the works he wrote before completing his *Kitāb al-Mughnī* (cf. *Mughnī*, 20/ii:258; see also *ibid.* 5/165 and 17/102 where he also cites *Nihāya*), and his wording suggests that the *'Umad* was written prior to the *Nihāya*. The fact that he does not mention his *Sharḥ al-'Umad* in this context indicates

## II. Abū l-Ḥusayn al-Baṣrī's *Kitāb al-Mu'tamad* and Its Reception

‘Abd al-Jabbār’s work was continued by his Ḥanafī student Abū l-Ḥusayn al-Baṣrī, who taught the *Kitāb al-‘Umad* and wrote his own commentary on it, no longer extant.<sup>23</sup> Subsequently, he composed the *Kitāb al-Mu'tamad fi uṣūl al-fiqh*.<sup>24</sup> When explaining in the introduction what prompted him to compose another work in this discipline, Abū l-Ḥusayn mentions ‘Abd al-Jabbār’s *Kitāb al-‘Umad*. He states that it includes discussions on issues which, strictly speaking, do not belong to *uṣūl al-fiqh* but rather to the subtleties of *kalām*, such as the different categories of knowledge (*aqṣām al-‘ulūm*), and that it is a very comprehensive work containing numerous redundancies. Such shortcomings, he continues, are avoided in the *Mu'tamad*.<sup>25</sup> The work’s success far beyond Mu’tazilī circles can hardly be overestimated. Particularly in Baghdad, Shāfi‘īs and Ḥanbalīs began to use the *Mu'tamad* as an impor-

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that it was composed after the completion of the *Mughnī*. While Abū l-Ḥusayn’s references to the *Sharḥ al-‘Umad* and the *Nihāya* in his *Mu'tamad* (e.g. 2:749) do not indicate a relative chronology, the manner in which al-Jishumī refers to the *Nihāya*, the ‘*Umad* and the *Sharḥ al-‘Umad* throughout his *Sharḥ al-‘Uyūn* suggests that the *Nihāya* was composed before both the ‘*Umad* and the *Sharḥ al-‘Umad* (we thank Gregor Schwarb for sharing with us his observation about al-Jishumī’s references to the three works). Cf. also *Faḍl al-i’tizāl wa-ṭabaqāt al-Mu'tazila*, ta’lif Abī l-Qāsim al-Balkhī, al-Qāḍī ‘Abd al-Jabbār, al-Ḥākim al-Jishumī, ed. Fu’ād Sayyid, Tunis 1974, 368.

<sup>23</sup> *EF*<sup>3</sup>, s.v. Abū l-Ḥusayn al-Baṣrī (W. Madelung). The Zaydī scholar of northern Iran, Abū Ja‘far Muḥammad b. Ya‘qūb al-Hawsamī (fl. 5<sup>th</sup>/11<sup>th</sup> c.), wrote a *Ta’liq al-‘Umad* [or *al-‘Umda*, according to some manuscripts] *fi uṣūl al-fiqh*, which was likely a commentary on ‘Abd al-Jabbār’s ‘*Umad*. Cf. Ibrāhīm b. al-Qāsim al-Shahārī, *Ṭabaqāt al-zaydiyya al-kubrā (al-qism al-thālith) wa-yusammā Bulūgh al-murād ilā ma’rifat al-ismād* 1-3, ed. ‘Abd al-Salām b. ‘Abbās al-Wajīh, McLean, VA 1421/2001, 3:1114.

<sup>24</sup> The work has been published twice: (i) ed. Muhammad Hamidullah in cooperation with Muḥammad Bakr and Ḥasan Ḥanafī, Damascus 1964; (ii) with a preface by Khalīl al-Mays, Beirut 1983. The second publication seems to be based heavily on Hamidullah’s edition of the text. In the following, reference will be made to Hamidullah’s edition only. For a French translation of the section on *ijmā‘*, see Marie Bernard, *L’Accord unanime de la communauté comme fondement des statuts légaux de l’Islam d’après Abū l-Ḥusayn al-Baṣrī*, Paris 1970. Cf. also Carl Sharif Tobgui, “The epistemology of *qiyās* and *ta’lil* between the Mu’tazilite Abū l-Ḥusayn al-Baṣrī and Ibn Ḥazm al-Zāhirī”, *UCLA Journal of Islamic and Near Eastern Law*, 2 (2003), 281-354 [based on an MA thesis submitted to McGill University, Montreal 2000].

<sup>25</sup> Cf. *Mu'tamad*, 1:7.

tant source at a very early stage.<sup>26</sup> Moreover, Ibn Khaldūn (d. 808/1406) lists it as one of four books on *uṣūl al-fiqh* that he considers to be “the basic works and pillars of this discipline”—the other three being ‘Abd al-Jabbār’s *K. al-‘Umad*, al-Juwaynī’s (d. 478/1015) *Kitāb al-Burhān fī uṣūl al-fiqh*,<sup>27</sup> and al-Ghazzālī’s (d. 505/1111) *al-Mustaṣfā min ‘ilm al-uṣūl*.<sup>28</sup> On the basis of these works, Ibn Khaldūn continues, Fakhr al-Dīn al-Rāzī (d. 606/1209) later composed his *K. al-Maḥṣūl*,<sup>29</sup> and Sayf al-Dīn al-Āmidī (d. 631/1233) his *K. al-Iḥkām fī uṣūl al-aḥkām*.<sup>30</sup>

<sup>26</sup> Examples of the Shāfi‘ī reception of the work are Abū l-Muṣaffar Maṣūb b. Muḥammad b. ‘Abd al-Jabbār al-Sam‘ānī al-Tamīmī al-Shāfi‘ī (d. 489/1096), *Qawāṭi‘ al-adilla fī l-uṣūl*, ed. Muḥammad Ḥasan Muḥammad Ḥasan Ismā‘il al-Shāfi‘ī, Beirut 1997, 1:204, 295, 358, 360, and al-Ghazālī (d. 505/1111), *Kitāb al-Mankhūl min ta’līqāt al-uṣūl*, ed. Muḥammad Ḥasan Ḥiṭū, Beirut 1419/1998, 533. Examples of the Ḥanbalī reception of Abū l-Ḥusayn al-Baṣrī (it is not always clear whether they had his *Mu’tamad* or his *Sharḥ al-‘Umad* at their disposal) are Abū Ya‘lā Muḥammad b. al-Ḥusayn b. Muḥammad b. Khalf b. al-Farrā’ al-Baghdādī (d. 458/1065), *Kitāb al-‘Udda fī uṣūl al-fiqh*, ed. Aḥmad b. ‘Alī b. Sir al-Mubārakī, Beirut 1410/1990. Cf. the editor’s introduction (1:43). Moreover, the editor regularly identifies Abū Ya‘lā’s use of the *Mu’tamad* throughout the edition. In one instance (2:687), Abū Ya‘lā explicitly identifies Abū l-Ḥusayn as his source; Abū l-Khaṭṭāb Maḥfūz b. Aḥmad b. al-Ḥasan al-Kalwadhānī al-Ḥanbalī (d. 510/1116), *Kitāb al-Tambūḍ fī uṣūl al-fiqh*, ed. Muḥammad b. ‘Alī b. Ibrāhīm (et al.), Jeddah 1406/1985, 3:360; Abū l-Wafā’ ‘Alī b. ‘Aqīl b. Muḥammad b. ‘Aqīl al-Ḥanbalī al-Baghdādī (d. 513/1119), *Kitāb al-Wāḍiḥ fī uṣūl al-dīn*, ed. George Makdisi, al-juz’ al-rābi’ (*kitāb al-khilāf*), al-qism al-awwal, Beirut 2002, 498. For Ibn ‘Aqīl’s relation to Abū l-Ḥusayn al-Baṣrī, see also our “The Sunni transmission of Abū l-Ḥusayn al-Baṣrī’s (d. 436/1044) theological thought” (forthcoming).

<sup>27</sup> The work has been edited by ‘Abd al-‘Azīm Maḥmūd al-Dīb (reprinted several times: Cairo 1400/[1980] (2<sup>nd</sup> ed.); al-Manṣūra 1997).

<sup>28</sup> On the work, see Aḥmad Zakī Maṣūb Ḥammād, *Abū Ḥamid al-Ghazālī’s juristic doctrine in al-Mustaṣfā min ‘ilm al-uṣūl, with a translation of volume one of al-Mustaṣfā min ‘ilm al-uṣūl*, PhD dissertation, University of Chicago, 1987.

<sup>29</sup> Of the several editions of the work, the following is the most reliable: *al-Maḥṣūl fī ‘ilm uṣūl al-fiqh* 1-6, ed. Ṭāhā Jābir Fayyāḍ al-‘Alwānī, Beirut 1992. The significance of Abū l-Ḥusayn’s *Mu’tamad* as Fakhr al-Dīn al-Rāzī’s principle source on *uṣūl al-fiqh* for his exegetical work *Mafāṭiḥ al-ghayb* is specifically mentioned by Abū Ishāq Ibrāhīm b. Mūsā al-Shāṭibi al-Andalusī (d. 790/1388) in his *Kitāb al-lfādāt wa’l-inshādāt*, ed. Muḥammad Abū l-Ajfan, Beirut 1983, 100-1.

<sup>30</sup> Cf. Ibn Khaldūn, *The Muqaddimah. An Introduction to History* 1-3. Translated from the Arabic by Franz Rosenthal, New York 1958, 3:28-9. It is noteworthy that Ibn Khaldūn here evidently takes Abū l-Ḥusayn’s *Mu’tamad* to be a commentary on ‘Abd al-Jabbār’s *‘Umad*. Al-Āmidī’s *Iḥkām* has been published repeatedly. On this work, see Bernard G. Weiss, *The search for God’s law: Islamic jurisprudence in the writings of Sayf al-Dīn al-Amidi*, Salt Lake City 1992; cf. also the review by Birgit Krawietz, “Zum Verhältnis von Sprache,



The reception of Abū l-Ḥusayn al-Baṣrī's *Mu'tamad* well beyond Mu'tazilism is also suggested by the manuscript of the work that is scattered in two Sunni collections.<sup>31</sup>

Within Mu'tazilism, the influence of the work is visible in Kh<sup>w</sup>ārazm.<sup>32</sup> This is suggested by Rukn al-Dīn Maḥmūd b. Muḥammad Ibn al-Malāḥimī al-Kh<sup>w</sup>ārazmī (d. 536/1141), another Ḥanafī, who taught the work<sup>33</sup> and for this purpose wrote a summary of it, *Tajrīd al-Mu'tamad*, which will be discussed in detail below. Ibn al-Malāḥimī's exclusive reliance on Abū l-Ḥusayn's *Mu'tamad* throughout his *Tajrīd* suggests that it was perhaps the only work in the discipline that was

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Recht und Theologie in der islamischen Rechtstheorie von Sayf al-Dīn al-Āmidī," *Der Islam* 72 (1995), 137-47.

<sup>31</sup> Cf. the editor's introduction to his edition of the *Mu'tamad*, 2:30ff where the following manuscripts from Sunni collections are described: (i) MS Sultan Ahmed III (Topkapı) 1318, containing volume one of the work; copy completed on 27 Sha'bān 751/30 October 1350 by a certain Abū Bakr b. 'Abd al-Kāfi b. 'Uthmān al-Marāghī [a microfilm copy of this manuscript is included in the Fonds Gimaret (CNRS, Institut de Recherche et d'Histoire des Textes, Section arabe), pochette no. 6488 archivage (positif) no. 6488]. This manuscript once belonged to the Shāfi'ī scholar Badr al-Dīn Muḥammad b. Bahādūr b. 'Abd Allāh al-Shāfi'ī al-Zarkashī (d. 794/1392) (on him, see also below note 32); see the facsimile reproduction of the title page of this manuscript in volume two of the *Mu'tamad*, Plate One; (ii) MS Laleli 788, containing volume two of the text that had also belonged to al-Zarkashī. The manuscript includes two other works by Abū l-Ḥusayn al-Baṣrī, viz. *Ziyādāt al-Mu'tamad* and *Kitāb al-Qiyās al-shar'ī*. None of these appears to be preserved in any other manuscript and both are included in Hamidullah's edition of the *Mu'tamad*. On Abū l-Ḥusayn's *al-Qiyās al-shar'ī*, see also Wael B. Hallaq, "A tenth-eleventh century treatise on juridical dialectic," *Muslim World* 77 (1987), 197-229.

<sup>32</sup> Fakhr al-Dīn al-Rāzī remarks on the heavy reliance on the *Mu'tamad* by the little known Mu'tazili author Abū Muḥammad b. al-Ḥusayn b. 'Īsā "Ibn al-'Ārid" in his *Kitāb al-Nukat* and his *Kitāb al-Masā'il fi uṣūl al-fiqh* (both are lost); cf. his *al-Riyāḍ al-mūniqa fi istiṣṣā' madhhab ahl al-'ilm*, ed. As'ad Jum'a, Tunis 2008, 297. See also our forthcoming study, "The Sunnī transmission of Abū l-Ḥusayn al-Baṣrī's (d. 436/1044) theological thought". Ibn al-'Ārid's *Kitāb al-Nukat* is regularly mentioned by Badr al-Dīn al-Zarkashī in his *al-Bahr al-muḥīṭ* (8 vols., ed. Lajna min 'ulamā' al-Azhar, Cairo 1994, 1:17, 346; 2:377; 3:116) as is Abū l-Ḥusayn's *Mu'tamad*. According to Taqī al-Dīn al-Subkī (d. 756/1355), Ibn al-'Ārid's name was al-Ḥusayn b. 'Īsā; he also remarks that the Shāfi'ī scholar Ibn al-Ṣalāḥ al-Shahrazūrī (d. 643/1245) compiled a summary (*muntakhab*) of Ibn al-'Ārid's *Nukat*; cf. *al-Ibhāj fi sharḥ al-Minhāj*: 'alā Minhāj al-wuṣūl ilā 'ilm al-uṣūl li'l-qāḍī al-Bayḍāwī al-mutawaffā sanat 685 H., ta'lif 'Alī b. 'Abd al-Kāfi al-Subkī wa-waladihi Tāj al-Dīn 'Abd al-Wahhāb b. 'Alī al-Subkī 1-3, Beirut 1995, 2:168.

<sup>33</sup> See below, note 64.

available to him.<sup>34</sup> By contrast, the *Mu'tamad* was completely ignored by the Bahshamite al-Ḥākim al-Jishumī (d. 494/1101) in his treatment of legal methodology in his *'Uyūn al-masā'il* and in his autocommentary *Sharḥ 'Uyūn al-masā'il*. Although al-Jishumī frequently cites the views of Abū l-Ḥasan al-Karkhī, Abū 'Abd Allāh al-Baṣrī, 'Abd al-Jabbār and Abū Ṭālib al-Hārūnī, he makes no mention whatsoever of Abū l-Ḥusayn al-Baṣrī.<sup>35</sup>

Abū l-Ḥusayn's *Mu'tamad* was very popular among the Zaydīs of Yemen. The earliest extant copy that has been found in Yemen is dated 550/1155-6, the probable *terminus ante quem* of the arrival of the work in Yemen.<sup>36</sup> In view of this early date, it is astonishing that *qāḍī* Shams

<sup>34</sup> It should be noted, however, that Ibn al-Malāḥimī refers to 'Abd al-Jabbār's *'Umad* in his *al-Mu'tamad fi uṣūl al-dīn* (ed. Wilferd Madelung and Martin McDermott, London 1991, 20). It is unclear whether Ibn al-Malāḥimī had the *'Umad* at his disposal or whether he used an intermediary source. Abū l-Ḥusayn's *Mu'tamad* was also used by Māturidī Ḥanafīs, such as 'Alā' al-Dīn Shams al-Nāzar Abū Bakr Muḥammad b. Aḥmad al-Samarqandī (d. 539/1144), *Mizān al-uṣūl fi natā'ij al-'uqūl fi uṣūl al-fiqh*, ed. 'Abd al-Malik 'Abd al-Raḥmān As'ad al-Sa'dī, PhD dissertation, Jāmi'at Umm al-qurrā', Mecca, 1404/1984, 1:367 [available at [http://www.archive.org/details/Mizan\\_Alosol](http://www.archive.org/details/Mizan_Alosol)]. The published version of the dissertation (Baghdad: Wizārat al-awqāf wa'l-shu'ūn al-dīniyya, Lajnat ihyā' al-turāth al-'arabī wa'l-islāmī, 1987) was not available to us; 'Alā' al-Dīn 'Abd al-'Azīz b. Aḥmad al-Bukhārī (d. 730/1329-30), who frequently refers to the work in his *Kashf al-asrār 'an uṣūl Fakhr al-Islam al-Bazdawī*, Beirut 1974, 1:108, 2:149, 271, 360, 362, 377, 3:66. The *Kashf* was a commentary on 'Alī b. Muḥammad al-Bazdawī (d. 482/1089-90), *Kanz al-wuṣūl ilā ma'rifaṭ al-uṣūl*. Cf. 'Abd Allāh Muḥammad al-Ḥibshī, *Jāmi' al-shurūḥ wa'l-hawāshī: Mu'jam shāmil li-asmā' al-kutub al-mashrūḥa fi l-turāth al-islāmī wa-bayān shurūḥihā*, Abu Dhabi 1427/2006, 1:224-7.

<sup>35</sup> Legal methodology is dealt with in part seven (*al-qism al-sābi'*): *al-kalām fi adillat al-sharḥ* of *al-'Uyūn* and *Sharḥ al-'Uyūn*. A critical edition of both the *'Uyūn* and the *Sharḥ al-'uyūn* are currently being prepared by the authors of this article.

<sup>36</sup> MS. Ambrosiana ar. F 183, 278 ff, missing the beginning and the end, copied in 550/1155-6; cf. Oscar Löfgren, *Catalogo dei manoscritti arabi, serie F-H (K 150 suss.)* [unpublished typewritten manuscript], 290, no. 1478. We have not had an opportunity to examine the manuscript and were thus unable to verify whether it was indeed transcribed in Yemen or perhaps copied elsewhere and subsequently transferred to Yemen. A preliminary description of the codex is given in the editor's introduction to his edition of the *Mu'tamad*, 2:35ff. However, because the manuscript came to the editor's attention only at a very late stage, he could not consult it for the edition of the *Mu'tamad*. Another manuscript from Yemen that was used by Hamidullah is MS. Maktabat al-awqāf ("al-Sharqiyya"), al-Jāmi' al-kabīr, no. 1508 (undated). The entire codex originally consisted of twenty-one quires of which only quires twelve through twenty-one are preserved, containing volume

al-Dīn Abū l-Faḍl Ja‘far b. Aḥmad b. ‘Abd al-Salām b. Abī Yaḥyā al-Buhlūlī (“Qāḍī Ja‘far”, d. 573/1177-8) was apparently unfamiliar with the *Mu‘tamad* or for some reason unwilling to use it. Qāḍī Ja‘far composed two works on *uṣūl al-fiqh* for which he used al-Ḥākim al-Jishumī’s ‘*Uyūn al-masā’il*’ as his exclusive source. His *K. al-Bayān fī uṣūl al-fiqh* is a detailed paraphrase of Part Seven of al-Jishumī’s al-‘*Uyūn* devoted to legal methodology, and his concise *K. al-Taqrīb fī uṣūl al-fiqh* served as an introduction (*madkhal*) to his *K. al-Bayān*.<sup>37</sup> It is notewor-

two of the work. For a description of the manuscript copied for the library of the Imām al-Manṣūr bi-llāh, see also Aḥmad ‘Abd al-Razzāq al-Ruqayḥī, ‘Abd Allāh al-Ḥibshī and ‘Alī Wahhāb al-Ānsī, *Fihrist Makhtūṭāt Maktabat al-Jāmi‘ al-kabīr Ṣan‘ā’* 1-4, [Ṣan‘ā’] 1404/1984, 2:857. A microfilm copy is preserved in the Dār al-makhtūṭāt, Ṣan‘ā’, and in the Āstrān-i quds library, Mashhad (and other Iranian libraries); cf. ‘Abd al-Tawwāb Aḥmad ‘Alī al-Mashriqī and Muḥammad Ṣāliḥ Yaḥyā al-Qāḍī (ed.), *Ṭawūs yamānī. Fihrist-i mikrūfilm-hā-yi majmū‘a-yi dār al-makhtūṭāt-i Ṣan‘ā’*, Qum 1421/2001, 63. Subsequent to the publication of Hamidullah’s edition, an additional manuscript of the *Mu‘tamad* has surfaced in Yemen, viz. MS. Maktabat al-Hādī ilā l-ḥaqq (Ṣa‘da), containing part two of the work, beginning with *al-ijmā’*; cf. ‘Abd Allāh Ḥammūd Dirham al-‘Izzī, *Fihrist-i nuskhā-hā-yi khaṭṭī-yi maujūd dar Kitābkhāna-yi Mazār-i Imām Yaḥyā b. Ḥusayn al-Hādī ilā l-Ḥaqq*, Qum 2004, 30, no. 15 and ‘Abd al-Salām b. ‘Abbās al-Wajīh, *Maṣādir al-turāth fi l-maktabāt al-khāssa fi l-Yaman* 1-2, McLean, VA 1422/2002, 2:455, no. 22.

<sup>37)</sup> Both works are preserved in two collective manuscripts copied during the lifetime of the author, viz. (i) MS Ambrosiana D 544, which contains different works by Qāḍī Ja‘far, including his *Taqrīb fī uṣūl al-fiqh* (ff. 109a-126a) and his *Bayān fī uṣūl al-fiqh* (ff. 127a-214a), dated Shawwāl 555/October-November 1160 (f. 214a). In the margins there are notes that may have been written by Qāḍī Ja‘far himself. Cf. Löfgren and Traini, *Catalogue of the Arabic Manuscripts*, 2:406-7; (ii) MS Vatican ar. 1165, ff. 1-29a (*Taqrīb*), ff. 29b-157 (*Bayān*). Cf. Giorgio Levi della Vida, *Elenco dei manoscritti arabi islamici della Biblioteca vaticana: vaticani, barberiniani, borgiani, rossiani*, [Tappouni], Vatican 1935, 176 (here, only the *Taqrīb* is mentioned—the *Bayān* was omitted by the cataloguer). At the end of this text (f. 157b-158a), there is a colophon dated Wednesday at the end of Rajab 564/April 1169 in the *masjid* Ṣan‘ā’, i.e. Qāḍī Ja‘far’s place of residence at the time. At the beginning of his *Taqrīb* the author explains the relations between the two works as follows (ff. 1b-2a):

... أما بعد فاني كنت شرحت مسائل أصول الفقه التي أودعها الحاكم أبو سعيد [كذا] رحمه الله في كتابه المسمى بعيون المسائل وكنت قد اقتصرْتُ من ذلك على شرح أدلتها التي أوردتها في كتابه وذكرت ما يحتاج إليه من التحقيق. ثم سألتني بعد ذلك بعض الإخوان الذين اشتدت في العلم رغبتهم وحمد فيه سعيهم أن أفرد في هذه المقدمة ذكر المذاهب في تلك المسائل وأدلتها وأجرد ذلك عما عداه من اختلاف الناس في الأقاويل وعن التحقيق للأدلة إلا ما لا بد من ذكره في بعض المسائل ليكون ذلك تقريباً للمتبدئين وتسهيلاً لمسالك الراغبين ووسيلة إلى معرفة ما في كتاب البيان الذي هو شرح هذه المسائل من التفصيل والتحقيق

thy that Qāḍī Ja'far completely ignored Abū Ṭālib's works, although the latter's *Mujzī* had reached Yemen even before Abū l-Ḥusayn's *Mu'tamad*.<sup>38</sup> Qāḍī Ja'far's restricted approach may have prompted his student Ḥusām al-Dīn al-Ḥasan b. Muḥammad al-Raṣṣās (d. 584/1188) to compose his *Kitāb al-Fā'iḳ fi uṣūl al-fiqh*, in which he adduces Abū l-Ḥusayn's positions as they are expressed in his *Mu'tamad*, followed by the views of Qāḍī Ja'far as laid down in his *Kitāb al-Bayān*. Occasionally he refers to the views of Abū Ṭālib al-Hārūnī.<sup>39</sup> Another student of

فانه كالمدخل الى ذلك . فأجبتهم الى ما [١٢] سألوه رغبة فيما يصل اليهم من النفع ويقسم لي عليه من الأجر ومن الله أستمذ المعونة على ما قرب منه وأدنى من رضاه بمنه ولطفه .

At the beginning of his *Bayān* the author explains his procedure in this work as follows (f. 30a):

... أما بعد فان بعض الإخوان الراغبين في اكتساب العلم النافع المهتمين باقتناء العمل الصالح المسارعين في الخيرات، سألتني شرح جملة من مسائل أصول الفقه كان الحاكم أبو سعد محمد (كذا في الأصل) بن كرامه الجشعي رحمه الله اودعه كتابه الموسوم بعيون المسائل في الأصول وأذكر أدلة تلك المسائل التي ذكرها صاحب الكتاب مع تهذيب ما يحتاج الى التهذيب منها وتحقيق تلك الأدلة على وجه الاختصار الموصل الى الفائدة فأجبتته الى ذلك اشعافاً للطلبة وتعرضاً لثواب الله تعالى باجابة مسألته وسلكت في الاستدلال منهاج صاحب الكتاب وجعلت ما أضمه الى كلامه اما مقدمة له أو تهذيباً لعبارات أدلته أو تحقيقاً لها كيلا يخرج الكلام عن قانونه الذي وضع كتابه عليه . فأما ما أورد صاحب الكتاب في صدور المسائل من ذكر الاختلاف في المذاهب فأبت نقله على وجهه وأن لا أتعرض لغير الأدلة التي تعلق الغرض بها . وأنا أستمذ من الله تعالى التوفيق والتسديد والمعونة والتأييد بمنه ورحمته .

For additional manuscripts of the *Taqrib*, see Schwarb, *Handbook*, no. 354 viii. Prior to Qāḍī Ja'far, al-Mutawakkil 'alā llāh Aḥmad b. Sulaymān (b. 500/1106, d. 566/1170) seems to have been the first Zaydī scholar of Yemen to compose comprehensive writings specifically devoted to *uṣūl al-fiqh*, viz. a *Kitāb al-Madkhal fi uṣūl al-fiqh* which is lost (cf. 'Abd al-Salām b. 'Abbās al-Wajih, *A'lām al-mu'allifin al-zaydiyya*, McLean, VA, 1420/1999, 115; al-Sayyid Aḥmad al-Ḥusaynī, *Mu'allafāt al-Zaydiyya* 1-3, Qum 1413/1992-93, 2:453, no. 2805) and *Kitāb al-Zāhir fi uṣūl al-fiqh*, which is extant in manuscript (MS Ambrosiana, C 47/4, ff. 104–202b; Löfgren and Traini, *Catalogue of the Arabic Manuscripts*, 2:150, no. 303/4; cf. also al-Wajih, *A'lām*, 115; al-Ḥusaynī, *Mu'allafāt al-Zaydiyya*, 2:73, no. 1697). To judge from the latter, his thought was significantly less advanced than that of Qāḍī Ja'far. Moreover, his *Kitāb al-Zāhir* is based mostly on earlier Sunni sources and manifests no clear traces of influence of Mu'tazilī works in this discipline.

<sup>38</sup> See above, note 17.

<sup>39</sup> The text is preserved in MS Glaser (Vienna) 157, dated 607/1210-11; cf. Grünert, *Kurzer Katalog*, 37, no. 136. Among the digitized manuscripts of the IZbACF there is a copy of another partial copy of the text which may predate the Vienna manuscript. The whereabouts of the original are unknown. For other manuscripts of this work, cf. Schwarb, *Handbook*, no. 356 xii. Cf. also Jan Thiele, "Propagating Mu'tazilism in the VIth/XIIth Century Zaydiyya: The Role of al-Ḥasan al-Raṣṣās," *Arabica* 57 (2010), 536-58 at 551.

Qāḍī Ja'far, Sulaymān b. Nāṣir al-Suḥāmī (d. after 600/1203-4), took a different approach in his *Mukhtaṣar al-Mu'tamad*, which, as the title indicates, is a summary of Abū l-Ḥusayn's work.<sup>40</sup> In his introduction (ff. 3b/4a) al-Ṣuḥāmī explains that in addition to summarizing the views of Abū l-Ḥusayn in his *Mu'tamad*, he added whatever he considered relevant from Abū Ṭālib's *Mujzī* and *Jawāmi' al-adilla*. The work is preserved in a manuscript that was completed in 571/1175, the *terminus ante quem* for its composition.<sup>41</sup> Abū l-Ḥusayn's *Mu'tamad* remained

<sup>40</sup> On the author and his *Mukhtaṣar al-Mu'tamad*, see Ibn Abī l-Rijāl Aḥmad b. Šāliḥ, *Maṭla' al-budūr wa-majma' al-buḥūr fī tarājim rijāl al-zaydiyya* 1-4, ed. Majd al-Dīn b. Muḥammad b. Maṣṣūr al-Mu'ayyidī, Ša'da 2004, 2:375-7, no. 642; al-Shahārī, *Ṭabaqāt al-zaydiyya al-kubrā*, 1:478-81, no. 281; al-Wajīh, *A'lām*, 470-1, no. 466. Al-Suḥāmī also wrote *Shams shari'at al-islām fī fiqh ahl al-bayt 'alayhim al-salām wa-huwa masa'il al-tahrir wa-akthar masa'il al-ziyādāt wa'l-ifāda wa-adillatihā mushtamil<sup>an</sup> 'alā fiqh ahl al-bayt 'alayhim al-salām illā mā shadhdha minhu wa-fibi fawā'id min al-muhadhdhab ḥasana*, containing two brief introductory sections on *uṣūl al-dīn* and *uṣūl al-fiqh*, while the majority of the work is devoted to *fiqh*. A manuscript of volume one of this work, transcribed by 'Abd Allāh b. Ḥamza b. Muḥammad b. Šabra al-Aslamī and dated Jumādā II 682/August-September 1283 (cf. colophon f. 439a), is preserved in the library of Muḥammad b. Ḥasan b. Qāsim al-Ḥūthī. On the title page the author and his role in the compilation of the work is indicated as follows: *naqalahu min hādhihi l-kutub al-faqih al-ajall Sulaymān b. Nāṣir b. Sa'id b. 'Abd Allāh b. Sa'id b. Aḥmad b. Kathīr al-Suḥāmī*. The part dealing with *uṣūl al-fiqh* begins on f. 11b of the manuscript. In the introduction to this part, the author states that his work is based on Abū l-Ḥusayn al-Baṣrī's *Mu'tamad* and al-Raṣṣāš' *Fā'iḳ*. For this and other manuscripts of the work, cf. al-Wajīh, *A'lām*, 470-1; idem, *Maṣādir*, 2:196. Al-Suḥāmī also composed *al-Nizām fī uṣūl al-fiqh*, which is lost.

<sup>41</sup> 247ff. Part one (*al-niṣf al-awwal*) was copied by the brother of the redactor of the *Mukhtaṣar*, Muḥammad b. Nāṣir b. Sa'id b. 'Abd Allāh, completed in Rabī' II 571/October-November 1175 in Hijrat al-sharif al-ajall Yaḥyā b. Aḥmad b. Yaḥyā (f. 130b); part two (*al-niṣf al-thānī*) was copied by Sulaymān b. Muẓaffar b. 'Īsā b. Muḥammad b. Tanūkh b. Abī l-Qāsim b. Abī Bakr b. Wā'il al-Bakrī al-Rāzī, completed on 12 Ramaḍān 571/25 March 1176 in the *masjid* of Hijrat Quṭābur (f. 242a). Cf. the editor's introduction to his edition of the *Mu'tamad*, 2:37-9. At the time the manuscript belonged to the private library of Sayf al-Islām 'Abd Allāh. At present, the manuscript is held by al-Maktaba al-Gharbiyya (Dār al-makhṭūṭāt), Šan'a', under the shelfmark no. 886 [former shelfmark: *uṣūl al-fiqh* no. 63]; cf. Aḥmad Muḥammad 'Īsawī [et al.], *Fibris al-makhṭūṭāt al-Yamaniyya li-Dār al-Makhṭūṭāt wa'l-Maktaba al-Gharbiyya bi'l-Jāmi' al-Kabir*, Šan'a' 1-2, Qum 1426/2005, 1:460-1. A microfilm copy of the manuscript is preserved in the Dār al-kutub in Cairo; cf. *Qā'ima bi'l-makhṭūṭāt al-'arabiyya al-muṣawwara bi'l-mikrūfilm min al-Jumhūriyya al-'arabiyya al-yamaniyya*, Cairo 1967, 45 (microfilm no. 106). We thank Eva-Maria Zeis and Gregor Schwarz for making a copy of this microfilm available to us.

part of the standard curriculum of Yemeni Zaydis during the 7<sup>th</sup>/13<sup>th</sup> and 8<sup>th</sup>/14<sup>th</sup> centuries.<sup>42</sup>

Using the *Fā'iq* as his main source, al-Raṣṣās's student, 'Abd Allāh b. Ḥamza, the later Imām al-Manṣūr bi-llāh (r. 593/1197-614/1217), composed *Ṣafwat al-ikhtiyār fī uṣūl al-fiqh*, the first deliberate attempt by an Imām to formulate a specifically Zaydī legal methodology. The number of extant manuscripts and the frequent references to the work by later authors point to its lasting popularity.<sup>43</sup> Al-Raṣṣās' grandson Aḥmad b. Muḥammad al-Raṣṣās ("al-Ḥafīd", d. 656/1258) later composed *Jawharat al-uṣūl wa-tadhkirat al-fuḥūl*, also based on al-Ḥasan al-Raṣṣās' *Fā'iq*. The *Jawhara* subsequently became the most authoritative work in legal methodology.<sup>44</sup>

<sup>42</sup> Cf. our "The literary-religious tradition among 7<sup>th</sup>/13<sup>th</sup> century Yemeni Zaydis," Appendix, no. 81.

<sup>43</sup> Ed. Ibrāhīm Yahyā al-Darsī al-Ḥamzī and Hādī b. Ḥasan b. Hādī al-Ḥamzī, Ṣa'da 1423/2002. For extant manuscripts, see Schwarb, Handbook, no. 362.

<sup>44</sup> Aḥmad b. Muḥammad b. al-Ḥasan al-Raṣṣās, *Jawharat al-uṣūl wa-tadhkirat al-fuḥūl*, ed. Aḥmad 'Alī Muṭahhar al-Mākhidhī, Beirut 2009. For the numerous manuscripts of the work, see Schwarb, Handbook, no. 374. Aḥmad al-Raṣṣās also wrote an autocommentary on the *Jawhara*, *Ghurar al-ḥaqā'iq sharḥ Jawharat al-uṣūl*, which is lost; cf. the editor's introduction to *Jawharat al-uṣūl*. Among the works on legal methodology written during the 7<sup>th</sup>/13<sup>th</sup> century in Yemen, mention should also be made of

(i) the anonymous *uṣūl al-fiqh* work preserved in MS Glaser 171 (= Ahlwardt 5155), apparently copied during the early 7<sup>th</sup>/13<sup>th</sup> century (missing the beginning. At the end, the text is described as a *mukhtaṣar (tammat masā'il bādhā l-mukhtaṣar*; cf. Wilhelm Ahlwardt, *Verzeichnis der arabischen Handschriften der Königlichen Bibliothek zu Berlin* 1-10, Berlin 1887-99, 4:462, no. 5155). Moreover, the manner in which the anonymous author refers to al-Raṣṣās' student Sulaymān b. 'Abd Allāh al-Khurāshī (alive 610/1214) suggests that the latter was his teacher. On this manuscript, see also the Persian introduction by Hassan Ansari to *Sulaymān b. 'Abd Allāh al-Khurāshī (alive 610/1214), Kitāb al-Taḥṣīl li-jumal al-Taḥṣīl (A commentary on al-Ḥasan b. Muḥammad al-Raṣṣās' Kitāb al-Taḥṣīl)*. Facsimile Edition of MS Glaser 51, Staatsbibliothek zu Berlin. With Introductions and Indices by Hassan Ansari and Jan Thiele, Tehran 2011);

(ii) al-Mu'taḍid bi-llāh Abū l-Ḥasan Yahyā *al-dā'ir* b. al-Muḥsin b. Abī l-Fawāris Maḥfūz (d. 636/1238-9), *al-Muqni' fī uṣūl al-fiqh*, a work that was completed by *al-amīr* Muḥammad b. al-Hādī b. Tāj al-Dīn (extant in manuscript; cf. al-Wajīh, *A'lām*, 1146-7);

(iii) *al-Ḥāṣir fī uṣūl al-fiqh* by Aḥmad b. 'Uzayw b. 'Alī b. 'Amr al-Khawlanī (d. ca. 650/1252). On this work, which is lost, see also the Persian introduction by Hassan Ansari to al-Khurāshī (alive 610/1214), *Kitāb al-Taḥṣīl li-jumal al-Taḥṣīl*. Cf. also our "The literary-religious tradition among 7<sup>th</sup>/13<sup>th</sup> century Yemeni Zaydis," Arabic text § 8, where it is

At the beginning of the 8<sup>th</sup>/14<sup>th</sup> century, the Imām al-Mu'ayyad bi-llāh Yahyā b. Ḥamza (d. 749/1348-9) composed a work on *uṣūl al-fiqh* based primarily on Abū l-Ḥusayn al-Baṣṭī's *Mu'tamad*, viz. *al-Ḥāwī li-ḥaqā'iq al-adilla al-fiqhiyya wa-taqrīr al-qawā'id al-qiyaṣiyya*.<sup>45</sup> Later he summarized the *Ḥāwī* in his *al-Mi'yār li-qarā'ih al-anzār fī sharḥ al-adilla al-fiqhiyya wa-taqrīr al-qawā'id al-qiyaṣiyya*.<sup>46</sup> In the introduction to *al-Ḥāwī*, Yahyā b. Ḥamza praises Abū l-Ḥusayn al-Baṣṭī's *Mu'tamad* as the best work in this discipline,<sup>47</sup> and refers to Ibn al-Malāḥimī's *Tajrīd*, criticizing the work in an attempt to explain his

stated that the work was based on Abū l-Ḥusayn's *Mu'tamad*, the *Safwat al-ikhtiyār* of al-Manṣūr bi-llāh and al-Raṣṣāṣ' *Fā'iq*;

(iv) al-Amīr al-Ḥusayn b. Badr al-Dīn (d. 662/1263-4), *al-Madkhal fī uṣūl al-fiqh*;

(v) *al-Durra [al-Durar] al-manzūma fī uṣūl al-fiqh* and (vi) *Tahrīr adillat al-uṣūl* by 'Abd Allāh b. Zayd al-'Anṣī (d. 667/1268), both of which are lost; cf. our *Zaydī Mu'tazilism in 7<sup>th</sup>/13<sup>th</sup> century Yemen: The theological thought of 'Abd Allāh b. Zayd al-'Anṣī* (d. 667/1268), Chapter Five, nos. 2, 25.

<sup>45</sup> The work consisted of three volumes (*sifr*), with volume three apparently being lost. Volume two is preserved in a copy dated 715/1315-6. A reproduction of this codex is preserved in the Markaz Badr al-'ilmī wa'l-thaqāfī in Ṣan'ā'; cf. al-Wajīh, *Maṣādir*, 1:256 (here, the date of completion is erroneously given as 710); cf. also idem, *A'lām*, 1127. The current whereabouts of the original codex are unknown. A copy of volume one is likewise preserved in one of the private libraries in Yemen (a digital copy was made available to us through the IZbACF; it is not mentioned by al-Wajīh). The manuscript was also copied during the lifetime of its author.

<sup>46</sup> The *Mi'yār* was composed between Jumādā I/August and Rajab/October of 715/1315. It is preserved in three manuscripts, of which the two first were copied during the lifetime of the author: (i) al-Jāmi' al-kabīr, Maktabat al-awqāf ("Sharqiyya") no. 1506, ff. 1-111, dated 7 Sha'bān 726/9 September 1326; cf. al-Ruqayhī, *Fihrist*, 2:860; (ii) Maktabat al-Sayyid al-'Allāma al-Murtaḍā b. 'Abd Allāh al-Wazīr, 104ff, copied by Muḥammad b. Aḥmad b. 'Alī al-Mufaḍḍal in 746/1345-6; cf. al-Wajīh, *Maṣādir*, 2:375-6; (iii) al-Jāmi' al-kabīr, Maktabat al-awqāf ("Sharqiyya") no. 1487, 141 ff, dated 766/1364-5; al-Ruqayhī, *Fihrist*, 2:860.

<sup>47</sup> Cf. *al-Ḥāwī*, 1:3:

وأحسن ما وجدته من المصنفات فيه لأصحابنا الفئمة العديلة من المعتزلة والزيدية هو كتاب المعتمد للشيخ العالم التحرير الخبر علم المحققين أبي الحسين محمد بن علي البصري فإنه كتاب لا تشق عبارة ولا ينحصر على ما ممر الدهر عجائبه وأسراره ورتب فيه الأصول وحصلها وجمع فيه المسائل النفيسة وفصلها وضمنه من فنون الغرائب وأوضعه من الأسرار والعجائب فصار إماماً للكتب واسطة لعقدها ومتقدماً بالفضل عليها وإن بلغت كل مبلغ في حدها وجهدها بيد أنه أطال فيه ذبول الكلام فانتشرت أطرافه وطالت حواشيه فانتسعت آفاقه لم ينظم بالعقود اللائقة ولا حصره بالضوابط الفاتقة بل أرسل الأبواب وأتى فيها بكلام بسيط فيكاد أن #...# (؟) لطوله إلا لذيكي بسيط

own endeavour.<sup>48</sup> In addition to the *Mu'tamad* Yaḥyā uses both al-Ghazālī's *Mustaṣfā* and Fakhr al-Dīn al-Rāzī's *Muḥaṣṣal*, albeit in a critical manner.<sup>49</sup>

### III. Ibn al-Malāḥimī's *Tajrīd al-Mu'tamad*

MS. Arab e 103 was purchased in June 1918 at Sotheby's by the Bodleian Library in Oxford. There is no description of the manuscript in any of the published catalogues, all of which predate its purchase.<sup>50</sup> It was only some two decades ago that the manuscript, which is defective at the beginning and thus without title page, was identified as a copy of Ibn al-Malāḥimī's *Tajrīd al-Mu'tamad*.<sup>51</sup> It is still considered the only extant copy of the text. The manuscript was copied in 575/1179, i.e., less than forty years after Ibn al-Malāḥimī's death in 536/1141, apparently in Khwārazm, and thus is particularly valuable. At present, it is the only extant copy of a Mu'tazilī work that was transcribed there at the time when Mu'tazilism was still a living tradition in that region.

In the colophon, the scribe, a certain Abū l-'Izz Muḥammad b. 'Alī b. Muḥammad b. 'Alī, gives the date when he completed transcribing the work (5 Rabī' I 575/10 August 1179), and remarks that his *Vorlage* contained a note in Ibn al-Malāḥimī's hand in which the latter attests that a certain Abū Sa'īd Junayd b. Muḥammad b. †...‡ al-Dihistānī

<sup>48</sup> Cf. *al-Ḥawī*, 1:4:

نعم قد كان سبق من الشيخ العالم محمود بن محمد الملاحي تأليف كتاب سماه تجريد المعتمد وما زاد فيه إلا أن قطع سلكه فانتشرت عقوده وحل نظامه فبددت شذوره فأورث ذلك في لفظه التعقيد والإبهام وأكسب معناه الصعوبة والإعجاب . . .

<sup>49</sup> It should also be noted that Twelver Shī'ite authors also used Abū l-Ḥusayn al-Baṣrī's writings on *uṣūl al-fiqh* extensively. See, for example, the 'Allāma al-Hillī's (d. 726/1325) *Nihāyat al-wuṣūl ilā 'ilm al-uṣūl* 1-5, ed. Ibrāhīm al-Bahādūrī, Qum 1425/[2004-5], *passim*.

<sup>50</sup> Cf. Geoffrey Roper, *World Survey of Islamic Manuscripts* 1-4, London 1992-94, 3:515-19.

<sup>51</sup> MS. Arab e 103. The manuscript is briefly mentioned in the editor's introduction to Ibn al-Malāḥimī's *al-Mu'tamad fi uṣūl al-dīn*, iv. A facsimile edition of the manuscript was published as *Legal Methodology in 6<sup>th</sup>/12<sup>th</sup> century Khwārazm: The Kitāb al-Tajrīd fi uṣūl al-fiqh by Rukn al-Dīn Maḥmūd b. al-Malāḥimī al-Khwārazmī (d. 536/1141)*. Facsimile edition of MS Arab e 103 (Bodleian Library, Oxford), with an introduction and indices by Hassan Ansari and Sabine Schmidtke, Tehran: Markaz-i Dā'irat al-ma'ārif-i buzurġ-i islāmī, 1390/2011.



read the work to him and that the reading was completed during Dhū l-Qa‘da 534/June-July 1140. This date is the *terminus ante quem* for the composition of the *Tajrid*. The scribe also remarks that he transcribed the work for his own use, an indication that he was a scholar himself.<sup>52</sup> The colophon is followed by a collation (*balāgh*) note dated 19 Rabi‘ I 578/23 July 1182.<sup>53</sup> At the beginning of the codex there are glosses written in a different hand and on f. 78b there is an undated ownership statement by a certain Muḥammad b. Ḥasan b. Muḥammad al-Shāṭirī.<sup>54</sup> The manuscript contains many collation notes in different hands,<sup>55</sup> including, on f. 141b, a final collation note by one reader.<sup>56</sup> On one occasion (f. 11b:7) the text contains a reference to “our shaykh” (*shaykhunā*) that clearly refers to Ibn al-Malāḥimī. This suggests that the text as preserved in the manuscript may constitute a *ta‘liq* of the original *Tajrid* as penned by one of the students of Ibn al-Malāḥimī.

<sup>52</sup> 141b:

والحمد لله وصلواته على محمد النبي (الى؟) وآله الطاهرين وسلم وكرم / تم كتاب التجريد بحمد الله وعونه يوم الخامس من ربيع الأول من سنة خمس وسبعين وخمس مائة كبه لنفسه أبو العز محمد بن علي بن محمد بن علي / من نسخة عليها خط مجرد الكتاب حكايته يقول مجرد هذا الكتاب / وهو محمود بن عبد الله الأصولي الخوارزمي قرأ علي هذا الكتاب قراءة فهم / وإحكام الشيخ الإمام الجليل الصائفي الأئمة أبو سعيد جنيد بن محمد بن ناسان الدهستاني / ووافق الفراغ من قرائته (قراءته، الأصل) يوم الأربعاء غرة ذي القعدة سنة أربع وثلاثين وخمس مائة /

<sup>53</sup> 141b:

بلغ لله الحمد والمئة يوم (؟) تاسع عشر ربيع الآخر ثمان وسبعين وخمسة

<sup>54</sup> The note reads as follows:

في نوبة أفقر عباده محمد بن حسن بن محمد الشاطري عني عنه

<sup>55</sup> Collation (*balagha*) notes are to be found on ff. 5a, 5b, 6a, 6b, 7a, 7b, 8a, 8b, 10a, 11a, 11b, 12a, 12b, 13a, 13b, 14a, 14b, 15a, 15b, 17b (*balagha* ‘*irāḍ*<sup>an</sup> *wa-li-llāh al-ḥamd wa’l-minna*), 18b, 20b, 28a, 28b, 33b (*balagha* ‘*irāḍ*<sup>an</sup> *wa-li-llāh al-ḥamd wa’l-minna*), 39a (*uriḍa*), 41b (*balagha* ‘*irāḍ*<sup>an</sup> *wa-li-llāh al-ḥamd wa’l-minna*), 45b (*uriḍa*), 49b (*uriḍa*), 53b (*balagha* ‘*irāḍ*<sup>an</sup> *wa-li-llāh al-ḥamd wa’l-minna*), 55b (*uriḍa*), 58a (*uriḍa*), 60b (*uriḍa*), 64a (*uriḍa*), 67a (*uriḍa*), 68b (*uriḍa*), 72a (*uriḍa*), 74a (*uriḍa*), 74b (*uriḍa*), 77b (*balagha* *al-ard* *wa-li-llāh al-ḥamd wa’l-minna*), 79b (*uriḍa*), 80b (*uriḍa*), 85b (*uriḍa*), 88b (*uriḍa*), 89b (*balagha* ‘*ard*<sup>an</sup> *wa’l-ḥamd li-llāh wa-minna*), 96 (*uriḍa*), 98b (*uriḍa*), 99b (*uriḍa*), 101b (*balagha* ‘*ard*<sup>an</sup> *wa’l-ḥamd li-llāh wa-minna*), 104b (*uriḍa*), 107b (*balagha* ‘*ard*<sup>an</sup>), 110b (*uriḍa*), 112b (*uriḍa*), 114a (*uriḍa*), 117b (*uriḍa*), 121a (*uriḍa*), 125a (*uriḍa*), 125b (*balagha* ‘*ard*<sup>an</sup> *wa’l-ḥamd li-llāh wa-minna*), 129a (*uriḍa*), 132b (*uriḍa*), 136a (*uriḍa*), 137b (*balagha* ‘*ard*<sup>an</sup> *wa’l-ḥamd li-llāh wa-minna*).

<sup>56</sup> See above note 53.

As noted, the manuscript is defective at the beginning,<sup>57</sup> and quires one, two and four are only partly preserved. Quire three is completely lost. From quire five onwards, most of the text is preserved, with a few lacunae. Numerous leaves within quires five through nine were misplaced in the original manuscript.<sup>58</sup>

That Ibn al-Malāḥimī's *Tajrīd* was available in Yemen as early as the 7<sup>th</sup>/13<sup>th</sup> century is attested by the list of works that were studied by the Imām al-Mahdī li-Dīn Allāh Aḥmad b. al-Ḥusayn b. al-Qāsim (d. 656/1258).<sup>59</sup> Moreover, the work continued to be studied in the Yemen, as it is explicitly mentioned by Yaḥyā b. Ḥamza (d. 749/1348-9) in his *al-Ḥāwī* (see above) and by Aḥmad b. Muḥammad al-Sharāfī (d. 1055/1646) in his *Sharḥ al-Āsās al-kabīr*.<sup>60</sup> Despite these references, no manuscript of the text has so far come to light in any collection of Yemeni manuscripts. However, the editor of Abū l-Ḥusayn al-Baṣrī's *Mu'tamad*, Muhammad Hamidullah, reports that he consulted a summary of the work, entitled *Tajrīd al-Mu'tamad*, by an anonymous author.<sup>61</sup> He remarks that the work is not so much a summary but rather an improved version of the *Mu'tamad* and suggests that it was written by one of the students of Abū l-Ḥusayn al-Baṣrī, whose identity is unknown. According to Hamidullah, the manuscript, which consists of 312ff (250 x 180 mm, 18 lines per page), apparently was copied in the 6<sup>th</sup>/12<sup>th</sup> century and originally belonged to a private library in Ahdal in southern Yemen. In 1946 it was presented to him as a gift by the *qāḍī* of the Bayt al-Faqīh of Ahdal. Its current whereabouts are unknown.<sup>62</sup> Hamidullah includes a facsimile of an unfoliated double-page from the text that apparently was chosen at random (Plate Six). Comparison of the text of this dou-

<sup>57</sup> The beginning of the text corresponds to vol. 1, p. 22 of Hamidullah's edition of Abū l-Ḥusayn's *Mu'tamad*.

<sup>58</sup> See also Table One below.

<sup>59</sup> Cf. our "The literary-religious tradition among 7<sup>th</sup>/13<sup>th</sup> century Yemenī Zaydis," Appendix, no. 103.

<sup>60</sup> Aḥmad b. Muḥammad al-Sharāfī, *Sharḥ al-Āsās al-kabīr*, ed. Aḥmad 'Arif, Ṣan'ā' 1411/1990-1, 2:15.

<sup>61</sup> See also GAS, 1:627 where the manuscript is also described as "eine anon. Bearbeitung".

<sup>62</sup> The information provided by Hamidullah on the manuscript is insufficient. While he states that only the first leaf is missing (introduction, 40-1) and that the introduction is partially extant on f. 2, the concordance of manuscripts (introduction, 43ff) suggests that the first eleven leaves of the text are missing. This must be a mistake.

Table One: Physical characteristics of Bodleian MS Arab e 103

number of quire											[number of folios per quire]		
	6	7 (7b/a)	8	9	1	2	3	4	13	14		15	
awwal juz'					1	2	3	4				5	[12/14/16]
thānī juz'	6	7 (7b/a)	8	9	10	11	12	13	14	15		-	[12/14/16]
thālīth juz'	-												[12/14/16]
rābī' juz'	-												[12/14/16]
khāmis juz'	18	19	20	21	22	23	24	25	26	27	28	29	[12]
sādis juz'	42	43	44	45	46	47	48	49	50	51	52	53	[12]
sābī' juz'	54	55	56	57	58	59	60	61	62	63	64	65	[12]
thāmin juz'	66	67	68	69	70	71	72	73	74	75	76	77	[12]
tāsī' juz'	34	35	-	36	77	-	30	31	32	-	37	38	[16]
'āshir juz'	78	79	80	81	82	83	84	85	86	87	88	89	[12]
hādī 'ashar juz'	90	91	92	93	94	95	96	97	98	99	100	101	[12]
thānī 'ashar juz'	102	103	104	105	106	107	108	109	110	111	112	113	[12]
thālīth 'ashar juz'	114	115	116	117	118	119	120	121	122	123	124	125	[12]
rābī' 'ashar juz'	126	127	128	129	130	131	132	133	134	135	136	137	[12]
khāmis 'ashar juz' <sup>1</sup>	-	138	139	140	141	142							

<sup>1</sup> In view of the missing leaf between ff. 137 and 138, it is not certain whether the codex contained 15 quires or whether Quire 14 contained 18 leaves rather than of 12, although there is no precedent for this in the codex.

ble page with the Bodleian manuscript shows that both texts are identical.<sup>63</sup> The Ahdal manuscript is therefore most likely a second copy of Ibn al-Malāḥimī's *Tajrīd*. Hamidullah quotes a few lines from the introduction to the Ahdal manuscript. As the beginning of the Bodleian copy of the *Tajrīd* is lost, this quotation is precious, because it informs us about Ibn al-Malāḥimī's approach to the text that he composed mainly for teaching purposes.<sup>64</sup> Moreover, a close reading of the *Tajrīd* shows that Ibn al-Malāḥimī not only summarized Abū I-Ḥusayn's *Mu'tamad*, but also was a critical reader, as indicated by numerous critical remarks about what Abū I-Ḥusayn had written.<sup>65</sup>

In view of this precious manuscript and the two Yemeni manuscripts that could not be taken into account by Hamidullah for his edition of the *Mu'tamad*, a revised edition of Abū I-Ḥusayn al-Baṣrī's *Mu'tamad*, together with a detailed comparative study of Ibn al-Malāḥimī's *Tajrīd* and all other Zaydī adaptations of Abū I-Ḥusayn's *Mu'tamad* that have been discussed, is a desideratum. Moreover, it is hoped that the Ahdal manuscript will resurface. If it does, scholars will be able to produce a critical edition of Ibn al-Malāḥimī's *Tajrīd al-Mu'tamad*.

<sup>63</sup> The text reproduced in Plate Six corresponds to ms. Bodleian Arab. e 103, ff. 115b:25-116a:20.

<sup>64</sup> Hamidullah's introduction to the *Mu'tamad*, 1:40-1:

... لأنه رحمه الله بالغ في أداء المعاني بعبارات تقع الغنية ببعضها في أداء المعنى مع أني لأحلّ لما لا بدّ منه في إيضاح المعنى وعبارة عن المعاني تقرب من عباراته لأنها علقت بحفظي لتدريس هذا الكتاب وأول كتابه هذا رحمه الله يخالفه آخره لأن النصف الآخر أشدّ تخلصاً وأخصّ عبارةً من النصف الأول فكذلك هذا المجرد منه أوله أكثر اختصاراً من النصف الأخير لاني حذفته منه أكثر من النصف الأخير لأنه أورد في الأول أكثر زيادةً من الأخير ...

<sup>65</sup> See, e.g., ff. 6b, 14a, 22a, 72b (31b), 122b.

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