

# **Making Sense of Ismaili Traditions: The Modes and Meanings of the Transmission of Ḥadīth in the Works of al-Qāḍī al-Nu‘mān (d. 363/974)**

Submitted by

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Signature: .....

*For Shahedah, my wife, the epitome of love and sacrifice*

و قد كتب أستاذ البلغاء القاضي الفاضل عبد الرحيم البيساني إلى العماد الاصفهاني  
معتذرا عن كلام استدركه عليه أنه قد وقع لي شئ و ما أدري أ وقع لك أم لا و ها انا  
أخبرك به و ذلك إنى رأيت أنه لا يكتب انسان كتابا في يومه الا قال في غده لو غير هذا  
لكان أحسن ولو زيد لكان يستحسن ولو قُدم هذا لكان أفضل ولو ترك هذا لكان أجمل  
وهذا من أعظم العبر وهو دليل على استيلاء النقص على جملة البشر.

*wa qad kataba ustādh al-bulaghā` al-Qāḍī al-Fāḍil `Abd al-Raḥīm al-Bīsānī...innī  
ra`aytu annahu lā yaktub insānun kitāban fī yawmihi illā qāla fī ghadihi law ghuyyira  
hādhā la kāna aḥsana wa law zīda dhālika la kāna yustaḥsan wa law quddima hādhā  
la kāna afḍal wa law turika hādhā la kāna ajmal wa hādhā min a`ḥam al-`ibar wa  
huwa dalilun `alā istilā` al-naqṣ `alā jumlati al-bashar.*

The master of the eloquent authors, al-Qāḍī al-Fāḍil `Abd al-Raḥīm al-Bīsānī has observed... 'Indeed, I have not noticed a single individual who wrote something today, but regretted the next day by wondering, 'How better it could have been, if this [section] was amended! How nicer it could have been, if that [paragraph] was elaborated! How excellent it would have been if this [passage] was brought forward! How beautiful it would have been, if this [segment] was fully avoided! This [constant yearning for amendments] is one of the greatest reminders [of our limitations] and is an indication of the dominance of imperfection over the entire human race.'

Hājī Khalīfa, *Kashf al-ẓunūn* (Beirut: Dār Iḥyā` al-Turāth al-`Arabī, 1993), 1: 18.

## Abstract

This thesis examines the intellectual legacy of the famous Fatimid jurist, Abū Ḥanīfā al-Nu‘mān b. Abī ‘Abdallāh Muḥammad b. Manṣūr b. Aḥmad b. Ḥayyūn al-Tamīmī al-Qayrawānī (d. 363/974), better known as Qāḍī Nu‘mān, with a focus on the sources he consulted to construct his hadith works. His works represent the emergence of a new genre of literature promulgated under the rubric of *‘ulūm Āl al-Bayt* (sciences of the progeny of the Prophet) soon after the Fatimids established their hegemony over North Africa. Qāḍī Nu‘mān, the most prolific and versatile Fatimid scholar, was tasked with the responsibility of compiling a work of law that would serve as an authoritative point of reference for jurists, judges and bureaucrats in the burgeoning Ismaili state. It is evident that Nu‘mān had to have recourse to earlier collections of hadith as he cites them consistently in his writings and incorporates them into his works. These early hadith collections, most of which no longer exist, equipped Nu‘mān with the raw material from which he formulated and systematised various aspects of Ismaili belief and practice. This endeavour resulted in a corpus of works which received the imprimatur of the Fatimid state. It is detailing these lost sources and examining their role in the emergence of hadith literature that this thesis is primarily concerned.

The fundamental aim of the thesis is to examine the historicity of Qāḍī Nu‘mān’s sources in his voluminous legal work, *Kitāb al-Ṭḍāḥ*, by cross-examining its contents with other contemporary hadith collections of Zaydi and Imami provenance. Although the extant fragment of this work offers some valuable information on its sources, studying *al-Ṭḍāḥ* is beset by serious challenges to its authenticity, given that many of the original sources on which it was based are no longer extant. Furthermore, it is claimed that the alleged sources were collected in the first half of the second/eighth century in the East (Medina and Kūfa), whereas the text in question was composed in North Africa during the early fourth/tenth century. This thesis investigates the missing links between *al-Ṭḍāḥ*’s origins and its later dissemination throughout North Africa. Given the lack of contemporary historical evidence, including on popular conventional means of hadith transmission, this thesis establishes an alternative

method to explore the credibility of *al-Īḍāḥ*. This work, when read alongside other contemporaneous Shīʿī hadith collections, reveals much more material in common. These Shīʿī materials trace their origins to the original sources of the second/eighth century, thus attesting that they originated from the same material independently of each other.

The secondary aim of this research is to reconstruct Qāḍī Nuʿmān’s attitudes towards the hadith literature. *Al-Īḍāḥ* contains numerous asides and hints that can be deployed to construct his methodology. The text is not a mere hadith collection; rather the author reconciles contradictory reports through his own juristic reasoning to reach a legal opinion. This thesis also analyses Nuʿmān’s ambitiously eclectic framework for the contextualisation of hadith, borne out of his access to an unusually broad range of literature, encompassing Zaydi, Ismaili and Imami hadith corpora. Furthermore, his writing style evinces clear similarities, both stylistic and structural, to North African Sunni writings of the period. By examining the materials in *al-Īḍāḥ* in this comparative manner and placing the work in a wider context, we gain a clearer notion of Nuʿmān’s sources, and therefore the spread and dissemination of these literary forms. This thesis serves as a useful point of departure for future work on cross-regional and inter-sectarian—namely, Zaydi, Imami and Ismaili—modes of transmission in Islamic literature more broadly.

## Acknowledgements

It was June 2013 when I first met Robert Gleave; I was seeking advice on a research project I was currently interested in pursuing. He was generous enough to share all the resources he had, which included not only the works of established and emerging scholars but also the contact details of doctoral students working in that field. I could see in him a brilliant master, an enthusiastic supervisor and a committed mentor. This meeting culminated in my enrollment at the University of Exeter in 2015. His supervision, erudition, support and training have proved extremely instrumental in my progress in western academia. I had been trained in a seminary, and he took the time to acquaint me with the necessary tools and methods to conduct independent and objective research. It is due to his training and guidance that I was able to undertake this research project. I hope I have not let him down. He helped me change my initial conception of doctoral research—that it is all about working countless hours in a library—to understand that it is also about interacting with other colleagues by attending academic workshops and conferences. Gleave's confidence in my abilities as a scholar allowed me to share my findings with established scholars in Berkeley, Hamburg, Princeton, Paris, Birmingham and London, in addition to conducting many outreach programs in churches and primary and secondary schools in Devon. I thoroughly enjoyed every part of it, and it helped me to grow as a human being. Despite the demanding nature of researching and writing my thesis, it was a pleasant journey, primarily because of the family gatherings we had at his residence. I am grateful for his generosity and his support which extended beyond the call of the duty. Lastly and above all, I am indebted to him for his meticulous observations and remarkable comments on the final draft, after having examined earlier drafts of the chapters several times in the last four years. I am indeed grateful to him for offering me the postdoctoral position on his ERC-funded LAWALISI project, which meant that I was yet again blessed with working under his supervision.

I also had the good fortune to have Sajjad Rizvi as my second supervisor. His profound knowledge of sources and robust academic network helped me explore areas of research which otherwise I might have overlooked. His eagle eye

observations did not miss a redundant comma or a needed diacritic mark in the earlier draft, and he added several explanatory notes and intriguing questions which guided me in further research. He was so very helpful in charting out the course of my entire thesis. This academic debt is something I cannot even imagine repaying.

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## Transliteration and Conventions

This thesis adopts the transliteration format of the Library of Congress with occasional deviations. For example, the affixed masculine pronoun is not transliterated, so it is “*kitābihī*”, not “*kitābihī*”; “*fihī*”, not “*fihī*”. Except in the *idāfa* constructions, the *tā al-marbūṭa* is not indicated. The popular names of places are rendered in their anglicised forms (e.g., Medina for Madīna, Yemen for Yaman), unless they appear in Arabic passages. Transliterated words are italicised, except for proper nouns and some popular words that are used widely in English (e.g., hadith not *ḥadīth*, Ismaili not *Ismāʿīlī*, Shiʿa not *Shīʿa*, Imami not *Imāmī*, Sunni not *Sunnī*). Due to its frequent occurrence, the article ‘*al*’ in al-Qāḍī al-Nuʿmān is consistently dropped throughout the thesis. For plural forms, I use ‘s’ instead of the Arabic plural forms (e.g., *dāʿīs*, not *duʿāt*; *qāḍīs* not *quḍāt*). Based on the context, I occasionally use the terms *isnād*, hadith and Shiʿa as collective nouns. Moreover, I use ‘hadith’ in the context of a Shiʿi definition of the word: any report of a saying, deed or tacit approval attributed to one of the People of the House of the Prophet (Ahl al-Bayt). I also consistently use the place name ‘North Africa’ to highlight the events unfolding in the Maghrib and Ifrīqiya without distinguishing between them, unless it is necessary to specifically mention one of these two regions. Lastly, all those sources which are cited more than once on the same page of the edited *al-Ḥadīth* are referred to with a decimal point between the page number and the number of times it has been cited (e.g., when *Jāmiʿ al-Ḥalabī* is cited twice on page 53, I refer to it as 53.1 and 53.2).

In this work, the dates are given according to the Gregorian calendar, unless two dates are mentioned, in which case the Muslim *Hijrī* year is given first, followed by the equivalent Common Era date with a slash between them. I abbreviate some terms as follows:

Date of death = d.; year of birth = b.; circa = c.; floruit = fl.; regnal years = r.; singular = sing.

Some of the journal and reference works cited in the footnotes are abbreviated as follows:

Bulletin of the School of Oriental and African Studies = *BSOAS*

*Encyclopedia of Arabic Literature* = *EAL*

*Encyclopaedia Iranica* = *EIR*

*Encyclopaedia of Islam*, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> eds. = *EI1*, *EI2* and *EI3*

*Encyclopaedia Islamica* = *EI*

International Journal of Middle East Studies = *IJMES*

Islamic Law and Society = *ILS*

Israel Oriental Studies = *IOS*

Jerusalem Studies in Arabic and Islam = *JSAI*

Journal of Arabic and Islamic Studies = *JAIS*

Journal of Near Eastern Studies = *JNES*

Journal of Qur'anic Studies = *JQS*

Journal of the American Oriental Society = *JAOS*

Journal of the American Research Center in Egypt = *JARCE*

Journal of the Royal Asiatic Society = *JRAS*



## Timeline

- 267/881 Ibn Ḥawshab Maṣṣūr al-Yaman's mission began in Yemen.
- 279/ 892 Abu Abdallāh entered Yemen to join the *da'wa* of Ibn Ḥawshab.
- 280/893 Abu Abdallāh arrived in eastern Algeria.
- 286/899 Al-Mahdī openly declared himself as the hereditary Imam of the Ismailis.
- 290/903 Qāḍī Nu'mān should have been born around this year. Based on Madelung's estimation, he was born around 280/893.
- 296/909 Abū Abdallāh successfully defeated the Aghlabid Empire and entered Raqqāda.
- 296/909 Muḥammad b. 'Umar al-Marwadhī was appointed as the *qāḍī* of Qayrawān by Abū Abdallāh.
- 297/910 Al-Mahdī arrived in Raqqāda followed by his proclamation as the caliph of the Fatimid Empire.
- 298/911 Abū Abdallāh, his brother, and two of their Kutāma allies, Abū Zākī and Abū Mūsā, were sentenced to death.
- 311/923 Aflaḥ b. Hārūn, the senior *dā'ī* of Malūsa, passed away around this year.
- 313/925 Nu'mān enters the service of the Fatimid *da'wa* as a secretary communicating the news of the court to al-Mahdī.
- 320/932 *Kitāb al-īḍāḥ* was completed around this year.
- 322/934 Al-Mahdī passed away.
- 332/943 Abū Yazīd, a Khārijite rebellion, begins his mission.
- 334/946 Al-Qā'im passed away.
- 334/946 Ibn Haytham started writing his memoir entitled *Kitāb al-munāẓarāt* around this year.

- 337/948 Nu‘mān was entrusted with the highest judiciary post of the Empire.
- 341/953 Al-Manṣūr passed away.
- 343/954 Qāḍī Nu‘mān was commissioned to hold the *majālis al-ḥikma* (sessions of wisdom) on Fridays.
- 349/960 *Da‘ā’im al-Islām* was composed around this year.
- 362/973 Qāḍī Nu‘mān accompanied al-Mu‘izz to Egypt.
- 363/974 Qāḍī Nu‘mān passed away.

## Introduction

Due to various sectarian and political reasons, Ismaili doctrines, until recently, remained confined to their theological seminaries and religious institutions. The spiritual hermeneutics of the teachings of Imams, the only authentic interpreters of the divine message, could only be comprehended by those who subscribed to their absolute authority and submitted to their *walāya* (guardianship), rendering the scholarship of Ismaili studies impossible for ‘outsiders’. However, the socio-political events of Indian subcontinent in the late nineteenth century changed the equation. On the one hand, Aga Hasan Ali Shah (1804–1881), Aga Khan I and 46<sup>th</sup> hereditary Imam of Nizārī Ismaili Shi‘ites, fled Persia to seek refuge in British India, and his ambitious grandson, Sir Sultan Muhammad Shah (1877–1957), Aga Khan III and 48<sup>th</sup> Nizārī Ismaili Imam, paved the path for the scholarship of Ismaili studies in the favourable circumstances of their new abode. On the other hand, the Indian orthodox leadership of Ṭayyibī-Musta‘lī Ismailis, the denomination which subscribed to the imamate of al-Musta‘lī (d. 494/1101) as the rightful successor of the 18th Ismaili Imam al-Mustanṣir (d. 487/1094), excommunicated few prominent scholars of their Bohra community who had graduated from Western universities and took a critical approach in reading and interpreting religious texts.<sup>1</sup> Broadly, these two events played a significant role in the emergence of modern Ismaili studies.

The twentieth century also provided the necessary tools and technology, coupled with a freedom of expression without fear of marginalisation, for the emergence of new areas of research in the realm of critical academic studies. Zahid Ali (1888–1958), Husain F. al-Hamdani (1901–1962), Wladimir Ivanow (1886–1979), and Asaf Ali Asghar Fyzee (1899–1981) made seminal contributions to the modern scholarship of Ismaili studies to its historiography, philosophy, theology, jurisprudence, Qur’anic exegesis and esoteric sciences of the Ismaili *da‘wa*

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<sup>1</sup> The other Musta‘lī Ismailis, Ḥāfiẓī-Musta‘lī, are extinct. For further details, see Farhad Daftary, *The Ismā‘īlis Their History and Doctrines* (Cambridge: Cambridge University Press, 2007), 238–60; for the excommunication of prominent Bohra scholars, see Farhad Daftary, *Fifty Years in the East: The Memoirs of Wladimir Ivanow* (London: I. B. Tauris, 2015), 27.

(proselytisation).<sup>2</sup> Among all these disciplines, the study of Ismaili hadith has received little attention or interest, leaving it an untapped area of research.<sup>3</sup> Despite the significant role of hadith, it has only been discussed in the marginalia of *fiqh* (legal) works, neglecting the nuances of Ismaili hadith literature. Yet, the study of Ismaili legal works without examining the role and function of hadith, a distinguished source for all legal schools, is incomplete.

This thesis examines a number of questions about Ismaili hadith. What did the golden era of Ismaili history, the Fatimid era (297–567/909–1171), contribute to hadith literature? Are there any hadith on the authority of Fatimid Imams, or was their role confined to verifying the credibility of pre-Fatimid reports and/or interpreting their authentic meaning? Were Ismailis ever in need of compiling a compendium of hadith, given that the Ṭayyibī-Musta‘lī Imams survived until the sixth/twelfth century and Nizārī Ismailis’ doctrinal beliefs constituted the presence of a living Imam, the sole interpreter of the divine message, in all ages? What is the function of hadith in Ismaili theology? And are not hadith, which mainly have exoteric content, redundant in the light of a considerable inclination of Ismailis towards esoteric interpretations?

Unfortunately, there are no clear answers to these critical questions because of the complete lack of pre-Fatimid (148–297/765–909) Ismaili literature. The early hadith collections, legal and nonlegal, emerged soon after the advent of the Fatimid Caliphate (297–567/909–1171) in North Africa. It was in the interest of the nascent Caliphate to commission the project of documenting Ismaili literature, to showcase their intellectual superiority not only to the dominant Sunni populace but also to the Sunni scholarly circles of North Africa. At this critical juncture, hadith received the due attention of the Ismailis and was employed to define the contours of their

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<sup>2</sup> For a detailed study, see Farhad Daftary, *Ismaili Literature: A Bibliography of Sources and Studies* (London: I. B. Tauris, 2004); Khalil Andani, “A Survey of Ismaili Studies Part 1: Early Ismailism and Fatimid Ismailism,” *Religion Compass*, 10.8 (2016), 191–206; Khalil Andani, “A Survey of Ismaili Studies Part 2: Post-Fatimid and Modern Ismailism,” *Religion Compass*, 10.11 (2016), 269–82.

<sup>3</sup> This thesis does not make any distinction between the reports attributed to the Prophet and those attributed to the Imams. Sometimes the latter are referred to as *akhabār*. See Robert Gleave, *Inevitable Doubt: Two Theories of Shī‘ī Jurisprudence* (Leiden: Brill, 2000), 29; Robert Gleave, “Between *Ḥadīth* and *Fiqh*: The “Canonical” Imāmī Collections of *Akhabār*,” *ILS*, 8 (2001), 352.

doctrinal and legal opinions. This analysis directly contradicts Daftary's conclusion that 'because Ismailis had a living and present imam, who represented the Prophetic tradition as well as the traditions of the earlier imams' they 'felt no need to compile hadith collections'.<sup>4</sup>

## Aims and Objectives

A new genre of literature emerged under the rubric of *'ulūm Āl al-Bayt* (sciences of the progeny of the Prophet) soon after the Fatimids established their hegemony over North Africa.<sup>5</sup> Abū Ḥanīfa al-Nu'mān b. Abī 'Abdillāh Muḥammad b. Manṣūr b. Aḥmad b. Ḥayyūn al-Tamīmī al-Qayrawānī (d. 363/974), henceforth Qāḍī Nu'mān or Nu'mān, a versatile learned scholar arguably of an Ismaili background, was given the responsibility to compile a work of law that would serve as an authoritative reference for jurists, judges and bureaucrats in the burgeoning Ismaili state. Nu'mān needed to have recourse to earlier collections of hadith to properly justify his opinions, given their importance as the second-most distinguished source of Islamic jurisprudence.

His introduction to *al-Iqtiṣār* indicates that he not only had access to a wide range of hadith collections but also received them through popular, conventional methods of transmission.<sup>6</sup> These early collections equipped Nu'mān with the raw material from which he formulated and systematised various aspects of Ismaili belief and practice. This endeavour resulted in a corpus of works which received the imprimatur of the Fatimid state. The unique aspect of these compositions produced in the Fatimid period is that they were monolithic state-sponsored works written by a single author. Since Nu'mān's works did not contribute to the advancement of the

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<sup>4</sup> Farhad Daftary, "Ismaili History and Literary Traditions", in *An Anthology of Ismaili Literature*, eds. H. Landolt, S. Sheikh, K. Kassam (London: I. B. Tauris, 2008), 8.

<sup>5</sup> The phrase *'ulūm Āl al-Bayt* appears in Taqī al-Dīn Aḥmad b. 'Alī al-Maqrīzī, *Itti'āz al-ḥunafā' bi akhbār al-a'imma al-Fāṭimiyyīn al-khulafā'*, ed. Jamāl al-Dīn al-Shayyāl (Cairo: Vizārat al-Awqāf, 1416/1996), 1: 285.

<sup>6</sup> Abū Ḥanīfa al-Nu'mān b. Muḥammad b. Manṣūr b. Aḥmad b. Ḥayyūn al-Tamīmī, *al-Iqtiṣār*, ed. Waḥīd Mīrzā (Damascus: al-Ma'had al-Faransī li al-Dirāsāt al-'Arabiyya, 1957), 9-10. Henceforth he is referred to as 'al-Qāḍī al-Nu'mān' in the footnotes.

hadith tradition in Ismaili intellectual milieu, Poonawala rightly maintains that Ismaili hadith began and ended with the endeavours of Qāḍī Nu‘mān.<sup>7</sup> Although Nu‘mān’s principal interest, as attested by his works, was in legal hadith, he also compiled several works of doctrinal and *sīra* (biographical) hadith.

This thesis examines the historicity of Qāḍī Nu‘mān’s hadith sources as reflected in his first legal work, *Kitāb al-Ṭḍāḥ*, henceforth *al-Ṭḍāḥ*. Historicity deals with the question, ‘What really happened in the past?’ Given the absence of contemporaneous, independent and consistent sources, we can never be certain of the ontological historicity of the sources consulted by Qāḍī Nu‘mān. However, a credible layer and historical kernel of early hadith material could still be excavated from later Shi‘i hadith collections of the fourth/tenth century. *Al-Ṭḍāḥ* profoundly contributes to our understanding of that early material.

Although the extant fragment of *al-Ṭḍāḥ* offers some valuable information on its sources, there are serious challenges to its historicity, given that many of the original materials on which it is based are no longer extant. Furthermore, it is claimed that the alleged sources were presumably collected in the first half of the second/eighth century in the East (Medina and Kūfa), whereas the text in question was composed in North Africa during the early fourth/tenth century.<sup>8</sup> Our ability to understand the nature of those early texts is enhanced by comparing *al-Ṭḍāḥ* with other contemporaneous hadith collections of Zaydi and Imami Shi‘i provenance claiming to have emerged from the same early sources.

This thesis focuses on the missing links between *al-Ṭḍāḥ*’s hadith origins and its later dissemination in North Africa. Due to the paucity of historical witnesses for Qāḍī Nu‘mān’s works, including conventional means of the transmission of hadith such as *qirā’a* (reading), *samā’* (hearing), *munāwala* (handing over), *ijāzat al-riwāya*

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<sup>7</sup> Ismail K. Poonawala, “Hadith iii. In Isma‘ilism,” *EIR*. Consulted online on 20 February 2017, <http://www.iranicaonline.org/articles/hadith-iii>.

<sup>8</sup> Etan Kohlberg, “Al-Uṣūl al-Arba‘umi’a,” *JSAI*, 10 (1987), 128–66; Hossein Modarressi, *Tradition and Survival: A Bibliographical Survey of Early Shi‘ite Literature* (Oxford: Oneworld, 2003), xiv.

(license to transmit hadith), *mukātaba* (correspondence), *waṣiyya* (bequest) or *wijāda* (finding a copy), this thesis establishes an alternative method of determining the historicity of the sources of *al-Ṭdāh*: reading it alongside contemporaneous Shi'i hadith collections.<sup>9</sup> Doing so reveals many similarities and bolsters the credibility of *al-Ṭdāh*, given that the contemporaneous Shi'i hadith collections refer to their original sources of the second/eighth century, thus attesting to originating from the same material independently of each other.

The secondary aim of this research is to reconstruct Qāḍī Nu'mān's attitudes towards the hadith literature. *Al-Ṭdāh* contains numerous hints which, when judiciously examined, can be used to recover his methodology of collecting, arranging and interpreting hadith material. The text is not a mere hadith collection; the author exercises his *ijtihād* (juristic exertion) to reconcile various reports in arriving at a legal opinion. Lastly, the thesis also aims to study Qāḍī Nu'mān's ambitiously eclectic framework for the contextualisation of hadith, made possible by his access to an unusually broad range of literature encompassing Zaydi, Ismaili and Imami hadith corpora, while his writing evinces clear similarities, both stylistic and structural, to North African Sunni writings.

This thesis examines the following central and subordinate questions:

## Central Question

What is the historicity of Qāḍī Nu'mān's hadith sources as reflected in his first legal hadith work, *Kitāb al-Ṭdāh*?

## Subordinate Questions

1. What types of considerations dictated his selection of hadith and their interpretations?
2. How did he use hadith to construct a Shi'i legal *madhhab*?

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<sup>9</sup> For further details on various conventional methods of transmitting hadith, see James Robson, "Ḥadīth," in *EI2*. Consulted online on 20 February 2017, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_COM\\_0248](http://dx.doi.org/10.1163/1573-3912_islam_COM_0248).

This research is the first extensive study of Ismaili hadith literature to examine its sources and the methods informing its compilation. It not only addresses an important deficit in modern scholarship but also contributes towards other areas of Ismaili studies, especially jurisprudence. This thesis will serve as a useful point of departure for future work on cross-regional and inter-sectarian modes of transmission in Islamic literature more broadly.

## **Why *Kitāb al-īdāh*?**

*Al-īdāh* is Nu‘mān’s first and the only legal hadith work which offers references for all its hadith citations. The text holds a central position for all his later legal works, which can be seen as its by-product. In fact, *Da‘ā’im al-Islām*, Nu‘mān’s most celebrated work, is undoubtedly a summarised version of *al-īdāh*. In other words, *Da‘ā’im al-Islām* is an undocumented *al-īdāh*; that is, *al-īdāh* without *isnād*. Nu‘mān’s several abridgments of this seminal work attest to its authority and centrality. It should also be noted that *al-īdāh* is not a mere collection of legal hadith but is also an *ijtihādī* endeavour of establishing a legal school for the Fatimid Ismailis. It elucidates the meaning of certain hadith, reconciles contradictory reports, offers variant readings of a given tradition and, finally, provides his legal opinion on particular subjects. Though his later legal texts reflect a subtle evolution in thought and were compiled to cater to the needs of a varied readership, *al-īdāh* retains its central position, rendering it as the only gateway to examine the nuances of Ismaili hadith literature.<sup>10</sup>

A significant number of hadith collections were compiled between the mid-third/ninth and early fourth/tenth centuries. Qāḍī Nu‘mān’s compilation is contemporaneous with the collection of the Imami traditionist, Muḥammad b. Ya‘qūb al-Kulaynī (d. 329/941) and is slightly later than the works of the Zaydi traditionist Muḥammad b. Manṣūr al-Murādī (d. 290/903) and the Sunni traditionist Muḥammad

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<sup>10</sup> Ismail K. Poonawala, “The Evolution of al-Qāḍī al-Nu‘mān’s Theory of Ismaili Jurisprudence as Reflected in the Chronology of his Works on Jurisprudence,” in *The Study of Shi‘i Islam: History, Theology and Law*, eds. Farhad Daftary and Gurdofarid Miskinzoda (London: I. B. Tauris, 2014), 295–349.



b. Ismā‘īl al-Bukhārī (d. 256/870). Nonetheless, there are substantial differences among the style, approach and methodology of their hadith collections, and as stated earlier, *al-Ṭḍāḥ* resembles an analytical *fiqh* work. Unlike other hadith compendia of the time, *al-Ṭḍāḥ* is not extant in its entirety, and a small fragment reading *ma wujida min Kitāb al-Ṭḍāḥ* (what is extant from *Kitāb al-Ṭḍāḥ*) has recently been obtained from the University Library of Tübingen.<sup>11</sup>

The extant fragment of *al-Ṭḍāḥ* enhances our understanding of the early sources of Shi‘i hadith with its relevant *isnāds* (chains of transmission). It is quite evident from these *isnāds* that Qāḍī Nu‘mān quoted written sources in his hadith collection, rather than obtaining them from oral transmission via *samā‘* (hearing from a *shaykh*—a senior teacher). He cites various categories of sources: *kitāb* (book), *kutub* (books/chapters), *jāmi‘* (thematic collection) and *musnad* (*isnād*-centric collection), which were supposedly copies of the first hand-written sources commonly known as *uṣūl* (foundational texts) of the companions of Imams. An *aṣl*, as defined by Modarressi, ‘conveys the sense of a personal notebook of material received through oral transmission’.<sup>12</sup>

It is essential to note that the *isnāds* reported in *al-Ṭḍāḥ* belong to the authors of these sources and not to Qāḍī Nu‘mān. Therefore, the critical issue to investigate is the whereabouts of Qāḍī Nu‘mān’s *isnāds* for these sources. In other words, how did he manage to get access to them? Who were his *shuyūkh/mashāyikh* (senior teachers) from whom he may have obtained these hadith through *samā‘* (hearing)? Or did he obtain them through other forms: *wijāda* (finding), *munāwalā* (handing over) or *ijāza* (license)? Although he asserts, in his introduction to *al-Iqtīṣār*, that they were obtained through popular conventional methods of transmitting hadith, there is no internal or external evidence to support his claim. It appears that Stewart was misled by these generic claims of Nu‘mān when stating that he relied on oral reports

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<sup>11</sup> Wilferd Madelung, “The Sources of Ismā‘īlī Law,” *JNES*, 35 (1976), 29. The search engine of the Arabic Manuscript Collection suggests that the copy was transcribed in 1356/1937. See <http://k-tb.com/manuscrit/microfilm0484%D8%A7%D9%84%D8%A5%D9%8A%D8%B6%D8%A7%D8%AD>

<sup>12</sup> Hossein Modarressi, *Tradition and Survival: A Bibliographical Survey of Early Shi‘ite Literature*, xiv.

for his various works.<sup>13</sup>

Thus, this hadith collection of Qāḍī Nu‘mān and, subsequently, Ismaili law raises serious challenges of credibility and veracity, because of the absence of any link, *isnāds* or historical chronicles between him and his sources—which cannot enable independent scrutiny because they are no longer extant. In addition, some of these Medinese and Kūfan sources allegedly emerged in the first half of the second/eighth century, creating a significant gap of at least a century and a half between those sources and Nu‘mān’s collection. How can we rely on Qāḍī Nu‘mān’s hadith collection, given that it does not apparently meet the criteria of established methods of transmitting hadith?

Taking up this challenge, the thesis investigates the historicity of Qāḍī Nu‘mān’s sources of *al-Īḍāḥ* by cross-verifying its hadith with other Zaydi and Imami contemporary collections which emerged from the same alleged early sources. The first chapter critically analyses the current scholarship of this subject in light of the thesis’s central and subordinate questions.

## **Outline of the Thesis**

This thesis is divided into an introduction, three parts, and a conclusion. The introduction presents the primary and subordinate inquiries of the project, highlighting the gaps that this research intends to fill and the pertinent questions this study proposes to address. The following three parts form the nucleus of my research, examining the emergence of Ismaili hadith, cross-regional textual analysis of Ismaili hadith, and Ismaili hadith-theory, respectively. Part I explores how hadith were disseminated in Fatimid North Africa under the rubric of *‘ulūm Āl al-Bayt* (sciences of the progeny of the Prophet). Part II interrogates the sources of hadith and attempts to establish their historicity through cross-regional textual analysis. This section is followed by scrutinising the modes and means of transmission of

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<sup>13</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart (New York: New York University Press, 2015), xi-ii, xiv, xvii.

hadith in the Ismaili scholarly milieu of North Africa in Part III.

Part I pertaining to the emergence of Ismaili hadith is divided into three chapters. After a detailed analytical book review of the existing scholarship, the first chapter identifies the gaps in the field and highlights the contributions of this thesis. The nascent Fatimid state had a critical role in the preservation and dissemination of Shi'i hadith in North Africa, and Qaḍī Nu'mān's contribution to this endeavour remains extremely critical. However, his works do not meet the standards of conventional hadith compendia. Moreover, because he composed these texts in a region distant from the heartlands of Shi'i hadith, the sources he consulted face the critical challenge of historicity. This chapter introduces the methodology of establishing the historicity of these hadith sources. The second chapter examines his first legal hadith collection from which only a fragment has survived. This work entitled *Kitāb al-Ṭāhī* remains central for all his later writings and was abridged a number of times to meet the demands and requirements of his varied readership. This chapter's statistical analysis lists the sources consulted by Nu'mān in this seminal work.

Literature is not generated in a vacuum, and Qaḍī Nu'mān's hadith collection is no exception. The fundamental aim of the third chapter is to examine the contextual factors that influenced his writings. *Al-Ṭāhī* was composed in an extremely robust scholarly milieu of North Africa. The *ṭabaqāt* literature of that era suggests the formidable presence of the Ḥanafīs and Mālikīs in the region, and yet some early missionaries of the *da'wa* were Zaydi converts.<sup>14</sup> Nu'mān's father was trained as a Mālikī scholar.<sup>15</sup> All these factors influenced his writings. This chapter examines those contextual influences to conclude that Ismaili hadith is a unique breed of hadith literature emerging in North Africa in the early fourth/tenth century.

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<sup>14</sup> Ja'far b. Aḥmad b. al-Haytham, *The Advent of the Fatimids: A Contemporary Shi'i Witness: An Edition and English Translation of Ibn al-Haytham's Kitāb al-munāzarāt*, eds. and tr. Wilferd Madelung and Paul E. Walker (London: I. B. Tauris, 2000), 24, 30, 50. The Fatimid *da'wa* campaign was formally known as *al-da'wa al-hādiya* (the guiding mission). See Maṣṣūf al-Yaman Ibn al-Ḥawshab, "Kitāb al-rushd wa al-hidāya," ed. Muḥammad Kāmil Ḥusayn, in *Collectanea*, ed. Wladimir Ivanow (Leiden: Brill, 1948), 212.

<sup>15</sup> Muḥammad b. al-Ḥārith al-Khushanī, *Ṭabaqāt 'ulamā' Ifrīqiyya*, ed. Muḥammad Zaynhum 'Azb (Cairo: Maktabat Madbūlī, 1993), 78.

Part II examines three case studies that address the historicity of the sources of *al-Īḍāḥ* using the method of cross-regional textual analysis. I argue that identical hadith texts emerging from two different regions by two contemporary scholars adhering to dissimilar doctrinal beliefs with independent chains of transmission suggest their common provenance. This part may be misread as an attempt to establish the authenticity of the foundational texts on which the secondary sources relied. At the outset, I make it clear that this is not my objective. In other words, this research engages in a historical, not doctrinal question.

The three case studies examine *Kutub al-Jaʿfariyya*, *Kutub Muḥammad b. Sallām b. Sayyār al-Kūfi*, and the collections of the two al-Ḥalabīs—*Jāmiʿ al-Ḥalabī* and *Kitāb al-Ḥalabī*—in Chapters 4, 5 and 6, respectively. The method of cross-regional textual analysis is applied to the citations of *al-Īḍāḥ* from these sources and tested against the reports cited in other Shiʿi hadith sources compiled in the contemporary period, but in different regions and transmitted with different *isnāds*. The results of this analysis demonstrate that the foundational texts are believed to have been composed in Medina and Kūfa as early as the second/eighth century, before they were incorporated into the secondary hadith collections of Qum and Qayrawān in the early fourth/tenth century.

These particular case studies were selected for several reasons. Firstly, the reports cited from these three works constitute more than 50 percent of the hadith of the extant fragment of *al-Īḍāḥ*. Secondly, the diversity of these cases not only displays the variety of the sources Nuʿmān consulted for his works but also illustrates that the results of cross-verification do not change, regardless of the nature of these sources. *Kutub al-Jaʿfariyya*, examined in Chapter 4, is a collection of legal hadith transmitted through the familial *isnād* of Mūsā al-Kāẓim leading back to ʿAlī or the Prophet. What makes this work unique is its dissemination in Egypt. Evidently, *al-Īḍāḥ* is the only legal text to have incorporated the reports of *Kutub al-Jaʿfariyya*. The Imami scholars, though they were exposed to this collection, took another route in reporting the content of those hadith. Chapter 5 examines the reports of *al-Īḍāḥ* transmitted through a Zaydi legal hadith collection entitled *Kutub Abī ʿAbdillāh*

*Muḥammad b. Sallām b. Sayyār al-Kūfī*. The reports are cross-verified with the Zaydi hadith collection of Muḥammad b. Manṣūr al-Murādī entitled *Amālī Aḥmad b. ʿĪsā*, amongst many other titles. This chapter also explores how Nuʿmān engaged, at least in the early stage of his career, with Zaydi hadith material. The study concludes that it was his broad interest in the hadith of Ahl al-Bayt which led him to engage with the extended family members from this lineage. The reports from the two collections of al-Ḥalabī(s) are analysed in the sixth chapter. The striking resemblance of *al-Ṭḍāḥ*'s citations to those of the Imami hadith collections not only indicates the shared provenance of their sources but also deciphers the authorships of the texts, which otherwise was arguably unknown to Qāḍī Nuʿmān. The application of cross-regional textual analysis to these three case studies reveals the origins, dissemination and appropriation of the early foundational texts.

Part III examines Qāḍī Nuʿmān's encounter with hadith in two chapters. Chapter 7 explores how he selected, arranged and appropriated the hadith for his *fiqh*. His journey from collecting legal hadith to codifying Ismaili law, culminating in the composition of a legal manual, is studied in this chapter. After writing *al-Ṭḍāḥ*, Nuʿmān composed two sets of legal works: several abridgements of *al-Ṭḍāḥ* for educational purposes and some legal manuals for the administrative purposes of the Fatimid Caliphate. The aim here is not to emphasise that his later compositions were abridgements of *al-Ṭḍāḥ*, but to highlight the nuances of the process of codification of Ismaili law and the factors that dictated his final conclusions.

The primary focus of the last chapter is to deconstruct Qāḍī Nuʿmān's framework of exploiting the sources expounded in Chapter 4, 5 and 6. Unfortunately, his only work of legal theory, *Ikhtilāf uṣūl al-madhāhib*, does not elucidate the underpinnings of his textual analysis. Again, *al-Ṭḍāḥ* is an excellent source for reviewing his theories of hadith studies. This text is not a mere hadith collection but engages in jurisprudential explanations and reconciles contradictory hadith to arrive at a legal opinion. Thus, it proves to be a significant source for examining Nuʿmān's hadith-theory. In summary, this chapter focuses on constructing *uṣūl al-fiqh* for his legal writings, based only of those discussions relevant to hadith.

Essentially, the first part of the thesis deliberates on the methodology of the research to address the central question of historicity of the thesis, which is then examined in the second part. The subordinate questions are addressed in Part III. The conclusion highlights the key findings of this thesis and suggests how it serves as a useful point of departure for future work on cross-regional and inter-sectarian—Zaydi, Imami and Ismaili—modes of transmission in Islamic literature more broadly.

**Part I**  
**The Emergence of Ismaili Hadith**

## Chapter 1

### **‘*Ulūm Ahl al-Bayt* in North Africa: The Emergence of Ismaili Hadith**

I scanned through the books [of hadith] transmitted on the authority of *Ahl al-Bayt*—may God’s blessings be upon them—which have been accessible to me via hearing [*samāʿ*], handing over [*munāwala*], or which I have obtained through the license [*ijāza*] or the copy of a text [*ṣaḥīfa*]. And [I have studied] those renowned [*mashhūr*], familiar [*maʿrūf*] and handed down [*maʿthūr*] books attributed to them pertaining to established practices, juridical rulings and legal opinions of lawful and unlawful acts. (al-Qāḍī al-Nuʿmān, *al-Iqtīṣār*, 9–10)

The failure to explore the nuances of the hadith collections that circulated beyond Ḥijāz and Iraq has limited our understanding of both the origins of the hadith and their later dissemination and appropriation in distant lands, for they contribute to identifying the missing links thought to be extinct and to illustrating how they were received and interpreted by new communities. The marginalisation of the hadith sources compiled in these regions is exacerbated in the Shiʿi scholarship, which provides little to no acknowledgement of their contribution to the hadith literature. While it is rightly argued that the Ismailis placed a greater emphasis on the esoteric (*bāṭinī*) knowledge of the Imams, it does not mean that hadith never received the due attention of Ismaili *dāʿīs*. In his list of the qualifications of a *dāʿī*, Aḥmad al-Nayshābūrī states:

He must be acquainted with the science of the reports coming from the Prophet and of his *ḥadīths*, and the reports from the imams and what is related from them. He draws on these to determine the accuracy of what he says to novices, in order to have them accept it from him.<sup>1</sup>

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<sup>1</sup> Aḥmad b. Ibrāhīm al-Nayshābūrī, *A Code of Conduct: A Treatise on the Etiquette of the Fatimid Ismaili Mission, A critical edition of the Arabic text and English translation of Aḥmad b. Ibrāhīm al-Nayshābūrī’s al-Risāla al-mūjaza al-kāfiya fī ādāb al-duʿāt*, eds. and trs. Verena Klemm and Paul E. Walker with Susanne Karam (London: I. B. Tauris, 2011), 42.



This illustrates that the knowledge of hadith was an essential requirement to qualify as a *dāʿī*. The defining characteristic of Shiʿi hadith collections was that they consisted of reports transmitted in a written format from sources dating back to the late second/eighth century. This chapter examines the emergence of Shiʿi hadith in North Africa under the rubric of *ʿulūm Āl al-Bayt* (sciences of the progeny of the Prophet) soon after the Fatimids established their hegemony over North Africa. By critically reviewing the studies pertaining to Shiʿi hadith generally, it identifies gaps in the current scholarship and how our understanding of early Shiʿi hadith sources is hindered if we neglect North African Shiʿi hadith collections. Considering the challenges to the credibility of the sources of these collections, this chapter suggests a methodology to evaluate their historicity.

## Early Shiʿi Transmitters in North Africa

The sources cited in *al-Īdāh* reflect Nuʿmān’s reliance on a wide range of early hadith collections in his compilation of this work. It appears that he had access to these materials either through the existing local Shiʿi sources of North Africa or via the royal libraries of the Fatimid Caliphate.<sup>2</sup> The report of the first Fatimid attempt to conquer Egypt in 302/915 and the recovery of al-Mahdī’s (d. 322/934) books which were stolen in 292/905 indicate the significance of this intellectual treasure for the Fatimid Imam-Caliphs. It is reported that the Imam once said, ‘If this incursion had no other aim but to return these books, then too it would have been a great victory.’<sup>3</sup> A cursory glance at *al-Īdāh*’s citations leaves no doubt that all its sources originated in the East and later were transmitted to North Africa. Yet, several geo-historiographical reports suggest the presence of Shiʿites in North Africa well before

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<sup>2</sup> For the study of Fatimid libraries, see Paul E. Walker, “Libraries, Book Collection and the Production of Texts by the Fatimids,” *Intellectual History of the Islamic World*, 4 (2016), 9-21; Paul E. Walker, “Fatimid Institutions of Learning,” *JARCE*, 34 (1997), 179-200; Paul E. Walker, *Fatimid History and Ismaili Doctrine* (Aldershot: Ashgate, 2008), 20-35; Paul E. Walker, *Exploring an Islamic Empire: Fatimid History and its Sources* (London: I. B. Tauris, 2002).

<sup>3</sup> al-Qāḍī al-Nuʿmān, *Iftitāh al-daʿwa*, ed. Farḥāt al-Dashrāwī (Tunis: al-Sharikah al-Tūnisiyya li al-Tawzīʿ; Algeria: Dīwān al-Maṭbūʿāt al-Jāmiʿiyya, 1975), 161; al-Qāḍī al-Nuʿmān, *Founding the Fatimid State: The Rise of an Early Islamic Empire An annotated English translation of al-Qāḍī al-Nuʿmān’s Iftitāh al-Daʿwa*, ed. and tr. Hamid Haji (London: I. B. Tauris, 2006), 124.

the ascent of the Fatimids to power. These early Shi'ites would have been among those who transmitted basic tenets of the Shi'i faith to the region. Ibn Ḥawqal al-Naṣībī (d. c. 378/988) reports a group of Shi'ites in Sūs (in the Maghrib), whom he refers to as Mūsawī Shi'ites; they followed 'Alī b. Warsand, a transmitter of two reports appearing in the extant fragment of *al-Ḍāḥ*.<sup>4</sup> He writes:

The people of Sūs are of two distinct groups. Mālikī Sunnis and Mūsawī Shi'ites, the followers of 'Alī b. Warsand who broke [the chain of imamate] at Mūsā b. Ja'far [the seventh Imam of the Imami Shi'ites].<sup>5</sup> They mostly indulge in atrocity and display signs of severity in their social behaviour. One could hardly see leniency in their nature. Mālikīs are from the hardliners of *Ḥashwiyya* [a pejorative label used by theologians to describe malign traditionists who inserted unreliable hadith into their arguments]. There is an ongoing war and continuous bloodshed amongst them. They have a congregational mosque in the town in which both the groups pray separately, one after the other, totally ten prayers with ten *adhān* [first call for the daily prayers] and ten *iqāma* [second call for the daily prayers].<sup>6</sup>

In a later source, Ibn Abī Zar' (d. 741/1340) provides an interesting account of the presence of Shi'ites in Sūs in the year 448/1056:

There was a group of *Rawāfiḍ* [Shi'ites] named *Bajaliyya*, attributed to 'Abdullāh al-Bajalī al-Rāfiḍī. He arrived in Sūs in those days when

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<sup>4</sup> al-Qāḍī al-Nu'mān, *al-Ḍāḥ*, ed. Kazim Rehmati (Beirut: Mu'assasat al-A'lamī li al-Maṭbū'āt, 2007), 62 (Abū al-Ḥusayn Alī b. Farsand (Warsand), 69 ('Alī b. al-Ḥusayn b. Warsand (Farsand) al-Bajalī); al-Qāḍī al-Nu'mān, *Hādhā mā wujida min Kitāb al-Ḍāḥ li Sayyidinā al-Qāḍī al-Nu'mān b. Muḥammad* (MS Dawoodi Atba-e-Malak Wakil, transcribed by 'Alibhai Amīr al-Dīn, n.d.), 100 (Abū al-Ḥusayn Alī b. Farsand (Warsand), 114 ('Alī b. al-Ḥusayn b. Warsand (Farsand) al-Bajalī).

<sup>5</sup> This sect is also referred to as al-Wāqifiyya, i.e., those who stopped following the line of Imams, believing that Mūsā al-Kāzīm was the last Imam. Ibn al-Haytham refers to the same sect using the term 'al-Qaṭ'iyya' vis-à-vis 'al-Wāṣila'. See Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 92. On the contrary, Poonawala postulates that the term 'al-Qaṭ'iyya' was used for Imamīs who continued with the chain of the imamate after the death of Mūsā al-Kāzīm. See Ismail K. Poonawala, "A Reconsideration of al-Qāḍī al-Nu'mān's *Madhhab*," *BSOAS*, 37 (1974), 576. It appears that Ibn al-Haytham's reading suggests that the term was derived from 'qaṭa' (to discontinue), whereas Poonawala's interpretation is based on another meaning of the same root word: to ascertain.

<sup>6</sup> Abū al-Qāsim Muḥammad b. Ḥawqal al-Naṣībī, *Kitāb ṣūrat al-arḍ* (Beirut: Manshūrāt Dār Maktabat al-Ḥayāt, 1992), 90. For *Ḥashwiyya*, see Jon Hoover, "Ḥashwiyya," in *EI3*. Consulted online on 08 February 2017, [http://dx.doi.org/10.1163/1573-3912\\_ei3\\_COM\\_30377](http://dx.doi.org/10.1163/1573-3912_ei3_COM_30377).

‘Ubaydullāh al-Shī‘ī arrived in *Ifrīqiya*.<sup>7</sup> He spread his [Shi‘i] doctrines which was then inherited by generations over the centuries who believed that Shi‘ites were the only righteous believers. Abū Bakr b. ‘Umar and ‘Abdullāh b. Yāsīn encountered them in a battle and occupied their lands and killed a large group of *al-Rawāfiq* [Shi‘ites] and the survivors converted to *al-Sunna* [the creed of Ahl al-Sunna].<sup>8</sup>

The traditional Ismaili narrative extends the story much earlier to the time of Ja‘far b. Muḥammad al-Ṣādiq (d. 148/765), stating that it was the Imam who sent his two companions, as delegates, to North Africa and commissioned the task of promulgating the teachings of Ahl al-Bayt in the region. Nu‘mān offers a succinct account of two delegates from East who arrived in the Maghrib in 145/762, confirming that they were commissioned to teach the merits and status of the Imams. He adds that both were appointed by al-Ṣādiq to disseminate the teachings of the Imams. Abū Sufyān, one of the two delegates, was responsible for inviting the people of Tālā, Urbus and Naḥḥa to adopt the core tenets of Shi‘ism. The other delegate, Ḥulwānī, managed to convert the tribes of Kutāma, Nafza and Sumāta of Nāẓūr to the Shi‘i faith. These tribes later joined al-Mahdī, some 135 years after their visit.<sup>9</sup> There are no independent attestations to corroborate these events that purportedly unfolded in the first half of the second/eighth century. However, Ibn al-Haytham’s memoir indicates that the region was familiar with the Imami doctrines, and he himself adhered to the imamate of the twelve Imams until he parted from his Imami associates four years before he met Abū ‘Abdallāh al-Shī‘ī.<sup>10</sup>

The Imami bibliographical works record that the son and the grandson of the seventh Imami Imam Mūsā b. Ja‘far (d. 183/799)—Ismā‘īl b. Mūsā b. Ja‘far and

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<sup>7</sup> The name ‘Ubaydullāh al-Shī‘ī should be corrected to Abū ‘Abdallāh al-Shī‘ī. He is believed to have arrived in North Africa in 280/893.

<sup>8</sup> ‘Alī b. ‘Abdallāh Ibn Abī Zar‘ al-Fāsī, *Anīs al-muṭrib bi rawḍ al-Qirṭās fī akhbār mulūk al-maghrīb wa tārikh madīnat Fās* (Rabat: Dār al-Manṣūr li al-Ṭibā‘a wa al-Wirāqa, 1972), 129.

<sup>9</sup> al-Qāḍī al-Nu‘mān, *Iftitāḥ al-da‘wa*, 26-30; al-Qāḍī al-Nu‘mān, *Founding the Fatimid State*, ed. and tr. Hamid Haji, 41-2; *Sharḥ al-akhbār fī faḍā’il al-a’imma al-aṭḥār*, ed. al-Sayyid Muḥammad al-Ḥusaynī al-Jalālī (Qum: Mu’assasat al-Nashr al-Islāmī al-Tābi‘a li Jāmi‘at al-Mudarrisīn bi Qum al-Musharrafā, 1409/1989), 3: 413-4.

<sup>10</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 89-90.

Mūsā b. Ismā‘īl b. Mūsā b. Ja‘far, respectively—migrated to Egypt around 250/864. Muḥammad b. Muḥammad b. al-Ash‘ath al-Kūfī, an authority widely cited in *al-Īdāh* and a Kūfan transmitter of hadith, was among the early settlers in the region before the advent of the Fatimids. Some other Shi‘i scholars, such as Abū Muḥammad Sahl b. Aḥmad b. Sahl al-Dībājī and Ibn Qūlawayh (in the year 341/952), also travelled to Egypt in the first half of the fourth century. In his *Rijāl*, al-Najāshī introduces Ismā‘īl b. Mūsā b. Ja‘far with the following description:

Ismā‘īl b. Mūsā b. Ja‘far b. Muḥammad b. ‘Alī b. al-Ḥusayn settled in Egypt with his children. He possessed books which he narrated on the authority of his father who subsequently narrated on the authority of his forefathers. Some of the titles attributed to him are as follows: *Kitāb al-ṭahāra*, *Kitāb al-ṣalāt*, *Kitāb al-zakāt*, *Kitāb al-ṣawm*, *Kitāb al-ḥajj*, *Kitāb al-ḥanā‘iz*, *Kitāb al-ṭalāq*, *Kitāb al-nikāḥ*, *Kitāb al-ḥudūd*, *Kitāb al-du‘ā’* *Kitāb al-sunan wa al-ādāb*, *Kitāb al-ru’yā*. These titles have been transmitted to me on the authority of al-Ḥusayn b. ‘Ubaydullāh who transmitted on the authority of Abu Muḥammad Sahl b. Aḥmad b. Sahl via Abū ‘Alī Muḥammad b. Muḥammad b. al-Ash‘ath b. Muḥammad al-Kūfī. Abū Muḥammad Sahl read these titles with al-Kūfī in Egypt. Al-Kūfī reported them on the authority of Mūsā b. Ismā‘īl b. Mūsā b. Ja‘far. Mūsā is believed to have said: ‘My father [Ismā‘īl b. Mūsā b. Ja‘far] transmitted all his works to me.’<sup>11</sup>

Muḥammad b. Muḥammad b. al-Ash‘ath’s name appear in several *isnāds* of *al-Īdāh*. He is introduced as follows by the Imami bibliographer al-Ṭūsī:

Muḥammad b. Muḥammad b. al-Ash‘ath al-Kūfī: His epithet was Abū ‘Alī. His house was located in Jawād colony [*Saqīfa Jawād*] of Egypt. Al-Kūfī transmitted copy of a manuscript on the authority of Mūsā b. Ismā‘īl b. Mūsā b. Ja‘far who quoted the authority of Ismā‘īl b. Mūsā who [initially] transmitted from his father Mūsā b. Ja‘far. Tallā‘ukbarā is believed to have reported: ‘My father obtained a license [*ijāza*] from Muḥammad b. Muḥammad b. al-Ash‘ath

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<sup>11</sup> Aḥmad b. ‘Alī al-Najāshī, *Rijāl al-Najāshī*, ed. Mūsā al-Shubayrī al-Zanjānī (Qum: Mu‘assasat al-Nashr al-Islāmī al-Tābi‘a li Jāmi‘at al-Mudarrisīn, 1407/1986), 1: 26 (no. 48); Muḥammad b. Ḥasan al-Ṭūsī, *al-Fihrist: fihī mā yazīdu ‘alā tis‘ mi‘at ism min al-muṣannifin wa huwa aḥad al-kutub al-arba‘a al-mu‘awwal ‘alayha fī al-rijāl*, ed. Muḥammad Ṣādiq Baḥr al-‘ulūm (Najaf: al-Maktaba al-Murtaḍawiyya wa Maṭba‘uhā, n.d.), 26 (no. 31). I consistently use the popular spelling of *ṣalāt* and not its accurate transliteration ‘*ṣalā*’.

al-Kūfī for me in the year 313/925.<sup>12</sup>

These reports illustrate the existence and circulation of early hadith texts transmitted in the third/ninth century to Egypt, a region with which Fatimids were well acquainted. As discussed earlier, there is also a considerable amount of evidence to suggest the presence of Shi'ites in that region well before the advent of Fatimids.<sup>13</sup> These factors support the historicity of Nu'mān's sources, for they suggest a potential link between the early sources and Nu'mān's hadith collection. Therefore, Nu'mān's assertion, in the introduction to *al-Iqtisār*, that he collated hadith through popular conventional methods of the transmission of hadith seems to be plausible.<sup>14</sup> This will be further examined in Part II of this study. All his sources, however, were not likely to have been transmitted to North Africa. A significant number of citations in his legal hadith collection are exclusively Kūfan sources. Therefore, it is incumbent to use alternative methods to determine the historicity of his sources.

The cross-examination of the hadith reported in *al-Īdāh* and their very strong resemblance with the Zaydi and Imami hadith advance the hypothesis that they share the same provenance, believed to be in the late second/eighth or early third/ninth century. This approach of cross-examining various hadith texts is significant for two reasons. Firstly, it offers material needed to reconstruct a hadith text otherwise not possible because the sources are not extant. Secondly, it enhances the veracity and credibility of the reports in the literature which find independent attestations in similar secondary sources produced in other regions by authors with dissimilar religious persuasions. Thus, this study enhances the credibility not only of the Ismaili sources but also, reciprocally, that of the Zaydi and Imami hadith collections.

## In the Quest of Missing Links

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<sup>12</sup> Muḥammad b. Ḥasan al-Ṭūsī, *Rijāl al-Shaykh al-Ṭūsī*, ed. Jawād Qayyūmī Iṣfahānī (Qum: Mu'assasat al-Nashr al-Islāmī al-Tābi'a li Jāmi'at al-Mudarrisīn bi Qum al-Muqaddasa, 1373 Sh/1994), 442 (no. 63-6313). A variant reading of the text reads: 'My father obtained a license [*ijāza*] for him, myself and my brother.'

<sup>13</sup> For the presence of Shi'i transmitters in Miṣr, see Abū Ghālib al-Zurārī, *Risālat Abī Ghālib al-Zurārī* (Qum: Intishārāt-i Daftar-i Tablighāt, 1411/1990), 136.

<sup>14</sup> al-Qāḍī al-Nu'mān, *al-Iqtisār*, 9-10.

Generally, Sunni, Imami and, to some extent, Zaydi hadith literature have been studied to a greater degree than Ismaili hadith. Qāḍī Nu‘mān’s life and works, however, have recently received more attention in Western academia, but his sources of hadith, methodology, and the geo-political considerations that influenced his selection of hadith remain obscure. Moreover, the distinction between his engagement with hadith and his interpretation of law is still very blurred, and the analysis of Ismaili law continues to be favoured over the study of his hadith.

Lokhandwalla’s doctoral thesis, a profound contribution to the study of Ismaili law, is based partly on his access to various manuscripts of Qāḍī Nu‘mān’s legal works.<sup>15</sup> Much of his thesis is rendered in a detailed introduction to his own critical edition of *Ikhtilāf uṣūl al-madhāhib*. He argues that the core central belief in a living Imam frees Ismailis from composing an independent compendium of hadith or engaging in the tedious task of deliberating on the sources and credibility of the narrations. The conclusions of Lokhandwalla, however, would have been dramatically different if only *al-Īdāh* was available to him. The extant fragment of the original text speaks not only about the existence of such a work but also how later works acknowledged the centrality of this seminal collection.

Madelung’s study of the extant fragment of *al-Īdāh* is undoubtedly the most critically important research on the sources of Ismaili law. He enumerates the sources quoted in the fragment and offers a brief description of each citation in an appendix to his article.<sup>16</sup> Its title, ‘The Sources of Ismā‘īlī Law’, raises expectations for a detailed study of the sources of Ismaili law. However, the article is primarily interested in exploring whether Ismaili law should be considered an independent school of law or a compromise between Zaydi and Imami law, and the sources are discussed, as marginalia, in an appendix. I argue that the sources of Nu‘mān should be considered to be a shared legacy of Ismailis and Imamis, and therefore, it is not prudent to categorise these early sources into Zaydi or Imami. Madelung’s

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<sup>15</sup> Shamoan Lokhandwalla, *The Origins of Ismaili Law* (D. Phil. Thesis, Faculty of Oriental Studies, University of Oxford, 1951).

<sup>16</sup> Wilferd Madelung, “The Sources of Ismā‘īlī Law,” 33-40.

observation is implicitly based on the assumption of the existence of some authoritative sources for Zaydi and Imami law by the end of the third century. There is no evidence, however, to substantiate the emergence of an authoritative text by that time in North Africa. His article does not explore how Qāḍī Nu‘mān was able to obtain these sources, given that he never travelled to the East to learn the science of Shi‘i hadith. It does not permit us to examine the historicity of his sources or who were his teachers (*mashāyikh*), for instance, especially when Nu‘mān gave the impression of having received them through the popular conventional methods of obtaining hadith.<sup>17</sup>

In another article, Madelung examines Abū al-Ḥasan (or Abū al-Ḥusayn) ‘Alī b. al-Ḥusayn b. Warsand al-Bajalī, one of the authors of an early source, and concludes that Nu‘mān did not exclusively rely on the sources of the East, but rather had access to some material from the pre-Fatimid Shi‘ites of the Maghrib.<sup>18</sup> The article extensively analyses historical evidence on the presence of Shi‘ites in the Maghrib, but fails to establish a link between their early presence and their contribution to Fatimid hadith literature. Moreover, the sole example of Abū al-Ḥasan (or Abū al-Ḥusayn) ‘Alī b. al-Ḥusayn b. Warsand al-Bajalī is not enough to substantiate the hypothesis of the existence of Shi‘i hadith texts in North Africa, given the fact that there were just two hadith reports attributed to him of 649 reports cited in the extant fragment of *al-Īḍāḥ*.

As mentioned, Qāḍī Nu‘mān’s contribution to Ismaili law has recently gained scholarly attention. Due to the very strong connection between Qāḍī Nu‘mān’s hadith and law works, the studies of his legal works are very relevant. Fyzee and Poonawala examine some of the basic aspects of Ismaili law in their writings.<sup>19</sup>

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<sup>17</sup> al-Qāḍī al-Nu‘mān, *al-Iqtisār*, 9-10.

<sup>18</sup> Wilferd Madelung, “Some Notes on Non-Isma‘īlī Shiism in the Maghrib,” *Studia Islamica*, 44 (1976), 87-97.

<sup>19</sup> Asaf Ali Asghar Fyzee, “Qāḍī an-Nu‘mān the Fatimid Jurist and Author,” *JRAS*, 1 (1934), 1-32; Asaf Ali Asghar Fyzee, “Aspects of Fatimid Law,” *Studia Islamica*, 31 (1970), 81-91; Asaf Ali Asghar Fyzee, *Compendium of Fatimid Law* (Simla: Indian Institute of Advanced Study, 1969); Ismail K. Poonawala, “Al-Qāḍī al-Nu‘mān and Isma‘īli jurisprudence,” in *Mediaeval Isma‘īli History and Thought*, ed. Farhad Daftary (Cambridge: Cambridge University Press, 1996), 117-43; Farhad

Poonawala's works, in particular, meticulously examine Nu'mān's works from both historical and legal dimensions, although he has only written about Qāḍī Nu'mān's hadith in a very brief section in an entry in *Encyclopaedia Iranica*.<sup>20</sup> Nonetheless, his revised annotated edition of the translation of *Da'ā'im al-Islām* includes some significant footnotes comparing Nu'mān's hadith with those in Imami and Sunni hadith collections.<sup>21</sup> He has also widely referred to *al-Kāfī* and other Imami hadith compendia and extensively quoted *Mishkāt al-maṣābīh*, a Sunni legal hadith collection of the eighth/fourteenth century. Despite Qāḍī Nu'mān's noteworthy reliance on Zaydi hadith sources in his *al-Īḍāḥ* which presumably reflected his reading of *Da'ā'im al-Islām*, Poonawala's annotated study is devoid of Zaydi hadith references.<sup>22</sup>

Cilardo analyses the early formation of Ismaili and Imami law in his examination of three cases of laws pertaining to inheritance; he concludes that Ismaili law is a re-examination of Imami law.<sup>23</sup> Although this article explicitly challenges Madelung's perception of Ismaili law, surprisingly, it does not refer to his work nor he explains what does he mean by 're-examination'. Cilardo's conclusions are not fully substantiated: to reach such a sweeping conclusion, one would expect a larger number of case studies encompassing different legal works. Poonawala rightly maintains in his scathing book review of Cilardo's edition of *Minhāj al-farā'id* that the scholarship of the editor is perfunctory.<sup>24</sup>

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Daftary, "al-Qāḍī al-Nu'mān, Ismā'īlī Law and Imāmī Shī'ism," in *Le Shi'isme imāmite quarante ans apres: Hommage a Etan Kohlberg*, eds. Ali Amir Moezzi et al. (Paris: Brepols, 2008), 173-80.

<sup>20</sup> Ismail K. Poonawala, "Hadith iii. In Isma'ilism".

<sup>21</sup> al-Qāḍī al-Nu'mān, *Da'ā'im al-Islām*, ed. Asaf Ali Asghar Fyzee (Cairo: Dār al-Ma'ārif, 1951-61); al-Qāḍī al-Nu'mān, *The Pillars of Islam*, tr. Asaf Ali Asghar Fyzee, completely revised and annotated by Ismail K. Poonawala (New Delhi: Oxford University Press, 2001).

<sup>22</sup> Moreover, Zayd b. 'Alī is cited twice in *Da'ā'im al-Islām*, see al-Qāḍī al-Nu'mān, *Da'ā'im al-Islām*, 1: 428; 2: 130.

<sup>23</sup> Agostino Cilardo, "Some Peculiarities of the Law of Inheritance: The Formation of Imāmī and Ismā'īlī Law," *JAS*, 3 (2000), 127-37.

<sup>24</sup> Agostino Cilardo, *The Early History of Ismaili Jurisprudence: Law Under the Fatimids A critical edition of the Arabic text and English translation of al-Qāḍī al-Nu'mān's Minhāj al-farā'id* (London: I. B. Tauris, 2012), 5-85; Ismail K. Poonawala, "Book review: The Early History of Ismaili Jurisprudence: Law under the Fatimids. A critical edition of the Arabic text and English translation of al-Qāḍī al-Nu'mān's, written by Agostino Cilardo," *Arabica*, 61 (2014), 455-8.



Looking broadly at the sources of Qāḍī Nu‘mān, Etan Kohlberg’s study of *uṣūl* (foundational texts) of Shi‘i hadith is the most critical study of the genesis of Shi‘i literary tradition.<sup>25</sup> The orthodox Shi‘i school of thought holds that these texts laid the foundation for the later, larger hadith collections. Kohlberg’s primary interest is to discuss the nature and significance of these texts from a historical point of view, and thus he avoids any discussion pertaining to the credibility of *uṣūl* and the claim that later collections were based on these sources. Surprisingly, his article discounts the titles cited in the extant fragment of *al-Īḍāḥ*, even though they completely align with his framework of the study of *uṣūl*. He occasionally relies on the research of Madelung, a colleague who possessed a copy of the manuscript, but Kohlberg seems to have not independently studied the fragment for this article.<sup>26</sup> Consequently, the study fails to explore whether and how *uṣūl* could travel to distant lands such as North Africa and Persia. In his most recent introduction on Shi‘i hadith, he confesses that ‘there is room for further work on the authenticity of early texts of Shi‘i hadith’.<sup>27</sup>

Kohlberg’s colossal project of constructing Ibn Ṭāwūs’s (589–664/1193–1266) library is quite relevant to the fundamental question of the historicity of Nu‘mān’s sources.<sup>28</sup> He presents an extensive annotated list of 669 titles owned or read by this avid bibliophile. It offers a methodology of constructing an author’s library from his citations, which is quite pertinent to the idea of constructing Qāḍī Nu‘mān’s library, and some of the titles owned by Ibn Ṭāwūs correspond to *uṣūl* that could have been extant, directly or indirectly, through their citations in later works, until the late seventh/thirteenth century, which further helps locate some of the non-extant sources of *al-Īḍāḥ*.

Modarressi’s comprehensive bibliographic survey of early Shi‘i literature suggests the provenance of the written heritage of the Imami Shi‘i branch of Islam.

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<sup>25</sup> Etan Kohlberg, “Al-Uṣūl al-arba‘umi‘a,” 128-66; Hossein Modarressi, *Tradition and Survival: A Bibliographical Survey of Early Shī‘ite Literature*, xiv.

<sup>26</sup> Wilferd Madelung, “The Sources of Ismā‘īlī Law,” 33-40.

<sup>27</sup> Etan Kohlberg, “Introduction,” in *The Study of Shi‘i Islam: History, Theology and Law*, eds. Farhad Daftary and Gurdofarid Miskinzoda (London: I. B. Tauris, 2014), 176.

<sup>28</sup> Etan Kohlberg, *A Medieval Muslim Scholar at Work: Ibn Ṭāwūs and his Library* (Leiden: Brill, 1992).

Retrospectively, Ismailis, and to some extent Zaydis, would have equal claim to this heritage, especially because his first volume covers most of the period of their shared Shi'i history. The survey includes some of the sources cited by Qāḍī Nu'mān in *al-Īdāh*, and a few other works should be anticipated in his long-awaited second volume.<sup>29</sup> The pioneering scholarship of al-A'zamī demonstrates the literary activities of the Companions and Successors of the Prophet.<sup>30</sup> Although his thesis does not focus on Shi'i hadith, it engages with early hadith literature in general.

Fierro's critically important scholarship on the introduction of hadith literature of al-Andalus, though strictly restricted to Iberian Peninsula, sheds light on the reception of hadith in the second half of the third/ninth century in the Mediterranean coast in general. This study introduces traditionists who were trained with Iraqī teachers and thus elucidates the lines of transmission of hadith between east and west. Though not focused on Shi'i hadith, her framework for the study of hadith literature of al-Andalus to explore the links and tensions between the local and the global in Islamic societies serves as a blueprint for the study of hadith literature of any region.<sup>31</sup>

Newman's critical study on the emergence and consolidation of Shi'i hadith amidst the tensions between the traditional thinking of Qum and the intellectual tendencies of Baghdad is an excellent case study on how hadith material is selected and appropriated to meet the doctrinal (and legal) needs of a community. Essentially concerned with Imami hadith collections, it offers 'an historical approach' to analyse hadith collections which 'avoids the endless debate over authenticity': the same approach taken by my thesis in evaluating the sources of *al-Īdāh*. In another detailed analysis, Newman, in a comparative study of the origins of the sources of al-Kulaynī

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<sup>29</sup> Hossein Modarressi, *Tradition and Survival: A Bibliographical Survey of Early Shī'ite Literature*, 50, 51, 124, 137, 225, 228, 229, 381.

<sup>30</sup> Muḥammad Muṣṭafā al- A'zamī, *Studies in Early Hadith Literature: with a critical edition of some early texts* (Indianapolis: American Trust Publications, 1978).

<sup>31</sup> Maribel Fierro, "The introduction of *ḥadīth* in al-Andalus (2nd/8th–3rd/9th centuries)," *Der Islam*, 66 (1989), 68–93; Maribel Fierro, "Local and Global in Ḥadīth Literature: The Case of al-Andalus," in *The Transmission and Dynamic of the Textual Sources of Islam*, eds. Nicolet Boekhoff-Van Der Voort, Kees Versteegh and Joas Wagemakers (Leiden: Brill, 2011), 63-89.

and al-Nu‘mānī, successfully demonstrates that their differences emanate from the Qummī and non-Qummī sources they consulted, respectively.<sup>32</sup> Again, this study proves to be helpful not only in tracing the original sources of a given hadith collection but also illustrating how an author’s doctrinal commitment influences his selection of hadith.

Walker illustrates the religious affiliations of the people of Qayrawān before the advent of the Fatimids by examining various early *ṭabaqāt* literature of North Africa.<sup>33</sup> This scholarship is extremely critical to understanding the intellectual milieu in which Nu‘mān composed his works. What it fails to depict, however, is how that context influenced Nu‘mān’s writings. Walker’s introduction to *Kitāb al-munāẓarāt* of Ibn al-Haytham (b. c. 273/886 or 274/887), a Zaydi convert and a senior colleague of Nu‘mān, fails to allude to any potential link between Nu‘mān’s Zaydi sources and Ibn Haytham’s Zaydi background.<sup>34</sup> Notwithstanding this drawback, Walker’s analysis of Ḥanafī and Mālikī discourses in that particular era remains extremely valuable.<sup>35</sup> His research pertaining to Fatimid libraries and their institutions of learning portrays the Fatimid intellectual tradition as modest: he challenges the narrative of the existence of an ultra-vibrant Fatimid institution of learning.<sup>36</sup> Whether these libraries housed the sources cited in *al-Īdāh* and, if so, how those sources reached these libraries are some of the pertinent questions which require critical analysis to substantiate the credibility of the sources of Qāḍī Nu‘mān’s writings.

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<sup>32</sup> Andrew Newman, *The Formative Period of Twelver Shī‘sm: Ḥadīth as Discourse between Qum and Baghdad* (Richmond: Curzon, 2000), xix; Andrew Newman, “Between Qum and the West: The Occultation According to al-Kulayni and al-Katib al-Nu‘mani,” in *Culture and Memory in Medieval Islam: Essays in Honor of Wilferd Madelung*, ed. Farhad Daftary (London: I. B. Tauris, 2003), 94-108.

<sup>33</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 18-23.

<sup>34</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 109-12.

<sup>35</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 26-31.

<sup>36</sup> For the study of Fatimid libraries, see Paul E. Walker, “Libraries, Book Collection and the Production of Texts by the Fatimids,” 9-21; Paul E. Walker, “Fatimid Institutions of Learning,” 179-200; Paul E. Walker, *Fatimid History and Ismaili Doctrine*, 20-35 and Paul E. Walker, *Exploring an Islamic Empire: Fatimid History and its Sources*.

The study of Qāḍī Nu‘mān’s hadith-theory is directly connected to the first subordinate question of the thesis. His views about the role of *sunna* (prophetic tradition) and the sayings of Imams form the framework for his exploration of hadith in his works. Lokhandwalla’s introduction to *Kitāb ikhtilāf uṣūl al-madhāhib* and Stewart’s introduction of the translation dissect Nu‘mān’s doctrinal underpinnings of law, although they do not contribute to the discussion of how they were reflected in his other legal works.<sup>37</sup>

Advances in Ismaili studies in last few decades have created new opportunities to delve into unexplored aspects of Ismaili literature. Despite some remarkable achievements in Ismaili studies, in general, Ismaili hadith continue to be under-studied, and critical questions pertaining to them remain unanswered. How did Medinese and Kūfan hadith reach North Africa? What is the purpose of *isnād*, partial or complete, in Nu‘mān’s works? What is the scholarly framework for his selection of hadith? What was the role of the living Imam in collecting, transmitting, interpreting and authenticating the hadith? Did the Sunni (Ḥanafī and Mālikī) or Shi‘i (Zaydi and Mūsawī) scholarly milieu of North Africa shape Nu‘mān’s perception of hadith?

My thesis aims to fill the gap in the current scholarship by critically examining *al-Ḥadīth* and its sources, establishing its credibility and the importance of its inclusion in academic discourses. A detailed scrutiny of Ismaili hadith will elucidate the historicity of its sources, enhancing our understanding of how hadith was defined, selected, interpreted and contextualised for the burgeoning Shi‘i Ismaili state in North Africa. Kohlberg has rightly concluded that ‘a detailed study of al-Nu‘mān’s works of Ḥadīth may thus shed further light on Shi‘i tradition as a whole’.<sup>38</sup> My research supports the concept that Ideas do not emerge in a vacuum by demonstrating how Qāḍī Nu‘mān was influenced by the intellectual milieu of North Africa and how that contributed to his scholarship. It will also explore the

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<sup>37</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S.T. Lokhandwalla (Simla: Indian Institute of Advanced Study, 1972), 1-135; al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, ix-xxviii.

<sup>38</sup> Etan Kohlberg, “Introduction,” 179.

compromises he had to make to adapt the content for an indigenous audience.

## Methodology

Hadith is undeniably regarded as an inseparable facet of Islamic scriptural literature. For Muslims, it has served as the reference point for moral inspiration, legal practices and Qur'anic exegesis. Orientalists, in contrast, viewed it as a source of reconstructing Islamic history.<sup>39</sup> This perception sharply diverged from what hadith meant for its early normative audience. Occidental scholars did not necessarily subscribe to the epistemic value of this literature because they saw it as mainly marred by deception and forgery.

Not surprisingly, these scholars did not share a common understanding of hadith's origin, preservation and methodology: their views varied from 'sceptical' to 'sanguine' and 'revisionist' to 'traditionalist'.<sup>40</sup> Leading the sceptical camp, Ignaz Goldziher declared that 'closer acquaintance with the vast stock of traditions induces sceptical caution rather than optimistic trust regarding the material brought together in the carefully compiled collections'.<sup>41</sup> Joseph Schacht went further, claiming that every legal hadith from Prophet must be taken as unauthentic until the contrary is proved.<sup>42</sup> His extensive research examined various legal hadith texts to demonstrate how they were fabricated to prove or reject the very personal opinion of a Companion or a Successor.

The views of Goldziher and Schacht were taken as polar opposites of acceptance and rejection, standing on the two ends of this spectrum and justifying their stances with mutually exclusive methodologies. Their fundamental concerns were how to date various hadith texts, whether *isnād* was a useful tool to date a text,

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<sup>39</sup> Harald Motzki, "Dating Muslim Traditions: A Survey," *Arabica*, 52. 2 (2005), 1.

<sup>40</sup> Herbert Berg, *Method and Theory in the Study of Islamic Origins* (Leiden: Brill, 2003), 259-60; Judith Koren; Yehuda D. Navo, "Methodological Approaches to Islamic Studies," *Der Islam*, 68. 1 (2009), 87-8.

<sup>41</sup> Ignaz Goldziher, *Muslim Studies*, ed. S. M. Stern (Albany: New York University Press, 1971), 1: 19.

<sup>42</sup> Joseph Schacht, *The Origins of Muhammadan Jurisprudence*, (Oxford: Clarendon Press, 1950), 140.

and whether the *matn* (text) of a hadith could be used to determine its earliest date of circulation.

Alluding to the principal interest of Western scholars in the reconstruction of Islamic history, Motzki maintains that the prerequisite for any historical reconstruction is source criticism, which entails authenticity, originality and accuracy.<sup>43</sup> He states:

One of the aims of source criticism is the dating of documents. When trying to determine the degree of reliability of a source the first questions a historian usually asks are: How far away in time and space is the source from the event of which it informs us? Are the date and place of origin which the source assigns to itself correct? Dating a source is, therefore, the first step in determining what historical use can be made of it.<sup>44</sup>

One of the methods used to date a source of hadith is *isnād*. A sceptic considers *isnād* to be the most vulnerable component of a hadith. Even a sound *isnād* does not, necessarily, indicate the veracity of a hadith, for it is quite possible that an astute forger will deploy a sound *isnād* for a bogus text.<sup>45</sup> Motzki, therefore, introduces a blended method called *isnād-cum-matn* analysis or *matn-cum-isnād* analysis which analyses both *matn* and *isnād* to date any early hadith collection.<sup>46</sup> This method has produced some encouraging results. He meticulously studied *al-Muṣannaf* of ‘Abd al-Razzāq al-Ṣan‘ānī, a large hadith collection compiled in the early third/ninth century, to examine *isnād* and *matn* variants of its hadith. He draws the conclusion, after inspecting a correlation between those variants, that the *matn* was transmitted by a common link and the changes are the results of later transmissions. He argues that the structural differences, in fact, enhance its credibility.<sup>47</sup> Had it been forged,

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<sup>43</sup> Harald Motzki, "Dating Muslim Traditions: A Survey," 1.

<sup>44</sup> Harald Motzki, "Dating Muslim Traditions: A Survey," 2.

<sup>45</sup> James Robson, "The Isnād in Muslim Tradition," *Transactions of the Glasgow University Oriental Society*, 15 (1953), 15-26; Joseph Schacht, *The Origins of Muhammadan Jurisprudence*, 163-75; Michael Cook, *Early Muslim Dogma: A Source-Critical Study* (Cambridge: Cambridge University Press, 1981), 107-12; Robert Gleave, "Early Shiite hermeneutics and the dating of *Kitāb Sulaym ibn Qays*," *BSOAS*, 78.1 (2015), 99.

<sup>46</sup> Harald Motzki, "Dating Muslim Traditions: A Survey," 204-53. Motzki mentions that investigation of both *isnād* and *matn* of traditions was first emphasised by Jan Hendrik Kramers and Joseph van Ess. See Harald Motzki, *The Origins of Islamic Jurisprudence*, tr. Marion Katz, (Leiden: Brill, 2002).

<sup>47</sup> Harald Motzki, "Dating Muslim Traditions: A Survey," 251.

as held by those who subscribe to the idea of a systematic forgery in the first/seventh and second/eighth centuries of Islamic history, there would have been no substantive differences between the primary sources.

The following steps encapsulate the distinct features of *isnād-cum-matn* analysis:

1. As many variant *isnāds* of a particular tradition are collected from the existing resources.
2. A common link, collector or professional disseminator, is identified from the above *isnād*.
3. The *matn* of each of these resources is compared to determine their similarities.
4. Groups of *matn* variants and groups of *isnād* variants are compared to check if there is a correlation or not.<sup>48</sup>

It is essential to understand Motzki's objectives. His fundamental concern is about dating hadith collections, not authenticating them.<sup>49</sup> He endeavours to challenge the narrative of the sceptics by emphasising the importance of *isnād* as an integral part in the process of dating hadith. He vehemently rejects the convictions of sceptics by rejecting the idea of a widespread, systematic *isnād* forgery in early Islam:

Was the whole system of Muslim Hadith criticism only a manoeuvre of deception? Who had to be deceived? Other Muslim scholars? They must have been aware of the pointlessness and vanity of all the efforts to maintain high standards of transmission, if forgery of *isnāds* was part and parcel of the daily scholarly practice.<sup>50</sup>

Motzki concludes that the practice of writing hadith existed in the early second/eighth century and furnishes the secondary collections with some first-hand written

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<sup>48</sup> Harald Motzki, "The Murder of Ibn Abi al-Huqayq: On the Origins and Reliability of Some Maghazi Reports" in *The Biography of Muhammad: The Issue of the Source* (Leiden: Brill, 2000), 170-239. In his other work, he suggests five steps. See Harald Motzki, "Dating Muslim Traditions: A Survey," 251.

<sup>49</sup> Harald Motzki, *Analysing Muslim Traditions: Studies in Legal, Exegetical and Maghāzī Ḥadīth* (Leiden: Brill, 2010), 235.

<sup>50</sup> Harald Motzki, "Dating Muslim Traditions: A Survey," 235.

sources.<sup>51</sup> Because of the comprehensive nature of this analysis, its outcome yields promising results.<sup>52</sup> Essentially, this method applies to those corpora of hadith which are densely narrated and comprise multiple bundles of *isnād*. Therefore, Shi‘i hadith collections do not appear to be the ideal ground to test this method, because Shi‘i hadith corpora heavily relied on textual rather than oral transmissions. Maria Dakake describes the Shi‘i writing of hadith as ‘a subtle mode of Shi‘i resistance to the dominant intellectual culture of early Islam that both facilitated and demonstrated Shi‘ism’s divergence from the mainstream Muslim religious perspective’.<sup>53</sup> This implies that writing of hadith, though as a reaction to the mainstream Sunni position, was prevalent among the early Shi‘ites. Contrary to the oral transmissions in which a teacher (*shaykh*) dictates hadith to tens of students, writing materials tends to travel and therefore, cited in the form of *wijāda* (finding) resulting in lesser bundles of *isnāds*. Therefore, the *isnād* of Shi‘i hadith does not essentially reflect a chain of oral transmission. There is a strong possibility that many *isnāds* of Shi‘i hadith collections are, at least at some stage, chains transmitting a written document. The emergence of *fihris* literature (bibliographies) amongst the Shi‘i scholarly milieu of Qum and Baghdad is a strong indication of a widespread practice of documenting hadith in various forms of writings.<sup>54</sup> These bibliographies not only indicate the provenance of early foundational texts but also illustrate the transmission of these collections in different Shi‘i-dominated regions of the day.

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<sup>51</sup> This method is challenged by Shoemaker and Timan Nagel. See Stephen J. Shoemaker, “In search of ‘Urwa’s Sīra: Some Methodological Issues in the Quest for “Authenticity” in the Life of Muhammad,” *Der Islam*, 85.2 (2011), 257-344; Stephen J. Shoemaker, *The Death of a Prophet: the end of Muhammad’s life and the beginning of Islam* (Philadelphia: University of Pennsylvania Press, 2012).

<sup>52</sup> Gregor Schoeler and Andreas Görke, “Reconstructing the Earliest Sīra Texts: The Hijra in the Corpus of ‘Urwa b. al-Zubayr,” *Der Islam*, 82. 2 (2005), 209-20; Gregor Schoeler and Andreas Görke, *Die ältesten Berichte über das Leben Muhammads: Das Korpus ‘Urwa ibn az-Zubair* (Princeton: The Darwin Press, 2008); Gregor Schoeler, “Eschatology, History and the Common Link: A Study in Methodology,” in *Method and Theory in the Study of Islamic Origins*, ed. Herbert Berg (Leiden; Boston: Brill, 2003), 179–208; Andreas Görke, “The Relationship between Maghāzī and Ḥadīth in Early Islamic Scholarship,” *BSOAS*, 74. 2 (2011), 171-85; Gregor Schoeler, Harald Motzki, Andreas Görke, “First-century sources for the life of Muhammad? A Debate,” *Der Islam*, 89. 1-2 (2012), 2-59.

<sup>53</sup> Maria Massi Dakake, “Writing and Resistance: The Transmission of Religious Knowledge in Early Shi‘ism,” in *The Study of Shi‘i Islam: History, Theology and Law*, eds. Farhad Daftary and Gurdofarid Miskinzoda (London: I. B. Tauris, 2014), 181.

<sup>54</sup> For further studies, see Muḥammad Muṣṭafā al- A‘zamī, *Studies in Early Hadith Literature*, 28-106, 269-89; Hossein Modarressi, *Tradition and Survival: A Bibliographical Survey of Early Shī‘ite Literature*, xiv-v; Fuat Sezgin, *Tārīkh al-turāth al-‘Arabī*, trs. Maḥmūd Fahmī Ḥijāzī et al. (Riyadh: Jāmi‘at al-Imām Muḥammad b. Sa‘ūd al-Islāmiyya, 1411/1991), 1: 117-64.



This thesis examines the sources of *al-Īḍāḥ* through *isnād-cum-matn* analysis with some modifications in terms of addressing the bundles of *isnād* variants. These modifications are required by the unique conditions of Shi'ī hadith literature: its limited *isnād* network and, subsequently, its reliance on written transmission. These factors will affect the results, but then the aim is not to confirm the precise date of a text, but rather to trace the sources of Qāḍī Nu'mān and establish their historicity, regardless of whether they emerged in the late second/eighth or the early third/ninth century. My conclusions will be strengthened by considering the differences in the religious persuasions of the authors and regions in which these collections emerged.

Having modified the method of *isnād-cum-matn* analysis after considering the limitations of Shi'ī *isnād* and its reliance on written transmissions, I examined the trajectory of *al-Īḍāḥ* by taking the following four steps:

1. Collecting all the *isnāds* of *al-Īḍāḥ* (a total of 649 *isnāds*).
2. Comparing these *isnāds* with those of the extant foundational texts, Imami hadith collections, Zaydi hadith collections and biobibliographical works to investigate the variant *isnāds*.
3. Identifying the common link, supposedly the first collector of the hadith collection, by analysing these *isnāds*. The common link may also be traced through the biobibliographical works which offer the author's *isnād* to the original text.
4. Comparing the *matn* of these reports with the identical hadith reports from the above-mentioned collections.

If the common link of the Zaydi and Imami *isnād* corresponds with the *isnād* of *al-Īḍāḥ*, it will indicate that they shared the same sources. If it does not correspond, and yet the *matn* remains identical, it is possible that there was more than one transmitter since its first circulation.

This process will enhance the veracity and credibility of *al-Īḍāḥ* by comparing the *matn* composed in different regions by authors subscribing to different, at times

hostile, doctrinal affiliations. For instance, Qāḍī Nu‘mān and al-Kulaynī lived in two different parts of the world with distinct doctrinal affiliations yet documented fairly identical content. The reliability of al-Kulaynī’s hadith is credited to his *isnād*, a complete chain of transmission to the Imam through his teachers. Although we do not know how Qāḍī Nu‘mān obtained access to these sources, this method is designed to enhance the veracity of the reports reported in *al-Ṭḍāḥ*. The following two examples outline how this method is applied to the hadith reported in *al-Ṭḍāḥ*.

First example:

- *Al-Ṭḍāḥ* cites sixty-five hadith from the work of Ḥammād b. ‘Isā.
- Al-Najāshī’s biobibliography reports that Ḥammād b. ‘Isā compiled a hadith collection on *ṣalāt* (daily prayers).
- The common link for all the hadith transmitted from the work of Ḥammād b. ‘Isā, in both Imami and Ismaili hadith collections, appears to be Ḥarīz b. ‘Abdillāh al-Sijjstānī.
- The *matn* of most of his reports collected in *al-Ṭḍāḥ* corresponds with the hadith of *al-Kāfi*.
- Though Qāḍī Nu‘mān, unlike al-Kulaynī, does not offer any information on how he received this collection, there is no reason to doubt the credibility of his sources, given that his citations correspond with other hadith collections composed in a different region by a compiler with a different religious persuasion.

Second example:

- *al-Ṭḍāḥ* cites eighty-six hadith from *al-Kutub al-Ja‘fariyya*, a hadith collection with a single familial *isnād* of the progeny of the Prophet.
- Variant *isnāds* of the reports cited in *al-Ṭḍāḥ*, *al-Kāfi* and the extant copy of *al-Kutub al-Ja‘fariyya* are collected to identify the common link.
- In this instance, it appears that there are two different individuals responsible for disseminating the hadith in two different regions. Ismā‘īl b. Abī Ziyād al-

Sakūnī is the common link for the hadith transmitted in *al-Kāfī* in Qum, whereas the common link for the same hadith cited in *al-Īḍāḥ* in North Africa is Ismāʿīl b. Mūsā b. Jaʿfar. This implies that Ismāʿīl b. Abī Ziyād and Ismāʿīl b. Mūsā or his father Musā al-Kāzīm were colleagues whose reports were disseminated in two different regions with their respective transmitters.

- The *matn* of most of his reports collected in *al-Īḍāḥ* correspond with the hadith of *al-Kāfī* and the extant *al-Kutub al-Jaʿfariyya*.
- Though the extant manuscripts of *al-Kutub al-Jaʿfariyya* are from a much later period, *al-Īḍāḥ*'s citations from them are identical to those hadith reported in *al-Kāfī* through different *isnāds*. This is indicative of their sharing a common Medinese source which is transmitted on the authority of Jaʿfar b. Muḥammad al-Ṣādiq.

Textual analysis will provide adequate resources to construct a framework to identify the audience, dating and objectives of Qāḍī Nuʿmān's hadith collection. Analysis of the process of selection, the techniques of narrative and oriented interpretation will decipher the context in which the text was written. This will answer the two subordinate questions: How did he use the sources consulted in *al-Īḍāḥ* and what affected his selection of hadith?

Exploring historical facts based on limited resources is always a challenge. The dating of specific sources depends on a systematic and comprehensive method for analysing this genre of literature. Motzki is aware of the limitations of his proposed method:

Dating traditions is not possible without having recourse to assumptions. They can be partly derived from general human experience, but partly more concrete assumptions are needed: for instance, on the dimensions of fabrication and falsification in the field of Ḥadīth; on the ways how knowledge was transmitted in the first two centuries of Islam; on the nature of the common links and single strands etc. In addition, all these assumptions must take into consideration that there may have been variation in time and place. The concrete assumptions mentioned can be based on different source material (e.g., reports on fabrications or on the ways how traditions were

transmitted by different persons), but these assumptions will always be generalisations based on a limited number of particular facts. Depending on which facts we generalise, the views on the cultural history of early Islam can be very different. Therefore, whether the dating of a tradition is considered reliable or not, depends not only on the dating methods applied, but also on our preconceptions of early Islam which we have formed.<sup>55</sup>

Kohlberg and Modarressi have extensively studied the origins and development of early Shi'i hadith and have reasonably demonstrated that early hadith collections play a seminal role in shaping our understanding of the second/eighth and third/ninth centuries of Shi'i history. Al-A'zamī, Sezgin, Abbott and Motzki have arrived at similar conclusions based on early Sunni hadith collections. Relying on these critical studies, this thesis is based on the following two premises:

1. The secondary hadith collections (*al-jawāmi'* and *al-muṣannafāt*, such as *al-Kāfī* and *al-Īdāh*), broadly, are derived from the foundational texts (*uṣūl*) compiled by the companions of Imams during the second/eighth and the early third/ninth centuries.
2. *Isnād*, especially when combined with the analysis of *matn*, is a reliable tool which illustrates the trajectory of a given report.

Before concluding this chapter, it is appropriate to briefly examine the life and works of Qāḍī Nu'mān and investigate under which circumstances he was raised and trained and how they defined and shaped his thoughts.

## **Qāḍī Nu'mān: His Life and Works**

Abū Ḥanīfa al-Nu'mān b. Abī 'Abdillāh Muḥammad b. Maṣū' b. Aḥmad b. Ḥayyūn al-Tamīmī al-Qayrawānī (d. 363/974) was unquestionably the most distinguished scholar during the years of the Fatimid Caliphate (297–567/909–1171). He wrote many works on various topics such as jurisprudence (*fiqh*), history (*tārīkh*), polemic

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<sup>55</sup> Harald Motzki, "Dating Muslim Traditions: A Survey," 253.

(*munāẓara*), theology (*ʿaqāʿid*), esoteric philosophy (*ḥaqāʿiq*), allegorical interpretation of the Qurʾan (*tāʾwīl*), biographical traditions (*sīra*), sermons (*waʿẓ*) and weekly gatherings (*majālis*).<sup>56</sup>

We have no way to prove the exact date of his birth. However, it is speculated

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<sup>56</sup> For a detailed study of his life and works, see Shams al-Dīn Aḥmad b. Muḥammad Ibn Khallikān, *Wafayāt al-aʿyān wa anbaʾ abnāʾ al-zamān*, ed. Iḥsān ʿAbbās (Beirut: Dār Ṣādir, 1977), 5: 415-23; Ibn Hajar al-ʿAsqalānī, *Rafʿ al-iṣr ʿan quḍāt al-miṣr*, ed. ʿAlī Muḥammad ʿUmar (Cairo: Maktabat al-Khānājī, 1998), 139-43 (Ḥusayn b. ʿAlī b. Nuʿmān), 246-50 (ʿAbd al-ʿAzīz b. Muḥammad b. Nuʿmān), 281-3 (ʿAlī b. Nuʿmān), 307-8 (Qasim b. ʿAbd al-ʿAzīz b. Muḥammad b. Nuʿmān), 422-6 (Muḥammad b. Nuʿmān), 445-6 (Nuʿmān b. Muḥammad); Muḥammad b. ʿAlī Ibn Shahrāshūb, *Kitāb maʾālim al-ulamāʾ fī fihrist kutub al-Shīʿa wa-asmāʾ al-muṣannifīn minhum qadīman wa-ḥadīthan: tatimmat kitāb al-fihrist li al-Shaykh Abī Jaʿfar al-Ṭūsī*, ed. ʿAbbās Iqbāl Āshtiyānī (Tehran: Maṭbaʿat Fardīn, 1934), 113; Idrīs ʿImād al-Dīn al-Qurashī, *Uyūn al-akḥbār wa-funūn al-āthār fī faḍāʾil al-aʾimmah al-aṭḥār: al-subʿ al-sādis*, ed. Mustafa Ghalib (Beirut: Dār al-Andalus, 1984), 6: 41-9, 200; Ismāʿīl b. ʿAbd al-Rasūl al-Majdūʿ, *Fihrist al-kutub wa al-rasāʾil*, ed. A. N. Munzavi (Tehran: Chāpkhāna-yi Dānishgāh-i Tehran, 1966), 18–38, 50–3, 65–72, 82, 96–7, 111–2, 134, 135–6, 187; Farhat Dachraoui, “al-Nuʿmān,” in *EI2*. Consulted online on 20 February 2017, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_5977](http://dx.doi.org/10.1163/1573-3912_islam_SIM_5977); Richard J. H. Gottheil, “A distinguished family of Fatimide cadis (al-Nuʿmān) in the tenth century,” *JAOS*, 27 (1906), 217-96 (annotated translation of the relevant portion of Ibn Hajar’s *Rafʿ al-iṣr ʿan quḍāt al-miṣr*); Wladimir Ivanow, *A Guide to Ismaili Literature* (London: Royal Asiatic Society, 1933), 37-40; Wladimir Ivanow, *Ismaili Literature: A Bibliographical Survey*, second amplified edition (Tehran: The Ismaili Society, 1963), 32-7; Asaf Ali Asghar Fyze, “Qāḍī an-Nuʿmān the Fatimid Jurist and Author,” 1-32; Asaf Ali Asghar Fyze, “Ismaʿīli Law and its Founder,” *Islamic Culture*, 9 (1935), 107-12; Asaf Ali Asghar Fyze, “al-Nuʿmān,” in *EI1*. Consulted online on 20 February 2017, [http://dx.doi.org/10.1163/2214-871X\\_ei1\\_SIM\\_3526](http://dx.doi.org/10.1163/2214-871X_ei1_SIM_3526); Asaf Ali Asghar Fyze, “Qāḍī an-Nuʿman,” in *The Great Ismaili Heroes* (Karachi: Prince Aly S. Khan Colony Religious Night School, 1973), 3: 18-20; Fuat Sezgin, *Tārīkh al-turāth al-ʿArabī*, trs. Maḥmūd Fahmī Hījāzī et al., 1: 363-7; al-Qāḍī al-Nuʿmān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S. T. Lokhandwalla, 1-135 (introduction); Clifford Edmund Bosworth, “al-Qāḍī al-Nuʿmān (d. 363/974),” in *EAL*, eds. J.S. Meisami and P. Starkey (London: Routledge, 1998), 2: 627; al-Qāḍī al-Nuʿmān, *al-Urjūza al-mukhtāra*, ed. Ismail K. Poonawala (Montreal; Beirut: Institute of Islamic Studies, McGill University; al-Maktab al-Tijārī, 1970), 1-17 (introduction); Ismail K. Poonawala, *Biobibliography of Ismāʿīlī Literature* (Malibu: Undena Publications, 1977), 46-68; Ismail K. Poonawala, “Al-Qāḍī al-Nuʿmān’s Works and the Sources,” *BSOAS*, 36.1 (1973), 109-15; Ismail K. Poonawala, “The Evolution of al-Qāḍī al-Nuʿmān’s Theory of Ismaili Jurisprudence as Reflected in the Chronology of his Works on Jurisprudence,” 295-349; Ismail K. Poonawala, “Al-Qāḍī al-Nuʿmān and Ismaʿīli Jurisprudence,” 117–43; Ismail K. Poonawala, “Sources for al-Qāḍī al-Nuʿmān’s Works and their Authenticity,” in *Ismaili and Fatimid Studies in Honor of Paul E. Walker*, ed. Bruce D. Craig (Chicago: Middle East Documentation Center, 2010), 87–99; Ismail K. Poonawala, “A Reconsideration of al-Qāḍī al-Nuʿmān’s *Madhhab*,” 572–9; Ismail K. Poonawala, “Al-Qāḍī al-Nuʿmān and His Refutation of Ibn Qutayba,” in *Fortresses of the Intellect: Ismaili and other Islamic Studies in Honour of F. Daftary*, ed. Omar Ali-de-Unzaga (London: I. B. Tauris, 2011), 275-307; Delia Cortese, *Arabic Ismaili Manuscripts: The Zāhid ʿAlī Collection* (London: I. B. Tauris, 2003), 22-3, 25-7, 49-50, 51, 72-3, 74-5, 82-4, 100-1, 118-9, 120-1, 156-7, 160-6, 181-2, 184-5, 190, 191; Delia Cortese, *Ismaili and other Arabic Manuscripts* (London: I. B. Tauris, 2000), 223, 25-27, 49-50, 51, 72-3, 74-5, 82-3, 83-4, 100, 118-9, 120-1, 156-7, 160-6, 181-2, 184-5, 190, 191; Farhad Daftary, *Ismaili Literature: A Bibliography of Sources and Studies*, 142-6; Farhad Daftary, *The Ismāʿīlīs Their History and Doctrines*, 168-72; al-Qāḍī al-Nuʿmān, *Kitāb al-majālis wa al-musāyarāt*, eds. Ḥabīb Faqī, Ibrāhīm Shabbūh and Muḥammad Yaʿlāwī (Tunis: al-Jāmiʿa al-Tūnisiyya, Kulliyat al-Ādāb wa al-ʿUlūm al-Insāniyya, 1978), 5-27.

that Qāḍī Nu‘mān was born around 290/903 in North Africa and possibly in the Aghlabid capital of Qayrawān.<sup>57</sup> Due to the absence of concrete evidence, his early life, intellectual upbringing and early religious persuasion are based on conjecture. Ibn Khallikān claims that he had a Mālikī background and that his father embraced Shi‘i ideology well before 311/923.<sup>58</sup> Various forms of *ṭabaqāt* literature allude to a significant number of Mālikī jurists and traditionists in North Africa, which is indicative of a strong presence of Mālikīs in the region.<sup>59</sup> This supposition, however, is disputed by Abū al-Maḥāsīn Ibn Taghrībirdī, who states that Nu‘mān adhered to Sunni Ḥanafī jurisprudence, based on the fact that the region was dominated by Ḥanafīs.<sup>60</sup> Even though Ḥanafīs were prominent in North Africa, thanks to the patronage of the Aghlabids (184–296/800–909), this does not necessarily prove that Nu‘mān himself was a Ḥanafī. Stewart speculates, in a cautious manner, about the reason for Ibn Taghrībirdī’s assertion, stating that modern scholars have overlooked an important piece of evidence in reference to the exact match between the names Nu‘mān, this Fatimid Qāḍī, and the famous eponym of the Ḥanafī *madhhab*. He adds that the selection of this name for his son indicated that his father would have been Ḥanafī before he converted to Ismailism.<sup>61</sup> Yet, even adversaries commonly had similar names throughout the early and classical Islamic era. Nonetheless, the most significant report on this particular issue is the one recorded by Nu‘mān’s contemporary, al-Khushanī (d. c. 371/981). Without revealing his early background, he enumerates Nu‘mān’s father as on the list of those who converted to the Shi‘i

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<sup>57</sup> Khayr al-Dīn al-Ziriklī, *al-A‘lām: qāmūs tarājim li-ashhar al-rijāl wa al-nisā’ min al-‘Arab wa al-musta‘ribīn wa al-mustashriqīn* (Beirut: Dār al-‘Ilm li al-Malāyīn, 2002), 8: 41; Farhad Daftary, *The Ismā‘īlis Their History and Doctrines*, 169. The editors of *Kitāb al-majālis wa al-musāyarāt* speculate an early year of 283/895, see al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 79 (footnote 1).

<sup>58</sup> Ibn Khallikān, *Wafayāt al-a‘yān wa anba’ abnā’ al-zamān*, 5: 415; Richard J. H. Gottheil, “A Distinguished Family of Fatimide Cadis (al-Nu‘mān) in the Tenth Century,” 228; Farhad Daftary, *The Ismā‘īlis Their History and Doctrines*, 168; al-Khushanī, *Ṭabaqāt ‘ulamā’ Ifrīqiyya*, 78. It is worth noting that al-Khushanī’s argument is based on two premises that there is an orthographical error in the name of Nu‘mān’s grandfather and the term *tasharraqa* refers to the adoption of the Shi‘i faith.

<sup>59</sup> Muḥammad b. Muḥammad b. ‘Umar b. Qāsim Makhlūf, *Shajara nūr al-zakiyya fī ṭabaqāt al-Mālikiyya*, ed. ‘Abd al-Majīd Khayālī (Beirut: Dār al-Kutub al-‘Ilmiyya, 2002).

<sup>60</sup> Abū al-Maḥāsīn Yūsūf b. Taghrībirdī, *al-Nujūm al-zāhira fī mulūk Miṣr wa al-Qāhira* (Cairo: Wizārat al-Thaqāfa wa al-Irshād al-Qawmī, 1963-71), 4: 106-7. The editors of *Kitāb al-majālis wa al-musāyarāt* challenges the narrative that Nu‘mān would have been a non-Ismaili since his childhood, see al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 7.

<sup>61</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, x.

faith.<sup>62</sup>

Even if Nu‘mān was not originally of the Shi‘i persuasion, it is safe to conclude that he was brought up as an Ismaili from childhood.<sup>63</sup> In a rather hagiographical account, Nu‘mān reports that he was brought to meet al-Mahdī when he was only a *faṭīm* (toddler), yet was able to understand and remember the incident. He reports:

I recollect what the Commander of the Faithful al-Mahdī bi’llāh said one day when I was carried to him – for I was a toddler then – and I could understand what was said and remember what took place. He held me, kissed me and placed me under his cloak. He uncovered my navel and placed it against his own. Then he moved me [from under his cloak], blessed me and asked me how I was. He sat me on his lap and ordered some food for me. I was offered a silver gilded plate. On it were bananas, autumn apples and grapes. It was put in front of me but I did not eat any of it. He lifted it and offered it to me. So I took it in my hands. He said: “Take it and eat what is on it and give the plate to so and so,” and he mentioned a girl who was similar in age to me. ‘I replied, “No, rather, I will take the plate and will give her what is on it.” He laughed and was astonished by my alertness to that. He bade me well and said to the servant, “Carry him!” So I was carried while I was holding the plate in my hand. He added, “He will become prominent.” I did not confirm these words with al-Mu‘izz.<sup>64</sup>

The account portrays an intimate relation between him and the Imam since an early age. He conveniently avoids the mention of the individual who carried him to the court. If this account is taken seriously, one can infer that he was introduced to Ismailism since his early childhood. Moreover, the potent symbolism of this account is exploited to explain the relation between Nu‘mān and the Imam-Caliphs.

Interestingly, Ibn Khallikān presumes that Numān later converted to Imami

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<sup>62</sup> al-Khushanī, *Ṭabaqāt ‘ulamā’ Ifrīqiyya*, 78.

<sup>63</sup> For a detailed analysis, see Ismail. K. Poonawala, “A Reconsideration of al-Qāḍī al-Nu‘mān’s *Madhhab*,” 572-9.

<sup>64</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 541 (no. 279). The translation is extracted from Shainool Jiwa, “Idrīs ‘Imād al-Dīn,” in *An Anthology of Ismaili Literature*, eds. H. Landolt, S. Sheikh, K. Kassam (London: I. B. Tauris, 2008), 61.

Shi'ism.<sup>65</sup> Daftary rightly asserts that the term 'Imami' should have been used in its generic sense which includes both Imamīs (Ithnā 'asharīs) and Ismailīs.<sup>66</sup> Ibn Shahrāshūb's explicit mention that Nu'mān was not an Imami (*laysa bi Imāmī*) does not necessarily suggest that such an attestation was true in the sixth/twelfth century, for he appears to mention it to justify to his readers why he included a non-Imami scholar in his work on Imami scholars.<sup>67</sup>

Ismaili literature takes no interest in determining Nu'mān's early religious affiliation, for his unconditional devotion and unwavering commitment to the Fatimid Imam-Caliphs make the entire discourse of his background irrelevant. However, examining Nu'mān's early intellectual upbringing is essential to determining what shaped his early thoughts and how that contributed to his compilation of Ismaili doctrinal and legal teachings.

He summarises the very first account of his life in his *Kitāb al-majālis wa al-musāyarāt*: there he provides a detailed report of his service to Fatimid Imam-Caliph al-Mahdī (d. 322/934) and that he served the Imam for nine years and several months and days. This suggests that he would have joined the Fatimid *da'wa* around 313/925 at a quite young age. In those days, his main job entailed reporting the news of the court to the Imam-Caliph.<sup>68</sup> He performed the same service for the second Fatimid Imam al-Qā'im (d. 334/946). When he first joined the court, he developed a close bond with al-Manṣūr (d. 341/953), soon to be the third Imam-Caliph of the Fatimids. He acknowledges that he served al-Manṣūr in the position of a librarian, collecting books and copying manuscripts, and that he had engaged in these activities since the last days of al-Mahdī.<sup>69</sup> This is a very valuable piece of

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<sup>65</sup> Ibn Khallikān, *Wafayāt al-a'yān*, 5: 415. It is worth noting that Ibn Shahrāshūb asserts that Nu'mān did not adhere to the Imami faith (*laysa bi Imāmī*). See Ibn Shahrāshūb, *Ma'ālim al-'ulamā'*, 113.

<sup>66</sup> Farhad Daftary, *The Ismā'īlīs Their History and Doctrines*, 168. This phrase of Ibn Khallikān has misguided many early and later Imami scholars to believe that Qāḍī Nu'mān was an Imami. For a detailed study, see Ismail K. Poonawala, "Al-Qāḍī al-Nu'mān's Works and the Sources," 109-15; Ismail K. Poonawala, "A Reconsideration of al-Qāḍī al-Nu'mān's *Madhhab*," 37 (1974), 572-9.

<sup>67</sup> Ibn Shahrāshūb, *Ma'ālim al-'ulamā'*, 126 (no. 853). For the refutation of all the claims about Nu'mān's Imami adherence, see Ismail K. Poonawala, "A Reconsideration of al-Qāḍī al-Nu'mān's *Madhhab*," 572-9; al-Qāḍī al-Nu'mān, *Sharḥ al-akhbār*, 1: 27-41.

<sup>68</sup> al-Qāḍī al-Nu'mān, *Kitāb al-majālis wa al-musāyarāt*, 79.

<sup>69</sup> al-Qāḍī al-Nu'mān, *Kitāb al-majālis wa al-musāyarāt*, 80-1.



information which explains Nu‘mān’s acquaintance with textual sources. He evidently made the most of his time in these years spent learning and compiling different texts for Fatimids before being promoted to the post of judgeship. Undoubtedly, his knowledge in jurisprudence by then would have made him the ideal person for this role. He took the position of the judge of Tripoli in 334/946.<sup>70</sup> Three years later, in 337/948, al-Manṣūr promoted him to the highest judicial office of the Fatimid state in Manṣūriyya.<sup>71</sup> He was elevated to the position of chief judge by the fourth Fatimid Imam-Caliph al-Mu‘izz (d. 365/975) in 343/954. He moved to Egypt with his Imam in 343/954 and followed a multifarious public career in Cairo until he died in al-Jumādā II on 363/March 974 after serving the *da‘wa* for fifty productive years. His loss so evoked the Imam’s emotions that he himself took the lead in offering Nu‘mān’s funeral prayer. Citing Ibn Zūlāq’s *Akḥbār quḍāt Miṣr*, Ibn Khallikān summarises the biography of Nu‘mān with the following description:

[He] was a man of the highest abilities, deeply versed in the Qur’an, fully acquainted with the meaning of the expressions contained in that book, skilled in the systems of jurisprudence, well informed in the conflicting opinions entertained by the legists, learned in Arabic philology, in poetry of the higher class, in the history of the battle-days of the people [the Ancient Arabs], and distinguished for intelligence and equity. He composed for that family [the Fatimids] some volumes containing thousands of leaves; they were drawn up with great talent and in a style remarkable for the beauty of its cadences and rhymes.<sup>72</sup>

In a detailed study on the chronology of the works of Qāḍī Nu‘mān, Poonawala has suggested the following chronological order for his compositions<sup>73</sup>:

### **His Works During al-Mahdī’s Reign (r. 297–322/910–934)**

1. *Kitāb al-himma fī ādāb atbā‘ al-a‘imma*
2. *Kitāb al-īḍāḥ (īḍāḥ mā ajma‘at al-ruwāt ‘alayhi fī al-fiqh wa al-thābit minhā bi*

<sup>70</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 51, 81.

<sup>71</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 57, 69.

<sup>72</sup> Ibn Khallikān, *Wafayāt al-a‘yān wa anbā‘ abnā‘ al-zamān*, 5: 416. The translation is extracted from Asaf Ali Asghar Fyzee, “Qāḍī an-Nu‘mān the Fatimid Jurist and Author,” 13.

<sup>73</sup> Ismail K. Poonawala, “The Chronology of al-Qāḍī al-Nu‘mān’s Works,” *Arabica*, 65 (2018), 84-162.

*al-asānīd al-ṣaḥīḥa wa al-riwāyāt al-muttafaqa*)

3. *Kitāb mukhtaṣar al-īdāḥ (fī al-thābit minhu fī mā rawāhu ‘an al-a’imma al-ṭāhiriṅ ṣalawātullāh ‘alayhim ajma’īn)*
4. *Kitāb al-akhbār fī al-fiqh, or Kitāb al-akhbār (or al-Akhhbār) ‘an madhāhib ahl al-bayt*
5. *Kitāb ma‘ālim al-Mahdī* (It may have been compiled later. It is difficult to conclude that Nu‘mān had that devotion to the Imams at this stage. In any case, the work is not extant.)

### **His Works During al-Qā’im’s Reign (r. 322–334/934–946)**

6. *Al-Urjūza al-muntakhaba, or Qaṣīda muzdawija fī abwāb al-fiqh*
7. *Kitāb al-iqtiṣār fī al-fiqh*
8. *Al-Urjūza [al-mukhtara] fī al-imāma, or al-Qaṣīda al-mukhtara wa al-ḥujja fī man yastahiqquhā wa-man idda ‘āhā wa laysat lahu*
9. *Sīrat al-Qā’im*

### **His Works During al-Manṣūr’s Reign (r. 334–341/946–953)**

10. *Kitāb fī al-imāma*
11. *Kitāb al-radd ‘alā al-khawārij*
12. *Al-Urjūza al-mawsūma bi dhāt al-miḥan fī sirāt al-Makhlad b. Kaydād al-māriq al-dajjāl*
13. *Kitāb fī mā rafaḍathu al-‘āmma min kitābillāh*
14. *Sīrat al-Manṣūr*

### **His Works During al-Mu‘izz’s Reign (r. 341–365/953–975)**

15. *Kitāb al-ṭahara wa al-ṣalāt bi furūḍihā wa sunanihā, or Kitāb al-ṭahārāt*
16. *Kitāb Ikhtilāf uṣūl al-madhāhib wa al-radd ‘alā man khālafa al-ḥaqqā fihā*
17. *Kitāb al-ittifāq wa al-iftirāq fī mā ikhtalafa fihī al-fuqahā’ wa wāfaqa qawl ahl al-bayt*

18. *Risāla dhāt al-bayān yaruddu fī hā`alā Ibn Qutayba, or Risāla fī al-radd `alā Ibn Qutayba (wa kitābihi `Uyūn al-ma`ārif li ba`ḍ al-aḥādīth al-marwiyya `an rasūlillāh fī al-qaḍāya wa al-aḥkām*
19. *Ajwibat al-Qāḍī al-Nu`mān, i.e., Ajwiba li as`ila fiqhiyya sa`alahā `anhā Khaṭṭāb b. Wasīm muqaddam Zawāwa wa ḥākimuhum*
20. *Kitāb iftitāḥ al-da`wa wa ibtidā` al-dawla, or Kitāb al-dawla*
21. *Kitāb al-ikhtiṣar li al-ṣaḥīḥ al-āthār `an al-a`imma al-aṭhār, or Mukhtaṣar al-āthār*
22. *Kitāb fī al-hujja `alā Ibn Wāsūl fī mā iddi`āhu min al-imāra bi ghayr `aqd imām*
23. *Da`ā`im al-Islām fī al-ḥalāl wa al-ḥarām wa al-qaḍāyā wa al-aḥkām ( `an al-imām al-Mu`izz li al-dīnillāh)*
24. *Ḥudūd wa al-ma`rifat fī tafsīr al-Qur`ān wa al-tanbīh `alā al-ta`wīl*
25. *Asās al-ta`wīl*
26. *Kitāb nahj al-sabīl ilā ma`rifat `ilm al-ta`wīl*
27. *Kitāb ta`wīl al-Da`ā`im, or Tarbiyat al-mu`minīn bi al-tawqīf `alā ḥudūd bāṭin `ilm al-dīn, or Kitāb tarbiyat al-mu`minīn bi al-tawqīf `alā `ilm al-dīn (or `alā bāṭin `ilm al-dīn)*
28. *Kitāb kayfiyyat al-ṣalāt `alā al-nabī, or Ta`wīl al-ṣalawāt `alā al-nabī ṣallalāh `alayhi wa sallama wa ālihi*
29. *Kitāb manāqib Banī Hāshim wa mathālib Banī Umayya, or Kitāb al-manāqib wa al-mathālib*
30. *Al-Urjūza al-mawsūma bi dhāt al-minan fī sīrat al-Imām al-Mu`izz li al-dinillāh, or Sīrat al-Mu`izz (fī rajaz mawzūn bi qawāf muzdawija)*
31. *Kitāb al-tawḥīd min khuṭab amir al-muminīn `Alī b. Abī Ṭālib, or al-Tawḥīd fī sharḥ khuṭab amir al-mu`minīn*
32. *Kitāb sharḥ al-akhbār fī faḍā`il al-a`imma al-aṭhār*
33. *Kurrāsa fī ma`ānī al-burhān*
34. *Kitāb al-majālis wa al-musayarāt (ma`a al-Mu`izz li al-dinillāh), or Kitāb al-majālis wa al-musayarāt wa al-mawāqif wa al-tawqī`āt*
35. *Kitāb al-ḥurūf*
36. *Kitāb ta`wīl al-ru`yā, or Kitāb muwāzāt al-ta`wīl li al-ta`bīr al-ru`yā*

The following chapter examines *al-Īḍāḥ* and its various abridgments to demonstrate

how it remained central to all his later legal compositions. Based on the internal evidence of these texts, I argue against some of Poonawala's findings.

## Chapter 2

### ***Kitāb al-īdāh: The Gateway to Qāḍī Nu‘mān’s Isnāds***

Al-Manṣūr is reported to have instructed his confidant chamberlain Jawdhar by writing, ‘I am sending you my books and the books of the imams, my pure ancestors, which I have selected. Keep them with you, protected from everything. One of them has been damaged by water. I have no treasure more precious than these books. Instruct your secretary Muḥammad to transcribe for you a copy of three of the books which contain sciences and rules of conduct by which God will gladden you. They are *Kitāb al-īdāh* and two books which contain two sermons.’ (al-Jawdhārī, *Sīrat al-Ustādh Jawdhar*, 44-5)<sup>1</sup>

This chapter examines *al-īdāh* and its various abridged versions to highlight the central position of this legal hadith collection for Nu‘mān’s later works. This examination both assists in reconstructing the non-extant chapters of the collection and in understanding the nuances of each version which was designed to meet the needs of a particular audience. *Al-īdāh* stands distinct from his later *fiqh* compilations, because it offers references for all its citations. This style of reporting hadith in a secondary collection (*al-jāmi‘* or *al-muṣannaf*) was unprecedented not only in North Africa but also in Shi‘i tradition more generally. The importance of this work could be gauged by the account reported by al-Ustādh Jawdhar (d. 363/973) and excerpted in the epigraph that he was instructed by al-Manṣūr (d. 341/953) not only to protect and preserve this collection but also to transcribe a copy for posterity.

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<sup>1</sup> Abū ‘Alī Manṣūr al-‘Azīzī al-Jawdhārī, *Inside the Immaculate Portal: A History from Early Fatimid Archives: A new edition and English translation of Manṣūr al-‘Azīzī al-Jawdhārī’s biography of al-Ustādh Jawdhar, the Sīrat al-Ustādh Jawdhar*, ed. and tr. Hamid Haji (London: I. B. Tauris, 2012), 44-5. For another edition, see Abū ‘Alī Manṣūr al-‘Azīzī al-Jawdhārī, *Sīrat al-Ustādh Jawdhar: wa bi hi tawqī‘āt al-a‘imma al-Fāṭimīyyīn*, ed. Muḥammad Kāmil Ḥusayn and Muḥammad ‘Abd al-Hādī Shu‘ayra (Cairo: Dār al-Fikr al-‘Arabī, 1954), 53.

Idrīs ‘Imād al-Dīn al-Qurashī (d. 872/1468) asserts that Nu‘mān commenced the process of compiling *al-Ṭḍāḥ* during the reign of the first Fatimid Imam-Caliph al-Mahdī (d. 322/934) according to his instructions and under his supervision, and that Nu‘mān continued to do so under his guidance from its very beginning and all the way until its conclusion.<sup>2</sup> However, he fails to offer any specific date for its completion. Nu‘mān’s autobiographical account suggests that he served the first Fatimid Imam for nine years and a few months. One can, therefore, infer that he began the project in his mid-twenties.<sup>3</sup> In a more precise dating, Lokhandwalla suggests that the work was composed during the second decade of the fourth century, between 315–320/927–932.<sup>4</sup> Unfortunately, only a very small portion is extant; in particular, the prologue is missing, which makes it difficult to date this work, to examine what led Nu‘mān to engage in such a colossal project and to determine which methodology he adopted in selecting the hadith.

However, what gives this work its reputation as an exceptional compilation is its sharing of the early sources from which Nu‘mān selected the various hadith for inclusion. In the secondary Shi‘i hadith literature, it was the first work to adopt this style of referencing for the sources of hadith. Given that a significant portion of *al-Ṭḍāḥ* still remains missing, our knowledge of it comes from his later legal works that, broadly, are derived from this critical work.

Although only part of the introduction to *al-Ikḥbār*, a later legal compilation of Nu‘mān, has survived, it provides some useful information on *al-Ṭḍāḥ*’s number of volumes, categorisation of the chapters, and its methodology. It reads:

Then, I composed a work, entitled *Kitāb al-Ṭḍāḥ*, comprised of these narrations (*riwāyāt*). I divided it into more than 100 fascicles (*ajzā’*, sing. *juz’*). I placed every topic in its [relevant] chapter (*kitāb*). I further expanded it into sections (*abwāb*). Then I mentioned each issue (*mas’ala*) supported by hadith that had *isnād* and reference to the [original] text. These hadith were supported by other similar reports. Then identical texts, bearing in mind the consensus and

<sup>2</sup> Idrīs ‘Imād al-Dīn al-Qurashī, *‘Uyūn al-akḥbār wa-funūn al-āthār*, 6: 42.

<sup>3</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 79.

<sup>4</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S. T. Lokhandwalla, 17 (introduction).

the areas of difference of the transmitters of these reports, were collated. I also investigated the reasons of their disagreement on these reports transmitted on the authority of Ahl al-Bayt -may God's blessings be upon them- and expounded the well-established juridical traditions from them [Ahl al-Bayt] with arguments, substantial proofs, evidence and explanation. In every chapter, I have further incorporated relevant traditions promising glad tidings for good deeds, encouraging to refrain from immoral deeds, urging to continue with the established practices, inviting to observe the etiquettes and incentivising to the righteous acts.<sup>5</sup>

*Kitāb al-iqtīṣār*, another abridgement of *al-Ṭdāh*, provides further details on the number of folios and the modes of the transmission of hadith from the sources that were consulted by Nu'mān in his voluminous work:

I scanned through the books [of hadith] transmitted on the authority of Ahl al-Bayt—may God's blessings be upon them—which have been accessible to me via hearing (*samā'*), handing over (*munāwala*), or which I have obtained through the license (*ijāza*) or the copy of a text (*ṣaḥīfa*). And [I have studied] those renowned (*mashhūr*), familiar (*ma'rūf*) and handed down (*ma'thūr*) books attributed to them pertaining to established practices, juridical rulings and legal opinions of lawful and unlawful acts. I have further observed that the transmitters have disagreed on most of it, and only few of the rulings have been agreed upon. Furthermore, most of it remains unabridged and unarranged as per thematic classification. Hence, doubts multiplied in the minds of the majority of people which lead most of them, those with limited knowledge of texts, to consider it to be of dubious nature. Hence, I thought to collect, classify, expand and, compile those juridical traditions, based on what transmitters have rendered, in a book which I entitled *Kitāb al-Ṭdāh* (Book of Elucidation). I have elucidated the legal opinions and expanded the chapters and stated their consensus and areas of differences, all these based on what transmitters have rendered without transgressing their views. I have expounded the well-established juridical traditions with evidence and substantial proofs. Thus, the book reached roughly around 3000 folios.<sup>6</sup>

In the introduction to *al-Iqtīṣār* Nu'mān clearly reveals his didactic ambition of compiling a more detailed work to expand the principal jurisprudential issues of *al-*

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<sup>5</sup> al-Qādī al-Nu'mān, *al-Akḥbār fī al-fiqh*, transcribed by al-Shaykh 'Azīz al-Shaykh Sayf al-Dīn (Surat: al-Jāmi'a al-Sayfiyya, 1427/2006), 2-3. This work assumes two titles: *al-Akḥbār* and *al-Ikḥbār*. In what follows, I will provide the reason for my reading of the title as *al-Ikḥbār*.

<sup>6</sup> al-Qādī al-Nu'mān, *al-Iqtīṣār*, 9-10.

*Īdāh*:

If God blesses me with a long life, I wish to expound the principal jurisprudential rulings of it [*Kitāb al-Īdāh*], in an accessible work, encompassing all the required rulings which have been revealed [in Qur'an and hadith].<sup>7</sup>

*Al-Ikhhār* states that *al-Īdāh* comprised more than 100 fascicles which were further divided into chapters and sections.<sup>8</sup> In *al-Muntakhaba fī al-fiqh*, an *urjūza* poem (poem of the meter with two rhyming hemistiches), Nu'mān asserts that *al-Īdāh* constituted 220 chapters (sing. *kitāb*).<sup>9</sup> These chapters were further divided into sections (*abwāb*).

These works give a rough sketch of the structure of *al-Īdāh*. It was likely divided into more than 100 fascicles (sing. *juz'*) in 220 chapters (*kutub*, sing. *kitāb*) in 3000 folios. Fyze estimated that the 3000 folios approximate 3520 pages according to the ordinary computation of the *ajzā'*. The extant fragment of *al-Īdāh* appears to cover a large portion of the twentieth and twenty-first *juz'*, but is missing the first and the last parts of these divisions, respectively. If we were to believe that each *juz'* was equally divided and the number of divisions exceeded 100, the original text should have encompassed 15,000 standard pages based on an average of 300 pages per two divisions. The edited copy of the extant fragment of *al-Īdāh* comprises 145 pages, including the footnotes of the editor.

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<sup>7</sup> al-Qāḍī al-Nu'mān, *al-Iqtisār*, 10.

<sup>8</sup> *fa allaftū min jumlatihā kitāban sammaytuhu Kitāb al-īdāh jazza'tuhu 'alā azyad min mi'at juz'*. al-Qāḍī al-Nu'mān, *al-Akhhār fī al-fiqh*, 1. The term *juz'* may refer to a collection of sheets forming a separate book. For further details on the different meanings of the term *juz'*, see P. Sj. van Koningsveld, *The Latin-Arabic glossary of the Leiden University Library: A Contribution to the Study of Mozarabic Manuscripts and Literature* (Leiden: New Rhine Publishers, 1977), 68-70, 89.

<sup>9</sup> *Fa kamulat fī mi'tay kitāb, tazīdu 'ishrīn 'alā al-hisāb* (The work is concluded in 200 chapters and it went on to 20 more in counting). al-Qāḍī al-Nu'mān, *al-Muntakhaba fī al-fiqh*, MS 1160 (Zāhid 'Alī Collection, Institute of Ismaili Studies, London, copied in 1309/1891), 3r. Henceforth this manuscript will be referred to as MS 1160 (Arl, ZA). For a hand-written copy, see al-Qāḍī al-Nu'mān, *al-Muntakhaba fī al-fiqh*, transcribed by al-Shaykh 'Abd al-Husayn al-Najmī b. Sayf al-Dīn b. 'Abd al-Husayn b. Shams al-Dīn (Surat: al-Jāmi'a al-Sayfiyya, 1425/2004), 1: 4. In his biobibliography, Poonawala introduces *al-Īdāh* by stating that the collection is comprised of 120 *juz'* which appears to be an oversight in ascribing those additional twenty to 100 *juz'* as opposed to 200 *kitāb*. See Ismail K. Poonawala, *Biobibliography of Ismā'īlī Literature*, 52.



The specifications of the extant fragment are as follows:

- Two fascicles, twentieth and twenty-first (both incomplete)
- one chapter, *Kitāb al-ṣalāt* (incomplete)
- six *jimāʿ abwāb*, the encompassing chapters, i.e., super chapters comprising further sub-chapters, (first and the last sections are incomplete)
- ninety-nine discussions (*dhikrs*) and three sections (*bābs*), excluding approximately four folios where the title/s is/are missing)
- 649 hadith
- 145 pages (which includes footnotes of the editor)

## A Note on the Manuscripts

The extant fragment was discovered quite recently in the collections of Ismaili manuscripts of the University Library of Tübingen, entitled '*hādhā mā wujida min Kitāb al-īdāh li Sayyidinā al-Qāḍī al-Nuʿmān b. Muḥammad* (This is What is Extant of *Kitāb al-īdāh* of Our Master al-Qāḍī al-Nuʿmān b. Muḥammad)'. It was earlier believed that Abbas Hamdani had another manuscript of the same fragment, but the copy housed in the Tübingen library was actually the one that had belonged to Hamdani's collection, as attested by the stamp of the Hamdani family and the inscription '*bi Muḥammad wa bi ʿAlī fayḍ al-ʿAlī min al-ʿAlī*' on the first and the last pages of the copy.<sup>10</sup> The fragment begins with the title sentence followed by a discussion of the merits of daily prayers and dedication towards them; it ends with '*dhikr mā yuqraʿ fī al-ṣalāt min al-suwar* (the discussion pertaining to which chapters of Qurʿan are required to be recited in daily prayers)'.<sup>11</sup>

There is another manuscript of *al-īdāh* housed at the family collection of the 45<sup>th</sup> *al-dāʿī al-muṭlaq* of Alavi Bohra, Sayyidna Haatim Zakīyuddin Saheb with the

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<sup>10</sup> Wilferd Madelung, "The Sources of Ismāʿīlī Law," 29; Wilferd Madelung, "Some notes on Non-Ismaʿīlī Shiism in the Maghrib," 90. The stamp also appears on the folio 255 in the copy of Tübingen.

<sup>11</sup> See, Ham, DC 1284 comprised of 225 pages and Wak, DC 1312 comprised of 290 pages. See Ismail K. Poonawala, *Biobibliography of Ismāʿīlī Literature*, 52. Poonawala does not specify the number of folios in the copy of Wak, DC 1312. It consists of 290 pages.

stamp of Dawoodi Atba-e-Malak Wakil. The colophon suggests that the transcription of the copy was completed on the 28<sup>th</sup> of Ramadan 1312/25<sup>th</sup> of March 1895 by ‘Abd ‘Alī Mulla Hibatullāhbhai b. al-Shaykh ‘Alībhai under the orders of ‘Alībhai b. Amīr al-Dīn. The copy appears to be corrupted as several folios from 14–22 and 57–58 and half of folio 13 remain missing. However, in contrast to the copy of Tübingen, the pagination of this manuscript is intact. Nonetheless, both the copies are almost identical, covering most of the twentieth and twenty-first divisions. The only difference between the copies is that folios 57 and 58 are only found in the Tübingen-Hamdani copy.

The recently edited and published extant fragment of *al-Ṭḍāḥ* is based on the copy at the University Library of Tübingen which was brought to Iran by Hossein Modarressi. The annotations of ‘Alī Namāzī Shāhrūdī (d. 1985) and of Shybayrī Zanjānī appear in the margins of the manuscript.<sup>12</sup> The edited volume fails to meet the criteria of a critical edition as it ignores several discrepancies of the manuscript and has interpolated words and phrases within the body of the original text. Although my thesis refers to this edition throughout, it will make note of those errors by consulting the manuscripts of Dawoodi Atba-e-Malak Wakil and Tübingen-Hamdani. In my study of Qāḍī Nu‘mān’s non-legal hadith sources, I will also refer to another manuscript of the extant fragment of *Kitāb al-tawḥīd*, a commentary on the sermons of ‘Alī made available to me by the Mar‘ashi Najafi Library of Qum.

Despite impressive progress in the scholarship of Ismaili studies in the last few decades, many critical manuscripts, which include most of the *fiqh* compositions of Qāḍī Nu‘mān, remain unedited. Al-Jāmi‘a al-Sayfiyya, the Ṭayyibī-Musta‘lī Ismaili seminary of Surat is, arguably, the largest holder of Qāḍī Nu‘mān’s collection. This Indian sub-continental Bohra seminary occasionally publishes hand-written copies of these manuscripts for its educational purposes. These texts have never attracted the attention of academia for two reasons. First, they fail to meet the criteria of a

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<sup>12</sup> ‘Alī Namāzī al-Shāhrūdī, *Mustadrak ‘ilm rijāl al-ḥadīth* (Tehran: Ḥaydarī, 1415/1994), 8: 369 (no. 16840). MS, *al-Ṭḍāḥ*, Shāhrūdī’s notes on folios: 6, 86, 94, 162, 212, 220, 223 and Zanjānī’s notes on folios: 27, 117, 120. The marginal notes on folios 75, 88, 101, 108, 126, 146 bears no name(s) of the contributor(s).

critical edition, making them irrelevant for an objective study, and second, the seminarians remain under an oath of confidentiality forbidding them from sharing these copies with outsiders. The religious establishment firmly believes that this literature is designed for those who subscribe to Ismaili faith and, hence, see no merit in its wider circulation. The unedited copies of *al-Muntakhaba fī al-fiqh*, *Kitāb al-ikhbār fī al-fiqh* and *Mukhtaṣar al-āthār* of Qādī Nu‘mān are still read in the Bohra seminaries.

## ***Al-Īdāh* as Remembered by Others**

The title of this work appears for the first time in *Sīrat al-Ustādh Jawdhar* (in the excerpt quoted in the epigraph) in which al-Manṣūr (d. 341/953) instructs al-Ustādh Jawdhar (d. 363/973) to transcribe a copy with the intention of preserving it. This work of Nu‘mān is then listed in *Ma‘ālim al-‘ulamā’* of Ibn Shahrāshūb (d. 588/1192).<sup>13</sup> Idrīs ‘Imād al-Dīn (d. 872/1468) in his most celebrated work, *‘Uyūn al-akhbār wa-funūn al-āthār*, provides a complete list of all Nu‘mān’s works which included *al-Īdāh*.<sup>14</sup> The entire text seems to be extant until the beginning of the 11<sup>th</sup>/17<sup>th</sup> century, when Amīnī b. Jalāl (d. 1010/1602) cites it in several chapters of his *al-Ḥawāshī*. He refers to *al-Īdāh* in *Kitāb al-shahādāt* (Chapter of Evidence), the second to last chapter of *al-Ḥawāshī*, which implies that he had access to a complete version of this legal hadith collection.<sup>15</sup> A century later, the work seems to be

<sup>13</sup> Ibn Shahrāshūb, *Ma‘ālim al-‘ulamā’*, 126 (no 853).

<sup>14</sup> Idrīs ‘Imād al-Dīn al-Qurashī, *‘Uyūn al-akhbār wa-funūn al-āthār*, 6: 42.

<sup>15</sup> Interestingly, *al-Īdāh* has been quoted several times in *al-Ḥawāshī*. Amīnī b. Jalāl b. Ḥasan, *Kitāb al-ḥawāshī*, MS 1108 (Zāhid ‘Alī Collection, Institute of Ismaili Studies, London, n.d. -14<sup>th</sup>/20<sup>th</sup> century), 1: 4, 147, 148, 157, 166, 173, 186. The second volume of *al-Ḥawāshī* was not accessible to me. However, I have consulted a digital copy of the work circulated by al-Hamdani Cultural Institution. See Idrīs ‘Imād al-Dīn al-Qurashī, *al-Ḥawāshī: al-su‘āl wa al-jawāb* (Sana‘a: al-Hamdani Cultural Institution Aldar al-Muhamadiyah al-Hamdaniyah for Studies & Researches, 2015), 1: 30, 147, 148, 154, 160, 166, 176; 2: 46, 59, 86, 102, 130, 186, 196, 200, 204, 206, 208, 210, 211, 212, 238, 239. It is worth noting that Musta‘lī Sulaymanis attributed this work as attested by the digital copy published by their religio-cultural institution. There is another hand-written copy published by al-Jāmi‘a al-Sayfiyya which bears no name of the author. See ..., *Kitāb al-ḥawāshī*, transcribed by al-Shaykh Murtaḍā al-Shaykh Ismā‘īl Madārwalā [volume 1] and Mullā ‘Alī Asghar Shabbīr Ḥusayn Ajmerwala [volume 2] (Surat: al-Jāmi‘a al-Sayfiyya, 1428-29/2007-08). One of its manuscripts is in the MS collection of Mulla Qurban Husayn Godhrawala (Poonawala) as cited by Ismail K. Poonawala in the bibliography of the cited works in Asaf Ali Asghar Fyzee, *The Pillars of Islam: Laws Pertaining to Human Intercourse*, completely revised and annotated by Ismail Poonawala (Oxford: Oxford

disappeared. Al-Majdu‘ (d. 1183/1769) reports that *al-Īdāh* was missing in Ismaili libraries:

This work compiled by al-Qāḍī al-Nu‘mān, may God be pleased with him, is not found in our treasure-houses of the *da‘wa* except a small fragment which begins with the chapter of daily prayers [*ṣalāt*] and ends with the sub-topics of the same chapter.<sup>16</sup>

Poonawala suggests that the fact that Ibrahim Wajīh al-Dīn (d. 1168/1754), the 39th *dā‘ī* of Ṭayyibī-Musta‘lī Ismailis, cited *al-Īdāh*’s final chapters—on *raḍā‘a* (suckling and the foster relationship), *al-farā‘id* (inheritance) and *ḥudūd* (divinely ordained punishments)—in his *al-Muntakhaba al-wajhiyya* reveals that a large portion of the work existed until the 12<sup>th</sup>/18<sup>th</sup> century.<sup>17</sup> Yet, he does not give any examples of these citations from *al-Muntakhaba al-wajhiyya*, nor does he cross-examine them with *al-Ḥawāshī*. Given the report of al-Majdū‘ (d. 1183/1769), a contemporary bibliophile of Wajīh al-Dīn, that *al-Īdāh* was not found in the treasure houses of *da‘wa*, I strongly suspect that the *dā‘ī*’s citations are not independent references to *al-Īdāh*, but rather relied on the citations of *al-Ḥawāshī*. This is further corroborated by the fact that the citations of *al-Muntakhaba al-wajhiyya* exactly correspond to those of *al-Ḥawāshī* and that the former has sufficed to quote the same phrases extracted in the latter.<sup>18</sup>

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University Press, 2004), 579. He refers to this text as *Kitāb al-su‘āl wa al-jawāb li mashā‘ikh al-Hind ma‘a al-ḥawāshī*. Fyze speculates that *al-Ḥawāshī* was composed before 997/1588, i.e., prior to the Dawoodi-Sulaymani schism which occurred within the Ṭayyibī branch of India. See, Asaf Ali Asghar Fyze, “Aspects of Fatimid Law,” 82; Idrīs ‘Imād al-Dīn al-Qurashī, *al-Ḥawāshī al-su‘āl wa al-jawāb* (Sana‘a: al-Hamdani Cultural Institution Aldar al-Muhamadiyah al-Hamdaniyah for Studies & Researches, 2015), 2: 239. It should be noted that the copy bears the name of Idrīs ‘Imād al-Dīn al-Qurashī which is an erroneous ascription. For the life and works of Amīnjī b. Jalāl, see Farhad Daftary, “Amīnjī b. Jalāl b. Ḥasan,” in *EI3*.

Consulted online on 13 October 2016, [http://dx.doi.org/10.1163/1573-3912\\_ei3\\_COM\\_22678](http://dx.doi.org/10.1163/1573-3912_ei3_COM_22678).

<sup>16</sup> al-Majdū‘, *Fihrist al-kutub wa al-rasā‘il*, 33.

<sup>17</sup> Ismail K. Poonawala, “The Chronology of al-Qāḍī al-Nu‘mān’s Works,” 109.

<sup>18</sup> Wajīh al-Dīn b. ‘Abd al-Qādir Ḥakīm al-Dīn b. Mawlākhān, Ibrāhīm. *Al-Muntakhaba al-wajhiyya*, MS 1293 (Zāhid ‘Alī Collection, Institute of Ismaili Studies, London, n.d. -13<sup>th</sup>/19<sup>th</sup> century-), 30r (*al-Ḥawāshī*: 2: 102), 35v (*al-Ḥawāshī*: 2: 107-8 (3 instances)), 40r (*al-Ḥawāshī*: 2: 115), 42r (*al-Ḥawāshī*: 2: 116), 49v-50r (*al-Ḥawāshī*: 2: 127), 53r (*al-Ḥawāshī*: 2: 130), 70v (*al-Ḥawāshī*: 2: 115), 89v (*al-Ḥawāshī*: 2: not found), 91r (*al-Ḥawāshī*: 2: 184), 93r (*al-Ḥawāshī*: 2: 186), 95r (*al-Ḥawāshī*: 2: 186), 97v (*al-Ḥawāshī*: 2: 196), 97r (*al-Ḥawāshī*: 2: 195), 98v (*al-Ḥawāshī*: 2: not found). It should be noted that the above references of *al-Ḥawāshī* comprise quotations from both *al-Īdāh* and *Mukhtaṣar al-Īdāh*.

Ivanow (1886–1979) and Fyzee (1899–1981) did not have access to the extant fragment and therefore incorrectly considered it to be completely lost. Although Husain al-Hamdani (1901–1962) indicated that the extract of *al-Īḍāḥ* was still preserved, the credit for introducing this legal hadith collection goes to Madelung, who examined the extant fragment in 1976. Later, Poonawala listed this collection in his biobibliography, not only introducing another edited version of the work but also offering a succinct description of its first and last folios.<sup>19</sup>

## The Scholarly Study of *al-Īḍāḥ*

Madelung claims the credit of introducing *al-Īḍāḥ* to academia in 1976. In his critical study, 'The Sources of Ismā'īlī Law', he enumerates the sources which were consulted by Nu'mān in *al-Īḍāḥ*. He poses some pertinent questions with reference to the background of the transmitters and their doctrinal beliefs and eventually concludes that Ismaili law is a compromise between Imami and Zaydi law. He lists twenty-one early Shi'i hadith collections and offers some details about their compilers in an appendix to the article.<sup>20</sup> Evidently, Madelung studied this fragment as a legal text, and therefore, the nuances of Ismaili hadith escaped his attention, let alone Nu'mān's methodology of reconciling contradictory hadith.

*Al-Īḍāḥ* was introduced in Persian in 2002 by Muhammad Kazim Rehmati in a book review article, followed by Sayyid Muḥammad 'Imādī Hā'irī's description of its written sources in 2006.<sup>21</sup> Both authors failed to conduct any independent study, merely rendering Madelung's material in Persian. In 2003, Muhammad Kazim Rehmati edited the manuscript of the University Library of Tübingen, which was

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<sup>19</sup> Asaf Ali Asghar Fyzee, "Qāḍī an-Nu'mān the Fatimid Jurist and Author," 19; Wladimir Ivanow, *Ismaili Literature: A bibliographical survey*; Husain F. al-Hamdani, "Some Unknown Isma'ili Authors and Their Works," *JRAS*, (1933), 369 (footnote 2); Wilferd Madelung, "The Sources of Ismā'īlī Law," 29-40; Ismail K. Poonawala, *Biobibliography of Ismā'īlī Literature*, 51-2.

<sup>20</sup> Wilferd Madelung, "The Sources of Ismā'īlī Law," 29-40.

<sup>21</sup> Muhammad Kazim Rehmati, "Qāḍī Nu'mān wa madhhab-i ū," *Ā'īney-i pazhūhish*, 71-72 (1380 Sh/2002), 71-80; Sayyid Muḥammad 'Imādī Hā'irī, "Darangī dar manābi'-i maktūb-i *al-Īḍāḥ*," *Ulūm-i Hadīth*, 39 (1385 Sh/2006), 136-47.

published as one of the chapters in the tenth volume of *Mirāth-i Ḥadīth-i Shī'a*.<sup>22</sup> The same edition was later published in the an independent volume in Beirut in 2007.<sup>23</sup> There are hardly any significant differences between both editions.

## **Abridgements of *al-Īdāh***

*Al-Īdāh* remained central to Nu'mān's later legal works. Its importance is indicated by the multiple number of abridgments composed by Nu'mān to meet the needs of the Fatimid political establishment. As alluded in the prologues to these works, the primary reason for the various abridgments was to provide a more accessible, non-technical legal works which eliminated the lengthy chains of transmitters, detailed arguments, contradictory narrations and the process of their reconciliation which prevailed across *al-Īdāh*. These abridgments provided the burgeoning Fatimid state and its administration—junior judges, students and bureaucrats—with accessible material based on the hadith of Ahl al-Bayt.

Interestingly, in almost every later work, Nu'mān alluded to his earlier compilations and what inspired him to compose the present work. These statements prove to be extremely useful data not only to date a particular composition but also to arrange his works in chronological order and to examine the evolution of his thoughts and ideas on a given topic. The trajectory of his thinking is reflected in his most-celebrated work on jurisprudence, *Da'ā'im al-Islām*.

*Kitāb al-ikhbār* and *Kitāb al-iqtiṣār* are the two main abridgments of *al-Īdāh*. The other two compilations, *al-Muntakhaba* and *Mukhtaṣar al-āthār*, are not referred to as abridgments, although they nearly meet the requirements of being abridged versions of *al-Īdāh*. Another abridgement, entitled *Mukhtaṣar al-īdāh* (lit. abridgment of *al-Īdāh*), is also attributed to Qāḍī Nu'mān. In the following sections, I describe

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<sup>22</sup> al-Qāḍī al-Nu'mān, *al-Īdāh*, ed. Muhammad Kazim Rehmati in *Mirāth-i Ḥadīth-i Shī'a: Daftar-i dahum*, eds. Mahdi Mehrizi and Ali Sadra'i Khoie (Qum: Dār al-Ḥadīth, 1382 Sh/2003), 10: 64-218.

<sup>23</sup> al-Qāḍī al-Nu'mān, *al-Īdāh*, ed. Muhammad Kazim Rehmati (Beirut: Mu'assasat al-A'lamī li al-Maṭbū'āt, 2007). Unless stated otherwise, all the reference to *al-Īdāh* in this thesis is made to this edition.

these abridgments in chronological order.

## ***al-Ikhhbār***

Nu‘mān composed this first abridgement during the reign of al-Mahdī (d. 322/934).<sup>24</sup> It appears that its manuscript is preserved in al-Jāmi‘a al-Sayfiyya of Surat. The hand-written copy published by this seminary commences with *Kitāb al-ṭahāra* and ends with *Kitāb al-jihād*: it is in two volumes in a single binding with a number of folios missing in each. It contains 339 folios with the first few lines missing in the introduction. Its detailed index is sixty-seven pages in length. As per Nu‘mān’s own calculation, the abridgment comprised 300 folios.<sup>25</sup> Idrīs ‘Imād al-Dīn adds that *al-Ikhhbār* was divided into thirteen *juz’* (parts).<sup>26</sup> A manuscript of this work is preserved in the family collection of a Sulaymani Bohra. I have been given access to this copy and all the references to *al-Ikhhbār* in this study refers to this manuscript.<sup>27</sup>

In the introduction Nu‘mān explains why he composed this abridgement: it targets a specific group of readers who intend to memorise the laws, as opposed to *al-Ḥāḥ* which was written to elucidate the references and arguments underlying the laws. Therefore, the author consistently avoids any mention of the *isnād* or reference to the original source of the hadith; he seems content to state that this (ruling) is

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<sup>24</sup> In reference to the title of this work, there are two different readings. Lokhandwalla calls it *Kitāb al-akhhbār*, whereas, Poonawala, taking a cautious approach, offers both the readings, *Kitāb al-akhhbār* (or *al-ikhhbār*). See al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S.T. Lokhandwalla, 17 (introduction); Ismail K. Poonawala, “The Evolution of al-Qāḍī al-Nu‘mān’s Theory of Ismaili Jurisprudence as Reflected in the Chronology of his Works on Jurisprudence,” 299. However, Poonawala in his biobibliography refers to it as *Kitāb al-ikhhbār*. See Ismail K. Poonawala, *Biobibliography of Ismā‘īlī Literature*, 53. Contrary to Lokhandwalla’s justification that the content of the work suggests that it is a book of traditions (*akhhbār*), I argue that its main aim was to report (*ikhhbār*) the rulings from these traditions. Moreover, the introduction of the book uses the preposition ‘an’ in this phrase ‘*wa sammaytuhu Kitāb al-ikhhbār/akhhbār ‘an madhāhib Ahl al-Bayt al-ṭāhīrīn ṣalwātullāh ‘alayhim ajma‘īn*’ (I have entitled it ‘Book Informing about the Views of Ahl al-bayt -may God’s blessings be upon them-’) which indicates that the word should be read in the form of a verbal noun ‘*al-ikhhbār*’, for a preposition does not fit with a general noun such as ‘*al-akhhbār*’. Moreover, in another instance on the same folio the author writes, ‘...*bi al-ikhhbār ‘an...*’ which indicates the name is supposed to be *ikhhbār* and not *akhhbār*. Fyze has also recorded the title as *Kitāb al-ikhhbār* in his list of Qāḍī Nu‘mān’s works. See Asaf Ali Asghar Fyze, “Qāḍī an-Nu‘mān the Fatimid Jurist and Author,” 16, 19.

<sup>25</sup> al-Qāḍī al-Nu‘mān, *al-Iqtisār*, 10.

<sup>26</sup> Idrīs ‘Imād al-Dīn al-Qurashī, *Uyūn al-akhhbār wa-funūn al-āthār*, 6: 42.

<sup>27</sup> al-Qāḍī al-Nu‘mān, *al-Akhhbār fī al-fiqh*, MS Sulaymani Bohra.

based on the hadith transmitted on the authority of Ahl al-Bayt. Occasionally, the text suggests whether the hadith is transmitted by many (*rawā ākharūn*) or by few (*rawā ba ʿduhum*) or if an opinion has been contested. In numerous occasions, he refers to *al-Īdāh* to reinforce a certain argument, encouraging the reader, in a very subtle way, to visit *al-Īdāh*.<sup>28</sup> The introduction to *Kitāb al-ikhbār* reads:

Then I planned—and I was blessed by God’s divine blessings—to extract the laws from *Kitāb al-Īdāh*, offering legal dictums in issues pertaining to the lawful and unlawful acts, judgments, juridical rulings and expounding on the areas of consensus and disagreement of the transmitters of the reports attributed to the Imams -on them be His blessings- in an abridged form, abandoning the chains of transmission, repetition, arguments, recommendary acts, and reports concerning historical events. I have entitled the work ‘*Kitāb al-ikhbār ʿan madhāhib Ahl al-Bayt al-ṭāhirīn ṣalawātullāh ʿalayhim ajma ʿīn* [Book of Information on the Legal Doctrines of the infallible Ahl al-Bayt -may God’s blessings be upon all of them-]’. This work is designed for those who intends to memorise it and seeking an abbreviated version and may that [*Kitāb al-Īdāh*] be for those who scrutinises the sciences, arguments and historical background of the issues.<sup>29</sup>

Nu ʿmān, in another abridgment entitled *Kitāb al-iqtisār*, states how he compiled *al-Ikhbār*:

Then I extracted another work entitled *Kitāb al-ikhbār* [Book of Information] from it [*Kitāb al-Īdāh*]. In it, I inform [the readers] on principal legal opinions based on the consensus and disagreement of the transmitters. I summarised it by abandoning all the [technical] details, *isnād* and arguments. Thus, it concluded in approximate 300 folios.<sup>30</sup>

His *rajaz* poem entitled *al-Muntakhaba* (see the later description) sums up his journey of composing abridgments in the following couplets:

Then I condensed the composition [220 chapters of *al-Īdāh*] into few chapters comprising of incredible content.

<sup>28</sup> al-Qāḍī al-Nu ʿmān, *al-Akhbār fī al-fiqh*, MS Sulaymani Bohra, 1: 26, 27, 46, 52, 53, 55 and passim. On average, almost every folio contains one reference of *al-Īdāh*.

<sup>29</sup> al-Qāḍī al-Nu ʿmān, *al-Akhbār fī al-fiqh*, 1-3.

<sup>30</sup> al-Qāḍī al-Nu ʿmān, *al-Iqtisār*, 10.



I abandoned the chains of transmissions and all the spurious contradictory reports.

Only the well-grounded laws have been reported in it, after having thoroughly churned the original text [*al-Īḍāh*].

Then I summarised it in a separate abridgment encompassing only the selected reports.<sup>31</sup>

## ***al-Iqtiṣār***

*Al-Ikḥbār* was followed by another abridgment entitled *Kitāb al-iqtiṣār*, a short exposition of the law including all the chapters of a conventional Islamic jurisprudential manual. The work does not offer any *isnād* or the source of a given law, but instead places this phrase, ‘*ruwwinā ‘an Ahl al-Bayt ṣalwātullāh ‘alayhim* (This has been reported to us on the authority of the House of the Prophet—may God’s blessings be upon them)’ at the beginning of each chapter. Clearly, Nu‘mān wants to convey to the reader that all the legal dicta in each chapter are based on the hadith transmitted on the authority of the Ahl al-Bayt. The targeted audience for this abridgement is not known, but its commitment to render well-established laws (legal opinions) in a nontechnical and an accessible format indicates that it was composed for the laity.<sup>32</sup> Fyzee and Poonawala speculate that it was a condensed version of *Kitāb al-ikḥbār*, but their supposition is not corroborated by any internal or external evidence. Nonetheless, it appears to have been compiled during the reign of al-Qā’im (d. 334/946).<sup>33</sup> Muḥammad Waḥīd Mīrzā critically edited the text which was then published in 1957. In the prologue of this work, Nu‘mān briefly explains his style, intent and content by stating:

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<sup>31</sup> Here the author is referring to *al-Iqtiṣār*. Lokhandwalla assumes that this hemistich refers to *Kitāb al-ikḥbār*. See al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S.T. Lokhandwalla, 17 (introduction). A cursory look at the prologues of *al-Muntakhaba* and *al-Iqtiṣār* leaves no doubt that Lokhandwalla’s claim fails to consider author’s own description of the chronology of his works. See al-Qāḍī al-Nu‘mān, *al-Muntakhaba fī al-fiqh*, 3r, MS 1160 (Arl, ZA); al-Qāḍī al-Nu‘mān, *al-Muntakhaba fī al-fiqh*, 1: 4-5; al-Qāḍī al-Nu‘mān, *al-Iqtiṣār*, 10.

<sup>32</sup> al-Qāḍī al-Nu‘mān, *al-Muntakhaba fī al-fiqh*, 3r-3v, MS 1160 (Arl, ZA); al-Qāḍī al-Nu‘mān, *al-Muntakhaba fī al-fiqh*, 1: 5.

<sup>33</sup> Asaf Ali Asghar Fyzee, “Qāḍī an-Nu‘mān the Fatimid Jurist and Author,” 19; Ismail K. Poonawala, *Biobibliography of Ismā’īlī Literature*, 54; al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S.T. Lokhandwalla, 21 (introduction); Ismail K. Poonawala, “The Evolution of al-Qāḍī al-Nu‘mān’s Theory of Ismaili Jurisprudence as Reflected in the Chronology of his Works on Jurisprudence,” 299.

Then I deemed appropriate—and my success is due to God’s blessings—to restrict myself to the well-established laws [legal opinions] that have met the consensus of the transmitters in accepting or rejecting them. It commits to present those issues in a condense manner for brevity, simplicity and accessibility. I have collected them [legal opinions] in this work and entitled it *Kitāb al-iqtiṣār* [The Digest]. God willing, it would prove to be adequate for those the seekers of brevity.<sup>34</sup>

## ***al-Muntakhaba***

Nu‘mān also composed a *rajaz* poem manual of jurisprudence, *al-Muntakhaba*, that shared the same objective of *Kitāb al-iqtiṣār*.<sup>35</sup> In fact, the introduction to *Kitāb al-iqtiṣār* refers to this metrical law manual: ‘I also versified it [*Kitāb al-iqtiṣār*] into rhyming *rajaz* meter of two hemistiches for those seeking to memorise it.’<sup>36</sup>

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<sup>34</sup> al-Qāḍī al-Nu‘mān, *al-Iqtiṣār*, 10.

<sup>35</sup> The prologue of *al-Iqtiṣār* indicates that the draft of *al-Muntakhaba* was ready by the time the former was completed. The arrangement of their chapters follows a similar style and pattern, except for one chapter, *Kitāb al-ḍahāyā wa al-‘aqā‘iq* (chapter of sacrificial animals and the offerings made for newborn children). This chapter occurs after *Kitāb al-dhabā‘ih* (chapter of ritual slaughter) in *al-Iqtiṣār* which appears to more appropriate, given the common topic they share, compared to *al-Muntakhaba*’s arrangement of situating it after *Kitāb al-luqaṭa wa al-‘ābiq* (chapter of finds and the runaway slaves). This analysis confirms with Lokhandwalla’s finding that *al-Iqtiṣār* was compiled soon after or along with *al-Muntakhaba*. al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S.T. Lokhandwalla, 21 (introduction); al-Qāḍī al-Nu‘mān, *al-Iqtiṣār*, 104-5; al-Qāḍī al-Nu‘mān, *al-Muntakhaba fī al-fiqh*, 164v, MS 1160 (Arl, ZA); al-Qāḍī al-Nu‘mān, *al-Muntakhaba fī al-fiqh*, 2: 175-6. The translation of the titles of the chapters is extracted from al-Qāḍī al-Nu‘mān, *The Pillars of Islam*, tr. Asaf Ali Asghar Fyzee, completely revised and annotated by Ismail K. Poonawala, 2: 156, 164, 501.

<sup>36</sup> The title ‘*al-Muntakhaba*’ appears in the prologue of the book. However, referring to the MS collection of his father, Mullā Qurbān Ḥusayn, Poonawala introduces the work with another title, *al-Urjūza al-muntakhaba*. Ismail K. Poonawala, “The Evolution of al-Qāḍī al-Nu‘mān’s Theory of Ismaili Jurisprudence as Reflected in the Chronology of his Works on Jurisprudence,” 300. Al-Qurashī remembers the work with another lengthy title, *al-Risālat al-urjūza al-mukhtāra al-muntakhaba*. See Idrīs ‘Imād al-Dīn al-Qurashī, *Uyūn al-akhbār wa-funūn al-āthār*, 6: 46. Poonawala in his metaculous observation argues against the interpolation of the word ‘*al-risāla*’ in the title suggested by Idrīs ‘Imād al-Dīn, however the word *al-Urjūza* too appears to be an interpolation in the manuscript available to him. Moreover, his attribution to al-Majdū‘ that he refers to it as *al-Qaṣīda al-muntakhaba* appears to be incorrect. Al-Majdū‘ uses the word *qaṣīda* to highlight the versified nature of the work without suggesting that the title of the book is *al-qaṣīda*. See Ismail K. Poonawala, “The Evolution of al-Qāḍī al-Nu‘mān’s Theory of Ismaili Jurisprudence as Reflected in the Chronology of his Works on Jurisprudence,” 342-3; al-Majdū‘, *Fihrist al-kutub wa al-rasā‘il*, 34. Fyzee and Ivanow referred to it as ‘*al-Qaṣīda al-muntakhaba*’. See Asaf Ali Asghar Fyzee, “Qāḍī an-Nu‘mān the Fatimid Jurist and Author,” 16, 20; Vladimir Ivanow, *Ismaili Literature*, 70. Cortese refers to it as *al-Urjūza al-muntakhaba* (or *al-Qaṣīda al-muntakhaba*). See Delia Cortese, *Arabic Ismaili Manuscripts: The Zāhid ‘Alī Collection*, 191. Ibn Khallikān and al-Majdū‘ have introduced the work with the title ‘*al-*

The work remains unedited, and a hand-written copy was produced for the seminarians of al-Jāmi‘a al-Sayfiyya in 1425/2004. The two-volume copy bears the title ‘*al-Muntakhaba fī al-fiqh* (The Chosen *Rajaz* Poem)’. The first volume consists of 137 folios with a 15-page index, and the second volume comprises 199 pages with a detailed index of 61 pages followed by 2 pages of erratum. Both the volumes were transcribed by al-Shaykh ‘Abd al-Ḥusayn al-Najmī b. Sayf al-Dīn b. ‘Abd al-Husayn b. Shams al-Dīn (from Kapadvanj, a town of the Kheda district in Gujarat, India).

In the prologue to *al-Muntakhaba*, Nu‘mān describes his journey of compiling abridgments in the following couplets:

Then I entertained the thought to versify it [*al-Īdāh* or *al-Iqtīṣār*] in couplets that rectify the discrepancies [between the contradictory reports].

The chapters are systematically categorised for the accessibility of the readers.

It has been simplified for those seeking knowledge transmitted by intellectuals and astute scholars.

I have abandoned technical arguments [of legal rulings] so that every section is accommodated in one folio.

On its successful completion, I entitled it ‘*al-Muntakhaba* [The Chosen]’, for it is designed and selected for the students [who intend to memorise it].<sup>37</sup>

It is not entirely clear if *al-Muntakhaba* preceded *al-Iqtīṣār*. Focusing on the word ‘*ayḍan*’ (also) in *al-Iqtīṣār* and the cross-referencing in the introduction to both the texts, I argue that both the prose and poetry were written concurrently. Lokhandwalla also arrives at a similar conclusion, albeit with some caution.<sup>38</sup> It is safe to conclude

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*Muntakhaba*’ as reported in Nu‘mān’s works. See Ibn Khallikān, *Wafayāt al-a‘yān wa anbā’ abnā’ al-zamān*, 5: 416; al-Majdū‘, *Fihrist al-kutub wa al-rasā’il*, 34.

<sup>37</sup> al-Qāḍī al-Nu‘mān, *al-Muntakhaba fī al-fiqh*, 3r, MS 1160 (Arl, ZA); al-Qāḍī al-Nu‘mān, *al-Muntakhaba fī al-fiqh*, 1: 4.

<sup>38</sup> Poonawala assumes that the below mentioned hemistich refers to *Mukhtaṣar al-Īdāh*. The flow of the introduction of *al-Muntakhaba* and *al-Iqtīṣār* is very identical. See al-Qāḍī al-Nu‘mān, *al-Muntakhaba fī al-fiqh*, 3r, MS 1160 (Arl, ZA); al-Qāḍī al-Nu‘mān, *al-Muntakhaba fī al-fiqh*, 1: 4. It reads: *thumma ikhtaṣartu lafzahā fī mukhtaṣar ajmaltu fihī jumalan min al-khabar* (Then I condensed the content in an abridged version, while briefing on some important reports). Moreover, Nu‘mān has not referred to *Mukhtaṣar al-Īdāh* in any of his previous collections, namely *al-Ikhhār*, *al-Iqtīṣār* and *al-Muntakhaba*. Lokhandwalla’s conclusions resonate with my findings. See al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S.T. Lokhandwalla, 17 (footnote 2).

that, like his previous compositions, this work is also based on his legal positions deduced in *al-Īdāh*. It should be noted that *al-Muntakhaba* offers additional deliberations not included in *al-Iqtiṣār*.

### ***Mukhtaṣar al-īdāh***

Idrīs ‘Imād al-Dīn includes this work in his list of Nu‘mān’s writings. Fyzee refers to it as ‘*Ikhtīṣār al-īdāh*’ and asserts that it is an abridgment of *al-Īdāh* and is entirely lost. Maintaining the same position that it is an abridgment of *al-Īdāh*, Lokhandwalla speculates that the work was composed concurrently with *al-Īdāh* and *al-Ikhhbār*, during the reign of al-Mahdī (d. 322/934) and at his suggestion. He also adds that an indirect reference was made to this work in *al-Muntakhaba*.<sup>39</sup> Poonawala concurs with the findings of Lokhandwalla while citing some verses from *al-Muntakhaba*; however, I disagree that these verses refer to *Mukhtaṣar al-īdāh*.<sup>40</sup> Interestingly, he does not list this title in his article, ‘The Evolution of al-Qāḍī al-Nu‘mān’s Theory of Ismaili Jurisprudence as Reflected in the Chronology of his Works on Jurisprudence’. Moreover, there is no mention of such a title in Qāḍī Nu‘mān’s own works. It is Amīnī b. Jalāl’s *al-Ḥawāshī* which cites this work in numerous instances, but without making note of its author.<sup>41</sup> Given the fact that the claim advanced by Poonawala and Lokhandwalla, based on the citations of the hemistiches of *al-Muntakhaba* is disputable, the attribution of this work to Qāḍī Nu‘mān needs further evidence. Until there is more corroboration of its authorship, the study of the citations of *al-Ḥawāshī*

<sup>39</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S.T. Lokhandwalla, 18 (introduction). To support his argument, Lokhandwalla cites the following hemistich from *al-Muntakhaba*: ‘*Thumma ikhtaṣartu ba‘du minhā kitāban, jāmi‘atan jama‘tu fihā ‘ajabā* (Then I condensed the composition (220 chapters of *al-Īdāh*) into few chapters comprising of incredible content).’ al-Qāḍī al-Nu‘mān, *al-Muntakhaba fī al-fiqh*, 3r, MS 1160 (Arl, ZA); al-Qāḍī al-Nu‘mān, *al-Muntakhaba fī al-fiqh*, 1: 4. As discussed earlier, this hemistich, in fact, refers to *al-Ikhhbār* and not to *Mukhtaṣar al-īdāh*.

<sup>40</sup> Idrīs ‘Imād al-Dīn al-Qurashī, ‘*Uyūn al-akhhbār wa-funūn al-āthār*, 6: 42; Asaf Ali Asghar Fyzee, ‘Qāḍī an-Nu‘mān the Fatimid Jurist and Author,’ 19; al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S.T. Lokhandwalla, 18 (introduction). Ismail Poonawala, *Biobibliography of Ismā‘īlī Literature*, 52-3. Poonawala argues that *al-Muntakhaba* was compiled after *Mukhtaṣar al-īdāh* citing this hemistich, ‘*thumma ikhtaṣartu lafzahā fī mukhtaṣar ajmaltu fihī jumalan min al-khabar* (Then I summarised it in a sperate abridgment encompassing only the selected reports).’ al-Qāḍī al-Nu‘mān, *al-Muntakhaba fī al-fiqh*, 3r, MS 1160 (Arl, ZA); al-Qāḍī al-Nu‘mān, *al-Muntakhaba fī al-fiqh*, 1: 4. See Ismail Poonawala, ‘The Evolution of al-Qāḍī al-Nu‘mān’s Theory of Ismaili Jurisprudence as Reflected in the Chronology of his Works on Jurisprudence,’ 343.

<sup>41</sup> See footnote 18 of this chapter.

may shed some light on the author and the date of its compilation.

### **Additional Works Related to *al-Īdāh*: *Kitāb al-ṭahāra* and *Mukhtaṣar al-āthār***

Another two works of al-Nu'mān which arguably relate to *al-Īdāh* bear the titles *Kitāb al-ṭahāra* and *Mukhtaṣar al-āthār*. These legal manuals were composed later than the works already cited, during the time of the fourth Imam-Caliph, al-Mu'izz (d. 365/975). Interestingly, Nu'mān did not compose any legal work during the time of al-Manṣūr (d. 341/953), the third Fatimid Imam-Caliph. This hiatus in producing legal compilations could have two causes: his extensive works in the field of jurisprudence appeared to be sufficient for the nascent Ismaili state, and there was an increasing demand to compile polemical and refutation works to respond to Sunni ideologues. Later, after Fatimids had successfully established peace in their territory and were marching towards the East, resulting in the founding of Cairo, Nu'mān was commissioned the task of compiling a comprehensive manual of law. This endeavour resulted in the compilation of his most celebrated work, *Da'ā'im al-Islām*. Prior to this, Nu'mān composed two legal works.

The first work, *Kitāb al-ṭahāra*, is identical to the legal reports of his previous works. Idrīs 'Imād al-Dīn introduces it with the title *Kitāb al-ṭahāra wa al-ṣalawāt bi furūḍihā wa sunanihā*, whereas al-Majdu' suggests the title as *Kitāb al-Ṭahārāt*, comprising three chapters of *Kitāb al-Ṭahārāt*, *Kitāb al-ṣalāt* and *Kitāb al-janā'iz*.<sup>42</sup> As attested by the two manuscripts from the Zāhid 'Alī Collection, this incomplete work does not contain any introduction, which makes it difficult to understand its purpose and intended audience.<sup>43</sup> The language and the tone of the text does not resemble Nu'mān's writings. This will be further examined in Chapter 7.

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<sup>42</sup> Idrīs 'Imād al-Dīn al-Qurashī, *Uyūn al-akhbār wa-funūn al-āthār*, 6: 46; al-Majdu', *Fihrist al-kutub wa al-rasā'il*, 18.

<sup>43</sup> al-Qāḍī al-Nu'mān, *Kitāb al-ṭahāra*, MS 1263 (Zāhid 'Alī Collection, Institute of Ismaili Studies, London, copied in 1276/1859). Henceforth this manuscript will be referred to as MS 1263 (Arl, ZA). Also see al-Qāḍī al-Nu'mān, *Kitāb al-ṭahāra*, transcribed by Mullā Shabbīr Mullā Fakhr al-Dīn (Surat: al-Jāmi'a al-Sayfiyya, 1422/2001).

The second work, *Mukhtaṣar al-āthār*, addresses the needs of the judges and governors of the Fatimid state. It could be argued that this text served as an intermediary work between *al-Īdāh*, all its abridgments and *Da‘ā‘im al-Islām*.<sup>44</sup> Arguably, *Mukhtaṣar al-āthār* is the most significant legal work after *al-Īdāh*, and hence a detailed examination of its influence remains critical to the study of *al-Īdāh*.

Its introduction describes the book’s historical background and primary aims. It also provides valuable information on the function of the *ijāza* (license) and the significance of this book for the fourth Fatimid Imam-Caliph al-Mu‘izz (d. 365/975). This book, like many of Nu‘mān’s works on jurisprudence, remains unedited, although al-Jāmi‘a al-Sayfiyya has published a hand-written copy of the text in two volumes for its seminarians. The first volume contains 381 folios followed by a detailed index of ninety-six pages. The second volume comprises 386 folios with a seventy-four-page index. The transcription of the first volume was completed by Shaykh ‘Alī Asghar Dhu‘ayb bhai in 1422/2001 in Mumbai, and the second volume was completed by his colleague al-Mu‘īd Shaykh Mu‘izz Faḍl Ḥusayn in the same year.

Like many other works of Nu‘mān, this work has also been assigned different titles. Fyzee, Ivanow and Poonawala, following al-Majdū‘, refer to it as *Mukhtaṣar al-āthār*<sup>45</sup>; indeed in the introduction Nu‘mān suggests that the correct title is *Mukhtaṣar*

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<sup>44</sup> Lokhandwalla asserts that *Mukhtaṣar* was composed before *Da‘ā‘im al-Islām*. See al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S.T. Lokhandwalla, 22-3 (introduction). Poonawala concurs with Lokhandwalla’s findings. See Ismail K. Poonawala, “The Evolution of al-Qāḍī al-Nu‘mān’s Theory of Ismaili Jurisprudence as Reflected in the Chronology of his Works on Jurisprudence,” 302 (footnote 30). Idrīs ‘Imād al-Dīn al-Qurashī and Hussein Hamdani assume that this work is an abridgment of *Da‘ā‘im al-Islām*. He states: Then, *Amīr al-mu‘minīn* [al-Mu‘izz] instructed Qāḍī Nu‘mān to summaries it. Executing Imam’s orders, he extracted *Ikhtisār al-āthār fī mā ruwiya ‘an al-a‘immat al-aṭhār* from *Da‘ā‘im al-Islām*. See Idrīs ‘Imād al-Dīn al-Qurashī, *Uyūn al-akhbār wa-funūn al-āthār*, 6: 44; Husain F. al-Hamdani, “Some Unknown Isma‘ili Authors and Their Works,” 369 (footnote 2). al-Majdū‘ introduces this work by stating, *jāmi‘un li jam‘ (jami’) dhālika al-kitāb ghayr kitāb al-walāya fa innahu mā atā illā fihī* (It comprise everything except the chapter on *walāya* and Nu‘mān did not introduced that except in *Da‘ā‘im al-Islām*). See al-Majdū‘, *Fihrist al-kutub wa al-rasā‘il*, 32.

<sup>45</sup> al-Qāḍī al-Nu‘mān, *Mukhtaṣar al-āthār*, 3v, MS 1185, (Zāhid ‘Alī Collection, Institute of Ismaili Studies, London, n.d. -14<sup>th</sup>/20<sup>th</sup> century-). Henceforth this manuscript will be referred to as MS 1185 (Arl, ZA). For other copy of this work see, al-Qāḍī al-Nu‘mān, *Mukhtaṣar al-āthār*, transcribed by

*al-āthār*.<sup>46</sup> However, Fyzee suggests a second title, *Ikhtiṣār al-āthār*, within brackets followed by a question mark, indicating the ambiguity surrounding its title. Lokhandwalla suggests a slightly different title, *Kitāb al-ikhtiṣār li ṣaḥīḥ al-āthār*.<sup>47</sup> Nu‘mān also gave an amusing secondary title of *Kitāb al-dīnār*, for no other reason but to attract readers and encourage them to purchase the book at an affordable price of one *dīnār*. Imam al-Mu‘izz criticised the secondary title, stating that it diminished the rich content of the book and that the reports of Ahl al-Bayt should not be reduced to a small monetary value; the Imam instructed Nu‘mān to change the secondary title to *Kitāb al-ikhtiṣār li ṣaḥīḥ al-āthār ‘an al-a’immat al-aḥbār*.<sup>48</sup>

I argue that Fyzee and Lokhandwalla have been misled by the honorary title given by Imam al-Mu‘izz when he instructed Nu‘mān to replace the amusing title of *Kitāb al-dīnār* with a more appropriate one. It seems that the Imam did not instruct Nu‘mān to change the original title he gave to the work, but only the secondary title used to promote its readership.

The content of *Mukhtaṣar al-āthār* seems to indicate that it was compiled at a later stage of Nu‘mān’s life.<sup>49</sup> This dating is further corroborated by the fact that he composed it on the request of judges and governors, which indicates that he would have already been appointed as *Qāḍī al-quḍāt* (the chief judge) and the Fatimids would have already expanded their territories to encompass distant lands. This appears to be his first legal work catering to the needs of governors and judges ruling

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Shaykh ‘Alī Asghar Dhu‘aybbhai [vol. 1] and al-Mu‘īd Shaykh Mu‘izz Faḍl Ḥusayn [vol. 2] (Surat: al-Jāmi‘a al-Sayfiyya, 1422/2001), 1: 6.

<sup>46</sup> al-Majdū‘, *Fihrist al-kutub wa al-rasā’il*, 32; Asaf Ali Asghar Fyzee, “Qāḍī an-Nu‘mān the Fatimid Jurist and Author,” 25; Ismail K. Poonawala, *Biobibliography of Ismā‘īlī Literature*, 54-5.

<sup>47</sup> Asaf Ali Asghar Fyzee, “Qāḍī an-Nu‘mān the Fatimid Jurist and Author,” 25; al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S.T. Lokhandwalla, 21 (footnote 3, introduction). He emphasises that this is the actual name given by Nu‘mān and the ‘*Uyūn*. The manuscript which I referred reads: *fa allaftu lahum hādihā al-kitāb mutawassiṭan bayn al-ṭatwīl wa al-ikhtiṣār wa sammaytuḥu mukhtaṣar al-āthār* (Thus, I compiled this book for them (judges, governors and friends) which is intermediary between prolongation and abridgment and I have entitled it ‘*Mukhtaṣar al-āthār*’). See al-Qāḍī al-Nu‘mān, *Mukhtaṣar al-āthār*, 3v, MS 1185 (Arl, ZA); al-Qāḍī al-Nu‘mān, *Mukhtaṣar al-āthār*, 1: 6.

<sup>48</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 359-60.

<sup>49</sup> The first chapter relates to ‘Encouraging factors for learning knowledge and etiquettes of it’ which appears to be a new trend in his works. Previous works started with the chapters pertaining to ritual purity and daily religious observances.

over Fatimid territories and hence a reference book for juridical issues for the Fatimid subjects. Nonetheless, Nu‘mān’s final legal work, *Da‘ā’im al-Islām*, overshadowed the significance of this work and the services it provided for the Fatimid bureaucrats.<sup>50</sup> The introduction of *Mukhtaṣar al-āthār* reads:

I have collected the reports of the infallible Imams from the progeny of the Prophet -May God’s peace be upon him and his progeny—in different legal compositions. After having classified, categorised, examined and assembled, I reported the traditions which included those which did not meet the consensus of the transmitters. The well-established practices were identified and substantiated with legal reasonings, juridical proofs and supporting arguments. This endeavour resulted in several volumes which did not attract those readers who were seeking concise rulings. Later, I abridged it in prose and poetry in several abridgements which, again, did not, necessarily, meet the expectations of certain readers, the former for its detailed nature and the latter for its brevity. Many judges, governors and friends, the seekers of the knowledge of lawful acts and forbidden acts, have requested me to compile an intermediary text accessible to everyone, with adequate information, that a youth can read and memorise whereas an elderly individual can also benefit from it. Occupied and unoccupied both can equally follow it and should be affordable for both the poor and the rich. Therefore, I compiled this book for them [judges, governors and friends] which serves as an intermediary text between prolongation [of *al-Īdāh*] and abridgment [of *al-Ikḥbār*, *al-Iqtīṣār*, *al-Muntakhaba*]. The composition is entitled *Mukhtaṣar al-āthār*.<sup>51</sup>

This work has gained the status of being the second-most distinguished work of legal jurisprudence, after *Da‘ā’im al-Islām*, in Ismaili tradition. Al-Maqrīzī (d. 845/1442) reports that this manual was taught to a large audience in al-Azhar Mosque by Nu‘mān’s son,<sup>52</sup> ‘Alī, who had read the entire text with his father in 348/959 and

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<sup>50</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S.T. Lokhandwalla, 22-3 (introduction). Poonawala concurs with Lokhandwalla’s findings. See Ismail K. Poonawala, “The Evolution of al-Qāḍī al-Nu‘mān’s Theory of Ismaili Jurisprudence as Reflected in the Chronology of his Works on Jurisprudence,” 302 (footnote 30).

<sup>51</sup> al-Qāḍī al-Nu‘mān, *Mukhtaṣar al-āthār*, 3r-3v, MS 1185 (Arl, ZA); al-Qāḍī al-Nu‘mān, *Mukhtaṣar al-āthār*, 1: 5-6.

<sup>52</sup> Idrīs ‘Imād al-Dīn al-Qurashī, *‘Uyūn al-akḥbār wa-funūn al-āthār*, 6: 232; al-Maqrīzī, *Itti‘āz al-ḥunafā’ bi akḥbār al-a‘imma al-Fāṭimiyyīn al-khulafā’*, 2: 341. It should be noted that the author mistakenly reports that the text which was read in the Mosque was *al-Iqtīṣār*. Given the importance of *Mukhtaṣar al-āthār* for the judges and governors, it is reasonably safe to conclude that it should



subsequently taught it to his son, al-Ḥusayn. Al-Mu‘izz, al-‘Azīz and al-Ḥākīm are reported to have given permission to Nu‘mān’s son and grandson to dictate its contents to those who came to them to learn the law. The extant copy is in the recension of Nu‘mān’s grandson.<sup>53</sup>

As seen in this chapter, the study of *al-Īḍāh* and its several abridgments suggests that his first legal hadith collection remained central for all his later compositions. *Al-Īḍāh* was a scholarly pursuit in the sense that it did not necessarily contribute to the affairs of the state, nor did it prove to be productive for the religious needs of a devotee. It was bound to fail in addressing the religious needs of the Fatimid subjects, which is why *al-Īḍāh* was followed by several abridgments and more accessible writings. However, it played a key role in defining the contours of the legal *madhhab* of Ahl al-Bayt amongst the majority Ḥanafī and Mālikī populace. The primary goal of compiling *al-Īḍāh* was to collect and collate hadith on various legal issues for legal and religious scholars. Yet, the voluminous work is more than a collection of hadith: it is a juridical endeavour reconciling contradictory hadith and offering legal reasoning for its conclusions. As the state evolved and the power of the Imam-Caliph increased, the idea of intellectual dominance over ‘outsiders’ grew weaker in favour of catering to the daily needs of the ‘insiders’. The result was the composition of law manuals based on the reports of Ahl al-Bayt, but that did not allude to areas of disagreements or provide references for those reports.

## Sources of *al-Īḍāh*

A critical study of the sources of *al-Īḍāh* assists the researcher in reconstructing the non-extant chapters of *al-Īḍāh* and enables an examination of the evolution of Nu‘mān’s legal opinions. It also determines the factors that dictated his selection of certain materials over others in each of his later works designed for a particular audience; his selection of materials is further explored in Chapter 7. *Al-Īḍāh* stands

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have been studied in the learning institutions of the Fatimids, as opposed to the succinct insignificant work such as *al-Iqtīṣār*.

<sup>53</sup> al-Qāḍī al-Nu‘mān, *Mukhtaṣar al-āthār*, 2r-2v, MS 1185 (Arl, ZA); al-Qāḍī al-Nu‘mān, *Mukhtaṣar al-āthār*, 1: 3-4.

unique, among both the Shi'i and Sunni hadith collections, for its unconventional style of citing the sources with their relevant *isnāds*. Given the many varied sources that he consulted, Nu'mān had access to an exceptionally broad range of collections of hadith, found in the royal libraries of the Fatimids. It could be argued that his transmission of hadith from written sources, rather than oral ones, was due to his personal circumstances—not being trained as a *muḥaddith* plus having access to the royal libraries—and was not a conscious preference for written works. The method of oral transmission was more popular at the time and was followed by other scholars, such as al-Kulaynī (d. 329/941), who presumably had access to written sources in Qum and Baghdad, but opted to quote oral reports. Nonetheless, Nu'mān's work preserved some rare foundational texts of early Shi'i hadith, otherwise thought to have been extinct. Nu'mān faithfully, classified, arranged and transmitted their hadith in the relevant chapters of *al-Īdāh*. Although *al-Īdāh* has not survived in its entirety, it is reasonably safe to assume that it did not contain an appendix of *al-mashyakha* (lit. senior teachers; an *isnād* of an author to a source book). Unlike Ibn Bābawayh (d. 380/991) and al-Ṭūsī (d. 460/1067), whose style of transmitting hadith resembles that of Nu'mān, Nu'mān did not obtain the foundational hadith collections from a teacher via *samā'* or *qirā'a*. Therefore, it is not surprising that he does not provide his own *isnād* to his sources.

The extant fragment of *al-Īdāh* comprises 649 *isnād* from seventeen sources (see Table 2.1). The below list enumerates all the 17 sources with its relevant chains of transmission. The list is followed by a table which highlights the number of hadith cited from each of these sources.

- *Kitāb al-qaḍāyā*, transmitted on the authority of:
  - Aḥmad (Muḥammad) b. al-Ḥusayn (b. Ḥafṣ al-Ashnānī al-Kūfī)
- *Kitāb al-ṣalāt*, transmitted on the authority of:
  - Abū Dharr Aḥmad b. al-Ḥusayn b. Asbāṭ
- *Kitāb Hammād b. Ṭsa*, transmitted on the authority of:
  - Ḥarīz b. 'Abdillāh al-Sijistānī
- *Jāmi' al-Ḥalabī*, transmitted on the authority of:

- Abū ‘Abdallāh
- *Kitāb al-Ḥalabī al-ma‘rūf bi Kitāb al-masā’il*, transmitted on the authority of:
  - Abū ‘Abdallāh Ja‘far b. Muḥammad
- *al-Kutub al-Ja‘fariyya*, transmitted on the authority of:
  - Abū ‘Alī Muḥammad b. Muḥammad b. al-Ash‘ath al-Kūfī
  - (*bi al-isnād ‘an*) Ja‘far b. Muḥammad ‘an Abīhī
- *Kitāb yawm wa layla*, transmitted on the authority of:
  - Ḥasan, Abū ‘Abdullāh Ja‘far b. Muḥammad, Ayyūb, and ‘Abdullāh b. Sinān
- *Jāmi‘ ‘Alī b. Asbāṭ*, transmitted on the authority of:
  - al-Ḥasan b. Jahm
- *Kutub (Abū ‘Abdillāh) Muḥammad b. Sallām (b. Sayyār al-Kūfī)*, transmitted on the authority of many Zaydi Imams and traditionists, for instance, Abū Ja‘far Muḥammad b. Manṣūr al-Murādī
- *Jāmi‘ min kutub Ṭāhir b. Zakariyyā b. al-Ḥusayn*, transmitted on the authority of:
  - Abū ‘Abdillāh Ja‘far b. Muḥammad
- *Kutub Abū al-Ḥasan ‘Alī b. Farsand (Warsand)*, transmitted on the authority of:
  - Aḥmad and Aḥmad b. Ibrāhīm
- *Jāmi‘ Ghīyāth b. Ibrāhīm (al-Tamīmī al-Usaydī)*, transmitted on the authority of:
  - Ismā‘īl (b. Abān b. Ishāq al-Azdī al-Warrāq)
- *Kitāb al-masā’il*, transmitted on the authority of:
  - al-Ḥusayn b. ‘Alī (b. Ḥasan b. ‘Alī b. ‘Umar b. ‘Alī)
- *Kitāb al-masā’il*, transmitted on the authority of:
  - Aḥmad b. al-Ḥusayn (b. Ḥafṣ al-Ashnānī al-Kūfī)
- *Kitāb uṣūl madhāhib al-Shī‘a*, transmitted on the authority of:
  - Muḥammad b. al-Ṣalt
- *Kitāb al-nahy*, transmitted on the authority of:
  - al-Ḥasan b. Ja‘far
- *al-Musnad*, transmitted on the authority of number of Companions

Titles	Number of hadith
<i>Kitāb al-qaḍāyā</i> (through various transmitters)	16
<i>Kitāb al-ṣalāt</i> of Abū Dharr Aḥmad b. al-Ḥusayn b. Asbāṭ	61
<i>Kitāb Ḥammād b. ʿĪsa</i>	82
<i>Jāmiʿ al-Ḥalabī</i>	52
<i>Kitāb al-Ḥalabī al-maʿrūf bi kitāb al-masāʿil</i>	53
<i>al-Kutub al-Jaʿfariyya</i>	90
<i>Kitāb yawm wa Layla</i>	19
<i>Jāmiʿ ʿAlī b. Asbāṭ</i>	4
<i>Kutub (Abū ʿAbdillāh) Muḥammad b. Sallām (b. Sayyār al-Kūfī)</i>	158
<i>Jāmiʿ min kutub Ṭāhir b. Zakariyyā b. al-Ḥusayn</i>	48
<i>Kutub Abū al-Ḥasan ʿAlī b. Farsand (Warsand)</i>	2
<i>Jāmiʿ Ghiyāth b. Ibrāhīm (al-Tamīmī al-Usaydī)</i>	1
<i>Kitāb al-masāʿil</i> on the authority of al-Ḥusayn b. ʿAlī	27
<i>Kitāb al-masāʿil</i> on the authority of Aḥmad b. al-Ḥusayn	3
<i>Kitāb uṣūl madhāhib al-Shīʿa</i>	4
<i>Kitāb al-nahy</i> on the authority of al-Ḥasan b. Jaʿfar	11
<i>Kutub Abū al-Ḥusayn ʿAlī b. Warsand</i>	2
<i>Jāmiʿ Ghiyāth b. Ibrāhīm</i>	1
<i>al-Musnad</i> (on various authorities)	15
<b>TOTAL</b>	649

Table 2.1: The sources of hadith and the number of references made by *al-Īdāh*.

To create a legal *madhhab* based on the hadith of Ahl al-Bayt, Nu‘mān consulted both the Zaydi and early Imami hadith collections, for they both fit into the wider definition of the household of the Prophet. It is worth noticing that almost 25 percent of the hadith transmitted in the extant fragment of *al-Īdāh* are derived from Zaydi hadith sources. Therefore, Madelung’s assessment of Nu‘mān’s sources, which is examined later in more detail, not only simplifies the dynamics at play in North Africa but also fails to take account of Nu‘mān’s inferior treatment of the Zaydi sources compared to Imāmī ones:

Ismaili law thus appears in the *Kitāb al-Īdāh*, both materially and theoretically, as a compromise between Imāmī and Zaydi law. Materially, it is based on sources accepted as authoritative in Imāmī *fiqh* as well as those accepted as authoritative in Zaydi *fiqh*. Theoretically, al-Nu‘mān recognizes, in agreement with the Zaydis, the authority of the *Ahl al-bayt* in general, not merely that of the imams. But he makes a concession to the Imāmī position in granting the imams superior authority to that of the other ‘Alids. In particular, the importance of Imam Ja‘far, whose role is quite limited in Zaydi law but paramount in Imāmī law, is evident in the fragment of the *Kitāb al-Īdāh*.<sup>54</sup>

The role, if any, that Fatimid Imam-Caliphs play in *al-Īdāh* is not clear. Given the Imam’s central position in Shi‘i doctrinal beliefs in general and for Ismailis in particular, one would expect his sayings to be *a*, if not *the*, source of legal derivations. At the very least, the Imam would be expected to supervise the content, authenticate the reports and reconcile the contradictory reports. Contrary to this expectation, Nu‘mān does not acknowledge the authority of al-Mahdi (d. 332/934) in a single instance, neither in *al-Īdāh* nor in its later abridgments. However, he underscores the contribution of an anonymous authority(ies) in six different instances without offering any further details. The expressions used to highlight the opinions of these anonymous authorities are as follows:

1. *man yajibu al-taslīmu li qawlihi* (one whose statements deserves total submission)<sup>55</sup>

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<sup>54</sup> Wilferd Madelung, “The Sources of Ismā‘īlī Law,” 32.

<sup>55</sup> al-Qādī al-Nu‘mān, *al-Īdāh*, 42.

2. *man yajibu qabūlu qawlihi* (one whose statement must be executed)<sup>56</sup>
3. *man yajibu qabūlu amrihi* (one whose order must be executed)<sup>57</sup>
4. *qad aqāmāllāhu ‘ilm (‘alam) al-a’imma al-muhtadīn* (certainly, God has established the knowledge/flag of the rightly guided Imams)<sup>58</sup>

Except for the last expression, it is not entirely clear if Nu‘mān is referring to the Fatimid Imams, earlier *dā‘īs* or his senior colleagues. These attributions are explored further in Chapter 3 in relation to the contextual influences on Nu‘mān’s writings. Even though Ismailis did not subscribe to the imamate of Mūsā b. Ja‘far al-Kāẓim (d. 183/799), but rather to Ismā‘īl b. Ja‘far (d. 138/762) and Muḥammad b. Ismā‘īl (d. 197/813), one cannot find any significant reference to the sayings of these two Imams. On the contrary, al-Kāẓim, in the capacity of a narrator, appears quite frequently.<sup>59</sup>

To sum up, Nu‘mān’s *al-Īdāh* is not dissimilar to other Imami hadith collections in claiming to have extracted hadith from the Medinese and Kūfan legacy of Ja‘far b. Muḥammad (148/765) and his companions. What Nu‘mān’s *al-Īdāh* fails to highlight is the contribution of the Imams of the post-schism period. This lack of acknowledgement could be explained by the fact that Nu‘mān’s main goal, in the embryonic stage of the Fatimid Caliphate, was to collect, collate and categorise the earlier material available to him in the Fatimid libraries. One wonders if Nu‘mān believed in the juristic authority of the Fatimid Caliphs at this early stage of the *da‘wa*. Undoubtedly, as attested by his later works such as *al-Majālis wa al-musayarāt*, his beliefs evolved in reference to the status and merits of the Fatimid Imams. Therefore, his works should be studied in light of the evolution in his belief system, as he shifted his object of faith from the caliphate to the imamate of the Fatimid Imam-Caliphs, becoming an ardent devotee for the cause of the Imams.

<sup>56</sup> al-Qāḍī al-Nu‘mān, *al-Īdāh*, 57, 71, 148.

<sup>57</sup> al-Qāḍī al-Nu‘mān, *al-Īdāh*, 146.

<sup>58</sup> al-Qāḍī al-Nu‘mān, *al-Īdāh*, 111.

<sup>59</sup> Mūsā b. Ja‘far al-Kāẓim appears in the *isnād* of *al-Kutub al-Ja‘fariyya*, the most cited source in *al-Īdāh*. He also occasionally appears in the *isnād* of *Masā’il ‘Alī b. Ja‘far*, another hadith source cited in *al-Īdāh*. This will be discussed in Chapter 4 of this study.

The notable feature of Nu‘mān’s works, therefore, is that they are evolutionary both in style and content. The endeavour whose initial goal was to compile a scholarly encyclopaedia of *fiqh*, citing hadith of the Ahl al-Bayt with *isnād* and references, evolved into a law manual for the Fatimid Caliphate. A comprehensive study of Nu‘mān’s world view of hadith and *fiqh* is presented in Chapter 8. The next chapter examines the intellectual milieu of North Africa that shaped his thoughts, ideas and, subsequently, his writings. What dictated his selection of the sources? From whom had he inherited the earlier Shi‘i hadith sources? Were all the scholarly activities that Nu‘mān credited to the Fatimids truly theirs or did the earlier *dā‘īs* make any contribution? The following chapter addresses these pertinent questions in attempting to make sense of Ismaili hadith tradition.

## Chapter 3

### Influences of the Intellectual Milieu of North Africa on Qāḍī Nu‘mān

In fact, all that he [Qāḍī Nu‘mān] wrote, gathered and compiled was learned from the imams of his time, based on what they reported from their pure ancestors. He did not compose any writing nor compile a work without checking it with them, step by step. They corroborated the truth and straightened out the mistake with the correct information. He drew from their sea of knowledge, and by them he knew, and by their benefactions he was able to compile and write his works. (*‘Uyūn al-akhbār wa funūn al-āthār*, 6: 41-2)<sup>1</sup>

Literature is not generated in a vacuum, and Qāḍī Nu‘mān’s hadith collection is no exception. This chapter examines the contextual factors which contributed to his intellectual development and shaped his writings. It specifically addresses the factors which influenced how he collected, arranged and presented *al-Īḍāḥ*, which was composed in the very robust scholarly milieu of North Africa.

It seems inconceivable for the young Nu‘mān to have accomplished the great task of compiling an analytical hadith-legal text such as *al-Īḍāḥ*, reconciling contradictory opinions and deriving a consensus view, without having gone through rigorous training and consulting a wide range of sources. Based on the testimony of the *ṭabaqāt* literature of that period, scholars adhering to the Ḥanafī and Mālikī legal tendencies had prominence, and some of the early missionaries of the *da‘wa* were Zaydi converts.<sup>2</sup> Furthermore, Arab topographical historians and geographers have

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<sup>1</sup> Idrīs ‘Imād al-Dīn al-Qurashī, *‘Uyūn al-akhbār wa-funūn al-āthār*, 6: 41-2. The translation is extracted from Shainool Jiwa, “Idrīs ‘Imād al-Dīn,” in eds. Hermann Landolt, Samira Sheikh, Kutub Kassam, *An Anthology of Ismaili Literature*, (London: I. B. Tauris, 2008), 62.

<sup>2</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 30, 50.



documented the presence of some Musawī Shi'ites in the Maghrib.<sup>3</sup> Nu'mān's father is also believed to have been trained as a Mālikī jurist who later, along with a number of other Mālikī scholars, converted to Ismaili Shi'ism.<sup>4</sup> Above all, from a vantage point of a believer, Qāḍī Nu'mān was blessed with the mentorship of the Ismaili Imams. All these factors influenced his writings to some degree.

The study of his intellectual development is also important in laying the groundwork for the evolutionary pattern of his writings: he moved from compiling an independent scholarly legal work to producing legal manuals for the Fatimid state administration and thus advancing the cause of establishing a sectarian identity for the Ismailis in the midst of a majority Sunni population. Thus, not all of his writings fall into one genre, nor do they follow similar patterns. His devotion to the Imams and commitment to the *da'wa* greatly strengthened towards the end of his life. Thus, the contextual factors varied in their influence and impact as his work evolved. This chapter will restrict its focus to Nu'mān's hadith-based works.

The contextual factors that shaped Nu'mān's thinking and writings are divided into internal factors which represent the inner-*da'wa* activities of the proto-Ismailis in the pre-Fatimid North Africa, and external factors: the non-Ismaili political, doctrinal and legal milieu. The sectarian milieu of North Africa and the varying political administrations of the region were important external influences. Khārijites, Mālikīs, Ḥanafīs, Zaydis and Musawī Shi'ites all lived in pre-Fatimid North Africa, and the region was under various political administrations from 'Alawi Idrisids to the Ḥanafī Aghlabids. The vested interest of these political administrations impelled them to favour one legal school over other, which both created an atmosphere of hostility but also contributed to the vitality of the intellectual discourse in defining the contours of the respective legal schools of thought.

Given Nu'mān's early upbringing in Sunni intellectual milieu, one would

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<sup>3</sup> Ibn Ḥawqal al-Naṣībī, *Kitāb ṣūrat al-ard*, 90.

<sup>4</sup> al-Khushanī, *Ṭabaqāt 'ulamā' Ifrīqiyya*, 78; Abū al-'Abbās Aḥmad b. Muḥammad Ibn 'Idhārī al-Marrākushī, *Kitāb al-bayān al-mughrib fī akhbār al-Andalus wa al-Maghrib*, eds. G. S. Colin and E. Levi-Provencal (Beirut: Dār al-Thaqāfa, 1983), 1: 152.

expect that his writings would show clear similarities, stylistic and structural, to North African Sunni writings. By comparing and contrasting his works with contemporaneous Sunni writings, this chapter will elucidate how Nu‘mān’s arrangement and presentation of legal hadith contributed to the establishment of a legal *madhhab* for the Fatimids. Finally, Nu‘mān gave credit for all his endeavours to the Fatimid Imam-Caliphs. The nature of the Imams’ contribution, if any, and their influence on Nu‘mān’s writings will be examined. I will show that his legal works fail to depict the precise role of the Imams in Ismaili hadith or jurisprudence.

Unfortunately, there is no other non-Fatimid contemporaneous work from that period that shows what life was like in those early days of the *da‘wa*. The Fatimid sources are quintessentially confessional, hagiographic and religiously apologetic in character; they lack an unbiased or objective approach to documenting the events of the time. Therefore, it is difficult to determine his early influences. Nu‘mān’s *Iftitāh al-da‘wa*, in particular, juxtaposes a series of events to construct an intelligible and relevant narrative.<sup>5</sup> Therefore, let us proceed with the hypothesis that Nu‘mān is one of, and not *the*, prominent figures who contributed to the literary legacy of the Fatimids and that his works were influenced by the activities of the earlier *dā‘īs*. Their contribution was developed, extended, attenuated and transformed into new material in accordance with the current demand of the *da‘wa* during Nu‘mān’s time.

## Internal Contextual Factors

Nu‘mān composed around forty titles during his service to the Fatimid Caliphate from the time he officially joined the *da‘wa* in 313/925. He was believed to be in his mid-twenties when he began writing *al-Īdāh* and was able to finish it, as attested by Idrīs ‘Imād al-Dīn, during the reign of al-Mahdi (r. 297-322/909-934) in less than seven years.<sup>6</sup> He would not have been able to accomplish this massive undertaking without training in the sciences of hadith and jurisprudence and without scholarly assistance.

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<sup>5</sup> For a detailed study on colligatory concepts, see Christopher Behan McCullagh, “Colligation and Classification in History”, *History and Theory*, 17.3 (1978), 267-284.

<sup>6</sup> Idrīs ‘Imād al-Dīn al-Qurashī, *Uyūn al-akhbār wa-funūn al-āthār*, 6: 54-5.

This section presents information on the pre-Fatimid and early Fatimid scholars and their activities, concluding that Nu‘mān, though failing to acknowledge their contributions largely due to political reasons, is indebted to their scholarship. This section also scrutinises the reports highlighting the vastness of the treasured collections of books housed at the Fatimid courts. It ends by examining the Berber and Arab readers of his hadith and legal writings and how they affected his compositions.

## **Ismaili Scholars and Their Scholarly Activities in the Pre-Fatimid Period**

The works of Qāḍī Nu‘mān reflect solely the rich and variegated nature of Fatimid Ismaili literature. However, contrary to the current research, the scholarly activities of the Fatimids were not exclusively indebted to his scholarship, for their foundation was laid by the pre-Fatimid missionaries of the *da‘wa* and some of his senior colleagues. Their contributions equipped Nu‘mān with the necessary training and sources to produce a systematic Ismaili literature under the patronage of the Imam-Caliphs. The pre-Fatimid missionaries’ activities were largely conducted under the leadership of *dā‘ī* Abū ‘Abdallāh al-Shī‘ī and his close associates.<sup>7</sup> Though there are few details about the nature of his scholarly activities, Ibn al-Haytham’s memoir offers accounts of Abū ‘Abdallāh al-Shī‘ī’s engagement with young students, soon to become the second generation *dā‘īs* of the Fatimid Empire, teaching them the discourses of Shi‘ite history, theology, hadith, and law. This section provides a list of pre-Fatimid Ismaili scholars and analyses their scholarly contributions before Nu‘mān was recruited to the *da‘wa* in 313/925.

### ***Aflaḥ b. Hārūn al-Malūsī (d. 310/922)***

Aflaḥ b. Hārūn (d. 310/922), *dā‘ī* of the Malūsa tribe, was the most distinguished pupil of Abū ‘Abdallāh al-Shī‘ī; he was later entrusted with the position of the *qāḍī*,

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<sup>7</sup> Ibn ‘Idhārī al-Marrākushī, *al-Bayān al-mughrib*, 1: 149-52.

and by effect the chief *dā'ī*, of Tripoli (in Libya) and then of Raqqāda and Mahdiyya.<sup>8</sup> The memoir of Ibn al-Haytham alludes many times to his vast knowledge of *fiqh* (law), *āthār* (traditions) and *faḍā'il* (virtues). Al-Malūsī is also believed to have quoted traditions from Abū Ma'shar and al-Ḥulwānī, the two purported delegates of Ja'far al-Ṣādiq, who transmitted reports on the authority of the latter's companion, namely al-Ḥalabi.<sup>9</sup> Wadād al-Qāḍī, in a critical study of a political document of the Fatimids, postulates that the celebrated 'ahd (political testament) to Mālik al-Ashtar ascribed to 'Alī in *Nahj al-balāgha* and *kitāb al-jihād of Da'ā'im al-Islām* was actually composed by al-Malūsī.<sup>10</sup> Given that there was no reason to hide the Imam-Caliph's identity had he been involved in the writing, and given al-Malūsī's administrative position in the state, it seems possible that it was al-Malūsī who composed such an authoritative testament for his subordinates functioning under his jurisdiction.<sup>11</sup> Whether one finds Wadād al-Qāḍī's arguments convincing is beyond the focus of this chapter, but nonetheless, Ibn al-Haytham's memoir clearly suggests that al-Malūsī's contribution to education and training the next generation *dā'īs* was unparalleled.

Ibn al-Haytham was closely acquainted with al-Malūsī and offers him his ultimate accolade by describing him as 'pious, chaste, righteous, devout, and virtuous. . . In his speech he was humble toward God, seeking what is with Him, and was tender of heart, amply tearful, and moist of tongue, and he mentioned God

<sup>8</sup> Heinz Halm suggests that throughout the North African period of the Fatimid *da'wa*, the chief *qāḍī* was simultaneously the leader of the *da'wa*, i.e., the supreme *dā'ī*. See Heinz Halm, "The Isma'ili oath of allegiance ('ahd) and the 'session of wisdom' (*majālis al-ḥikma*) in Fatimid times," in *Mediaeval Isma'ili History and Thought*, ed. Farhad Daftary (Cambridge: Cambridge University Press, 1996), 100.

<sup>9</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 168-72; Abū Ma'shar remains unidentified. However, al-Ḥulwānī is widely quoted in al-Qāḍī al-Nu'mān, *Founding the Fatimid State*, ed. and tr. Hamid Haji, 41-4, 48, 53-4, 108-9, 137. For his scholarly activities, see Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 169 (footnote 182).

<sup>10</sup> Wadād al-Qāḍī, "An Early Fāṭimid Political Document," *Studia Islamica*, 48 (1978), 105 ff.

<sup>11</sup> It should be noted that Qāḍī Nu'mān is hesitant about ascribing this document to 'Alī. He states, '*fa qāl alladhī ḥaddathanāhu aḥsabuhu min kalām 'Alī illā annā ruwwinā 'anhu annahu rafa'ahu* (The individual who related this to us said, 'I assume that the 'ahd is from 'Alī's statements', however, I report it on his authority [by stating that] he has advanced [*rafa'a*] the document to 'Alī [without providing the details of his chain of transmission].') It is also interesting to note that the document eventually is advanced to the Prophet. See al-Qāḍī al-Nu'mān, *Da'ā'im al-Islām*, 1: 350.

submissively, humbly, and affectionately'. The appealing methodology of his preaching attracted various strata of believers of varied educational backgrounds.<sup>12</sup> He was also portrayed in the hagiographic account of Ibn al-Haytham as being so close to the Imam that al-Mahdī himself was concerned about al-Malūsī's state of health. He was the *de facto* scholarly figure of the Fatimid state before Qādī Nu'mān, combining his scholarly activities with the affairs of the *da'wa* and taking on the role of a *qāḍī*. He was also one of the few learned elites amongst the Kutāma Berbers to reach this level of knowledge and high administrative position in the state.

Surprisingly, Nu'mān not only fails to acknowledge al-Malūsī's contribution but also never mentions his name in his works. Perhaps this is because his ideology was shaped by the mentorship of Abū 'Abdallāh al-Shī'ī, and their close acquaintanceship would have left him with a degree of taint after the latter's persecution due to an alleged act of treason.<sup>13</sup> The internal and external political challenges that propelled the nascent Fatimid state into a state of turmoil and subsequently, led to the censorship of the contribution of the earlier *dā'īs*, is further examined at the end of this section.

### **Ja'far b. Aḥmad b. Muḥammad b. al-Aswad b. al-Haytham (b. c. 273–77/886–87)**

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<sup>12</sup> Ibn 'Idhārī al-Marrākushī, *al-Bayān al-mughrib*, 1: 159; Idrīs 'Imād al-Dīn, *Uyūn al-akhbār wa funūn al-āthār*, 5: 125. (The name 'Amlaḥ' should be corrected to 'Aflaḥ' in this edition), 137-8 (The title 'al-Abbāsī' should also be corrected to 'al-'Ibānī'). Ibn al-Haytham provides the details of his techniques in addressing different classes of the believers. He records, 'He [al-Malūsī] would address women and employ as evidence in their case items of their jewellery, rings, earrings, headgear, necklace, anklets, bracelets, dresses, head binding. Next, he would cite examples pertaining to spinning, weaving, costume, and hair, and other items that suit the natural disposition of women. He would speak to the craftsman using the terms of his craft and thus for example, address the tailor by reference to his needle, his thread, his patch and his scissors. He addressed the shepherd using reference to his staff, his cloak, his horn and his two-pouched travelling bag.' Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 160 ff. Heinz Halm cites this fragment stating that it is an account, possibly, rendered by Ibn al-Haytham in *Sīrat al-Imām al-Mahdī*. He adds that this method was adopted by the Dā'ī of Malūsa in the *majālis al-ḥikma*. See Heinz Halm, "The Isma'ili oath of allegiance (*'ahd*) and the 'session of wisdom (*majālis al-ḥikma*)' in Fatimid times," 100. Given the fact that his submission predates the publication of the critical edition of the memoir of Ibn al-Haytham entitled '*Kitāb al-munāẓarāt*', his error in referencing to *Sīrat al-Imām al-Mahdī* is justified.

<sup>13</sup> For one instance in which his tribe Kutāma demands a sign (miracle) from al-Mahdī to prove his imamate, see al-Maqrīzī, *Itti'āz al-ḥunafā' bi akhbār al-a'imma al-Fāṭimiyyīn al-khulafā'*, 1: 67.

Another individual who contributed to the scholarly activities of the *da'wa* in its embryonic stage is Abū 'Abdallāh Ja'far b. Aḥmad b. Muḥammad b. al-Aswad b. al-Haytham, the author of *Kitāb al-munāẓarāt* (The Book of Discussion). An Arab with a Kūfan lineage, he hailed from a wealthy Zaydi scholarly family who converted to Ismailism shortly after Abū 'Abdallāh al-Shī'ī's arrival and victory over Raqqāda. His great-grandfather, al-Haytham b. Abd al Rahman, is believed to have arrived in Qayrawān with Yazīd b. Ḥātim, the 'Abbasid governor of the Maghrib from c. 154–770/771-786.

In addition to studying the religious sciences, Ibn al-Haytham at a young age learned logic from a Jew named Yūsuf b. Yaḥyā al-Khurāsānī and later studied the works of Plato and Aristotle. Unlike his seniors, Abū 'Abdallāh and al-Malūsī, Ibn al-Haytham was raised in the robust intellectual milieu of Qayrawān. This capital of the Aghlabids had witnessed some bitter rivalry between Ḥanafī and Mālikī scholars, generating some nuanced scholarly discussions of legal *madhhabs*.<sup>14</sup> This provided young Ibn al-Haytham an opportunity to acquaint himself with the prevailing discourses of these legal schools in North Africa. Though his conversion to Ismailism is rightfully credited to Abū 'Abdallāh's argumentations, it was al-Malūsī under whom he was trained in the disciplines of law and hadith. His Zaydi background and familiarity with the Ḥanafī and Mālikī discourses enabled him to contribute to the intellectual development of the nascent Fatimid state. His memoir not only sketches out his knowledge of the sources of hadith and law but also reveals how he studied them. It is worth noting that he studied Ḥanafī law texts with Ibn 'Abdūn until he was introduced to a certain Shi'ī named Muḥammad al-Kūfī, which led to his conversion and his abandoning the former's company. Like al-Malūsī, he too was the victim of unfavourable treatment by Qāḍī Nu'mān. He reciprocated this treatment by not recording Nu'mān's contributions in his memoir, even though it was likely completed after Nu'mān had given more than two decades of service to the *da'wa*. However, after the death of al-Malūsī, Ibn al-Haytham showed no interest in reporting events in the ensuing years; he appeared to be disheartened and discontented, and he drew

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<sup>14</sup> Mohamed Talbi, *L'Emirat Aghlabide 184-296/800-909: histoire politique* (Paris: Librairie d'Amérique et d'Orient, 1966), 274-7, 549-51, 697; Referred from, Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 23 (footnotes 41-2, 44).

a dreadful picture of what the *da'wa* had to face, he found solace in some emotional poems. Surprisingly, the events of the next twenty-four years are covered just in three pages and that too in a coded language.<sup>15</sup>

**Muḥammad b. 'Umar al-Marwadhī (d. 303/915–6)**

Muḥammad b. 'Umar al-Marwadhī is another scholarly figure from the early period of Abū 'Abdallāh al-Shīrī's mission. A legal collection (*kitāb*) including chapters on bequests (*waṣāya*), divinely ordained punishments (*ḥudūd*), and inheritance (*al-farā'id*) is attributed to him. Ibn al-Haytham was introduced to this collection by Muḥammad al-Kūfī and records that he saw it in al-Marwadhī's own handwriting.<sup>16</sup> Al-Marwadhī had a long affiliation with Shi'ism and was believed to have followed the jurisprudence based on the sayings of Imams. Though it remains unclear what kind of Shi'ism he followed, one can surmise that it was not based on the formal ideological grounds of the Imamis or Ismailis, for there is no substantial evidence to suggest that they existed in North Africa before the establishment of the Fatimid Caliphate.

Because of his Shi'i background, al-Marwadhī was appointed as the judge of Qayrawān less than six weeks after Abū 'Abdallāh's victory over the Aghlabids. He led the funeral prayers of the prominent Ḥanafī jurist, Ibn 'Abdūn (d. 297/910) not only in the capacity of a *qāḍī* of the city but also as his colleague and close associate. This episode portrays the cordial relationship between Ḥanafīs and Shi'ites in Qayrawān. This good relationship is further corroborated by the fact that Ibn al-Haytham and al-Marwadhī's son used to attend the lectures of Ḥanafī jurists before the Fatimids consolidated their power in the region.<sup>17</sup>

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<sup>15</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 173-5.

<sup>16</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 115. The translation 'religious duties' should be corrected to 'inheritance', for there is no single chapter entitled '*farā'id*' with the suggested translation in the conventional arrangement of the chapters in a *fiqh* text.

<sup>17</sup> al-Qāḍī al-Nu'mān, *Founding the Fatimid State*, ed. and tr. Hamid Haji, 247 (no. 223). For Ibn 'Abdūn, see Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E.

Al-Marwadhī's strong Shi'ī beliefs prompted Abū 'Abdallāh to warn him from indulging in harshness in the course of implementing Shi'ī law. He restored 'ḥayya 'alā khayr al-'amal (hasten towards the best of the deeds)' in the *adhān* after it had been replaced with 'al-ṣalat khayr min al-nawm (prayer is better than sleep)', for he considered the phrase an innovation (*bid'a*) of 'Umar b. al-Khaṭṭāb (d. 23/644), the second caliph, introduced in the morning call for prayer. The vigil prayers of *tarāwīḥ* in the month of Ramaḍān were declared forbidden. Later Abū 'Abdallāh ordered a complete ban on all the doctrines other than that of the family of Muḥammad and forbade professing anything on the basis of the books of Mālik and Abū Ḥanīfa.<sup>18</sup>

### ***Ibrāhīm b. Ma'shar (fl. 290/903)***

Ibn al-Haytham reports that his mentor, Muḥammad al-Kūfī, introduced a copy of *Kitāb yawm wa layla* (Book of a Day and Night) which had a name of certain Ibrāhīm b. Ma'shar on it. He further adds that the individual was his neighbour and an associate who sat with him and his colleagues. The description reported by Ibn al-Haytham suggests that the composition was a manual containing the instructions for the daily devotional practices of a devotee.<sup>19</sup>

Interestingly, Qāḍī Nu'mān cites sixteen reports from a work entitled *Kitāb yawm wa layla* in his *al-Īdāh* without providing the name of its author.<sup>20</sup> Ostensibly,

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Walker, 111, 115, 117, 120-1, 103, 161; al-Qāḍī al-Nu'mān, *Founding the Fatimid State*, ed. and tr. Hamid Haji, 71 (footnote 71). For Muḥammad al-Marwadhī, see Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 86 (footnotes 24, 25), 115-9, 123, 135, 156-7, 160, 163; al-Khushanī, *Ṭabaqāt 'ulamā' Ifrīqiyya*, 298, 302, 309; Abū Bakr 'Abd Allāh b. Muḥammad al-Mālikī, *Kitāb Riyāḍ al-nufūs fī ṭabaqāt 'ulamā' al-Qayrawān wa al-Ifrīqiyya*, ed. Bashīr al-Bakkūsh, rev. Muḥammad al-'Arūsī al-Maṭwī (Beirut: Dār al-Gharb al-Islāmī, 1414/1994), 2: 41-8, 54-5, 60, 155; Ibn 'Idhārī al-Marrākushī, *al-Bayān al-mughrib*, 1: 151-2, 159, 169, 173, 189.

<sup>18</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 118, 160. For the mission of Fatimid *dā'īs* to install Shi'ī practices in the region see, Virgilio Martínez Enamorado, "Fāṭimid Ambassadors in Bobastro: Changing Religious and Political Allegiances in the Islamic West," *Journal of the Economic and Social History of the Orient*, 52.2 (2009), 267-300.

<sup>19</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 115.

<sup>20</sup> All these reports are cited on the authority of Ja'far b. Muḥammad al-Ṣādiq. al-Qāḍī al-Nu'mān, *al-Īdāh*, 25 (via Ḥasan), 29, 30, 36, 38, 49, 66, 75, 136, 138, 139, 143, 149 (via 'Abdullāh b. Sinān), 152, 155, 156. It is interesting to note that in the process of reconciling and choosing one report over other, Nu'mān prefers the reports of *Kitāb yawm wa layla*. See al-Qāḍī al-Nu'mān, *al-Īdāh*, 66-7.



he is referring to the same book introduced by al-Kūfī to Ibn al-Haytham. If true, one could surmise that al-Kūfī is the key figure credited for introducing many other Kūfan hadith and legal texts to the likes of Ibn al-Haytham and Qādī Nu‘mān. It should be noted that the title bears a generic name given to many devotional compositions of various companions of the Imams.<sup>21</sup> I could find no further information on the whereabouts of Ibrāhīm b. Ma‘shar in the Shi‘i *ṭabaqāt*, *rijāl* or *fihrist* works.

### **Muḥammad al-Kūfī (fl. 290/903)**

Muḥammad al-Kūfī played the most significant role in introducing seminal Kūfan texts of Shi‘i doctrine and law to the early *dā‘īs* in the pre-Fatimids period of the *da‘wa*. The identity of al-Kūfī and his contribution in mentoring the second-generation *dā‘īs* is examined in Chapter 5, in the second case study of *al-Īdāh*’s Zaydi sources.

### **Muḥammad b. Ḥayyūn (d. 351/962)**

Qādī Nu‘mān’s father, Abū ‘Abdillāh Muḥammad b. Manṣūr b. Aḥmad b. Ḥayyūn, was a learned public figure in Sūsa where he also held the position of an imam of the mosque. Al-Khushanī (d. c. 371/981), Nu‘mān’s contemporary, in his *Ṭabaqāt ‘ulamā’ al-Ifriqiya*, reports that Ibn Ḥayyān was a Madanī (Mālikī) scholar and the follower of Ibn Saḥnūn (d. 256/869) before he converted to Shi‘ism (*fa tasharraqa*). He nonetheless was believed to have hidden his Shi‘i faith.<sup>22</sup> This report about the

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<sup>21</sup> The biobibliography work of al-Najāshī lists 18 authors who are believed to have composed a devotional manual with the same title. See, al-Najāshī, *al-Rijāl*, 64 (no. 150), 83 (no. 199), 91 (no. 226), 123 (no. 318), 182 (no. 482), 214 (no. 558 *‘amal yawm wa layla*), 235 (no. 622), 263 (no. 688), 306 (no. 837), 326 (no. 887), 335 (no. 898), 346 (no. 935), 393 (no. 1050), 406 (no. 1078), 411 (no. 1096), 416 (no. 1112), 441 (no. 1187), 447 (no. 1208, two instances).

<sup>22</sup> Ibn Khallikān, *Wafayāt al-a‘yān wa anbā’ abnā’ al-zamān*, 5: 415-6. It is worth noting that this reading is based on the assumption that the text has an orthographical error in reference to ‘Ibn Ḥayyān’ which should be read as ‘al-Ḥayyūn’. Moreover, the word ‘*ṣahiba*’ in the text is translated as ‘followed’ and not ‘to be an associate of’, given that Ibn Ḥayyūn should have been nine years old at the time of Ibn Saḥnūn’s death which makes it impossible for Ibn Ḥayyūn to be the latter’s associate. Lastly, the term ‘*tasharraqa*’ is interpreted as ‘adopting the Shi‘i faith’. For this interpretation, see al-Qādī al-Nu‘mān, *Ifitāḥ al-da‘wa*, 52-3 (no. 49). Walker argues that the term ‘*tasharraqa*’ should have been used as a derogatory remark by Mālikīs to label Ismailīs as ‘foreigners’. See Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 22-3 (introduction);

precautionary dissimulation (*istitār*) of his faith is likely accurate, for it would have been impossible for him to continue in his role in a Mālikī mosque if he had disclosed his conversion.<sup>23</sup> Nu‘mān’s commitment to the Fatimids at a very young age and his profound services to the Imam-Caliphs probably generated a discussion of conversion and *istitār* of his father’s faith.

Ibn Khallikān, in a hagiographic account, reports that Nu‘mān’s father conveyed many excellent reports (*yaḥkī akhbār nafīsa*) and had memorised the Qur’an by the age of four years. He adds that he died in Rajab 351/August–September 962 at the advanced age of 104 years. His funeral prayer was led by his son Qāḍī Nu‘mān, and he was buried in Qayrawān.<sup>24</sup> Contrary to Ibn Khallikān’s account and in accordance with al-Khushanī’s report, Poonawala argues that it was his father, and not Nu‘mān, who had a Mālikī background before his conversion to the Imami (Shi‘ī) faith and speculates that Nu‘mān was raised as an Ismaili.<sup>25</sup> Despite the ambiguity surrounding who converted to Shi‘ism, it is undoubtedly clear that Nu‘mān was born and raised in a scholarly household. Given the lack of historical records of his early education and his father’s scholarly background, the case for him being educated and trained under his father’s supervision seems to be the most likely. If so, Nu‘mān would have read Mālikī texts at least in the early stages of his education. Again, Nu‘mān fails to acknowledge or allude in any of his works to the contribution of his father towards his intellectual development, even though he was still alive at the peak of his son’s career.

In addition to these prominent influential scholarly figures of the *da‘wa*, there were some individuals who, arguably, contributed to the overall agenda of the Fatimid mission without necessarily having an impact on Nu‘mān’s intellectual

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al-Qāḍī Abū al-Faḍl ‘Iyāḍ b. Mūsā, *Tarājim Aghlabiyya mustakhraja min Madārik al-Qāḍī al-‘Iyāḍ*, ed. Muḥammad al-Ṭālibī (Tunis: al-Jāmi‘a al-Tūnisiyya, 1968), 283–4, 369, 383, 390–1, 394, referred from, Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 22 (footnote 39).

<sup>23</sup> For further details, see Richard J. H. Gottheil, “A distinguished family of Fatimide cadis (al-Nu‘mān) in the tenth century,” 228; Farhad Daftary, *The Ismā‘īlis: Their History and Doctrines*, 168; al-Khushanī, *Ṭabaqāt ‘ulamā’ Ifrīqiyya*, 78.

<sup>24</sup> Ibn Khallikān, *Wafayāt al-a‘yān wa anbā’ abnā’ al-zamān*, 5: 416.

<sup>25</sup> Ismail Poonawala, “A reconsideration of al-Qāḍī al-Nu‘mān’s *madhhab*,” 579.

development. Al-Khushanī offers two separate lists of six learned scholars of Qayrawān and eleven scholars from Iraq who converted to Shi'ism. The author's anti-Fatimid bias is clearly visible, as he characterises the motivation for these conversions as being receipt of a promised favour, mostly the judgeship of a region, from the Fatimids. Muḥammad b. Ḥayyān, Abū Bakr b. al-Qammūdī, 'Alī b. Manṣūr al-Ṣaffār, 'Abd al-Malik b. Muḥammad al-Ḍabbī, Ibn al-Ṣabbāgh, and Rabī' b. Sulaymān b. Sālīm *al-ma'rūf bi* Ibn al-Kaḥḥāla were the six scholars from Qayrawān who converted to Shi'ism. The scholars with the Iraqi background were Qāsim b. Khallād al-Wāsiṭī, Abū Rabda b. Khallād, Ja'far b. Aḥmad b. Wahb, Aḥmad b. Baḥr, Ishāq b. Abū al-Minhāl, Abū 'Alī b. Abū al-Minhāl, Aḥmad b. Muḥammad b. Shahrīn, Abū 'Abdillāh al-Kindī *al-ma'rūf bi* Ibn al-Kaḥḥāla, Abū Bakr b. Salmān, Abū Muḥammad b. Shahrām, and Zurāra b. Aḥmad.<sup>26</sup>

As mentioned, these new converts were employed by the Fatimids to act as judges within their jurisdictions. For instance, Ishāq b. Abū al-Minhāl was a Ḥanafī jurist and, after his conversion, was appointed as the *qāḍī* of Sicily by al-Mahdī. He was later appointed as the *qāḍī* of Qayrawān from 307/919 until his death in the reign of al-Qā'im.<sup>27</sup> It is interesting to note that some of these *qāḍīs* continued to function according to Sunni legal practice; for instance, Aḥmad b. Muḥammad b. Shahrīn sanctioned three divorces in one setting, which not only was a non-Shi'i practice but was also strongly condemned as an unacceptable *bid'a* (innovation) in Shi'i jurisprudence.<sup>28</sup> There are no further details about their scholarly activities, and therefore, it is difficult to assess the impact of these converts on the intellectual milieu of the region in which Nu'mān was groomed.

The title *shaykh al-mashā'ikh* (shaykh of the shaykhs) of Abū Mūsā b. Yūnus al-Azāyī of the Masālta, one of the two Kutāma chieftains recruited by Abū 'Abdallāh in eastern Algeria in the mountains of the Lesser Kabylia in Rabī' II 280/June–July

<sup>26</sup> al-Khushanī, *Ṭabaqāt 'ulamā' Ifrīqiyya*, 223-6.

<sup>27</sup> al-Khushanī, *Ṭabaqāt 'ulamā' Ifrīqiyya*, 225, 240; Ibn 'Idhārī al-Marrākushī, *al-Bayān al-mughrib*, 1: 182, 188, 189, 205.

<sup>28</sup> al-Khushanī, *Ṭabaqāt 'ulamā' Ifrīqiyya*, 225.

893, is, arguably, suggestive of the presence of yet another Ismaili scholar in the pre-Fatimid phase of the *da'wa*.<sup>29</sup> It is reported that he demanded a sign (miracle) from al-Mahdī to support his claim for the messianic regnal title. Nu'mān registers a derogatory title '*al-shaqiyy* (wretched)' alongside his name for his audacious attempt to challenge the Imam who deserves absolute submission.<sup>30</sup> There is no further information on his scholarly activities. The same applies to Abū Zākī Tammām b. Mu'ārik of the Ijjāna, one of his comrades and one of the two close associates of Abū 'Abdallāh al-Shī'ī.<sup>31</sup> It appears that both were prominent figures of their clans who took leadership in advancing the cause of Abū 'Abdallāh without contributing to the scholarly activities of the *da'wa*. These two Kutāma allies along with Abū 'Abdallāh and his brother Abū al-'Abbās were executed for treason in 298/911.

## Political Upheavals and Marginalisation of the Pre-Fatimid Scholars

The aforementioned scholars led an intellectual community in which Nu'mān was raised. Their activities helped shape and develop his ideas. Therefore, although he is credited for establishing the contours of the Ismaili faith by producing a wide range of scholarly material in sundry disciplines, it is the contribution of his predecessors which laid the foundation of the *da'wa*, and hence, his works should be studied in light of those earlier endeavours. Consequently, the question which deserves further scrutiny is why Qādī Nu'mān, unlike Ibn al-Haytham, his elder colleague, failed to acknowledge the contribution of his predecessors. The answer to this question lies in analysing the political turmoil that had engulfed the Fatimid state since its inception.

The political upheavals of the Ismaili *da'wa* in North Africa can be divided into

<sup>29</sup> al-Qādī al-Nu'mān, *Iftitāh al-da'wa*, 49 (no. 46), 111-3 (nos. 109-10); Ibn 'Idhārī al-Marrākushī, *al-Bayān al-mughrib*, 1: 160; al-Mālikī, *Kitāb Riyāḍ al-nufūs fī ṭabaqāt 'ulamā' al-Qayrawān wa al-Ifrīqiyya*, 2: 62.

<sup>30</sup> al-Qādī al-Nu'mān, *Iftitāh al-da'wa*, 308 (no. 279), 310-1 (no. 282).

<sup>31</sup> al-Qādī al-Nu'mān, *Iftitāh al-da'wa*, 49-50 (no. 46), 110-1 (no. 108), 136-7 (no. 135), 176-8 (nos. 163-4), 203-4 (no. 185), 275-6 (nos. 247-8), 286-7 (no. 258), 289-92 (nos. 262-3), 313-8 (no. 285-7); Ibn 'Idhārī al-Marrākushī, *al-Bayān al-mughrib*, 1: 126, 152, 163. His uncle Abū Yūsuf Māknūn b. Ḍybarā, the head of the Ijjāna tribe of Kutāma and the governor of Tripoli, executed the orders of al-Mahdī against Abū 'Abdallāh.

three phases: pre-Fatimid, early Fatimid, and later Fatimid. The first phase represents the missionary activities of Abū ‘Abdallāh al-Shī‘ī who successfully mobilised a large group of Kutāma Berbers, summoning them to the Shi‘ī creed. The appeal of the new faith was grounded in the promise of an egalitarian society, which previously had been fragmented along ethnic lines. None of the Berbers, and even Abū ‘Abdallāh, had ever met the Imam under whose name the *da‘wa* initiated and operated, but their unwavering commitment to this new faith inspired them to conquer the territories of the Sunni Aghlabids. With Abū ‘Abdallāh at the helm, the *da‘wa* also attracted scholars such as al-Malūsī and Ibn al-Haytham, who engaged in the discourses of Shi‘ī doctrine and law and thus laid the foundation of a Shi‘ī *maddhab* amongst an overwhelming Sunni majority. Although the political ambition of establishing a *dawla* centred around al-Mahdī, soon to be announced as an Ismaili Imam, it should be noted that the religious aspiration of the *da‘wa* was notably bereft of any intrinsic Ismaili element.<sup>32</sup> This pre-Fatimid phase ends with the persecution of the four founding fathers of the movement under the pretext of treason. Their tragic fate would provide sufficient reason for Nu‘mān to under-represent their contributions, which included the scholarly activities conducted under their patronage. The fact that the phase advanced generic Shi‘ī thought, as opposed to fundamental Ismaili doctrines, further explains why Nu‘mān opted to marginalise them.

The second phase of the *da‘wa* denotes the struggle of the nascent Fatimid Empire for the next two decades to assert its legitimacy and authority amongst the Ḥanafī and Mālikī jurists of the region. The military success of the Fatimids was followed by a radical shift in the religious and administrative policies of the region.<sup>33</sup> The young Empire had no prior experience in administering public affairs, and hence, there was frequent turnover of *dā‘īs* and *qāḍīs*. The perception of a Shi‘ī state envisaged by the *dā‘īs* associated with Abū ‘Abdallāh radically differed from the lenient policies adopted by the newly arrived Imam-Caliph.<sup>34</sup> Al-Marwadhī,

<sup>32</sup> The transition and shift from *da‘wa* to *dawla* is studied by Ḥasan Ḥasan and Ṭāha Sharaf, *‘Ubaydullāh al-Mahdī* (Cairo: Maktabat al-Nahḍa al-Miṣriyya, 1947), 275-7.

<sup>33</sup> Ibn ‘Idhārī al-Marrākushī, *al-Bayān al-mughrib*, 1: 151, 159, 173.

<sup>34</sup> For uncompromising policies of al-Marwadhī, see Ibn ‘Idhārī al-Marrākushī, *al-Bayān al-mughrib*, 1: 151-2.

Muḥammad al-Kūfī and Ibn al-Haytham failed to secure their jobs for a long term in the new administration. Al-Malūsī, presumably due to his close connections with the Kutāmā tribe responsible for Abū ‘Abdallāh’s persecution, was the only scholar from the earlier period who continued to share an intimate working relationship with the Imam-Caliph until his last breath. Though al-Mahdī had authority during this phase, it is not entirely clear if he was regarded as a religious authority in the capacity of an Imam as a descendant of Ismā‘īl b. Ja‘far. Akin to several ‘Alawī and Idrsid movements, his leadership’s appeal was that of a generic Shi‘i caliphate rather than of a specific Ismaili caliphate.

The third, later Fatimid, phase commences with the recruitment of Nu‘mān to help bring about the next stage of development of the *da‘wa*. His educational background, young age, lack of prior affiliation with previous *dā‘īs* and his father’s conversion to Shi‘ism were all favourable conditions which made him the most suitable candidate for taking the lead on a fresh approach to the *da‘wa* based on an exclusive Ismaili appeal. This new *da‘wa* was advantageous for the Fatimids for several reasons. Firstly, it served as an intellectual response to the old elites of the Aghlabid Empire, namely the Sunni jurists who still could not come to terms with the new establishment. Secondly, it was a strategic attempt to dissociate the Fatimids from the *khāṣṣa* (Kutāma elites) who continued to be loyal to the cause of Abū ‘Abdallāh and Abū al-‘Abbās, despite their persecution for alleged treason. Lastly, it aspired to form an established *madhhab* against the dominant Sunni Mālikī and Ḥanafī legal schools.<sup>35</sup>

The mandate for the young recruit was to synthesise the earlier material and produce scholarly material which would then earn the imprimatur of the Fatimids. Because this directive was assigned to Nu‘mān, his writings were predominantly state-sponsored works. The meaningful absence of any rival scholar or competing literature in the resourceful Fatimid Empire suggests that the state adopted a strategy of producing a uniformed and coherent Ismaili literature. Poonawala

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<sup>35</sup> Wadād al-Qādī, “An Early Fāṭimid Political Document,” 102; Paul E. Walker, “Fatimid Institutions of Learning,” 183-4.

surmises that some *fuqaha* and judges of the Maghrib engaged in legal compositions, but because Qāḍī Nu‘mān’s works were patronised by the state, their writings failed to attain any recognition and eventually fell into disuse or were lost. He further speculates that spurious works ascribed to Nu‘mān such as *Minhāj al-farā`id* and *Kitāb al-Yanbū`* should have been among those surviving works which failed to gain reputation and were only attributed to Nu‘mān to enhance their credibility. It is argued, for instance, that *Kitāb al-Yanbū`* was composed by a contemporary of Nu‘mān during the reign of al-Manṣūr.<sup>36</sup> It is not surprising, therefore, that not a single *ṭabaqāt* work was produced among the Ismailis in the entire Fatimid era. This absence could also be explained by suggesting that a typical work of *ṭabaqāt* imply a conception of knowledge that is inimical to the presence of a figure such as Imam-Caliph, and therefore the very presence of an authoritative figure such as an Imam does not allow to have a hierarchical structure of Sunni-style *‘ulamā`*.<sup>37</sup> The Fatimid’s strategy of producing coherent material continued until the period of al-Zāhir (d. 427/1035) during which Mālikī authorities were exiled and *dā`īs* were restricted to teaching law in accordance with the jurisprudence of Āl al-Bayt (*al-fiqh ‘alā madhhab Āl al-Bayt*) from works such as *Da‘ā`im al-Islām* and *Kitāb al-Wazīr b. Killis*.<sup>38</sup>

Surprisingly, Nu‘man’s role in this phase of the *da‘wa* was not to train students in a conventional teaching setting; rather he was producing legal works for

<sup>36</sup> Ismail K. Poonawala, “Al-Qāḍī al-Nu‘mān and Isma‘īli jurisprudence,” 119; Ismail K. Poonawala, “Anonymous Works and Their Ascription to Famous Authors: Are They Cases of Mistaken Identity of an Outright Forgery?,” *Arabica* 62 (2015), 406; al-Qāḍī al-Nu‘mān, *Kitāb Ikhtilāf uṣūl al-madhāhib*, 33-8.

<sup>37</sup> Maribel Fierro, “Why and how do religious scholars write about themselves? The case of the Islamic west in the fourth/tenth century,” *Mélanges de l’Université Saint-Joseph*, 58 (2005), 403-23.

<sup>38</sup> al-Maqrīzī, *Itti‘āz al-ḥunafā` bi akhbār al-a`imma al-Fāṭimiyyīn al-khulafā*, 2: 175. Ya‘qūb b. Killis (d. 380/991), a Jewish convert to Islam entered the service of al-Mu‘izz in 362/969 and was appointed as a *wazīr* by al-‘Azīz in 367/977. For further details, see Marius Canard, “Ibn Killis,” in *EI2*. Consulted online on 18 November 2018 [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_3259](http://dx.doi.org/10.1163/1573-3912_islam_SIM_3259); Taqī al-Dīn Aḥmad b. ‘Alī al-Maqrīzī, *al-Mawā`iẓ wa al-i‘tibār fī dhikr al-khiṭaṭ wa al-āthār* (Beirut: Dār al-Kutub al-‘Ilmiyya, 1418/1997), 3: 10, 4: 200. This work of Ibn Killis was a substantial tome known as *al-Risāla al-wazīriyya* or *Muṣannaf al-wazīr*. It had an abridged version fondly known as *Mukhtaṣar*. According to Poonawala, the excerpts of this treatise has survived. See Ismail Poonawala, *Biobibliography of Ismā‘īlī Literature*, 79.

the use of the junior *qāḍīs*.<sup>39</sup> Many of the *dāʿīs* from the earlier period either had passed away or were suspended from their duties in the interest of consolidating the authority of the Imams at this time. Some others such as al-Marwadḥī's son, Abū Jaʿfar, were reduced to the task of *qaḍā* without being designated any scholarly activity.<sup>40</sup> For instance, Ibn al-Haytham, who evidently outlived the traumatic period of the early *daʿwa* and was alive until the fourth decade of the fourth/tenth century, was ignored by the Fatimids in this period. Even his two appointments as an ambassador and *dāʿī* to Andalus and western Maghrib, respectively, did not last long. The fact that he began documenting the events of the pre-Fatimid era in 334/946, some thirty-seven years after they occurred, revealed his frustration at Nuʿmān's convenient inattention to the contribution of earlier missionaries.<sup>41</sup> Nuʿmān continued to ignore the memoir of Ibn al-Haytham in his *Ifitāḥ al-daʿwa* (completed in Muḥarram 346/April–May 957) despite its first-hand accounts of the pre-Fatimid period and the early stages of the new Empire. Boasting of his credentials whilst sharing his frustration due to this marginalisation, Ibn al-Haytham emphatically records, 'Today I know of no one who can do that or of anyone to take my place in it or who has preserved the memory of it as I have.'<sup>42</sup>

Walker in his introduction to *Kitāb al-munāẓarāt* speculates that the work was a failed attempt by Ibn al-Haytham to secure a position in the *daʿwa* after the demise of al-Mahdī and al-Qāʿim.<sup>43</sup> He does not offer any evidence for this suggestion, nor is any content in al-Haytham's memoir suggestive of his willingness to join the *daʿwa* at that advanced age. Abū Yazīd's revolt against the Fatimids and the victory of Khārijites over Qayrawān may have prompted him to document those events for posterity, especially after his entire possessions were plundered by the rebels.<sup>44</sup>

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<sup>39</sup> It should be noted that the sessions of *majālis al-ḥikma* were, as acutely demonstrated by Walker, quasi-political missionary assemblies. See Paul E. Walker, "Fatimid Institutions of Learning," 183.

<sup>40</sup> al-Maqrīzī, *Ittiʿāz al-ḥunafāʾ bi akhbār al-aʿimma al-Fāṭimiyyīn al-khulafāʾ*, 1: 88-9;

<sup>41</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 47.

<sup>42</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 170.

<sup>43</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 49.

<sup>44</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 48.



Another possible reason for the underlying tensions and rivalry amongst the Fatimid scholars is that Nu‘mān was, presumably, trained in Mālikī *fiqh*, whereas Ibn al-Haytham studied Ḥanafī *fiqh*. None of these suggestions entirely explain his seemingly deteriorated relationship with the Fatimids, in general, and with Qāḍī Nu‘mān specifically.

To sum up, the new mandate of the third phase of the *da‘wa* was to produce a broad range of scholarly material for the Fatimids. In the process, earlier *dā‘īs*, with affiliations to those accused of treason, were expected to be purged and marginalised. This explains why Nu‘mān, the champion of the third phase, chooses not to make any mention of how he obtained the sources which he extensively cites. He gives the entire credit to the Imams, despite there being no textual evidence to suggest their contribution to the development of Nu‘mān’s writings. One cannot ignore the role of rivalry amongst those engaged in scholarly activities in the Fatimid Empire, which resulted in the subjugation of those independent contributions in favour of state-sponsored materials.

### ***Khizānat al-kutub (Treasure House of the Books)***

To determine the textual and contextual influences on Qāḍī Nu‘mān that contributed to the early development of his thinking, it is vitally important to examine the material he read or to which he had access. Based on his autobiographical account, he served both al-Mahdī (d. 322/934) and al-Manṣūr (d. 341/953) in the capacity of the librarian of the court; this job entailed both collection and copying of manuscripts.<sup>45</sup> This position provided him an opportunity to become acquainted with those sources housed at Fatimid libraries, at the very time he was compiling *al-Īḍāḥ*. One could therefore assume that the sources cited in *al-Īḍāḥ* were preserved in those collections.

There is little information on how this collection, presumably produced in Ḥijāz and Iraq, reached North Africa. The flourishing Ḥanafī and Mālikī legal discourses,

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<sup>45</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 80-1.

Ibn al-Haytham's acquaintance with earlier Shi'i material of Kūfa, and al-Malūsī's transmission of al-Ḥalabī's hadith collection are some examples indicating the familiarity of the scholars in the region with Medinese and Kūfan sources. It is also reported that the Fatimid Imams owned a great number of books in their private collections. In a hagiographic account, al-Mahdī is said to have possessed 'books of wisdom' which were plundered amongst other belongings by some brigands and later repossessed by al-Qā'im in his first expedition to Egypt.<sup>46</sup> Ja'far b. 'Alī, a chamberlain to al-Mahdī, in his autobiography, reports the same incident with further details, stating that the Imam, on his way between Egypt and Ṭāhūna, was attacked by the Berbers and lost his books which contained 'numerous sciences (*'ulūm kathīra*)'.<sup>47</sup>

The size of the collections in the Fatimid libraries is not known with certainty, but various accounts depict their vastness. Qāḍī Nu'mān reports that in one occasion he had to spend half a night to search for a book in the *khizānat al-kutub* (library, lit. treasure house of the books) and locate it in the appropriate box.<sup>48</sup> The secretary of the Mamluk chancellery, Abū al-'Abbās al-Qalqashandī (d. 621/1418), calls the library of the Fatimids in Egypt one of the three great libraries in Islam.<sup>49</sup> Abū al-Maḥāsīn (d. 874/1470) reports that the *khizānat al-kutub* housed more than hundred thousand volumes in sundry disciplines.<sup>50</sup> Al-Maqrīzī (d. 845/1442) refers to this collection as a *khazā'in kutub* (book treasures) in his description of the events occurring in 351/962. He also cites a report suggesting the vibrant tradition of

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<sup>46</sup> It is reported that al-Mahdī, expressing his joy on this achievement of his son, said, 'If this incursion had no other aim but to return these books, then too it would have been a great victory'. See al-Qāḍī al-Nu'mān, *Iftitāḥ al-da'wa*, 161; al-Qāḍī al-Nu'mān, *Founding the Fatimid State*, ed. and tr. Hamid Haji, 124.

<sup>47</sup> Wladimir Ivanow, "Sīrat Ja'far al-Ḥājjib," in *Ismaili Tradition concerning the Rise of the Fatimids* (London: Oxford University Press, 1942), 197. It is worth noting that Walker has translated the phrase '*'ulūm kathīra*' as 'much knowledge of the Imams'. See Paul E. Walker, "Libraries, Book Collection and the Production of Texts by the Fatimids," 11. For a detailed study on writing and reading tradition of Ifrīqiya, see Maribel Fierro, "Writing and reading in early Ifrīqiya," in *Promissa nec aspera curans: mélanges offerts à Madame le Professeur Marie-Thérèse Urvoy*, eds. Heinz Otto Luthe and Georgio Rahal (Toulouse: Les Presses universitaires, Institut catholique de Toulouse, 2017), 373-93.

<sup>48</sup> al-Qāḍī al-Nu'mān, *Kitāb al-majālis wa al-musāyarāt*, 533.

<sup>49</sup> Abū al-'Abbās Aḥmad al-Qalqashandī, *Ṣubḥ al-a'shā* (Cairo: Dār al-Kutub al-Miṣriyya, 134/1922), 1: 467.

<sup>50</sup> Ibn Taghrībirdī, *al-Nujūm al-zāhira fī mulūk Miṣr wa al-Qāhira*, 4: 101.

preserving numerous manuscripts of a single text in the year 383/993. Al-‘Azīz possessed around thirty copies of *Kitāb al-‘ayn*, twenty copies of *Tārīkh al-Ṭabarī* and one hundred copies of *Jamhara* of Ibn Durayd. He also possessed the originals of the former two titles. These examples demonstrate the imperial interest of the Fatimids in learning and preserving these educational resources.<sup>51</sup>

The fact that Qāḍī Nu‘mān engaged with many works compiled by Ḥanafīs, Mālikīs, Zaydis and Kūfan Shi‘ites suggests the diversity of the sources at his disposal. Ibn al-Haytham also states that Nu‘mān had inherited many books from his father.<sup>52</sup> All these materials along with the possessions of the Imams were available to Nu‘mān. In his arguably first work entitled *Kitāb al-himma*, Nu‘mān alludes to his endeavour of collecting, writing and engaging with texts in a dialogue with a certain elderly person with whom he did not share the faith.<sup>53</sup> It is interesting to note that in *al-Īdāh*, he consistently indicates that the reports he is consulting are based on ‘what has been collected from the works attributed to the Imams (*mā jumi‘at ‘anhum fī al-kutub al-mansūb ilayhim*)’.<sup>54</sup> Occasionally, the phrase is replaced with ‘in the reports which have reached to me from the works attributed to the Imams (*fī mā šāra ilayya min al-kutub al-mansūb ilayhim*)’.<sup>55</sup>

Walker in his various descriptive studies pertaining to the Fatimid libraries explores how these royal libraries contributed to the *da‘wa* network of the Fatimids. However, his scholarship primarily focuses on the later period of the second half of the fourth/tenth century without conducting any research into the internal textual evidence of the sources rendered in the early Fatimid writings. He examines the learning institution of the Fatimids, but focuses on the Egyptian period of the Fatimid Empire. Given the inconsistencies of the accounts, the seemingly exaggerated numbers of books in the libraries, and hagiographic mode of narrations, he rightfully

<sup>51</sup> al-Maqrīzī, *Itti‘āz al-ḥunafā’ bi akhbār al-a‘imma al-Fāṭimiyyīn al-khulafā’*, 1: 278, 2: 294-5 (year 461/1069); al-Maqrīzī, *al-Mawā‘iẓ wa al-i‘tibār fī dhikr al-khiṭaṭ wa al-āthār*, 2: 290-2, 380.

<sup>52</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 111-5, 126-7, 149, 154.

<sup>53</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-himma fī ādāb atbā’ al-a‘imma*, 102.

<sup>54</sup> al-Qāḍī al-Nu‘mān, *al-Īdāh*, 28, 36, 39, 41, 65.

<sup>55</sup> al-Qāḍī al-Nu‘mān, *al-Īdāh*, 45-6, 138.

concludes that the surviving evidence of that period should be approached cautiously.<sup>56</sup> It should also be noted that the writings of the later period of *daʿwa* and its learning institutions were of a homiletical nature, rather academic, which served the purpose of devotional instructions and exhortations for the believers.

Despite the ambiguity surrounded the dating, function and contents of *khizānat al-kutub* and the learning institutions of the Fatimids, it is indisputable that Nuʿmān had access to a wide range of sources. His numerous citations in the extant fragment of *al-Īdāh* depict his familiarity with Kūfan, Medinese and Egyptian Shiʿi sources. It appears that some of these sources were owned by the earlier *dāʿīs* of the pre-Fatimid era and then were transferred to the Fatimid libraries. His job as a librarian equipped him with the necessary tools and unlimited access to them for his writings. Despite his persistent claims, there is no evidence to suggest that he obtained these collections through the conventional methods of transmitting hadith texts such as *samāʿ*, *qirāʿa*, or the like. However, his credible citations, examined in the next three chapters of this thesis, leaves no doubt that he faithfully transmitted them in his legal works.

## Readership

The analysis of the readership of a text may reveal its underlying concerns, assumptions and messages it carries. It may also help us understand why and how the author formulated, structured and, presented a particular argument in the text in question. The sophistication and intricacies of the text depend not only upon the topic but also on the level of the knowledge of the targeted audience. Therefore, in this exploration of textual and contextual influences of Qāḍī Nuʿmān, it is important to examine the potential readership of his works. Though his writings fall under the generic rubric of *daʿwa* material, they can be divided into three categories based on their purpose and targeted audience.

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<sup>56</sup> For the study of Fatimid libraries, see Paul E. Walker, "Libraries, Book Collection and the Production of Texts by the Fatimids," 9-21; Paul E. Walker, "Fatimid Institutions of Learning," 179-200; Paul E. Walker, "*Fatimid History and Ismaili Doctrine*," 20-35; Paul E. Walker, *Exploring an Islamic Empire: Fatimid History and its Sources*.

The first category is literary missionary activity for the consumption of those believing in the imamate of the Fatimid Caliphs. The targeted audience for such works should ideally have been Kutāma Berbers, the indigenous converts to the faith of Abū ‘Abdallāh al-Shī‘ī. Indeed, Nu‘mān’s first work *Kitāb al-himma fī ādāb atbā’ al-a’imma* is essentially a code of conduct to be observed by followers of the Imams. Yet, given the paucity of pre-Fatimid North African sources, it is difficult to ascertain the intellectual level of the Kutāma Berbers, and there is no textual evidence from his writings to suggest that his intended primary readership was Kutāma Berbers.

Writings in the second category define the contours of a new *madhhab* based on the traditions of Ahl al-Bayt, thereby establishing the hegemony of the Fatimids in the face of the dominant Ḥanafīs and Mālikīs. Contrary to the popular view that *Da‘ā’im al-Islām* is a rigorous intellectual work, *al-Īdāh* is the first and, arguably, the only work which fits this category. Its aim is to showcase the intellectual hegemony of the Ismailis amidst ubiquitous Ḥanafī and Mālikī scholarly material. Nu‘mān’s later administrative roles left him little time to compile another such analytical *hadith-fiqh* work, nor did *al-Īdāh*’s broad scope leave room for further expansion. All his later *fiqh* works, including *Da‘ī‘im al-Islām*, were either abridgments or extracts from this larger analytical work.

The third category includes those works produced to cater to the needs of students, judges, governors and various bureaucrats of the Fatimid Empire. The demands from these groups, particularly the judges and bureaucrats, was strong: Nu‘mān was commissioned to compile works to meet their immediate need for accessible material which was easy to assimilate and memorise. *Al-Muntakhaba*, *Mukhtaṣar al-āthār* and *al-Iqtiṣār* are representative examples of works in this category.

It is surprising that *al-Īdāh*, a classical legal *hadith* work of that period, did not generate any commentaries or marginalia, considering the robustness of the North African intellectual milieu. As stated early, its purpose was to present the legal

opinions of the school of Ahl al-Bayt. Therefore, unlike the first and third categories of his writings, this work should be examined in comparison to the Ḥanafī and Mālikī hadith and *fiqh* texts. It did not generate any Shiʿi-Sunni legal discourse, perhaps because the hegemony of Shiʿites in the region left no space for Sunnis to engage in a critical assessment of the works produced by Nuʿmān.

## **External Factors**

The contextual external factors that contributed to Nuʿmān’s early writings were the sectarian and political milieu in which he was raised and trained. By the early fourth/tenth century, the scholars and political leaders of North Africa were already familiar with both Sunni and non-Ismaʿili Shiʿi doctrinal and legal schools. Moreover, the region had also witnessed the political rivalries of the Khārijites, Aghlabids and Idrisids. This section examines the sectarian and political milieus of North Africa which affected Nuʿmān’s writings.

## **Sectarian Milieu**

### ***Ḥanafī and Mālikī Rivalry***

Under the aegis of the central administration of the ʿAbbasids in Baghdad, the administrative affairs of the Aghlabids (184–296/800—909) of the North Africa operated and functioned based on the legal opinions of the school of Abū Ḥanīfa. However, the indigenous North African scholars were not all oriented towards Ḥanafī *fiqh*. On the contrary, the reports of the rivalry between Ḥanafī and Mālikī *fuqahāʾ* in the region indicate a formidable presence of Mālikīs.<sup>57</sup> The appointment of the two *qādīs*, Asad b. al-Furāt and Abū Muḥriz, representing Mālikī and Ḥanafī legal thinking, respectively, in the beginning of the third/ninth century provides additional evidence that the school of Mālik was widely followed. However, the dominance of

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<sup>57</sup> For a detailed study on Mālikīs of the region, see Maribel Fierro, “Proto-Malikis, Malikis and reformed Malikis in al-Andalus,” in *The Islamic School of Law: Evolution, Devolution, and Progress*, eds. P. Bearman, R. Peters and F. E. Vogel (Cambridge: Harvard University Press, 2005), 57–76.

the Ḥanafīs continued until the early fifth/eleventh century when the Zirid ruler al-Mu‘izz b. Bādīs (d. 454/1062) was instrumental in imposing the Mālikī legal school throughout the region.<sup>58</sup> This not only guaranteed the dominance of Mālikīs but also resulted in whitewashing the rigorous scholarly tradition of Ḥanafīs. Therefore, it is not surprising that surviving evidence on the Ḥanafī tradition of that period comes from the authors with Mālikī persuasions.

The early *dā’īs* of the pre-Fatimid era had cordial relationships with Ḥanafīs, and some were even pupils of Ḥanafī scholars. In contrast, Mālikīs were subjected to unfavourable treatment and even constant persecution by the Fatimids and Ḥanafīs, indicating that a strong alliance against the Mālikīs had been formed by these two groups. Ibn ‘Abdūn, the Ḥanafī grand *qāḍī* during the reign of Ibrāhīm II (275–289/888–902), is reported to have adopted a hostile approach towards the Mālikīs.<sup>59</sup> Muḥammad b. Aswad b. Shu‘ayb al-Ṣadīnī, the new appointed *qāḍī*, was equally harsh towards Mālikīs. It is not, therefore, difficult to discern why the Mālikīs were unhappy with Nu‘mān’s public engagement on various religious platforms.<sup>60</sup> The Ḥanafī-Fatimid alliance can partly be explained by the pro-Ahl al-Bayt tendencies of the Ḥanafīs as opposed to the pro-Umayyad attitudes of the Mālikīs.<sup>61</sup> It was amidst this intellectual rivalry in Raqqāda and Qayrawān that Nu‘mān undertook the difficult task of introducing a new set of legal thinking and practice based on the hadith of Ahl al-Bayt.

### ***Notable Presence of Shi‘i Legal Thoughts***

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<sup>58</sup> Ibn Taghrībirdī, *al-Nujūm al-ẓāhira fī mulūk Miṣr wa al-Qāhira*, 4: 106-07; ‘Izz al-Dīn Ibn al-Athīr, *al-Kāmil fī al-tārīkh*, ed. C. J. Tornberg (Leiden: Brill, 1851-76, reprinted Beirut, 1965-67), 9: 257. Paul Walker referring to the same source suggests that the Aghlabids had favoured the school of Abū Ḥanīfa. There is no mention of Aghlabids in the text. It appears that he is misled by the word ‘*al-aghlab*’ in the phrase ‘*kān al-aghlab ‘alayhim madhhab Abī Ḥanīfa*’ which refers to the ‘majority’ as opposed to a proper noun. See Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 18 (introduction).

<sup>59</sup> Mohamed Talbi, *L’Emirat Aghlabide 184-296/800-909: histoire politique*, 275, 697. Referred from Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 23 (footnotes 41-2, 44).

<sup>60</sup> al-Mālikī, *Kitāb Riyāḍ al-nufūs fī ṭabaqāt ‘ulamā’ al-Qayrawān wa al-Ifrīqiyya*, 2: 476-7.

<sup>61</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 165.

The case of inheritance in which Ibn al-Haytham was involved in litigation before the Mālikī judge of Qayrawān, Ḥimās, not only indicates the presence of Shiʿites but also suggests how their beliefs were considered as pernicious doctrines by those in power. Ibn al-Haytham’s father had made a bequest to an individual and set the condition that when his son attains legal maturity, he will be the sole executor of the will. Initially, an absolution was imposed on him. Ḥimās, responding to Ibn al-Haytham’s repeated requests to resolve the case, states, ‘It has reached me that you dissociate from the pious ancestors (*salaf*), uphold the createdness of the Qur’an, repudiate Abū Bakr and ‘Umar, and the Jews keep your company.’<sup>62</sup> Muḥammad b. ‘Umar al-Marwadhī, Muḥammad b. Khalaf, Ibrāhīm b. Ma‘shar, Abū al-Ḥasan al-Muṭṭalibī, Muḥammad al-Kūfī, Ismā‘īl b. Naṣr al-Ma‘ādī, Ibn Ḥayyūn Abū al-Mufattīsh, Abū al-Qāsim al-Warfajūmī, Abū ‘Abdillāh al-Andalusī, Aflaḥ al-Malūsī, Ḥurayth al-Jīmālī and Mūsā b. Makārim were notable scholars with Shiʿi persuasions in the pre-Fatimid and early Fatimid period of the *da‘wa*.<sup>63</sup> The reports of *Ifitāḥ al-da‘wa* suggest that credit for the spread of Shiʿi ideas in the region goes to a certain al-Ḥulwānī, a delegate of al-Ṣādiq, who managed to convert many Berbers to Shiʿism. This account appears to be hagiographic, and the lack of substantive evidence can only permit the conclusion that Shiʿism arrived in the region in the early second half of the third/ninth century. Apart from these brief and scattered reports on the presence of Shiʿites, Ḥanafīs and Mālikīs, there is no evidence on their scholarly engagements and possible debates and refutations over each other’s works. North Africa’s location, distant from the mainland of legal discourses, and the nascent stage of the development of legal schools, left limited time and space for such interactive scholarly engagements. One should not be misled by the title of Ibn al-Haytham’s work, *Kitāb al munāẓarāt* for it does not report intra-madhhab debates and its apologetic and polemical nature of the work does not offer an objective

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<sup>62</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 125-7.

<sup>63</sup> Wilferd Madelung, “Some notes on Non-Isma‘īlī Shiism in the Maghrib”; Wadād al-Qādī, “al-Shi‘a al-Bajaliyya fī al-Maghrib al-Aqṣā,” *Acts of the First Congress on the History of the Civilization of the Maghrib* (Tunis: University of Tunis CERES, 1979), 1: 164-94; For further details on *Wāqifa*, see Etan Kohlberg, “From Imāmiyya to Ithnā ‘Ashariyya,” *BSOAS*, 39 (1976), 529 ff; Mehmet Ali Buyukkara, “The Schism in the Party of Mūsā al-Kāzīm and the Emergence of Wāqifa,” *Arabica* 47 (2000), 78-99.



account of events.<sup>64</sup>

Nonetheless, Nu‘mān managed to introduce a legal *madhhab* based on the reports of Ahl al-Bayt amidst contentious inter-Sunni conflicts. Referring to this endeavour and strategy of Nu‘mān, Dachraoui suggests:

Al-Nu‘mān’s merit thus consists in the construction of a juridical and legal system for the use of the state, one oriented in the direction of a reconciliation of the concepts of Ismā‘īlism with those of the orthodoxy of Kayrawān. Thus, the points of doctrinal opposition between Sunnism and Shī‘ism are not so flagrant, in al-Nu‘mān’s works, as the geographical collections of biographies of orthodox scholars of Kayrawān would lead one to believe. If there remains a total divergence on the questions of the definition of faith or that of *walāya* [adhesion to the Imams], the contradiction in fact concerns only minor questions concerning ritual and practice of the cult. Reading the *K. Da‘ā‘im al-Islām* allows one to estimate the importance of al-Nu‘mān’s endeavour to bring about a rapprochement between Ismā‘īlī doctrine and the theses of Sunnism.<sup>65</sup>

How much was Nu‘mān influenced by these various legal schools and how much did he have to compromise to appease the Sunni subjects of the Fatimid Empire are pertinent questions which require further evidence on Nu‘mān’s early educational life. In the absence of this evidence, one may examine his legal opinions to determine whether they are based on material found in the Mālikī and Ḥanafī legal schools or emanated from the Shī‘ī sources previously considered heretical in the scholarly circles of the North Africa.

### **Political Administrations**

Before Fatimids could establish their hegemony over North Africa, several political

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<sup>64</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 117-8, 122-4. The debate of Sa‘īd b. al-Ḥaddād with Abū ‘Abdallāh and Abū al-‘Abbās is recorded by al-Khushanī and al-Mālikī. See al-Khushanī, *Ṭabaqāt ‘ulamā’ Ifrīqiyya*, 198-212; al-Mālikī, *Kitāb Riyāḍ al-nufūs fī ṭabaqāt ‘ulamā’ al-Qayrawān wa al-Ifrīqiyya*, 2: 57-115.

<sup>65</sup> Farhat Dachraoui, “al-Nu‘mān,” in *EI2*. Consulted online 22 December 2018, [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_5977](http://dx.doi.org/10.1163/1573-3912_islam_SIM_5977).

administrations ruled the region since it had been conquered by the Arabs in the second decade of the hijra. Egypt was captured by ‘Amr b. al-‘Āṣ in his famous conquest in 18/639. This was followed by an expedition led by Mu‘āwiya b. Ḥudayj in 45/665 in which certain other areas of North Africa were annexed to the then Umayyid caliphate. ‘Uqba b. Nāfi‘ founded Qayrawān in 55/674 after arriving in southern Tunisia with a colossal army. But it was later, in 85/704, thanks to the moderate policies of Mūsā b. Nuṣayr, that the indigenous tribes of Berber embraced Islam. By the end of the first century, Qayrawān became the *de facto* capital of the Maghrib, drawing several Arab tribes to this region with Arabic as its official language.<sup>66</sup>

Since the second/eighth century, various parts of North Africa were ruled by the Sunni Aghlabids (184–296/800–909), Ibādī Rustamids (160–296/777–909), Khārijite Banū Wāsūl (172–311/788–923) and ‘Alid Idrīsids (172–311/788–923). Each successive administration drew jurists and *muḥaddithūn* for its various scholarly activities. By the advent of the Fatimids, all these smaller and larger empires had been dissolved into this Shi‘i Empire. The Fatimid sources indicate that the followers of the previous dynasties received favourable treatment, while some were also employed by the state.<sup>67</sup> It is reasonably safe to assume that Fatimids inherited a large number of scholarly materials from the previous dynasties which later were housed at Fatimid libraries.

## **Does Ismaili Law Lack Originality?**

Having analysed the internal and external contextual factors on Nu‘mān’s ideas and writings, it is important to address whether Ismaili law, as formulated by Nu‘mān based on the sources he consulted, lacks originality. The close resemblance of juridical derivation between Ismaili law and other Shi‘i laws and the precedence of other Sunni, Zaydi and proto-Imami law manuals lead to a conclusion that Ismaili

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<sup>66</sup> Abdallah Laroui, *The History of the Maghrib: An Interpretive Essay*, tr. Ralph Manheim (Princeton: Princeton University Press, 1977), 79-89, 93-8.

<sup>67</sup> al-Qāḍī al-Nu‘mān, *Founding the Fatimid State*, ed. and tr. Hamid Haji, 213.

law, effectively, is the result of a synthesis of existing *fiqh* material of the other legal schools. However, a closer examination of Nu‘mān’s reading of hadith and his legal derivations reveals an independent style and method of interpreting law. This section critically analyses the current scholarship on this topic and concludes that Ismaili law, though it conforms with other Shi‘i legal schools in the vast majority of the cases, has a unique stylistic and methodological approach in judicial derivation and so was a fresh approach to the hadith of Ahl al-Bayt in North Africa.

Summarising the distinguishing features of the Fatimid *madhhab*, al-Maqdisī (d. c. 380/991) divides it into three components: (i) practices in which the founders of the legal school have disagreed among themselves, such as *qunūt* in the morning prayer, audible recitation of the *basmala*, and performing the *witr* prayer which consists of one *rak‘a*; (ii) revival of the practices of the *salaḥ*, such as reciting the phrases of *iqāma* (second call for the prayers) twice which Umayyads had changed to once, and wearing white garments, which ‘Abbasids had changed to black; and (iii) exclusive practices of the Fatimids which had no precedence and did not necessarily conflict with the opinions of the Imams of the legal schools, such as *ḥayya ‘alās* (*ḥayya ‘alā al-ṣalāt* and *ḥayya ‘alā khayr al-‘amal*) in the *adhān*, setting the sighting of the moon as the criterion of the commencement of the month, the prayer of eclipse consisting of *rak‘āt* and two prostrations in every *rak‘a*.<sup>68</sup> Though the author largely compares Ismaili law with Sunni law, it is interesting to note that Ismaili law was perceived as having a distinct identity possessing distinguishing features by the end of the fourth/tenth century.<sup>69</sup>

Ivanow suggests that the legal school introduced by Nu‘mān ‘really very closely resembles an Ithna ‘ashari treatise of its kind, the only substantial difference

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<sup>68</sup> Muḥammad b. Aḥmad b. al-Maqdasī, *Aḥsan al-taqāsīm fī ma‘rifat al-aqālīm*, ed. M. J. de Goeje (Leiden: Brill, 1906), 237-8.

<sup>69</sup> For analytical study on the *fiqh* of Ifrīqiya, see Maribel Fierro, “Codifying the law: the case of the Medieval Islamic West,” in *Diverging Paths? The shapes of power and institutions in Medieval Christendom and Islam*, eds. John Husdon and Ana Rodriguez (Leiden: Brill, 2014), 98-118; Robert Brunschvig, “Fiqh fātimide et histoire de l’Ifriqiya,” in *Mélanges d’histoire et d’archéologie de l’Occident musulman* (Algiers: [s.n.], 1958, 13-20, reprinted in *Études d’islamologie*, Paris: G. P. Maisonneuve et Larose, 1976).

at first sight being in the opening book, on *walāya* instead of the usual *kitāb al-tawḥīd*. He further adds that *kitāb al-walāya* has summarised what most probably were the basic ideas of the religion under the early Fatimids.<sup>70</sup> Asaf Fyzee, in his introductory article on Fatimid law, demonstrates that certain aspects of Fatimid law resemble one of the Imami or four Sunni legal schools.<sup>71</sup> This study emphasises the idea that Fatimid law is not an outlying school of law and that its legal thinking corresponds to that of the established *madhhabs*. In a rather strange confession, Hasan Ali Shah (d. 1881), the 46<sup>th</sup> hereditary Imam of the Nizari Ismailis, alluding to the Fatimid caliphs, propounds that ‘they conjoined the Ja‘farī path and the law of the Ithnā‘asharī’.<sup>72</sup> The phrase ‘the law of the Ithnā‘asharī’ should be understood as how it later came to be known and identified as the law of the Ithnā‘asharī, as it is quite evident that neither the Fatimids claimed that, nor did Qāḍī Nu‘mān’s sources indicate the inclusion of the reports on the authority of the later Imami Imams. The same applies to Madelung’s assertion that the *fiqh* presented by Qāḍī Nu‘mān is born out of a process of synthesis of Zaydī and Imami materials.<sup>73</sup> Although Nu‘mān does synthesise these materials, his treatment of the Zaydī sources in *al-Īdāh* and their elimination in his later works indicate that the Zaydī sources were primarily consulted because they contained reports from ‘Alid authorities who fit into the broader Ahl al-Bayt family.<sup>74</sup>

Examining the Sunni influences, Lokhandwalla in his extensive study on the origins of Ismaili law concludes that there was a ‘copious and widespread influence of the Mālikī school’ on the Ismaili legal system from ‘Imāmī Shī‘ī elements, the outstanding concepts and topics of the age and the Mālikī law of the land’. According to him, the reason for the success of the Ismailis in establishing a legal school was

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<sup>70</sup> Wladimir Ivanow, *Ismaili Literature*, 32; Wladimir Ivanow, *The Alleged Founder of Ismailism*, Ismaili Society Series A (Bombay: Thacher, 1946).

<sup>71</sup> Asaf Ali Asghar Fyzee, “Aspects of Fatimid Law,” *Studia Islamica*, 31 (1970), 81-91.

<sup>72</sup> Muḥammad Ḥasan al-Ḥusaynī, *The First Aga Khan: Memoirs of the 46th Ismaili Imam: A Persian Edition and English translation of Muḥammad Ḥasan al-Ḥusaynī’s ‘Ibrat-afzā*, ed. and tr. Daniel Beben and Daryoush Mohammad Poor (London: I. B. Tauris, 2018), 90-1.

<sup>73</sup> Wilferd Madelung, “The Sources of Ismā‘īlī Law,” 32.

<sup>74</sup> Apart from the two reports of Muḥammad al-Nafs al-Zakiyya, *Da‘ā’im al-Islām* and his other previous legal works are void of any Zaydī material. See al-Qāḍī al-Nu‘mān, *Da‘ā’im al-Islām*, 1: 83, 130.

the 'Fatimid adaptation of the Mālikī doctrines to a large extent'.<sup>75</sup> Wadād al-Qāḍī in a similar submission speculates that *Da'ā'im al-Islām* has a 'unmistakable Sunni Mālikī style'.<sup>76</sup> However, these ideas remain as hypotheses for further research, as these authors fail to provide enough evidence to support them.

Poonawala, offering two examples of Ḥanafī influences, states that the Ismailis in the pre-Fatimid era followed the existing law current in the land in which they resided and that the opinions of Ja'far b. Manṣūr al-Yaman, under the eastern influences of the Ḥanafī school, differed from those expressed by Nu'mān in *Da'ā'im al-Islām*.<sup>77</sup> In one instance, Poonawala partially admits the impact of Mālikī influences in the Fatimid period by stating that *Da'ā'im* has a strong Mālikī tinge: the judicial and legal system constructed in *Da'ā'im* was 'oriented towards reconciliation of the Shi'ī Ismaili doctrine with that of the Sunni Mālikī *madhhab* of North Africa'.<sup>78</sup> Yet, he correctly admits that the Mālikī influence on Ismā'īi law needs further investigation.<sup>79</sup>

Cilardo in his extensive study of the laws pertaining to inheritance in the Ismaili legal system concludes that Ismaili law possesses 'traits of originality' after Nu'mān's adaptation and appropriation of the Sunni and Imami legal systems. Therefore, it is not comparable with either Sunni or Imami legal systems and should be considered as the third Shi'ī legal system next to Imami and Zaydi systems.<sup>80</sup> This conclusion is supported by the methodology which Nu'mān adopted throughout his several legal works. However, I disagree with Cilardo's over-simplification of the formation of Ismaili law, in which he states that it is 'almost a re-examination of the Imami law', because Imami law was not formulated by the time Nu'mān started consulting and interpreting those legal hadith texts.<sup>81</sup>

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<sup>75</sup> Shamoan Lokhandwalla, *The Origins of Ismā'īlī Law*, 234-5.

<sup>76</sup> Wadād al-Qāḍī, *Multaqā al-Qāḍī al-Nu'mān al-awwal bi al-Mahdiyya*, 12 to 15 August 1975 (Tunisia: Wizārat al-Shu'ūn al-Thaqāfiyya, 1977), 143.

<sup>77</sup> Ismail K. Poonawala, "Al-Qāḍī al-Nu'mān and Ismā'īli jurisprudence," 117, 133.

<sup>78</sup> Ismail K. Poonawala, "Al-Qāḍī al-Nu'mān and Ismā'īli jurisprudence," 129.

<sup>79</sup> Ismail K. Poonawala, "Al-Qāḍī al-Nu'mān and Ismā'īli jurisprudence," 128, 141.

<sup>80</sup> Agostino Cilardo, *The Early History of Ismaili Jurisprudence: Law Under the Fatimids A critical edition of the Arabic text and English translation of al-Qāḍī al-Nu'mān's Minhāj al-farā'id*, 15.

<sup>81</sup> Agostino Cilardo, "Some Peculiarities of the Law of Inheritance: The Formation of Imāmī and Ismā'īlī Law," *JAI/S*, 3 (2000), 136.

The mere usage of the sources which later came to be known as Imami sources should not lead to the conclusion that Nu‘mān’s *fiqh* is based on Imami material. Firstly, the Imami law was still in its nascent stage when Nu‘mān was producing these legal texts for the Fatimids, and secondly, he relied on a shared heritage of the earlier Shi‘i Imams who are equally venerated by both Imamis and Ismailis. His juridical derivations demonstrate the nuances of the *fiqh* of Ahl al-Bayt read and interpreted in the context of a caliphate seeking its legitimacy on the grounds of their loyalty to the earlier Shi‘i Imams. Therefore, Qāḍī Nu‘mān’s *fiqh* is a novel approach to formulating a legal system based on the hadith of Ahl al-Bayt.

### **Style and Structure of Nu‘mān’s Writings**

As suggested earlier, Qāḍī Nu‘mān’s pioneering style of composition and his selection of titles do not resemble that of any of his predecessors or contemporaries. The titles such as *Kitāb al-majālis wa al-musayarāt*, *al-Urjūza al-muntakhaba*, *Kitāb ikhtilāf uṣūl al-madhāhib wa al-radd ‘alā man khārafa al-ḥaqqā fihā*, *Kitāb al-ittifāq wa al-iftirāq fī mā ikhtalafa fīhi al-fuqahā’ wa wāfaqa qawl Ahl al-Bayt* amongst many other works indicate his creativity in the selection of genre and titles of his works. A closer examination of his works also demonstrates his innovative style of arranging the chapters and categorising the topics in any given work, as well as the sophistication and nuances of his juridical approach to various issues in his legal works. The arrangement of the chapters in *al-Īḍāḥ*, its multiple abridgments for various targeted audiences, and beginning *Da‘ā’im al-Islām* with *kitāb al-walāya* are only some of the unique features suggestive of Nu‘mān’s creativeness. A comparison between his works and existing Mālikī legal works in the region highlights the pioneering contributions of Nu‘mān.

Mālikī law had reached North Africa by the beginning of the third/ninth century. Asad b. al-Furāt (d. 213/828) and Saḥnūn b. Sa‘īd (d. 240/854) are credited for the spread of Mālikī legal opinions in North Africa. They were trained under Ibn al-Qāsim al-‘Utaqī (d. 191/806) who is believed to have had a collection of 300

volumes (*jild*) of Mālik's sayings.<sup>82</sup> Saḥnūn returned to Qayrawān in 191/806, and his *Mudawwana* was compiled later in his life before his death in 240/856. When Qāḍī Nu'mān began his compilation of legal works, the Mālikī legal compendia of North Africa were likely available to him. His father's Mālikī background would have certainly increased his familiarity with Mālikī law from an early age. However, one hardly observes parallels between the legal works of Mālikī scholars and Qāḍī Nu'mān.

A comparison between the legal texts of Mālikīs such as *al-Muwaṭṭa'* of Mālik b. Anas (d. 179/795), *al-Mudawwana al-kubrā* of Saḥnūn b. Sa'īd (d. 240/854) and *Fatāwā Ibn Abī Zayd al-Qayrawānī* by Ibn Abī Zayd al-Qayrawānī (d. 386/996) and those from Qāḍī Nu'mān suggests that they emanate from two diverse sources. They not only differ in provenance but also possess distinct stylistic, philological and structural features. For instance, *al-Muwaṭṭa'* categorises the chapters of ritual purity (*al-ṭahāra*) and prayer (*al-ṣalāt*) as follows:

1. *Kitāb al-ṣalāt* (The Book of Daily Prayer)
2. *Kitāb al-ṭahāra* (The Book of Ritual Purity)
3. *Kitāb al-ṣalāt al-awwal* (The First Book of Daily Prayer)
4. *Kitāb al-sahw* (The Book of Laws Pertaining to Forgetfulness during Prayer)
5. *Kitāb al-jumū'a* (The Book of Friday Prayer)
6. *Kitāb al-ṣalāt fī Ramaḍān* (The Book of Prayers in the month of Ramaḍān)
7. *Kitāb ṣalāt al-layl* (The Book of Vigil Prayer)
8. *Kitāb ṣalāt al-jamā'a* (The Book of Congregational Prayer)
9. *Kitāb qaṣr al-ṣalāt* (The Book of Shortening of the Prayer)
10. *Kitāb al-ṭdayn* (The Book of prayer at the Two Festivals)
11. *Kitāb ṣalāt al-khawf* (The Book of Prayer in Time of Danger)
12. *Kitāb al-istisqā'* (The Book of Prayer for Rain)<sup>83</sup>

<sup>82</sup> al-Qāḍī Abū al-Faḍl 'Iyāḍ b. Mūsā, *Tartīb al-madārik wa taqrīb al-masālik li ma'rifat 'alām madhhab al-Mālik*, ed. Ahmad Bekir (Tripoli: Dār Maktabat al-Ḥayāh, 1967), 1: 434, 590.

<sup>83</sup> Mālik b. Anas, *Kitāb al-muwaṭṭa' li al-Imām Mālik b. Anas riwāyat Yahyā b. Yahyā al-Laythī* (Rabat: Manshūrāt al-Majlis al-'Ilmī al-A'lā, 1434/2013), 1: 97-249.

*Al-Mudawwana* follows the same pattern, although it contains many more subheads than does *al-Muwatta'*. Contrary to these Mālikī legal texts, *al-Ṭḍāh* has a completely different categorisation. The chapters concerning ritual prayer of *al-Ṭḍāh* are divided as follows:

1. *Bāb min dhikr faḍl al-ṣalāt wa al-iqbāl 'alayhā* (The Chapter on the Reward of Prayer and Paying Attention to it)
2. *Jimā' abwāb al-raghā'ib fī al-ṣalāt* (The Encompassing Chapter on Incentives to Perform Prayer)
3. *Bāb min dhikr faḍl al-ṣalāt wa al-ḥaḍḍ 'alā al-ṣalāt* (The Chapter on the Reward of Prayer and Encouragement to Perform it)
4. *Bāb min dhikr mā yurjā min thawāb al-ṣalāt* (The Chapter on the Reward which is Expected from Prayer)
5. *Jimā' abwāb al-adhān wa al-iqāma* (The Encompassing Chapter on the First and Second Calls for the Prayer)
6. *Jimā' abwāb al-masājid* (The Encompassing Chapter on the Mosques)
7. *Bāb dhikr mā nuhiya 'an fī lihi fī al-masjid* (The Chapter on What is Prohibited in the Mosques)
8. *Jimā' abwāb al-imāma* (The Encompassing Chapter on Leading Prayer)
9. *Jimā' abwāb ṣalāt al-jamā'a* (The Encompassing Chapter on Congregational Prayer)
10. *Jimā' abwāb ṣifāt al-ṣalāt wa sunnatihā* (The Encompassing Chapter on the Qualities of Prayer and its Recommendary Acts)

Moreover, Nu'mān's usage of the phrase *jimā' abwāb* (encompassing chapter), which comprises several *abwāb* (smaller chapters) and is subdivided into *dhikrs* (sections) has no North African precedence. The first use of this phrase is found in the *Ṣaḥīḥ* of the Shāfi'īte scholar Ibn Khuzayma (d. 311/923). He divides his collection of hadith into *jimā' abwāb*, with a main heading followed by several subheads of *bābs* (chapters). Though it has been reported that Ibn Khuzayma had travelled to Egypt and therefore, his work would have been popular in the region, there is no evidence to suggest that Nu'mān was influenced by his arrangement of



the chapters.

It should be noted that *al-Īdāh* is not a mere collection of hadith, but an analytical legal work in which Qāḍī Nu‘mān offers several contradictory hadith with the aim of examining the reasons of their contradiction and eventually reconciling between them. Again, this methodology of reconciliation, at least in Shi‘i literature, is unique to Qāḍī Nu‘mān in the beginning of the fourth/tenth century.

In reference to the specifics of a particular chapter (*bāb*), the below first list shows the succinct description of *al-Muwatta‘* followed by *al-Īdāh*’s detailed and elaborative examination of various issues of each chapter. For instance, *al-Muwatta‘* offers fifteen hadith spread in the following three chapters concerning *adhān*:

1. *Bāb mā jā‘ fī al-nidā‘ li al-ṣalāt* (Chapter on Various Issues Pertaining to the Call for Prayer)
2. *Bāb al-nidā‘ fī al-safar wa ‘alā ghayr wuḍū‘* (Call for Prayer while Travelling and When without Ritual Purity)
3. *Bāb qadr al-suḥūr min al-nidā‘* (The Duration of Dawn Meal in Ramaḍān in Relation to the Call for Prayer)

On the same topic, *al-Īdāh* provides 134 hadith divided into 23 chapters:

*Jimā‘ abwāb al-adhān wa al-iqāma* (The Encompassing Chapter on the First and Second Calls for the Prayer)

1. *Dhikr bad‘ al-adhān* (Section on Origins of *Adhān*)
2. *Dhikr al-adhān bi ḥayya ‘alā khayr al-‘amal* (The Inclusion of *ḥayya ‘alā khayr al-‘amal* in *Adhān*)
3. *Dhikr faḍl al-adhān wa thawābihi* (The Merits of *Adhān* and Its Reward)
4. *Dhikr kayfiyat al-adhān* (The Method of *Adhān*)
5. *Dhikr mā ‘alā al-mu‘adhdhin an yaf‘alahū idhā qāma fī al-adhān wa al-iqāma* (The Things Expected from Mu‘adhdhin while Standing for *Adhān* and *Iqāma*)
6. *Dhikr man nasiya al-adhān wa al-iqāma* (One Who Forgets to Recite *Adhān*

and *lqāma*)

7. *Dhikr ma shakka fī al-adhān aw fī al-iqāma aw akhta' fihimā* (One Who Doubts the Correctness of *Adhān* or *lqāma* or Commits a Mistake in Its Pronouncement)
8. *Dhikr al-adhān qabl al-waqt* (Reciting *Adhān* before Its Time)
9. *Dhikr al-tathwīb* (The Pronouncement of *al-ṣalāt khayr min al-nawm*)
10. *Dhikr al-kalām fī al-adhān* (Utterance while *Adhān*)
11. *Dhikr al-adhān wa al-iqāma 'alā ghayr ṭahāra* (Reciting *Adhān* and *lqāma* without Ritual Purity)
12. *Dhikr man adhdhana jālisan aw rākiban aw māshyan* (The One Who Recites *Adhān* while Sitting, Riding or Walking)
13. *Dhikr al-mu'adhdhin yu'adhdhinu wa yuqīmu ghayrahu* (An Individual recites *Adhān* but Another recites *lqāma*)
14. *Dhikr adhān al-nisā' wa iqāmatihinna* (*Adhān* and *lqāma* by Women)
15. *Dhikr akhdh al-mu'adhdhin al-ajr 'alā adhānihi* (To Demand Remuneration for Reciting *Adhān*)
16. *Dhikr al-mu'adhdhin yuqīmu wa lam yaji' al-imām* (The Mu'adhdhin Stands for the *lqāma* but Imam Has Not Yet Arrived)
17. *Dhikr al-nahy 'an al-khurūj min al-masjid ba'd al-adhān* (Prohibition on Exiting the Mosque after *Adhān* has been recited)
18. *Dhikr man yastaḥiqqu al-adhān* (One Who Deserves to Recite *Adhān*)
19. *Dhikr adhān al-a'mā* (*Adhān* of a Blind)
20. *Dhikr tark al-adhān li al-nāfila* (Abandoning *Adhān* for Supererogatory Prayers)
21. *Dhikr qadr al-ma'dhana* (The Height of the Minaret)
22. *Dhikr al-adhān fī waqt al-mawlūd ḥīn yūlad* (Reciting *Adhān* for a New-Born Baby)
23. *Dhikr al-adhān 'ind al-faza'* (*Adhān* during the Time of Fright)

The same applies to other chapters of both the legal works. Though it is argued that the corpus of hadith kept expanding from a modest size in the first/sixth and second/seventh centuries to the authoritative statements superseding different

schools of law in the third/ninth century, *al-Idāh*'s extensive citations are not, necessarily, an outcome of that progression. The proto-Shi'ites favoured the writing of hadith and continued supplementing the prophetic hadith with the sayings of Imams, whereas the Medinese and Kūfan approach towards legal issues was to expand the law to respond even to hypothetical situations. I argue that the length and expansion of legal opinions in Qāḍī Nu'mān's works are credited to the vast Shi'i Kūfan sources which he was consulting. Kohlberg and Modarressi have convincingly demonstrated the richness and vastness of these sources, mainly ascribed to or narrated on the authority of al-Bāqir and al-Ṣādiq.<sup>84</sup> They were developed, refined, categorised, elaborated and most importantly, thematised, equipping Nu'mān with enough material to engage in detailed discussions.<sup>85</sup> Therefore, although Qāḍī Nu'mān appears to be influenced by North African sources from a philological aspect, his content, juridical derivations and method of reconciling hadith are the direct result of the Kūfan sources he was consulting.

### **The Contribution of Imam-Caliphs**

One of the factors that contributed to Nu'mān's intellectual development in general and his writings specifically is believed to be the mentorship of the Imam-Caliphs. Nu'mān joined the *da'wa* at an early age, and all his works were compiled under the patronage of the Fatimids. Thus, he not only had a wide range of sources available at his disposal but also had direct access to Imams for guidance and instructions. Alluding to the sources of Qāḍī Nu'mān's books, Idrīs 'Imād al-Dīn states:

In fact, all that he wrote, gathered and compiled was learned from the imams

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<sup>84</sup> Hossein Modarressi, *Tradition and Survival: A Bibliographical Survey of Early Shi'ite Literature*; Etan Kohlberg, "Al-Uṣūl al-arba'umi'a".

<sup>85</sup> For studies in early Muslim jurisprudence, see Joseph Schacht, "The Schools of Law and Later Developments of Jurisprudence," in *Law in the Middle East*, eds. Majid Khadduri and Herbert Liebensy (Washington: The Middle East Institute, 1955), 1: 57-84; Joseph Schacht, *The Origins of Muhammadan Jurisprudence*, 239, 248, 306; Norman Calder, *Studies in Early Muslim Jurisprudence* (Oxford: Clarendon Press, 1993); Christopher Melchert, "How Ḥanafism Came to Originate in Kufa and Traditionalism in Medina," *ILS*, 6.3 (1999), 318-47. In reference to the advent of Mālikīsm in North Africa, see Najm al-Dīn al-Hantātī, *al-Madhhab al-Mālikī bi al-gharb al-Islāmī* (El Ghazala: Tabr al-Zamān, 2004).

of his time, based on what they reported from their pure ancestors. He did not compose any writing nor compile a work without checking it with them, step by step. They corroborated the truth and straightened out the mistake with the correct information. He drew from their sea of knowledge, and by them he knew, and by their benefactions he was able to compile and write his works.<sup>86</sup>

He adds that Nu‘mān wrote his critically acclaimed composition, *Da‘ā‘im al-Islām*, in the same way:

Then he [Imām al-Mu‘izz] instructed him to compose the *Kitāb al-da‘ā‘im*; he confirmed its foundations and divided its sections. He apprised him of the sound traditions from his pure ancestors and from the Messenger of God, avoiding those that the narrators had disagreed upon and were fabricated, according to their types and categories.<sup>87</sup>

Idrīs ‘Imād al-Dīn also portrays the intimate relation of Qāḍī Nu‘mān with Imam al-Manṣūr:

Amongst what has been related from al-Qāḍī al-Nu‘mān b. Muḥammad is that he said: ‘I received a letter from al-Manṣūr in which he said: “O Nu‘mān, excerpt from the Book of God what the commoners have rejected and dismissed.” I said to myself: “What can there be in the Book of God that any believer in the religion of Islam would reject and dismiss?” This weighed heavily on me and I thought at the time that I would not find a single letter of this; yet I did not consider referring back to him appropriate. Then I sought succor from God, for I knew that the Friend [*walī*] of God would not have said so without its existence. So, I opened the Qur’an to read it and the first sentence that caught my eye was: “In the name of God the Merciful, the Gracious.” I recalled that some people said that this was not in the Qur’an, but I established that it is. The material began to become disclosed to me until I had collected a twenty-folio section on it. I presented it to al-Manṣūr. He approved of it and was pleased with it. Then he said: “Continue!” So, I reached *Sūrat al-Mā‘ida*, having begun from *Sūrat al-Fātiḥa* followed by *Sūrat al-Baqara* and I collected examples that amounted to over 600 pages. Whenever I met al-Manṣūr, I presented the work to him. He was pleased with it and said:

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<sup>86</sup> Idrīs ‘Imād al-Dīn al-Qurashī, *‘Uyūn al-akhbār wa-funūn al-āthār*, 6: 41-2. The translation is extracted from Shainool Jiwa, “Idrīs ‘Imād al-Dīn,” in *An Anthology of Ismaili Literature*, 62.

<sup>87</sup> Idrīs ‘Imād al-Dīn al-Qurashī, *‘Uyūn al-akhbār wa-funūn al-āthār*, 6: 43. The translation is extracted from Shainool Jiwa, “Idrīs ‘Imād al-Dīn,” in *An Anthology of Ismaili Literature*, 62-3.

“No one has done such work before.” Then he passed away; however, I had not yet completed it.’<sup>88</sup>

Occasionally, Qāḍī Nu‘mān describes his engagement with the Imam-Caliph in the introduction to some of his works. For instance, in the introduction to *Kitāb mukhtaṣar al-āthār*, he reveals:

Then he [Imam al-Mu‘izz] corrected, modified and deleted some sections of what I had submitted to him and confirmed the others by mentioning or marking them. Thereafter, I read it to him, incorporating all his corrections and suggestions, and deleting all that he had recommended to remove, copying his words into the text. He permitted that the one who reports from me should mention that I relate from him [al-Mu‘izz], from those of his pure ancestors whom he mentioned, after he authenticated the reports from them. I benefited tremendously from that and I was exalted by his benefactions. I only presented this work to him so that he could confirm to me what I had collected and read and heard on the authority of the preceding narrators from his [al-Mu‘izz’s] ancestors was correct... I hope that if God extends my life, I shall present everything else in my religion for his review, record it and take the sound [traditions] from him.<sup>89</sup>

Having accomplished the task mandated and supervised by Imam al-Mu‘izz to collect reports of the reign and virtues of Banū Hāshim and the flaws of the Banū ‘Abd Shams, it is reported that Qāḍī Nu‘mān stated:

I presented them [reports] to him. He liked them, was satisfied with them, praised their content.<sup>90</sup>

There is a noticeable development in the language and content of Nu‘mān’s writings, stemming from his evolving and strengthening belief in the cause of the Fatimids, as well as geo-political and socio-religious considerations. Though he was almost

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<sup>88</sup> Idrīs ‘Imād al-Dīn al-Qurashī, *‘Uyūn al-akhbār wa-funūn al-āthār*, 6: 48-9. The translation is extracted from Shainool Jiwa, “Idrīs ‘Imād al-Dīn,” in *An Anthology of Ismaili Literature*, 65-6.

<sup>89</sup> al-Qāḍī al-Nu‘mān, *Mukhtaṣar al-āthār*, 3v, MS 1185 (Arl, ZA); al-Qāḍī al-Nu‘mān, *Mukhtaṣar al-āthār*, 1: 6-7; Idrīs ‘Imād al-Dīn al-Qurashī, *‘Uyūn al-akhbār wa-funūn al-āthār*, 6: 45. The translation is extracted from Shainool Jiwa, “Idrīs ‘Imād al-Dīn,” in *An Anthology of Ismaili Literature*, 64-5.

<sup>90</sup> Idrīs ‘Imād al-Dīn al-Qurashī, *‘Uyūn al-akhbār wa-funūn al-āthār*, 6: 47. The translation is extracted from Shainool Jiwa, “Idrīs ‘Imād al-Dīn,” in *An Anthology of Ismaili Literature*, 65.

twenty-nine years younger than al-Mahdī, the first Fatimid Caliph, and twenty-nine years older than the last caliph whom he served, al-Mu‘izz (r. 341–365/953–975), Nu‘mān’s reverence for the latter seems far greater than for the former. For instance, he appears to be extremely cautious in mentioning al-Mahdī in his early writings, addressing him with some adjectives without alluding to any proper noun, such as ‘*ba‘ḍ al-mun‘imīn ‘alayya* or *al-mun‘im ‘alayya* (a benefactor or my benefactor)’ or ‘*man yajibu al-taslīm li qawlihi* (one whose statement must be accepted)’.<sup>91</sup> Though his arguably first work entitled *Kitāb al-himmā* is dedicated to accentuating the merits of Imams and the required etiquette observed by their followers, he conveniently avoids making any reference to the current Imam. Poonawala suggests that *Kitāb ma‘ālim al-Mahdī* (The Signs of al-Mahdī) was composed during the reign of al-Mahdī (r. 297–322/910–934), which could suggest his intimacy with the first Fatimid Imam-Caliph.<sup>92</sup> However, there is no internal evidence to support this claim, and therefore, I argue that this non-extant work was composed during the reign of al-Mu‘izz (r. 341–365/953–975) when most such hagiographic works were produced. The earliest reference to this text is made in Nu‘mān’s *Iftitāḥ al-da‘wa*, which is believed to have been completed in 346/957.<sup>93</sup> This is further corroborated by the fact that none of his early works make any explicit mention of the Fatimid Imams. The first extant work which explicitly introduces the imamate of al-Mahdī and al-Qā‘im is the *rajaz* poem entitled *al-Urjūza (al-mukhtara) fī al-imāma* compiled during the reign of the latter.<sup>94</sup>

In his later works Nu‘mān appears as a zealous devotee for the Imams. The

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<sup>91</sup> al-Qāḍī, al-Nu‘mān, *Kitāb al-himma fī ādāb atbā‘ al-a‘imma*, 33; al-Qāḍī, al-Nu‘mān, *al-Īdāḥ*, 42. For similar expressions, see al-Qāḍī, al-Nu‘mān, *al-Īdāḥ*, 57 (*man yajibu qabūlu qawlihi*), 71 (*man yajibu qabūlu qawlihi*), 111 (*qad aqāmallāhu ‘ilm (‘alam) al-a‘imma al-muhtadīn*), 146 (*man yajibu qabūlu amrihi*), 148 (*man yajibu qabūlu qawlihi*). For further detail, see Chapter 2 of this study, footnotes 55-8.

<sup>92</sup> Ismail K. Poonawala, “The Chronology of al-Qāḍī al-Nu‘mān’s Works,” *Arabica*, 65 (2018), 112.

<sup>93</sup> al-Qāḍī al-Nu‘mān, *Founding the Fatimid State*, ed. and tr. Hamid Haji, 20; Ismail K. Poonawala, “The Chronology of al-Qāḍī al-Nu‘mān’s Works,” 130-4.

<sup>94</sup> This poem is also known by another detailed title, *al-Qaṣīda al-mukhtara wa al-ḥujja fī man yastahiqquhā wa-man idda‘āhā wa laysat lahu*. See al-Qāḍī al-Nu‘mān, *al-Urjūza al-mukhtara*, ed. Ismail K. Poonawala (Montreal-Beirut: Institute of Islamic Studies, McGill University-al-Maktab al-Tijārī, 1970), 192-4 (*dhikr qiyām ‘Abdillāh al-imām al-Mahdī billāh amir al-mu‘minīn ṣalwātullāh ‘alayhi*) and 194-203 (*dhikr qiyām amir al-mu‘minīn Abī al-Qāsim Muḥammad b. ‘Abdillāh ṣalwātullāh ‘alayhi*).

cursory and ambiguous mentions of an imam in *al-Īdāh* are now converted into glorious descriptions of the Fatimid Imams in *al-Majālis wa al-musayarāt*, rightly believed to have been among the last of Nu‘mān’s compositions. Here, he pays his utmost tribute to al-Mu‘izz by describing him as the one familiar with various sciences (*‘ulūm*) by virtue of his position, the possessor of miraculous powers, and the guarantor of heaven for his follower, among countless other divine virtues.<sup>95</sup> The position of the prophets was superior to the Imams in *Kitāb al-himma*, but in *al-Majālis* he reports hadith suggesting Imam Ali’s pre-eminent position compared to Prophet Adam at the time of the latter’s creation.<sup>96</sup> Yet, *al-Majālis* has all the characteristics of a hagiographic text, and therefore, it falls short of rendering an objective narrative of the Imam’s contribution to Nu‘mān’s intellectual development and, particularly, to his writings.

One would anticipate that the Imam, by the virtue of his position, should have been the point of reference for Nu‘mān in various matters, including legal dispositions. Furthermore, the Imam is expected to provide guidance by elucidating the correct opinion on a given issue and by rejecting fabricated hadith and distorted material to reach a more accurate conclusion. Yet, Nu‘mān’s legal works fail to demonstrate any such contribution by the Imams; rather he engages alone in a juristic methodology to arrive at certain legal opinions. In this respect, Nu‘mān is not like al-Ḥalabī, for instance, who, as Imam al-Ṣādiq, he is merely a jurist in the court of al-Mahdī. In other words, al-Mahdī is effectively not the source of law, but a patron providing resources to Nu‘mān for his intellectual activities.

Interestingly, even though Nu‘mān reports that al-Mu‘izz encouraged his followers to read and copy *Da‘ā’im al-Islām*, there is no mention of the Imam even in the prologue to this law manual.<sup>97</sup> However, Idrīs ‘Imād al-Dīn wants his readers to acknowledge that the work was not only commissioned by the Imam-Caliph but

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<sup>95</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musayarāt*, 7 (no. 6), 109 (no. 50), 147-8 (no. 83), 401 (no. 211), 351 (no. 182).

<sup>96</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-himma fī ādāb atbā’ al-a’imma*, 45; al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musayarāt*, 209-10 (no. 103).

<sup>97</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musayarāt*, 305-6 (no. 158).

that he also supervised it by correcting its errors and scrutinising all the chapters in full detail.<sup>98</sup> While this may not be a logical impossibility, though the significant age difference between them will raise doubts on such scholarly supervision.<sup>99</sup> Furthermore, as stated earlier, *Da‘ā‘im al-Islām* is essentially an abridged version of *al-Īdāh*, which was composed during the time of al-Mahdī.

Idrīs ‘Imād al-Dīn’s and many similar accounts are not objective description of the Imams’ contributions to Nu‘mān’s writings; rather they serve the religious needs of the community of the believers to venerate the Imams and glorify the material produced during their time. If one were to take these accounts seriously, the pertinent issue to examine would be the role of *istidlāl* (analytical deductions) in Nu‘mān’s writings, given he had direct access to the Imam of the time. The answer lies in the evolution of Nu‘mān’s beliefs in the doctrine of the imamate and the role of the Imams. It is in the later period of al-Mu‘izz that Nu‘mān back-projects and attributes his endeavours to the guidance of the Imams.

The colourful depiction of Nu‘mān’s intimate relation with al-Mu‘izz reveals this momentous shift in his scholastic career. Here, the Imam is depicted as the one who takes a keen interest in intellectual activities and Nu‘mān takes order from him. In one instance, as reported in *al-Majālis*, the Imam orders Nu‘mān to compile a work on a topic which he had earlier taught him. After commencing the work, Nu‘mān reads the incomplete work to the Imam to seek his approval. Nu‘mān is worried about not doing proper justice to the Imam’s words as they could be missed in the process of abbreviating the text. The Imam replies that he is pleased with the abbreviation as long as the correct meaning is conveyed. In reference to the long time which this specific compilation is taking, Imam reminds Nu‘mān that it is due to

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<sup>98</sup> Idrīs ‘Imād al-Dīn al-Qurashī, *‘Uyūn al-akhbār wa-funūn al-āthār*, 6: 42-4; al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 135 (no. 78); For supervision over other works, see al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 117-8 (no. 57), 301, 359-60 (no. 185). In a rare account, al-Mu‘izz is reported to have quoted a report on the authority of al-Ṣādiq. See al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 401 (no. 211).

<sup>99</sup> Imam al-Mu‘izz was born in 320/932, while *Da‘ā‘im al-Islām* was composed around 349/960. Nu‘mān should have been at an advanced age of 59, whereas al-Mu‘izz was 29 years old when this law manual was composed.



his genuine intention (*niyya*), unwavering commitment to the Imams (*maḥḍ al-walāya*) and the divine blessings (*tawfīq*) of God that he was able to undertake this task, and therefore, he should not be concerned about the delay in presenting the final draft.<sup>100</sup> We are also told that it was the strategic decision of al-Mu‘izz not to disclose his contribution to Nu‘mān’s compilations, for Imam’s adversaries would not have accepted them if they were produced by a Fatimid Imam.<sup>101</sup> In one instance, the Imam also reconciles seemingly contradictory reports about the revelation of the verse *al-yawm akmaltu lakum dīnakum*.<sup>102</sup> One report suggested that the verse was revealed on 18<sup>th</sup> of Dhū al-ḥijjā, the day of *Ghadīr*, whereas another report attributed to al-Bāqir stated that it was revealed on the 9<sup>th</sup> of Dhū al-ḥijjā, the day of ‘*Arafa*. Al-Mu‘izz, approving the veracity of the report transmitted on the authority of al-Bāqir, confirms that the verse was revealed on the day of ‘*Arafa*.<sup>103</sup> In another instance, Nu‘mān submits a piece of writing to al-Mu‘izz because of his conviction that it would not have been appropriate for him to act according to the content of the book or issue a *fatwā* without having consulted the Imam.<sup>104</sup> Occasionally, he would produce works on the orders of the Imams who would further enrich the texts by suggesting nuanced arguments overlooked by the author or by rectifying the errors and shortcomings of the draft.<sup>105</sup> His last legal compilation, *Mukhtaṣar al-āthār*, is the only legal work which mentions the name of al-Mu‘izz as the Imam of the day and the Master of the time (*Imām al-zamān wa Ṣāḥib al-‘aṣr*) and the one who closely examined the text and validated its content.<sup>106</sup> Given there is no substantial difference between the content of *Mukhtaṣar al-āthār* and his earlier legal works, one could surmise that this authentication by al-Mu‘izz is more of a symbolic nature than an intellectual contribution to Nu‘mān’s work. This absolute obeisance of Nu‘mān to the later Imams, especially al-Mu‘izz, could only have two causes; either the latter’s consolidated political position demanded such a glowing acknowledgement or the

<sup>100</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 401 (no. 210).

<sup>101</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 137 (no. 79).

<sup>102</sup> Qur’an 5: 3.

<sup>103</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 327-9 (no. 170).

<sup>104</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 396 (no. 208).

<sup>105</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 401 (no. 210), 545 (no. 281), 430 (no. 227), 520-3 (no. 269).

<sup>106</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 359-61 (no. 185); al-Qāḍī al-Nu‘mān, *Mukhtaṣar al-āthār*, 1: 6-7.

former's religious evolution led him to offer this gracious credit to his Imam.

It is worth mentioning that *al-Majālis* also occasionally highlights the merits and virtues of al-Manṣūr and alludes to his intellectual contributions. He is believed to have commissioned the task of compiling a polemical work highlighting those Qur'anic verses which were rejected by the Sunnis (*al-ʿamma*). In one instance, he is portrayed as the one who engaged in literary work for his followers. However, no further details are provided in this respect.<sup>107</sup> Nuʿmān affirms that the sayings of the *awliyāʾullāh al-aʿimma* (i.e., Fatimid Imam-Caliphs) are equivalent to the sayings of the Prophet in eloquence, majesty and delivery.<sup>108</sup>

As stated earlier, these hagiographic accounts fall short of the required evidence to substantiate the actual contribution of the Imams, if any. Unlike earlier Shiʿi Imams, the Fatimid Imam-Caliphs are not remembered as authorities on hadith or on any legal opinions in the works written by Qāḍī Nuʿmān. Furthermore, there is no evidence from the texts in terms of presentation and argumentation that the Imams played a supervisory role in his compositions, and therefore, there is a gap between what the records say happened and what the text indicates. Therefore, the preposition of the contributions of Fatimid Imam-Caliphs to Qāḍī Nuʿmān's writings should be re-examined. On the contrary, Nuʿmān should be duly credited for his own innovation and creativity as reflected in his various compositions and thus, laying the foundation of a legal *madhhab* based on the hadith of Ahl al-Bayt.

In conclusion, studying the intellectual milieu of North Africa in which Qāḍī Nuʿmān composed his works is important to understanding the underpinnings of his thoughts and ideas. He was raised in a robust scholarly environment of Qayrawān that had not only witnessed the presence of various political administrations but also the rivalry of the Ḥanafī and Mālikī legal schools. Furthermore, the pre-Fatimid *daʿwa* movement successfully trained scholars who eventually committed themselves to

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<sup>107</sup> al-Qāḍī al-Nuʿmān, *Kitāb al-majālis wa al-musāyarāt*, 135 (no. 78); Ismail K. Poonawala, "The Chronology of al-Qāḍī al-Nuʿmān's Works," 118-9; al-Qāḍī al-Nuʿmān, *Kitāb al-majālis wa al-musāyarāt*, 132 (no. 73).

<sup>108</sup> al-Qāḍī al-Nuʿmān, *Kitāb al-majālis wa al-musāyarāt*, 301 (no. 156). It should be noted that the number of the paragraph is missing in this edition.

the cause of the early missionaries. It was their effort which laid the foundation of the *madhhab* of Ahl al-Bayt under the patronage of Fatimid Imam-Caliphs. The contours of this *madhhab* were defined and demarcated by Qāḍī Nu‘mān by collecting, arranging and producing a large number of texts to fulfil the needs of the nascent state.

However, it is difficult to determine the contextual factors contributing to his writings. Firstly, Nu‘mān, in his later works, gives the impression that all the material in his texts has received the certification of the Imam-Caliphs. In contrast, his earlier compilations, such as *al-Īḍāḥ*, avoid mentioning the role of the Imams. Secondly, *al-Īḍāḥ* clearly demonstrates Nu‘mān’s profound familiarity with the methods of reconciling contradictory hadith, the discourse of *ijmā‘*, gradation of hadith sources, and so on, at an early age of the mid- or late twenties. This implies that he would have certainly been trained in hadith and *fiqh* by some scholars or at a scholarly institution. There is neither internal evidence suggesting the contribution of Imam-Caliphs, nor does the *ṭabaqāt* literature offer any information about his early education. In this respect, he was an outsider, which effectively proved to be a bonus in removing him from the turmoil of the pre- and early Fatimid *da‘wa*, whose job was to produce scholarly material for the state.

The scrutiny of the accounts of the scholarly activities of the Ismailis in the pre-Fatimid period concludes that Qāḍī Nu‘mān inherited a significant number of sources from his predecessors, which he, mostly due to political reasons, fails to acknowledge in his writings. These Kūfan Shi‘i sources at his disposal were demonstrably dissimilar from their Medinese Sunni counterparts, and hence, one would unmistakably notice the differences, both in style and content, between *al-Īḍāḥ* and other Mālikī legal texts. However, the contribution of Qāḍī Nu‘mān was not limited to the collection and detailed description of legal issues. He applied the analytical juristic method to the legal-hadith collection, and in doing so he aimed to construct a new Shi‘i legal school based on the hadith of Ahl al-Bayt. He should be, therefore, credited for the arrangement, contextualisation and appropriation of the content of the sources he consulted.

**Part II**

**Cross-Regional Textual Analysis of Ismaili  
Hadith**

In previous chapters we have demonstrated that Qāḍī Nu‘mān had access to an array of Medinese and Kūfan Shi‘i hadith sources which he consulted for his *al-Ṭdāh*. In this respect, *al-Ṭdāh* is the earliest amongst the secondary Shi‘i hadith collections that has referred to written sources for its citations. Written tradition tends to travel, and as Shi‘ites migrated, partly due to the fear of persecution due to their religious beliefs, these sources travelled with them. Alluding to the dissemination of these sources, al-Ṭūsī, in the prologue of his *fihrist*, states, ‘I cannot guarantee that I have presented a comprehensive list of all the Shi‘i authors, for the compilations [*taṣānīf*] of our scholars and their *uṣūl* are far much than to be collected [in a single volume], for they have settled in different towns and far-distant lands.’<sup>1</sup> Any study on the early Shi‘i hadith will be incomplete without examining *al-Ṭdāh*, for it offers titles of some early sources that have not been accessible to other Zaydi and Imami traditionists.

Part II of this thesis focuses on examining the historicity of these early Shi‘i hadith sources that have been consulted by *al-Ṭdāh*. The study of salvaging the earliest layer of Shi‘i hadith is important, for not only establishing the credibility of *al-Ṭdāh* but also scrutinising the trajectory of Shi‘i hadith in general. Shi‘ites due to various socio-political reasons, besides considering it as a tool of identity formation, were encouraged to write and preserve the sayings of their Imams. Kohlberg has rightly argued that in contrast to Sunni Islam, ‘legal hadith in Shi‘ism predates the juristic literature’.<sup>2</sup> These written sources purport to represent the original documentation of the Imams’ statements. Whereas this study is not concerned with establishing the authenticity of the sayings of Imams, it certainly engages in identifying the earliest sources believed to have recorded their reports.

In what follows, I will examine three case studies in my quest to establish the historicity of the sources consulted by *al-Ṭdāh*. These cases have been carefully chosen to demonstrate the vividness of its sources. The first case study scrutinises an *aṣl* collection believed to have been originated in Medina, but circulated in Egypt around early fourth/tenth century. The second case study explores a Zaydi hadith

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<sup>1</sup> al-Ṭūsī, *al-Fihrist*, 3.

<sup>2</sup> Etan Kohlberg, “Introduction,” in *The Study of Shi‘i Islam: History, Theology and Law*, eds. Farhad Daftary and Gurdofarid Miskinzoda, 173.

collection of Kūfa which reflects Nu‘mān’s openness in consulting non-Ismaili hadith texts. The last case study examines the hadith collections of Ḥalabī brothers which reportedly existed in North Africa around early fourth/tenth century.

More than half of the hadith cited in the extant fragment of *al-Īḍāḥ* is extracted from these three sources. The following three chapters aim to investigate identical *matn* to these hadith through cross-regional textual analysis. This method attempts to excavate the earliest layer of Shi‘i hadith by cross-examining the citations of *al-Īḍāḥ* from these three sources with other contemporaneous Shi‘i collections compiled in different regions by authors adhering to dissimilar religious beliefs. I argue that the identical nature of the reports preserved in Zaydi, Imami and Ismaili secondary collections, despite those differences, suggests the common provenance of their sources.

## Chapter 4

### Case Study 1: Examining *Kitāb al-īḍāḥ* through *al-Kutub al-Jaʿfariyya*

I wonder if there is any collection [*kitāb*] from the early hadith transmitters, more renowned than *al-Jaʿfariyyāt*! Which collector of hadith would have not transmitted reports on the authority of Mūsā b. Ismāʿīl b. Mūsā b. Jaʿfar?! (Mīrzā Ḥusayn al-Nūrī al-Ṭabarsī, *Khātimat mustadrak al-wasāʿil*, 1: 27)

The first case study in my quest to establish the historicity of the sources of *al-īḍāḥ* is a seminal hadith collection of the mid-third/ninth century, which Qāḍī Nuʿmān consistently refers to as *al-Kutub al-Jaʿfariyya*; it contains a single family *isnād* of the progeny of the Prophet. He cited it ninety times in the extant fragment of *al-īḍāḥ*, making it the second-most cited source in that work. *Al-Kutub al-Jaʿfariyya* is a legal hadith collection, though some of its hadith address generic moral values and Islamic etiquette. This familial collection is unique among the other sources of *al-īḍāḥ* for two reasons: evidentiary reports suggest its dissemination in Egypt in the fourth/tenth century, and one of its later surviving manuscript claims to have been copied from a much earlier copy dating to 514/1120.<sup>1</sup> The *isnāds* of some individual reports even suggest that the collection was in circulation as early as 250/864.<sup>2</sup>

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<sup>1</sup> Muḥammad b. Muḥammad b. al-Ashʿath, *Kitāb al-Ashʿathiyyāt*, MS 10-8734, Kitābkhāna-yi Majlis-i Shūra-yi Islāmī. The manuscript housed at this library is, in fact, a bundle of texts containing *al-Jaʿfariyyāt*, *Kitāb nawādir* and the extension of *Kitāb nawādir* comprising of 203 folios. The first three folios encompass an introduction to the authors and the relation of these titles to *al-Jaʿfariyyāt*. The paratext of 161r suggests that the introduction is authored by al-Fāḍil al-Hindī (d. 1137/1725). The main body of the text is situated between folios 4 to 160 including folio 4r which is the title page. The title page, paratext 4v and 159r suggest that the extant manuscript is produced from a copy dating back to 514/1120 and the colophon of the MS reads that the scribe, Muḥammad Rafīʿ b. ʿAbdullāh al-Shabistarī al-Tabrīzī has completed the task of copying it on 29<sup>th</sup> of Dhū al-Ḥijja 1118/ 3<sup>rd</sup> of March 1706. It is interesting to note that 158v is kept blank before the smaller extended part of *al-Ashʿathiyyāt* which resumes from 159r. The second text in the manuscript, *Kitāb nawādir*, begins from folio 161r and ends on 203v. These folios also include an extended portion of *Nawādir* which commence from the folio 173v. The paratext on the last folio suggests that the text (*Nawādir*) is copied from a manuscript dating back to as early as Ṣafar 568/September-October 1172.

<sup>2</sup> Muḥammad b. ʿAlī b. Bābawayh, *al-Amālī* (Tehran: Intishārāt-i Kitābkhāna-yi Islāmiyya, 1362 Sh/1983), 327, 386-7.

After introducing *al-Kutub al-Ja'fariyya* and its transmitters, the chapter delves into the hadith cited from it in *al-Īdāh* and the degree to which they correspond to the extant *al-Ja'fariyyāt/al-Ash'athiyāt* and other Shi'i hadith compendia.<sup>1</sup> This cross-regional textual evaluation of hadith reported in *al-Īdāh* with those in contemporaneous hadith collections—compiled in distant regions by authors adhering to different doctrinal beliefs with absolutely no connections between them, containing complete different *isnād* whilst sharing identical *matn*—will provide support for the theory of the common provenance of their sources. Confirming this common provenance will enhance the credibility of the sources of *al-Īdāh*, especially when there is no evidence to suggest how this collection had been made accessible to Qāḍī Nu'mān. In addition, these secondary collections can, reciprocally, decipher the context of the original sources, which is lost in the process of adopting a selective approach in rendering only the relevant hadith to a given chapter.

## Introduction to *al-Ja'fariyyāt*

This hadith collection with an implicit familial chain of Ahl al-Bayt, leading back to the Prophet, does not appear to have one single, accepted title. Qāḍī Nu'mān consistently refers to it as *al-Kutub al-Ja'fariyya* (the *Ja'fariyya* books), crediting Ja'far b. Muḥammad al-Ṣādiq (d. 148/765) for his significant contribution to the formulation of Shi'i doctrines. Raḍī al-Dīn b. Ṭāwūs's (d. 664/1265) *isnād* suggests that the collection had a slightly different title, *al-Ja'fariyyāt*, in the form of sound feminine plural.<sup>2</sup> Referring to the transmitter responsible for its dissemination in Egypt, Muḥammad b. Muḥammad b. al-Ash'ath al-Kūfī (henceforth Ibn al-Ash'ath), the collection is also known as *al-Ash'athiyāt*.<sup>3</sup> The collection may have been ascribed to Ibn al-Ash'ath because a number of its hadith, though a small number,

<sup>1</sup> This thesis will use the title '*al-Ja'fariyyāt*' to refer to this work. It will also, occasionally, use the title '*al-Kutub al-Ja'fariyya*' in the context of *al-Īdāh*, for Qāḍī Nu'mān has consistently used this title in *al-Īdāh*.

<sup>2</sup> 'Alī b. Mūsā b. Ṭāwūs, *al-Iqbāl bi al-a'māl al-ḥasana*, ed. Jawād Fayyūmī Iṣfahānī (Qum: Daftar-i Tablighāt-i Islāmī, 1376 Sh/1997), 1: 28-9; Muḥammad Bāqir al-Majlisī, *Biḥār al-anwār*, eds. group of scholars (Beirut: Mu'assasat al-Wafā', 1404/1983) 48: 314.

<sup>3</sup> Aḥmad b. Ḥusayn b. al-Ghaḍā'irī, *al-Rijāl*, ed. Muḥammad Riḍā Ḥusaynī (Qum: Dār al-Ḥadīth, 1364 Sh/1985), 67; al-Majlisī, *Biḥār al-anwār*, 102: 72; Āghā Buzurg al-Ṭīhrānī, *al-Dharī'a* (Beirut: Dār al-Aḍwā', 1403/1983), 2: 109 (no. 436), 5: 112 (no. 459), 11: 258 (no. 1576).



clearly deviate from the monotonous, single familial chain of Ahl al-Bayt. Al-Dārquṭnī (d. 385/995) refers to the collection as *al-‘Alawiyāt* presumably because of its reference to ‘Alī, on whose authority most of its hadith are narrated.<sup>4</sup> Having access to the parts of this collection, Ibn Ḥajar al-‘Asqalānī (d. 852/1449) reports that al-Dārquṭnī had also assigned the title of ‘*al-Sunan*’ to it and classified the entire work according to conventional categorisations of Islamic jurisprudence.<sup>5</sup> Ibn Ṭāwūs quotes hadith from a collection entitled *Kitāb riwāyat al-abnā’ ‘an al-ābā’ min Ahl al-Bayt* (The Book of the Narrations of Sons from their Fathers) that is believed to be *al-Ja’fariyyāt* because of their identical *matn* and *isnād*. The author affirms that he saw the base copy from which the hadith were transmitted to him.<sup>6</sup> The paratext of the manuscript of Majlis-i Shūra-yi Islāmī suggests that the collection has several titles: *Kitāb al-Ash’athiyāt*, *al-Ja’fariyyāt*, *Kitāb gharīb al-ḥadīth*, *Kitāb al-sunan li Muḥammad b. Muḥammad b. al-Ash’ath*, *Kitāb al-abnā’ ‘an al-ābā’ min Āl Rasūlillāh*, and *Akhbār al-Ash’athiyāt*.<sup>7</sup> In a rather unclear reference, Āghā Buzurg al-Ṭīhrānī reports that someone versified its content which amounted to 7,200 couplets.<sup>8</sup>

Surprisingly, none of these titles highlight, as one might expect, the significant role played by Ismā‘īl b. Mūsā b. Ja‘far, as the chief authority contributing to the transmission of the hadith of his forefathers in Egypt, as attested by the various *rijāl* works. In their enumeration of the works ascribed to Ismā‘īl b. Mūsā b. Ja‘far, al-

<sup>4</sup> ‘Alī b. ‘Umar al-Dārquṭnī, *Su‘ālāt Ḥamza*, ed. Muwaffaq b. ‘Abdullāh b. ‘Abd al-Qādir (Riyadh: Maktabat al-‘Ārif, 1404/1984), 101; Shams al-Dīn al-Dhahabī, *Mīzān al-i‘tidāl fī naqd al-rijāl*, eds. ‘Alī Muḥammad Mu‘awwaḍ and ‘Ādil Aḥmad b. al-Mawjūd (Beirut: Dār al-Kutub al-‘Ilmiyya, 1416/ 1995), 6: 322-3 (no. 8137).

<sup>5</sup> Shihāb al-Dīn Aḥmad b. ‘Alī b. Ḥajar al-‘Asqalānī, *Lisān al-mīzān* (Beirut: Mu‘assasat al-‘Alamiyya li al-Maṭbū‘āt, 1390/1971), 5: 362.

<sup>6</sup> ‘Alī b. Mūsā b. Ṭāwūs, *Falāḥ al-sā‘il wa najāḥ al-masā‘il* (Qum: Būstān-i Kitāb, 1406/1985), 214. The word ‘*anbiyā*’ in the title is a typographical error which should be replaced with ‘*abnā*’. In *Jamāl al-usbū‘*, he refers to the work as *Kitāb riwāyat al-abnā’ ‘an al-ābā’ min Āl Rasūlillāh*. See ‘Alī b. Mūsā b. Ṭāwūs, *Jamāl al-usbū‘* (Qum: Intishārāt-i Raḍī, 1330/1912), 419.

<sup>7</sup> See Ibn al-Ash’ath, *Kitāb al-Ash’athiyāt*, MS 10-8734, folio 3r. The title *al-Sunan* might have been derived from the text itself for it reads, at the end of *Kitāb al-ru’yā*, that this chapter ends with *Kitāb al-sunan*. See Muḥammad b. Muḥammad b. al-Ash’ath, *al-Ja’fariyyāt [al-Ash’athiyāt]* (Tehran: Maktabat al-Naynawā al-Ḥadīthā, n.d.), 248.

<sup>8</sup> Āghā Buzurg al-Ṭīhrānī, *al-Dharī‘a*, 2: 110 (no. 436). The text reads, ‘*wa qad aḥṣartu (uḥṣirat) ‘iddatu abyātihī fī sab‘a ālāf wa mi‘tay bayt* (I have counted (it has been counted) the hemistiches of the poem which amounted to seven thousand and two hundred hemistiches.’

Najāshī and al-Ṭūsī list twelve and thirteen titles, respectively, which conform to the conventional categorisation of classical Islamic jurisprudence.<sup>9</sup>

The ambiguity surrounding the title of this collection implies that it was perceived as a bundle of separate books/chapters as opposed to a single work. This accords with Qāḍī Nu'mān's description of the work in an adjectival form, *al-Kutub al-Ja'fariyya* (The *Ja'fariyya* Books).<sup>10</sup> As seen later, North African traditionists, both Sunni and Shi'i, unequivocally referred to it as *al-Ja'fariyya*, whereas Baghdadī Imami scholars chose to refer it as *al-Ash'athiyāt*.<sup>11</sup>

Despite there being a single familial *isnād* of *al-Kutub al-Ja'fariyya*, Qāḍī Nu'mān consistently renders the complete *isnād*, from Ibn al-Ash'ath to the final authority of the hadith, throughout *al-Ṭāh*. He also treats the book(s) of Muḥammad b. Sallām b. Sayyār al-Kūfī similarly by offering the complete *isnād* of any given hadith from it. This may either indicate that Qāḍī Nu'mān had access to these sources through *samā'* (hearing), or the copy at his disposal may have the complete *isnād* attached to its every single report, and he faithfully recorded it, in which case the form of transmission would be classified as *munāwala* (handing over). Further evidence is needed to determine which of these two possibilities is more authoritative. In almost every instance, the *isnād* begins with '*fi al-Kutub al-Ja'fariyya min riwāyat Abī 'Alī Muḥammad b. Muḥammad b. al-Ash'ath al-Kūfī 'an...*' (in the collection of *al-Ja'fariyya* which is transmitted via Abū 'Alī Muḥammad b. Muḥammad b. al-Ash'ath al-Kūfī on the authority of...').<sup>12</sup>

Though some of the *isnāds* end with the authority of the later Imams, a

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<sup>9</sup> al-Najāshī, *Rijāl al-Najāshī*, 26 (no. 48); al-Ṭūsī, *al-Fihrist*, 10-11 (no. 31). The book entitled *Kitāb al-diyāt* is missing in Najāshī's work.

<sup>10</sup> In several instances, the text reads '*Kutub al-Ja'fariyya*' which is a typographical error due to its incorrect Arabic grammatical structure. For instance, see al-Qāḍī al-Nu'mān, *al-Ṭāh*, 26, 27, 29, 32, 44, 97, 102, 102, 104, 109, 113, 163.

<sup>11</sup> For the Baghdadī Imami traditionists, see Ibn al-Ghaḍā'irī, ed. Muḥammad Riḍā Ḥusaynī, *al-Rijāl*, 67; al-Ṭūsī, *Rijāl al-Shaykh al-Ṭūsī*, 444 (no. 75).

<sup>12</sup> al-Qāḍī al-Nu'mān, *al-Ṭāh*, 163.

significant number of hadith are reported from the Prophet or ‘Alī.<sup>13</sup> According to Shi‘i doctrine, the reports attributed to Imams are as credible as those of the Prophet, and therefore it is not surprising that the reports transmitted on the authority of ‘Alī do not necessarily advance the chain to the Prophet.<sup>14</sup> Occasionally, the *isnād* abruptly ends with the name of a non-Ismaili Imam, and some even end with non-Imams. Given that the entire collection comprises a single familial *isnād*, these discrepancies suggest that the copy of *al-Ja‘fariyyāt* at the disposal of Qāḍī Nu‘mān had several interpolations.<sup>15</sup> Furthermore, it also appears that some of the hadith reported in *al-Īḍāḥ* are erroneously attributed to *al-Kutub al-Ja‘fariyya*, because both their content and *isnād* differ from the vast majority of *al-Ja‘fariyyāt’s isnād* and *matn*.<sup>16</sup> These are also two *isnāds* in which an Imam quotes a hadith from a Companion of the Prophet.<sup>17</sup> These are unusual because Shi‘i doctrine holds that an Imam is the final authority whose statements holds probative force (*ḥujjiya*), and therefore, he does not need to transmit a report from the Prophet via any Companion.

In addition, the seventh Imam of the Imamis, Mūsā b. Ja‘far al-Kāẓim, is cited in a number of *isnād* of *al-Īḍāḥ*. Given Nu‘mān’s religious affiliation, it should be assumed that al-Kāẓim is cited in the capacity of a narrator or a transmitter. The two *isnād* which ends with the authority of al-Kāẓim does not clearly imply any significant status of his imamate, particularly when the *isnāds* of the extant fragment of *al-Īḍāḥ*

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<sup>13</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 32, 57-8, 64, 82, 85, 86-8, 91. There are 38 such instances out of 90 reports cited from *al-Kutub al-Ja‘fariyya*.

<sup>14</sup> For one such claim, see Muḥammad b. Ya‘qūb al-Kulaynī, *al-Kāfī*, eds. ‘Alī Akbar Ghaffāri and Muḥammad Ākhūndī (Tehran: Dār al-Kutub al-Islāmiyya, 1407/1986), 1: 53. Ibn Ṭāwūs, alluding to these narrations in some generic terms states that whenever a hadith is transmitted on the authority of ‘Alī, it should be believed to have been quoted on the authority of the Prophet. See Ibn Ṭāwūs, *al-Iqbāl bi al-a‘māl al-ḥasana*, 1: 29.

<sup>15</sup> For the hadith on the authority of later Imams, see al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 56, 59 (two instances from al-Ḥusayn), 62, 65 and 156 (three instances from Zayn al-‘Ābidīn), 50, 125, 156, 157 and 164 (five instances from al-Bāqir), 25 and 77 (two instances from al-Šādiq), 109 (one instance from al-Kāẓim), 73 (one instance from Ismā‘īl b. Mūsā b. Ja‘far b. Muḥammad who is not an Imam for any of Ismailis or Imamis).

<sup>16</sup> There are seven such instances in *al-Īḍāḥ*. See al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 59, 60, 63, 64, 107, 165 (2 instances).

<sup>17</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 25 (al-Šādiq on the authority of Abū Dharr) and 156 (al-Bāqir on the authority of Jābir). The term ‘unusual *isnād*’ is borrowed from Etan Kohlberg, “An unusual Shi‘i *isnād*,” *IOS*, 5 (1975), 142-9.

are not free from discrepancies.<sup>18</sup>

## The Emergence of *al-Kutub al-Ja'fariyya* in North Africa

In examining the emergence and dissemination of *al-Ja'fariyyāt* in the late third/ninth century, this section reveals the trajectory of a text believed to have originated in Medina, transmitted in Egypt, and disseminated in North Africa. We can then compare how that path is similar or different from other Kūfan recensions of the collection which were later disseminated in Qum.

*Al-Īdāh* is credited as being the first extant work to credit *al-Kutub al-Ja'fariyya* as a source for legal hadith.<sup>19</sup> It is safe to assume that *al-Īdāh* cited a significant portion of the collection, comprising 1,781 hadith, given that the extant fragment covering parts of *Kitāb al-ṭahārat* and *Kitāb al-ṣalāt* cites 90 hadith from it.<sup>20</sup> The *isnād* of *al-Ja'fariyyāt* suggests that the collection might have originated in Medina in the second half of the second/eighth century. However, there is no independent attestation to the work's existence as a hadith collection in Medina. The *rijāl* and *fihrist* reports suggest that the chief transmitter of the collection, Ismā'īl b. Mūsā b. Ja'far, migrated to Egypt in the later period of his life. This explains why this collection primarily received attention in Egypt, rather than in Medina, Baghdad or Kūfa, the heartlands of Shi'i hadith. However, it raises further questions about why Ismā'īl concealed the hadith while he was in Medina. Was it due to the precautionary dissimulation (*taqiyya*) exercised by him because of his fear of prosecution by the

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<sup>18</sup> al-Qāḍī al-Nu'mān, *al-Īdāh*, 73, 109.

<sup>19</sup> al-Najāshī, *Rijāl al-Najāshī*, 26 (no. 48); al-Ṭūsī, *al-Fihrist*, 10-1 (no. 31).

<sup>20</sup> Ismā'īl b. Mūsā b. Ja'far, *al-Ja'fariyyāt aw al-Ash'athiyāt*, ed. Muṣṭafa Ṣubḥī al-Khiḍr (Beirut: Mu'assasat al-A'lamī li al-Maṭbū'āt, 1434/2013), 484. The enumeration of another edition suggests that the hadith collection comprises of 1667 hadith. See Ismā'īl b. Mūsā b. Ja'far, *al-Ja'fariyyāt al-Ash'athiyāt*, ed. Mushtāq Muẓẓafar Ṣāliḥ (Karbala: al-'Ataba al-Ḥusayniyya al-Muqaddasa, 1434/2013), 2: 291. The paratext of the title page of one of the manuscripts housed at Majlis-i Shūrayi Islāmi states that the total number of the hadith is 1544. See Ibn al-Ash'ath, *Kitāb al-Ash'athiyāt*, MS 10-8734, 4r. Ibn 'Adī, Ibn Ṭāwūs, al-Majlisī, and Āghā Buzurg al-Ṭīhrānī, in one instance, speculate a rounded figure of 1000 hadith. See 'Abdullāh b. 'Adī, *al-Kāmil fī du'afā' al-rijāl*, ed. Yaḥyā Mukhtār Ghazāwī (Beirut: Dār al-Fikr, 1409/1988), 6: 301; Ibn Ṭāwūs, *al-Iqbāl bi al-a'māl al-ḥasana*, 1: 28-9; Muḥammad b. Bāqir al-Majlisī, *Biḥār al-anwār*, 104: 132; Āghā Buzurg al-Ṭīhrānī, *al-Dharī'a*, 5: 112 (no. 459). Āghā Buzurg al-Ṭīhrānī in another instance states that the collection is assumed to have around 1500 hadith. See Āghā Buzurg al-Ṭīhrānī, *al-Dharī'a*, 11: 258 (no. 1576).

‘Abbasids, given that his father Mūsā b. Ja‘far had already been prosecuted in Baghdad? This seems to be a very credible supposition, which also explains why he migrated to Egypt, thereby avoiding Baghdad or Kūfa where the ‘Abbasids had far greater control. Other ‘Alids are also reported to have migrated to Egypt and transmitted the hadith on the authority of their forefathers.

Al-Khaṭīb al-Baghdādī (d. 463/1071) offers an account of the migration of a certain descendant of ‘Alī in the third/ninth century, adding that this individual—Abū ‘Alī al-‘Alawī, ‘Ubaydullāh b. ‘Alī b. Ibrāhīm b. al-Ḥasan b. ‘Ubaydullāh b. al-‘Abbās b. ‘Alī b. Abī Ṭālib (d. Rajab 312/October–November 924)—had a collection entitled *Kitāb al-Ja‘fariyya* in his possession. On the authority of Abū Sa‘īd b. Yunūs via his *isnād*, al-Baghdādī states that Abū ‘Alī al-‘Alawī, while living in Egypt, chose to refrain from transmitting any hadith from his collection, but later did so when political and religious circumstances were more favourable. Describing the content of this collection, al-Baghdādī adds that it contained *fiqh* based on the Shi‘i school of law. He concludes his account by stating that this ‘Alid lived a long life before he died in 312/924.<sup>21</sup> ‘Abbās b. ‘Alī in this lineage is the Qamar Banī Hāshim, the formidable warrior and martyr of Karbala. The literature of *ansāb* (genealogies) reports that some of his great-grandchildren settled in Egypt. ‘Alī b. Muḥammad al-‘Alawī al-‘Umarī (d. c. 460/1067), diverging from al-Baghdādī’s report, suggests that Abū ‘Alī al-‘Alawī was born in Egypt and one of his brothers named ‘Abbās later settled in Egypt.<sup>22</sup> If this account of al-Baghdādī is substantiated by other historical evidence, it would be extremely valuable because it enhances the credibility of *al-Ja‘fariyyāt* by indicating that it was narrated by more than one transmitter. To prove its veracity, we would need, however, to confirm that the collection entitled *al-Ja‘fariyya* in the possession of Abū ‘Alī al-‘Alawī was identical to that narrated on the authority of Ismā‘īl b. Mūsā around 250/864. Unfortunately, this account of al-Baghdādī is not corroborated by any other contemporaneous independent sources, nor are there any citations of *al-Ja‘fariyya* on the authority Abū ‘Alī al-‘Alawī. Therefore, this study

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<sup>21</sup> Aḥmad b. ‘Alī al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, ed. Muṣṭafā ‘Abd al-Qādir ‘Aṭā (Beirut: Dār al-Kutub al-‘Ilmiyya, 1417/1997), 10: 344 (no. 5468).

<sup>22</sup> ‘Alī b. Muḥammad al-‘Alawī. *al-Majdī fī ansāb al-Ṭālibiyyīn*, eds. Aḥmad al-Mahdawī al-Dāmighānī and Maḥmūd al-Mar‘ashī (Qum: Maktabat Āyatullāh al-Mar‘ashī al-Najafī, 1409/1988), 233-4.

focuses on *al-Ja'fariyyāt* narrated on the authority of Ismā'īl b. Mūsā. The examination of the lives of its chief transmitters will help decipher the intricacies of this very rare Shi'i hadith collection in Egypt.

## Ismā'īl b. Mūsā b. Ja'far

Ismā'īl b. Mūsā b. Ja'far is the grandson of the sixth Imami Imam, Ja'far b. Muḥammad al-Ṣādiq, and the son of the seventh Imami Imam, Mūsā b. Ja'far al-Kāzim. He seems to have been the most distinguished member of the 'Alids. Ismā'īl was appointed as one of the caretakers of the endowments of his father and, supposedly, was favoured over his elder brother 'Abbās.<sup>23</sup> Muḥammad b. 'Alī al-Jawād (d. 220/835), the ninth Imam of the Imamis, asked him to lead the funeral prayers of one of his father's closest companions, Ṣafwān b. Yaḥyā (d. 210/825).<sup>24</sup> His progeny, all of whom were the descendants of Mūsā, his only heir, are believed to have lived in Egypt and Syria until at least 828/1424.<sup>25</sup> There is no further information about his life in Medina, nor does any historical report record the exact date of his migration to Egypt. In his *Rijāl*, al-Najāshī introduces him with the following description:

Ismā'īl b. Mūsā b. Ja'far b. Muḥammad b. 'Alī b. al-Ḥusayn settled in Egypt with his children. He transmitted various collections [*kutub*] on the authority of his father and ancestors. The titles of those collections are *Kitāb al-ṭahāra*, *Kitāb al-ṣalāt*, *Kitāb al-zakāt*, *Kitāb al-ṣawm*, *Kitāb al-ḥajj*, *Kitāb al-janā'iz*, *Kitāb al-ṭalāq*, *Kitāb al-nikāḥ*, *Kitāb al-ḥudūd*, *Kitāb al-du'ā'*, *Kitāb al-sunan wa al-ādāb*, and *Kitāb al-ru'yā*. Al-Ḥusayn b. 'Ubaydullāh transmitted these works to me on the authority of Abu Muḥammad Sahl b. Aḥmad b. Sahl via Abu 'Alī Muḥammad b. Muḥammad b. al-Ash'ath b. Muḥammad al-Kūfī. During his stay in Egypt, Abu Muḥammad Sahl had read all these works with Ibn al-Ash'ath. Ibn al-Ash'ath transmitted them on the authority of Mūsā b. Ismā'īl b. Mūsā b. Ja'far. Mūsā acknowledges: My father [Ismā'īl b. Mūsā b.

<sup>23</sup> al-Kulaynī, *al-Kāfī*, 7: 53-4.

<sup>24</sup> Muḥammad b. 'Umar al-Kashshī. *Rijāl al-Kashshī*, ed. Ḥasan Muṣṭafawī (Mashhad: Intishārāt-i Dānishgāh-i Mashhad, 1348 Sh/1969), 502 (no. 962).

<sup>25</sup> Aḥmad b. 'Alī al-Ḥusaynī b. 'Anba, *Umdat al-ṭālib fī ansāb Āl Abī Ṭālib*, ed. Muḥammad Ḥasan Āl Ṭāliqānī (Najaf: al-Maṭba'a al-Ḥaydariyya, 1380/1961), 232. However, *al-Kāfī*'s report suggests that his other children lived in Iraq. See al-Kulaynī, *al-Kāfī*, 1: 330.

Ja‘far] has issued a license for me to transmit all his works.<sup>26</sup>

Al-Ṭūsī offers a similar account with some minor differences.<sup>27</sup>

### **Mūsā b. Ismā‘īl b. Mūsā b. Ja‘far**

The accounts in the Shi‘i biographical literature on the life and works of Mūsā b. Ismā‘īl, the great-grandson of al-Ṣādiq, are sparse. A report from Ibn ‘Adī al-Jurjānī (d. 365/976) suggests that Mūsā b. Ismā‘īl spent a significant portion of his life in Medina. The most senior authority on Ahl al-Bayt in Egypt (*shaykh min Ahl al-Bayt*) is quoted as saying that he was Mūsā’s neighbour for forty years in Medina. These accounts contradict the reports of Imami scholars of Baghdad that Mūsā’s father settled in Egypt with his sons, unless one assumes that his father migrated to Egypt at a very advanced age.<sup>28</sup> We know that Mūsā had a son named Ja‘far, who also went by the name of Ibn al-Kulthūm. Al-Kulthūmiyyūn of Egypt hailed from this family lineage with certain offshoots of Banū al-Simsār, Banū Abī al-‘Assāf, Banū Nasīb al-Dawla and Banū al-Warrāq.<sup>29</sup>

This lack of information about Mūsā is surprising, considering he was the sole narrator of *al-Ja‘fariyyāt* on the authority of his father and thus played a significant role in the dissemination of this collection to later generations. Some of the *isnāds* reported in the works of Ibn Bābawayh suggest that a certain individual known as Abū al-Ḥarīsh Aḥmad b. ‘Īsā al-Kilābī also transmitted hadith on the authority of Mūsā in 250/864.<sup>30</sup> Interestingly, these hadith are identical to those narrated by Ibn al-Ash‘ath on the authority of Mūsā in *al-Ja‘fariyyāt*.<sup>31</sup> This implies that Abū al-Ḥarīsh and Ibn al-Ash‘ath were in the same *ṭabaqa* (generation) of transmitting hadith,

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<sup>26</sup> al-Najāshī, *Rijal al-Najāshī*, 26 (no. 48).

<sup>27</sup> al-Ṭūsī, *al-Fihrist*, 26 (no. 31). It is worth noticing that al-Ṭūsī states that these books were *mubawwaba* (categorised). Moreover, the title *Kitāb al-diyāt* is missing in al-Najāshī’s list.

<sup>28</sup> Ibn ‘Adī, *al-Kāmil fī ḍu‘afā’ al-rijāl*, 6: 301; al-Najāshī, *Rijal al-Najāshī*, 26 (no. 48); al-Ṭūsī, *al-Fihrist*, 10-11 (no. 31).

<sup>29</sup> Ibn ‘Anba, *‘Umdat al-ṭālib fī ansāb Āl Abī Ṭālib*, 232.

<sup>30</sup> Ibn Bābawayh, *al-Amālī*, 228 (instead of al-Kilābī, the *isnād* reads al-Kūfī), 327, 386-7.

<sup>31</sup> Ibn al-Ash‘ath, *al-Ja‘fariyyāt [al-Ash‘athiyāt]*, 176 (2 instances), 227.

though the latter was believed to be quite young. Ibn Bābawayh also quotes two hadith from Muḥammad b. Yaḥyā al-Khazzāz on the authority of Mūsā b. Ismā‘īl.<sup>32</sup> Again both the hadith narrated by al-Khazzāz are identical to those in *al-Ja‘fariyyāt*.<sup>33</sup> Two other transmitters cited in the works of Ibn Bābawayh also transmitted hadith on the authority of Mūsā: Ibrāhīm b. Hāshim, the authority responsible for the dissemination of Kūfan hadith in Qum, and Muḥammad b. Muḥammad al-Miṣrī. Although the hadith of both these individuals remain untraced in the existing *al-Ja‘fariyyāt*, the fact that the latter hailed from Egypt indicates his connection to the dissemination of the hadith collection in the region. Without further evidence, we may speculate either that Mūsā composed other hadith which did not find a place in *al-Ja‘fariyyāt* or the extant collection is an incomplete version of the original work. Al-Najāshī and al-Ṭūsī also credited Mūsā b. Ismā‘īl with being the author of *Kitāb al-wuḍū‘* and *Kitāb jawāmi‘ al-tafsīr*. Al-Ṭūsī also ascribes another work entitled *Kitāb al-ṣalāt* to him.<sup>34</sup>

In his introduction to Ibn al-Ash‘ath, Ibn ‘Adī states that Mūsā’s irresistible inclination toward the Shi‘i faith prompted him to disclose that he was in possession of a manuscript comprising around one thousand hadith with the family *isnād* of Mūsā b. Ismā‘īl tracing back to ‘Alī and the Prophet. Indicating the suspicious nature of this collection, he claims that its script and paper were relatively fresh and the content of the majority, if not all, of its hadith remained ungrounded. He also showed the content of this collection to the most senior authority of Ahl al-Bayt in Egypt (*shaykh min Ahl al-Bayt*), who, raising further suspicion, stated, ‘He (Mūsā b. Ismā‘īl) had been my neighbour in Medina for forty years and I have not heard him transmitting a single hadith, neither from his father nor from anyone else.’<sup>35</sup> Though the exact year of his migration to Egypt remains unknown, he played an important role in transmitting the collection of his father to Ibn al-Ash‘ath, as attested by the *isnād* of *al-Kutub al-Ja‘fariyyāt* cited in various Ismaili and Imami hadith collections. The authority of Mūsā is granted very high praise by al-Nūrī who wrote:

<sup>32</sup> Ibn Bābawayh, *al-Amālī*, 465; Muḥammad b. ‘Alī b. Bābawayh, *Ma‘ānī al-akhbār*, ed. ‘Alī Akbar Ghaffarī (Qum: Jāmi‘at al-Mudarrisīn, 1403/1982), 160.

<sup>33</sup> Ibn al-Ash‘ath, *al-Ja‘fariyyāt [al-Ash‘athiyyāt]*, 78, 182.

<sup>34</sup> al-Najāshī, *Rijal al-Najāshī*, 410 (no. 1091); al-Ṭūsī, *al-Fihrist*, 163 (no. 711).

<sup>35</sup> Ibn ‘Adī, *al-Kāmil fī du‘afā’ al-rijāl*, 6: 301.



I wonder if there is any collection [*kitāb*] from the early hadith transmitters, more renowned than *al-Jaʿfarīyyāt!* Which collector of hadith would have not transmitted reports on the authority of Mūsā b. Ismāʿīl b. Mūsā b. Jaʿfar?!... Had Ismāʿīl not travelled to Egypt, a distant land from the core centres of the transmitters and narrators of hadith, this collection would have been the most famous work among the Shiʿites. Even though it was disseminated in Egypt, you observed how scholars acquired it through travelling [and conducting *samāʿ* or seeking *ijāza*] or requesting a copy through written correspondence [*al-mukātaba* or *al-risāla*].<sup>36</sup>

## Muḥammad b. Muḥammad b. al-Ashʿath

Muḥammad b. Muḥammad b. al-Ashʿath is the common link and the individual credited for transmitting the entire collection to the later hadith transmitters. Various Shiʿi biographical works suggest that he hailed from Kūfa and later settled in Egypt, but do not provide any further details about his dates of birth or death. The account of Ibn Mākūlā (d. 475/1082) suggests that Ibn al-Ashʿath was the last individual who transmitted hadith on the authority of Khālid b. ʿAbd al-Salām (d. 244/858), which implies that he began transmitting them at a very young age in the first half of the third/ninth century.<sup>37</sup> Kohlberg assumes that Ibn al-Ashʿath was alive in 350/961,<sup>38</sup> although Ismāʿīl Bāshā al-Baghdādī (d. 1339/1920) writes that he died around 330/942.<sup>39</sup> These are mere speculations not substantiated with concrete proof and, therefore, should be dismissed until further evidence is found.

Ibn al-Ashʿath is introduced with the following description in *Rijāl* written by al-Ṭūsī:

<sup>36</sup> Mīrẓā Ḥusayn al-Nūrī al-Ṭabarsī, *Khātimat mustadrak al-wasāʿil* (Beirut: Muʿassasat Āl al-Bayt li lḥyāʾ al-Turāth, 1429/2008), 1: 27, 34.

<sup>37</sup> ʿAlī b. Hibatullāh b. Jaʿfar b. Mākūlā, *al-Ikmāl fī rafʿ al-irtiyāb ʿan al-muʿtalaf wa al-mukhtalaf fī al-asmāʾ wa al-kunā wa al-ansāb*, ed. ʿAbd al-Raḥmān b. Yaḥyā al-Muʿallimī al-Yamānī (Hyderabad: Majlis Dāʾirat al-Maʾārif al-Uthmāniyya, 1383/1963), 1: 62.

<sup>38</sup> Etan Kohlberg, *A Medieval Muslim Scholar at Work: Ibn Ṭāwūs and his Library*, 199 (no. 223).

<sup>39</sup> Ismāʿīl Bāshā al-Baghdādī, *Hadiyyat al-ʿarīfīn asmāʾ al-muʿallifīn wa āthār al-muṣṣanifīn* (Istanbul: Wikālat al-Maʾārif al-Jalīla, 1955), 2: 36.

Muḥammad b. Muḥammad b. al-Ash‘ath al-Kūfī: His epithet was Abū ‘Alī. His house was located in Jawād colony [*Saqīfa Jawād*] of Egypt. Al-Kūfī transmitted copy of a manuscript on the authority of Mūsā b. Ismā‘īl b. Mūsā b. Ja‘far who quoted the authority of Ismā‘īl b. Mūsā who [initially] transmitted from his father Mūsā b. Ja‘far. Talla‘ukbarā is believed to have reported: ‘My father obtained a license [*jjāza*] from Muḥammad b. Muḥammad b. al-Ash‘ath al-Kūfī for me in the year 313/925.’<sup>40</sup>

Al-Ṭūsī thus assumes that he was *al-kātib* (the scribe), which implies that he was neither a narrator nor a transmitter and that his role may have been confined to that of a copyist.<sup>41</sup>

It is worth stating that many Sunni scholars, most likely on sectarian grounds and because of the unconventional style of recording *isnād*, have accused Ibn al-Ash‘ath of fabricating the entire hadith collection.<sup>42</sup> Yet, some Sunni scholars cited him in their secondary works.<sup>43</sup> In fact, the existing copy of *al-Ja‘fariyyāt*, as attested by its *isnād*, was certainly transmitted via Sunni transmitters.<sup>44</sup> Interestingly, Ibn al-Ash‘ath also transmitted hadith from Sunni scholars, as attested by al-Najāshī who states that his *Kitāb al-ḥajj* comprises hadith transmitted on the authority of Ja‘far b. Muḥammad via Sunni transmitters.<sup>45</sup> This chain of transmission is further corroborated by the *isnād* of *al-Ja‘fariyyāt*, which suggests that Ibn al-Ash‘ath had, in addition to Mūsā b. Ismā‘īl, many other *shuyūkh* (teachers) on whose authorities he occasionally transmitted hadith. Muḥammad b. Khalaf b. ‘Umar, Hārūn b. Sa‘īd al-Aylī, Abū Yaḥyā Muḥammad b. Burayd al-Muqrī, Mu‘ammal b. Wahhāb, ‘Alī b. Zayd al-Farā‘idī, Ismā‘īl b. Ishāq b. Sahl al-Umawī, and Muḥammad b. ‘Uwayr al-

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<sup>40</sup> al-Ṭūsī, *Rijāl al-Shaykh al-Ṭūsī*, 442 (no. 63). For the term *nuskha*, see Etan Kohlberg, “Al-Uṣūl al-arba‘umi‘a,” 129 (footnote 4). It should also be specified that Ibn Ṭāwūs’s usage of word ‘aṣl’ in his description of the hadith extracted from *al-Ja‘fariyyāt* is not believed to have been used in its technical term, i.e., a foundational text of hadith. See Ibn Ṭāwūs, *al-Iqbāl bi al-a‘māl al-ḥasana*, 1: 29.

<sup>41</sup> al-Ṭūsī, *Rijāl al-Shaykh al-Ṭūsī*, 442 (no. 63).

<sup>42</sup> Ibn ‘Adī, *al-Kāmil fī du‘afā’ al-rijāl*, 6: 301; al-Dārquṭnī, *Su‘ālāt Ḥamza*, 101; Shams al-Dīn al-Dhahabī, *Mizān al-ītidāl fī naqd al-rijāl*, 6: 322-3 (no. 8137).

<sup>43</sup> For instance, Ibn ‘Asākir narrates from al-Ṭahāwī (d. 321/933) on the authority of Ibn al-Ash‘ath. See ‘Alī b. al-Ḥasan b. ‘Asākir, *Tārīkh madīnat Damishq*, ed. ‘Alī Shīrī (Beirut: Dār al-Fikr, 1415/1994), 55: 36; For another instance, see Ibn ‘Asākir, *Tārīkh madīnat Damishq*, 51: 317.

<sup>44</sup> For instance, Aḥmad b. al-Muzzafar al-‘Attār was a Shāfi‘ī jurist. See Yaḥyā b. Ḥasan b. Bitrīq, *‘Umdat ‘uyūn ṣiḥāh al-akḥbār fī manāqib imam al-abrār* (Qum: Mu‘assasat al-Nashr al-Islāmi, 1407/1986), 132, 151, 180, 233.

<sup>45</sup> al-Najāshī, *Rijāl al-Najāshī*, 379 (no. 1031).

Aylī are just some of his shyūkh who appear in the remaining *isnāds* of this collection.<sup>46</sup>

## Dissemination of *al-Kutub al-Ja'fariyya*

As discussed earlier, Ibn al-Ash'ath is the common link credited for disseminating the collection of Ismā'īl b. Mūsā b. Ja'far on the authority of the latter's son, Mūsā b. Ismā'īl b. Mūsā. As described earlier, the earliest transmission of the collection via Ibn al-Ash'ath is recorded to have been around 313/925 when Talla'ukbarā received an *ijāza* (license) for the transmission through a certain scribe named Muḥammad b. Dāwūd b. Sulaymān.<sup>47</sup> This license was obtained through hearing (*samā'*). Providing further clarification, Talla'ukbarā asserts that the scribe, probably a Sunni, abstained from reading those hadith of *al-Ash'athiyāt* which were transmitted on the authority of the Imams. Therefore, Talla'ukbarā's license from this scribe was confined to those hadith narrated on the authority of the Prophet.<sup>48</sup> However, he had another license from his father to transmit the entire text, including those reports which were transmitted on the authority of the Imams. This copy was obtained in the form of *munāwalā* (handing over a copy). In the same year, as attested by the *isnād* of al-Ṭūsī, it is speculated that Abū Muḥammad Ibrāhim b. Muḥammad b. 'Abdullāh al-Qarashī al-'Abshamī al-Karīzī al-Qāḍī also obtained hadith from Ibn al-Ash'ath.<sup>49</sup> This *qāḍī* hailed from Baghdad, but held the office of *qāḍā'* (judgeship) in Egypt for more than a year in 312/924 and is believed to have received the collection during his stay in Egypt.<sup>50</sup> In the year 314/926, al-Ḥāfiẓ Ibn al-Saqqā', the individual credited for the transmission of the extant *al-Ja'fariyyāt*, should have received the entire collection on the authority of Ibn al-Ash'ath.<sup>51</sup> This advances the theory that

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<sup>46</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt [al-Ash'athiyāt]*, 42 (Muḥammad b. Khalaf b. 'Umar), 146 (Hārūn b. Sa'īd al-Aylī), 147, 206 (Abū Yaḥyā Muḥammad b. Burayd al-Muqri), 167 (Mu'ammal b. Wahhāb, 'Alī b. Zayd al-Farā'idī), 213 (Ismā'īl b. Ishāq b. Sahl al-Umawī), 214 (Muḥammad b. 'Uwayr al-Aylī)

<sup>47</sup> al-Ṭūsī, *Rijāl al-Shaykh al-Ṭūsī*, 444 (no. 75).

<sup>48</sup> al-Ṭūsī, *Rijāl al-Shaykh al-Ṭūsī*, 444 (no. 75). For the religious affiliation of the scribe, see Muḥammad Taqī al-Tustarī, *Qāmūs al-rijāl* (Qum: Mu'assasat al-Nashr al-Islāmī, 1419/1998), 9: 259 (no. 6698).

<sup>49</sup> Muḥammad b. al-Ḥasan al-Ṭūsī, *Tahdhīb al-aḥkām*, ed. Ḥasan al-Mūsawī Kharasān (Tehran: Dār al-Kutub al-Islāmiyya, 1407/1986), 6: 3.

<sup>50</sup> Shams al-Dīn al-Dhahabī, *Tārīkh al-Islām*, ed. 'Umar 'Abd al-Salām Tadmarī (Beirut: Dār al-Kitāb al-'Arabī, 1407/1987), 23: 530; Khayr al-Dīn al-Zarkalī, *al-A'lām*, 1: 60.

<sup>51</sup> Ismā'īl b. Mūsā b. Ja'far, *al-Ja'fariyyāt aw al-Ash'athiyāt*, 21.

the collection began to circulate in the second decade of the fourth/tenth century. Interestingly, Qāḍī Nu‘mān’s *al-Īḍāḥ* was compiled, mostly likely, between 315–320/927–932, and his numerous citations suggest that he also obtained a copy of this collection in Qayrawān.

Around the same time, as indicated earlier, Ibn ‘Adī al-Jurjānī (d. 365/976) reports that he copied the entire collection disseminated by Ibn al-Ash‘ath in Egypt.<sup>52</sup> He also asserts that he transmitted a copy to his own teacher, Ibn ‘Uqda (d. 332–333/943–944), the renowned Zaydi scholar of the time.<sup>53</sup> The profound contribution of Ibn ‘Adī in the preservation of the collection is highlighted by the fact that the ninth-/fifteenth-century scholar, Ibn al-Jazarī (d. 833/1429) cites hadith from *al-Ja‘fariyyāt* through two of his teachers with an *isnād* leading back to him.<sup>54</sup> In the fourth/tenth century the collection appears to have been transmitted to Baghdad via some scholars who had visited Egypt and had obtained hadith from Ibn al-Ash‘ath. The list includes some prominent figures, such as Sahl b. Aḥmad al-Dibājī, Abū al-Mufaḍḍal al-Shaybānī, and Abū al-Ḥasan ‘Alī b. Ja‘far b. Ḥammād.

In the scholarly milieu of Baghdad, the transmitters, *ijāzāt* (licenses) and the content of *al-Kutub al-Ja‘fariyya* drew attention, but its hadith were never incorporated into the later legal works of Imami jurists. Al-Ṭūsī does not quote *al-Ja‘fariyyāt* in any of his legal or hadith works. This may either because he did not accept the legitimacy of the reports narrated to him from Egypt, or his primary aim may have been to reconcile the contradictory hadith rendered in the works of al-Kulaynī and Ibn Bābawayh without introducing any new material. Neither of these possible explanations, however, seems to justify his deliberately ignoring a work of this stature.

There were also a few instances in which some transmitters—for example,

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<sup>52</sup> Ibn ‘Adī, *al-Kāmil fī du‘afā’ al-rijāl*, 6: 301.

<sup>53</sup> Ibn ‘Asākir, *Tārīkh madīnat Damishq*, 31: 8.

<sup>54</sup> Shams al-Dīn Muḥammad b. al-Jazarī, “al-Arba‘ūn al-zāhira al-mansūb ilā al-‘itra al-ṭāhira,” in *Mirāth-i Ḥadīth-i Shī‘a*, ed. Muḥammad Jawād Nūr Muḥammadī (Qum: Dār al-Ḥadīth, 1378 Sh/1999), 4: 162.

‘Ubaydullāh b. al-Mufaḍḍal b. Muḥammad b. Hilāl—reported selected hadith from Ibn al-Ash‘ath.<sup>55</sup> Ibn al-Ghaḍā‘irī, a strict *rijālī* who abided by stringent principles for the assessment of any *isnād*, asserts that though a particular *isnād* of the collection may be disputable, this does not discredit the work as it is transmitted through more than one *isnād*.<sup>56</sup> Nonetheless, the common link for all the later transmitters and traditionists remains Ibn al-Ash‘ath, as attested by their *isnād* and *ijāzāt* (licenses).<sup>57</sup> Therefore, it is not surprising that the collection came to be known as *al-Ash‘athīyyāt* in Baghdad.

Surprisingly, *al-Kutub al-Ja‘fariyya* never reached Qum either directly from Egypt or via Baghdad, and therefore al-Kulaynī (d. 329/940) and Ibn Bābawayh al-Ṣadūq (d. 381/991) seemed to be unaware of this hadith collection. However, al-Kulaynī’s ignorance could be excused, for *al-Kāfi* might have been already composed by the time *al-Ja‘fariyyāt* began to circulate. Al-Majlisī extracted a few hadith of Ismā‘īl b. Mūsā b. Ja‘far from *Kitāb al-imāma wa al-tabṣira min al-ḥayra*, which implies that its Qummī author, ‘Alī b. Bābawayh, had access to the hadith attributed to Ismā‘īl b. Mūsā.<sup>58</sup> This argument, however, does not substantiate the claim that the collection was known to the Qummī scholars. Firstly, the doctrinal title of ‘Alī b. Bābawayh’s work does not correspond to the jurisprudential content of the hadith attributed to Ismā‘īl b. Mūsā b. Ja‘far in *al-Ja‘fariyyāt*. Secondly, the latter’s hadith are cited not in *Kitāb al-imāma*, but in *Jāmi‘ al-aḥādīth* of another Qummī scholar residing in Baghdad. Al-Majlisī may have been misled by the placement of two separate works, *Kitāb al-imāma wa al-tabṣira min al-ḥayra* and *Jāmi‘ al-aḥādīth*, in a single bundle, with the cover page of the latter work missing.<sup>59</sup> *Kitāb al-imāma*

<sup>55</sup> Muḥammad b. al-Ḥasan al-Ṭūsī, *al-Istibṣār fī mā ukhtulifa min al-akhbār*, ed. Ḥasan al-Mūsawī Kharasān (Tehran: Dār al-Kutub al-Islāmiyya, 1390/1971), 3: 25; al-Ṭūsī in his *Tahdhīb* records the first name as ‘Ubaydullāh instead of ‘Abdullāh. See al-Ṭūsī, *Tahdhīb al-aḥkām*, 6: 266.

<sup>56</sup> Ibn al-Ghaḍā‘irī, *al-Rijāl*, 67. al-Ṭūsī, *Rijāl al-Shaykh al-Ṭūsī*, 444 (no. 75).

<sup>57</sup> Ja‘far b. Muḥammad b. Qūlawayh, *Kāmil al-ziyārāt*, ed. ‘Abd al-Ḥusayn Amīnī (Najaf: al-Dār al-Murtaḍawiyya, 1356 Sh/1977), 14 (no. 17). Al-Najāshī reports from his teacher that Ibn Qūlawayh has transmitted hadith from Ṣābūnī in Egypt. See al-Najāshī, *Rijāl al-Najāshī*, 379 (no. 1031); al-Ṭūsī, *al-Fihrist*, 10-1 (no. 31); al-Ṭūsī, *Rijāl al-Shaykh al-Ṭūsī*, 442.

<sup>58</sup> al-Majlisī, *Biḥār al-anwār*, 58: 191; 63: 177, 294; 64: 414; 68: 293; 69: 30, 103; 71: 80, 83, 86, 166, 400; 72: 51, 468; 73: 2, 53, 161; 89: 22, 189; 91: 72; 93: 234, 295, 376; 100: 104, 159, 189; 101: 274.

<sup>59</sup> Mīrzā Ḥusayn al-Nūrī al-Ṭabarī, *Khāmat mustadrak al-wasā’il*, 1: 18 (footnote 8). It is worth stating that even al-Majlisī was uncertain if the other text belonged to ‘Alī b. Bābawayh, as he states

*wa al-tabṣira min al-ḥayra* was composed by ʿAlī b. Bābawayh, whereas *Jāmiʿ al-aḥādīth* is an independent hadith collection of around 700 hadith by Jaʿfar b. Aḥmad b. ʿAlī al-Qummī, who is believed, as attested by its various *isnāds*, to have composed his work in Baghdad.

Although Ibn Bābawayh al-Ṣadūq appears to be reporting a few hadith on the authority of Mūsā b. Ismāʿīl b. Mūsā b. Jaʿfar, and occasionally on the authority of Ismāʿīl b. Mūsā b. Jaʿfar, in some of his secondary hadith collections, it is difficult to ascertain that he had access to their hadith through his Kūfan of Baghdadī *mashāyikh* (teachers).<sup>60</sup> In two instances, Ibn Bābawayh reports hadith on the authority of Ibn al-Ashʿath—one time via the Zaydi scholar, Ibn ʿUqda (d. 332–333/943–944), and another time via a certain individual of Balkh.<sup>61</sup> It is also worth mentioning that Ibn ʿUqda, based on the reports of Ibn ʿAsākir (d. 571/1176), received the copy of *al-Jaʿfariyya* through Ibn ʿAdī (d. 365/976).<sup>62</sup> These two instances cannot substantiate the hypothesis that Ibn Bābawayh in Qum had access to *al-Jaʿfariyyāt*. However, they do illustrate, if we were to believe that an *isnād* also represents the travel history of a given hadith, the wide reception of hadith stretching from Baghdad to Balkh.

Notwithstanding the Qummī traditionists' access to *al-Jaʿfariyyāt*, their writings suggest that they were quite familiar with the content reported in *al-Jaʿfariyya* via a complete different *isnād*. Identifying the identical *matn* of hadith via complete different *isnāds* raises the possibility of the common provenance of their sources and, subsequently, enhances the credibility of the reports rendered in the hadith collections of al-Kulaynī, for instance, and Qāḍī Nuʿmān. In the next section, I examine the striking resemblance between the hadith of *al-Jaʿfariyyāt* and those of *al-Kāfī* transmitted to al-Kulaynī via a Kūfan-Qummī *isnād*. This gives credence to

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that it appears to be either from him or one of his contemporary scholars. Based on some evidence, he, then, is inclined to believe that the collection is from Hārūn b. Mūsā al-Tallaʿukbara. See al-Majlisī, *Bihār al-anwār*, 1: 7.

<sup>60</sup> Ibn Bābawayh, *al-Amālī*, 228, 327, 338; Muḥammad b. ʿAlī b. Bābawayh, *al-Tawḥīd*, ed. Hāshim Ḥusaynī (Qum: Jāmiʿat al-Mudarrisīn, 1398/1977), 28.

<sup>61</sup> Muḥammad b. ʿAlī b. Bābawayh, *al-Khiṣāl*, ed. ʿAlī Akbar Ghaffarī (Qum: Jāmiʿat al-Mudarrisīn, 1362 Sh/1983), 323; Ibn Bābawayh, *Maʿānī al-akhbār*, 389.

<sup>62</sup> Ibn ʿAsākir, *Tārīkh madīnat Damishq*, 31: 8.

the common provenance of the hadith of both works in Medina and their subsequent transmission to Egypt before it reached Qāḍī Nu‘mān in Qayrawān in the form of *al-Ja‘fariyyāt* and *al-Kulaynī* in Qum via a Kūfan-Qummī *isnād*. This methodology of analysing hadith based on the geographical locations of the compilers assists in establishing the historicity of the text in question.

### **Chronological *Isnād* Bundles of *al-Kutub al-Ja‘fariyya***

Having examined the emergence and dissemination of *al-Kutub al-Ja‘fariyya* in Egypt and later in Baghdad, it is appropriate to study various *isnāds* of this hadith collection to demonstrate the extent of its appeal to later Sunni and Shi‘i scholars. The marshalling of these multiple bundles of *isnād* allows us to compare their respective texts, thereby noting the similarities and differences in the course of their transmission. This exploration also reveals how accurately a North African Ismaili legal text, *al-Īdāh*, reported hadith of *al-Kutub al-Ja‘fariyya* when compared with other Shi‘i hadith compendia of Baghdad and Qum.

There are two sets of *isnāds* pertaining to the collection of *al-Kutub al-Ja‘fariyya*. The first set, which comprises the majority of *isnāds*, shows the chains of transmission for the entire collection. The second set, made up of just a few *isnāds*, denotes individual cases of the transmission of certain hadith quoted on the authority of Ibn al-Ash‘ath, presumably from his hadith collection, but without any internal or external evidence to suggest their source. Except where mentioned, the following chronology highlights the chains of transmission for the entire hadith collection.

Ibn ‘Adī’s (d. 365/976) relatively detailed account of encountering the collection of Ibn al-Ash‘ath, his contemporary in Egypt, indicates that the text might have been in circulation during the second half of the fourth/tenth century.<sup>63</sup> In the same time period, Ja‘far b. Aḥmad b. ‘Alī al-Qummī in his *Jāmi‘ al-aḥādīth* extensively quotes Ibn al-Ash‘ath on the authorities of Sahl b. Aḥmad al-Dībājī (d.

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<sup>63</sup> Ibn ‘Adī, *al-Kāmil fī ḍu‘afā’ al-rijāl*, 6: 301.

380/990) and Muḥammad b. ʿAbdullāh Abū al-Mufaḍḍal al-Shaybānī (d. 387/997).<sup>64</sup> Ibn Qūlawayh al-Qummī's (d. 367/978) citation of a hadith on the authority of Ibn al-Ashʿath through Muḥammad b. Aḥmad b. Sulaymān al-Ṣābūnī, who is reported to have travelled to Egypt, is yet another example of the transmission of the collection from Egypt to Baghdad.<sup>65</sup> These *rijāl* and *isnād* records suggest the accessibility of the collection for Baghdadī scholars before the end of the fourth/tenth century and that it was transmitted to them via Egyptian authorities.

The mid-fifth/eleventh century Baghdadī Imami bibliophiles were conversant with *al-Ashʿathiyāt*, a title for *al-Jaʿfariyyāt* with which they were more familiar. Consistent with his method of providing only one *isnād* per text, al-Najāshī shares his single *isnād* for the entire hadith collection through a chain leading to the authority of Ismāʿīl b. Mūsā b. Jaʿfar.<sup>66</sup> However, his contemporary, al-Ṭūsī, provides an exhaustive list of four *isnāds* representing his access to the entire corpus on the authority of many of his *mashāyikh* (teachers). Furthermore, his hadith compendia offer two more *isnāds* to Ibn al-Ashʿath via certain individuals who are not cited in his popular *isnād* of the entire collection.<sup>67</sup>

In the early sixth/twelfth century, an individual named al-Qāḍī Amīn al-qaḍāʾ Abū ʿAbdillāh Muḥammad b. ʿAlī b. Muḥammad (d. c. 514/1120) transmitted the entire collection of *al-Jaʿfariyyāt* on the authority of Ibn al-Ashʿath via three *ṭabaqa* (generations) of Sunni traditionists.<sup>68</sup> The extant collection survived through this *isnād*. In the same time period, Faḍlullāh b. ʿAlī b. ʿUbaydullāh al-Ḥusaynī al-Rāwandī (d. 551/1165) extracted hadith of *al-Kutub al-Jaʿfariyya* in his *al-Nawādir* which he transmitted on the authority of a Sunni scholar, al-Qāḍī Abū al-Maḥāsin al-

<sup>64</sup> There are 155 hadith cited on the authority of Ibn al-Ashʿath in this collection. Jaʿfar b. Aḥmad b. ʿAlī al-Qummī, *Jāmiʿ al-aḥādīth wa yalīhi al-ʿUrūs, al-Ghāyāt, al-Musalsalāt, al-Aʿmāl al-mānīʾa min al-janna, Nawādir al-athar fī ʿAlī khayr al-bashar*, ed. Muḥammad al-Ḥusaynī al-Nayshāburī (Mashhad: Majmaʿ al-Buḥūth al-Islāmiyya, 1429/2008), 78, 89-94, 116-8 (a total of 40 hadith on the authority of Abū al-Mufaḍḍal al-Shaybānī) and 83-6, 111-4, 120-4, 136-41, 154-7 (a total of 115 hadith on the authority of Sahl b. Aḥmad al-Dībājī).

<sup>65</sup> Ibn Qūlawayh, *Kāmil al-ziyārāt*, 14 (no. 17).

<sup>66</sup> al-Najāshī, *Rijāl al-Najāshī*, 26 (no. 48).

<sup>67</sup> al-Ṭūsī, *al-Fihrist*, 10-1 (no. 31); al-Ṭūsī, *Rijāl al-Shaykh al-Ṭūsī*, 442, 444; al-Ṭūsī, *Tahdhīb al-aḥkām*, 6: 265-6.

<sup>68</sup> Ismāʿīl b. Mūsā b. Jaʿfar, *al-Jaʿfariyyāt aw al-Ashʿathiyāt*, 21.



Rūyānī (d. 501/1107), through his *isnād* to Ibn al-Ash‘ath via Sahl b. Aḥmad al-Dībājī.<sup>69</sup> Though a significant portion of this work comprises selected hadith from Ibn al-Ash‘ath’s collection, it also includes hadith not found in the collection.<sup>70</sup> It is interesting to note that Ibn Shahrāshūb attributes a work to al-Rūyānī entitled *al-Ja‘fariyyāt*.<sup>71</sup> Given that al-Rāwandī quotes on the authority of al-Rūyānī via his *isnād* to Ibn al-Ash‘ath, that attributed work is likely the original *al-Ja‘fariyyāt*. Moreover, there is no independent evidence to suggest that he composed a separate work with this title.<sup>72</sup>

There are indications that *al-Ja‘fariyyāt* was known in Ḥilla by the mid-seventh/thirteenth century. Raḍī al-Dīn b. Ṭāwūs (d. 664/1265) cites it in his various works, asserting that he has not only studied its hadith with a teacher but had also seen the original copy of the collection.<sup>73</sup> In *Falāḥ al-sā‘il*, he proclaims that he has seen (*ra’aytu*) the work and it was transmitted (*ruwwitu*) to him.<sup>74</sup> The *ijāza* of al-‘Allāma al-Ḥillī (d. 726/1325) to Banū Zuhra al-Ḥalabī, as recorded by al-Majlisī, includes *al-Ja‘fariyyāt* with Ḥillī’s *isnād* to Ibn al-Ash‘ath, indicating the text’s popularity into the eighth/fourteenth century.<sup>75</sup> Muḥammad b. Makkī (d. 786/1384), famously known as al-Shahīd al-Awwal, is believed, as attested by the number of citations in his different works, to have access to *al-Ja‘fariyyāt*.<sup>76</sup> He also abridged the entire collection into one-third of its original size in a separate work entitled *Mukhtaṣar al-Ja‘fariyyāt*. This abridgment provides further information about the scribe, script, and the various distortions of the manuscript and notes that it could be

<sup>69</sup> Faḍlullāh b. ‘Alī b. ‘Ubaydullāh al-Ḥusaynī al-Rāwandī, *al-Nawādir*, ed. Aḥmad Ṣādiqī Ardīstānī (Qum: Dār al-Kitāb, n.d.), 2.

<sup>70</sup> Al-Majlisī asserts the fact by stating that the reports of *al-Nawādir* are extracted from *al-Ja‘fariyyāt* except few in the latter part of the collection. See al-Majlisī, *Bihār al-anwār*, 102: 72.

<sup>71</sup> Ibn Shahrāshūb, *Ma‘ālim al-‘ulamā’*, 141 (no. 853).

<sup>72</sup> Āghā Buzurg al-Ṭīhrānī refers to this work as *Ikhtisār al-Ja‘fariyyāt*. See Āghā Buzurg al-Ṭīhrānī, *al-Dharī‘a*, 5: 112 (no. 459).

<sup>73</sup> Ibn Ṭāwūs, *Falāḥ al-sā‘il wa najāḥ al-masā‘il*, 214, 284, 287; Ibn Ṭāwūs, *Jamāl al-usbū‘*, 419; Ibn Ṭāwūs, *al-Iqbāl bi al-a‘māl al-ḥasana*, ed. Jawād Fayyūmī Iṣfahānī, 1: 29.

<sup>74</sup> Ibn Ṭāwūs, *Falāḥ al-sā‘il wa najāḥ al-masā‘il*, 214. As suggested earlier, the title ‘*Kitāb riwāyat al-abnā’ an al-ābā’ min Ahl al-Bayt*’ is a duplicate name of *al-Ja‘fariyyāt*.

<sup>75</sup> al-Majlisī, *Bihār al-anwār*, 104: 132.

<sup>76</sup> Muḥammad b. Jamāl al-Dīn al-Makkī, *Dhikrā al-Shī‘a fī aḥkām al-sharī‘a* (Qum: Mu‘assasat Āl al-Bayt li Iḥyā’ al-Turāth, 1419/1998), 2: 126, 230; 3: 236, 357; Muḥammad b. Jamāl al-Dīn al-Makkī, *al-Bayān* (Qum: Majmū‘ al-Dhakhā‘ir al-Islāmiyya, n.d), 192; Muḥammad b. Jamāl al-Dīn al-Makkī, *Ghāyat al-murād fī sharḥ nukat al-Irshād* (Qum: Markaz Iḥyā’ al-Turāth al-Islāmī, 1430/2009), 1: 214.

consulted in the collection of his epistles entitled *Majāmir* in three edited volumes.<sup>77</sup>

In the ninth/fifteenth century, Shams al-Dīn Muḥammad b. Muḥammad al-Jazarī (d. 833/1429), in his anthology, extracted forty hadith from *al-Jaʿfariyyāt* which he transmits through two separate *isnāds* leading back to Ibn al-Ashʿath.<sup>78</sup> In the same period, a bundle of epistles was transcribed by Shams al-Dīn Muḥammad b. ʿAlī b. al-Ḥasan al-Jubāʿī (d. 886/1481), which contained a very small list of hadith, indicating they were extracted from *al-Jaʿfariyyāt*. This bundle is preserved in the form of a manuscript in the library of Majlis-i Shūra-yi Islāmī. One of its folios commences with the phrase *min al-Jaʿfariyyāt* (from *al-Jaʿfariyyāt*), followed by a list of twenty-two hadith. Having examined all the hadith of that folio, I conclude that the first seventeen hadith are extracted from *al-Nawādir* of Rāwandī, an anthology of the reports of *al-Jaʿfariyyāt*.<sup>79</sup> The remaining five hadith are neither found in *al-Jaʿfariyyāt* nor in *al-Nawādir*. Interestingly, they are traced in *Ṣaḥīfat al-Riḍā*, a collection of the prophetic tradition attributed to ʿAlī b. Mūsā al-Riḍā (d. 203/818).<sup>80</sup> Therefore, al-Jubāʿī's attribution of these few hadith to *al-Jaʿfariyyāt* is not well grounded.<sup>81</sup> I suspect that the list is, in fact, a small part of *Mukhtaṣar al-Jaʿfariyyāt* by al-Shahīd al-Awwal which al-Jubāʿī had transcribed. This abridgment has not survived, and therefore, it is difficult to discern whether it was interpolated by other prophetic hadith found in various hadith collections. It is also worth noticing that the introductory *isnād* of the list underscores, presumably on theological grounds, the

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<sup>77</sup> Mīrzā Ḥusayn al-Nūrī al-Ṭabarsī, *Khātimat mustadrak al-wasāʾil*, 1: 30, 385. Āghā Buzurg al-Ṭīhrānī refers to this work as *Ikhtisār al-Jaʿfariyyāt*, Āghā Buzurg al-Ṭīhrānī, *al-Dharīʿa*, 1: 356 (no. 1872).

<sup>78</sup> al-Jazarī, *al-Arbaʿūn al-Ḍāhira al-mansūb ilā al-ʿitra al-ṭāhira*, 4: 162. Jazarī traveled to Egypt after 793/1391 and obtained the copy of Ibn ʿAdī around that period.

<sup>79</sup> Muḥammad b. ʿAlī b. Ḥasan al-Jubāʿī, *Muntakhab al-Jaʿfariyyāt*, MS 10-15978, 67, Kitābkhāna-yi Majlis-i Shūra-yi Islāmī. The seventeen hadith completely resemble to the hadith of *al-Nawādir*. See al-Rāwandī, *al-Nawādir*, 18 (nos. 1-3), 19 (no. 4), 9 (no. 5), 17 (no. 6), 14 (nos. 7-8), 15 (no. 9), 24 (nos. 10-11), 25 (nos. 12-13), 27 (nos. 14-55), 37 (no. 16), 38 (no. 17). The hadith numbers in the parentheses represent the enumeration of the hadith documented in the MS 10-15978 of Kitābkhāna-yi Majlis-i Shūra-yi Islāmī. See al-Jubāʿī, *Muntakhab al-Jaʿfariyyāt*, Kitābkhāna-yi Majlis-i Shūra-yi Islāmī, 10-15978, 67.

<sup>80</sup> ʿAlī b. Mūsā al-Riḍā, *Ṣaḥīfat al-Imām al-Riḍā*, ed. Muḥammad Mahdī Najaf (Mashhad: Kungreh-yi Jahānī-yi Imām Reza, 1406/1985), 50 (nos. 18-9, 21), 51 (no. 20), 49 (no. 22). The hadith numbers in the parentheses represent the enumeration of the hadith documented in the MS 10-15978 of Kitābkhāna-yi Majlis-i Shūra-yi Islāmī. See al-Jubāʿī, *Muntakhab al-Jaʿfariyyāt*, Kitābkhāna-yi Majlis-i Shūra-yi Islāmī, 10-15978, 67.

<sup>81</sup> Al-Majlisī also assumes that the selected hadith are from *al-Jaʿfariyyāt*. See al-Majlisī, *Biḥār al-anwār*, 102: 71.

contribution of Imam al-Kāzīm in *al-Ja'fariyyāt* by highlighting the phrase *min ʿarṣ al-Kāzīm* (on the authority of Imam al-Kāzīm).

*Al-Ja'fariyyāt* remains untraceable from the tenth/sixteenth century onwards, and therefore al-Majlisī (d. 1110/1698), apparently justifying his unsuccessful attempt to locate the work, states that the collection survived until the time of Muḥammad b. Makkī al-Shahīd al-Awwal (d. 786/1384).<sup>82</sup> Later scholars have relied on his citations of *al-Ja'fariyyāt* in their legal works.<sup>83</sup> As expected, his contemporary traditionist al-Ḥurr al-ʿĀmilī (d. 1104/ 1693) also did not had access to this collection.<sup>84</sup> In contrast, al-Fāḍil al-Hindī (d. 1137/1725) explicitly mentions *al-Ja'fariyyāt* in one instance, and his marginal notes on one of the extant manuscripts state that he had studied the work and deliberated on its various titles.<sup>85</sup> Despite the seeming accessibility of the collection to al-Fāḍil al-Hindī, there is no evidence to suggest the circulation of the text in the anti-Akhhbārī period of the late twelfth/eighteenth and early thirteenth/nineteenth centuries.

*Al-Ja'fariyyāt* could not escape criticism from those jurists who opined that only those hadith hold probative force (*ḥujjiya*) which are narrated on the authority of a sound *isnād*. For instance, Sayyid Muḥammad al-ʿĀmilī (d. 1009/1600) discredits the entire collection by claiming that scholars neglected the work, reaching a consensus to ignore its content.<sup>86</sup> The most severe criticism of *al-Ja'fariyyāt* is given by Muḥammad Ḥasan al-Najafī (d. 1266/1850), who states that the collection

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<sup>82</sup> al-Majlisī, *Biḥār al-anwār*, 102: 71.

<sup>83</sup> Muḥammad Bāqir b. Muḥammad Mu'min al-Sabzwārī, *Dhakhīrat al-ma'ād fī sharḥ al-Irshād* (Qum: Mu'assasat Āl al-Bayt, 1247/1832), 1: 28, 58; Yūsuf b. Aḥmad al-Bahrānī, *al-Ḥadā'iq al-nāḍira fī aḥkām al-itra al-ṭāhira* (Qum: Daftar-i Intishārāt-i Islāmī, 1405/1985), 3: 103; 8: 232.

<sup>84</sup> There is just one instance in which the title *al-Ja'fariyyāt* appears, but that, again, is cited from *al-Iqbāl*. See Muḥammad b. al-Ḥasan al-Ḥurr al-ʿĀmilī, *Wasā'il al-Shī'a* (Qum: Mu'assasat Āl al-Bayt, 1409/1988), 10: 320.

<sup>85</sup> Muḥammad b. al-Ḥasan al-Iṣfahānī, *Kashf al-lithām* (Qum: Mu'assasat al-Nashr al-Islāmī, 1420/1999), 7: 14. Interestingly this instance does not appear in *al-Ja'fariyyāt*. However, it is found in *al-Nawādir* which is believed to have extracted hadith in a form of anthology from *al-Ja'fariyyāt*. See al-Rāwandī, *al-Nawādir*, 48. There is an implicit mention of the collection by the phrase *marwiyun fī ba'ḍ al-kutub 'an Amīr al-mu'minīn* (narrated in some collections on the authority of 'Alī). See al-Iṣfahānī, *Kashf al-lithām*, 9: 268.

<sup>86</sup> Muḥammad b. 'Alī al-ʿĀmilī, *Madārik al-aḥkām* (Qum: Mu'assasat Āl al-Bayt li lhyā' al-Turāth, 1410/1989), 5: 184.

is neither renowned nor credible and that the attribution to its author is not based on multiplicity of sources.<sup>87</sup> Because these critics did not substantiate their claims with any evidence, I suggest that the primary force driving their disapproval was the emergence of stringent *rijālī* measures assessing hadith literature, which advocated the idea that the credibility of a hadith depends upon the soundness of its *isnād*. Given that the major Imami hadith compendia did not consult the content of *al-Jaʿfariyyāt*, arguably because of its emergence in Egypt, a region unfamiliar with Shiʿi hadith, its authority was destined to be compromised in the views of the *uṣūlī mujtahids* (non-Akhhbārī Imami jurists) of the twelfth/eighteenth and early thirteenth/nineteenth centuries. Yet, this assessment of *al-Jaʿfariyyāt* was vehemently refuted by Mīrzā Ḥusayn al-Nūrī al-Ṭabarsī (d. 1320/1902), a pro-Akhhbārī jurist who on the basis of eight separate points, backed up by substantial evidence, claims that al-Najafī’s arguments are based on erroneous suppositions.<sup>88</sup>

The modern study of *al-Jaʿfariyyāt* is, undoubtedly, indebted to the scholarly efforts of Mīrzā Ḥusayn al-Nūrī al-Ṭabarsī.<sup>89</sup> He obtained the manuscript of the collection from India in a bundle of four different hadith texts, including *Qurb al-isnād*, *Masāʿil ʿAlī b. Jaʿfar* and *Kitāb Sulaym b. Qays*. The primary stimulus for his compiling *Mustadrak al-wasāʿil* was the accessibility of this work, which was not available to the likes of al-Ḥurr al-ʿĀmilī and al-Majlisī. The *Khātima* (appendix, lit. epilogue) of *Mustadrak al-wasāʿil* succinctly presents the history and historicity of this hadith collection. The body of the text refers so frequently, to *al-Jaʿfariyyāt* that it appears as if the entire collection has been incorporated into this voluminous work.<sup>90</sup> Al-Nūrī, however, did not had access to the manuscript of *Kitābkhāna-yi Majlis-i Shūra-yi Islāmī* of Tehran. The colophon of the manuscript states that the scribe, Muḥammad Rafīʿ b. ʿAbdullāh al-Shabistarī al-Tabrīzī, completed copying it

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<sup>87</sup> Muḥammad Ḥasan al-Najafī, *Jawāhir al-kalām*, eds. ʿAbbās al-Qūchānī and Muḥammad al-Ākhūndī (Tehran: Dār al-Kutub al-Islāmī, 1392/1972), 21: 398; al-Sabzawārī, *Dhakhīrat al-maʿād fī sharḥ al-Irshād*, 1: 427.

<sup>88</sup> Mīrzā Ḥusayn al-Nūrī al-Ṭabarsī, *Khātimat mustadrak al-wasāʿil*, 1: 23-35.

<sup>89</sup> Mīrzā Ḥusayn al-Nūrī al-Ṭabarsī, *Khātimat mustadrak al-wasāʿil*, 1: 33.

<sup>90</sup> Mīrzā Ḥusayn al-Nūrī al-Ṭabarsī, *Khātimat mustadrak al-wasāʿil*, 1: 15-37; Āghā Buzurg al-Ṭīhrānī, *al-Dharīʿa*, 2: 110. *Mustadrak al-wasāʿil* along with its *Khātima* is published in 18 edited volumes.

in Yazd on the 29<sup>th</sup> of Dhū al-ḥijja 1118/ 3<sup>rd</sup> of March 1706.<sup>91</sup> A lithograph of *al-Jaʿfariyyāt*, along with *Qurb al-isnād* in a single binding, was later published on the recommendations of Sayyid Ḥusayn Burūjirdī (d. 1380/1961) in 1370/1951.<sup>92</sup> Amongst contemporary scholars, Abū al-Qāsim al-Khūʿī (d. 1413/1992), revisiting his previous position on the acceptability of the reports of *al-Jaʿfariyyāt*, concludes that its hadith should be discredited due to the presence of Mūsā b. Ismāʿīl in the *isnād* whose reliability and trustworthiness have not been established.<sup>93</sup> This, again, is the result of the same stringent approach of examining hadith through *isnād* analysis, which undermines the testimonies of *fihrist*s (bibliographical works) in favour of *rijāl*s (biographical works). The two recent editions of *al-Jaʿfariyyāt* do not add any scholarly value except the extraction (*takhrīj*) of its hadith from other Shiʿi hadith sources.<sup>94</sup>

This chronologically ordered list denotes the number of *isnād* through which a given scholar had access to *al-Jaʿfariyyāt* on the authority of Ibn al-Ashʿath (see Figure 4.1):

1. ʿAbdullāh b. ʿAdī al-Jurjānī (d. 365/976), direct *isnād* to Ibn al-Ashʿath.
2. Jaʿfar b. Aḥmad b. ʿAlī al-Qummī (c. fourth/tenth century), two *isnāds*.
3. al-Najāshī (d. 450/1058), one *isnād*.
4. al-Ṭūsī (d. 460/1067), six *isnāds*.
5. Faḍlullāh b. ʿAlī b. ʿUbaydullāh al-Ḥusaynī al-Rāwandī (d. 551/1165), one *isnād*.
6. Al-Qāḍī Amīn al-qaḍāʾ, Muḥammad b. ʿAlī b. Muḥammad (d. c. 514/1120), one *isnād*.
7. Raḍī al-Dīn b. Ṭāwūs (d. 664/1265), one *isnād*.
8. ʿAllāma al-Ḥillī (d. 726/1325), one *isnād*.
9. Shams al-Dīn, Muḥammad b. Muḥammad al-Jazarī (d. 833/1429), two *isnāds*.

<sup>91</sup> Ibn al-Ashʿath, *Kitāb al-Ashʿathīyyāt*, MS 10-8734, 158r.

<sup>92</sup> Muḥammad b. Muḥammad b. al-Ashʿath, *al-Jaʿfariyyāt al-Ashʿathīyyāt akhbār al-Ashʿathīyyāt*, eds. Murtaḍā Ardakānī and Muḥammad Ḥasan Najafābādī (Tehran: Maṭbaʿ Ḥāj Sayyid Aḥmad Kitābchī, 1370/1951).

<sup>93</sup> Abū al-Qāsim al-Khūʿī, *Mawsūʿat al-Imām al-Khūʿī* (Qum: Muʿassasat Iḥyāʾ Āthār al-Imām al-Khūʿī, 1418/1998), 2: 92; 33: 41; Abū al-Qāsim al-Khūʿī, *Miṣbāḥ al-faqāha*, ed. Muḥammad ʿAlī Tawḥīdī (Qum: Maktabat Dāwarī, n.d.), 1: 124, 409-10; Abū al-Qāsim al-Khūʿī, *Mabānī takmilat al-minhāj* (Qum: al-ʿIlmiyya, 1396/1976), 1: 226-7.

<sup>94</sup> Ismāʿīl b. Mūsā b. Jaʿfar, *al-Jaʿfariyyāt al-Ashʿathīyyāt*, ed. Mushtāq Muzzaḥar Ṣāliḥ (Karbala: al-ʿAtaba al-Ḥusayniyya al-Muqaddasa, 1434/2013); Ismāʿīl b. Mūsā b. Jaʿfar, *al-Jaʿfariyyāt aw al-Ashʿathīyyāt*, ed. Muṣṭafa Ṣubḥī al-Khiḍr (Beirut: Muʿassasat al-ʿAlamī li al-Maṭbūʿāt, 1434/2013).



## Examining *al-Kutub al-Ja'fariyya* of *al-Īdāh* through Various Shi'i Hadith Collections

As stated earlier, Qāḍī Nu'mān cites ninety reports from *al-Kutub al-Ja'fariyya*, making it the second-most consulted source of *al-Īdāh*, which remains the first and the only legal work to have cited this source. *Al-Kutub al-Ja'fariyya* was not cited again until the seventh/thirteenth century when Ibn Ṭāwūs introduced and consulted it in some of his works. This trajectory of *al-Ja'fariyyāt* not only suggests the significant role of the Fatimids in the preservation of early Shi'i hadith collections but also indicates how unpopular this work was in Imami circles of Baghdad: despite having access to it, the traditionist did not consult it in their hadith collections and legal works. Nonetheless, most of *al-Ja'fariyyāt*'s content is preserved in Imami collections, but with completely different *isnāds*. This section examines the content of these collections through cross-regional textual analysis.

The reports of *al-Ja'fariyyāt* cited in *al-Īdāh* correspond closely with the extant copy of the collection and are identical to various hadith reports cited in Imami hadith compendia. A thorough comparison of *al-Īdāh*'s ninety citations with that of the surviving copy of *al-Ja'fariyyāt* and the Imami canonical hadith collections thus supports the idea of their common provenance. The credibility of *al-Īdāh*'s citations is enhanced by the striking similarities between the hadith cited in it and other hadith collections compiled by authors adhering to different religious persuasions, residing in distant lands with no proven correlations between them and, most importantly, with uniquely different chains of transmission. This study suggests that the close resemblance of the hadith cited by two contemporary scholars, al-Kulaynī and Qāḍī Nu'mān, stems from their use of the same sources. This chapter's exploration of *al-Ja'fariyyāt* reveals that the collection originated in Medina, but was transmitted in Egypt before eventually reaching Qāḍī Nu'mān. If al-Kulaynī's reports were found to originate in Medina, it would suggest the shared provenance of the sources consulted by both scholars.

As discussed earlier, hadith reported in *al-Īdāh* never drew the attention of the

later Imami traditionists, even though they had been transmitted to Baghdad through multiple *isnāds*. The complete disconnection between Qum and Egypt and the fact that al-Kulaynī and Ibn Bābawayh were Nu‘mān’s contemporaries could explain the absence of reports with Egyptian *isnāds* in the Qummī hadith compendia. Al-Ṭūsī’s decision not to cite any Egyptian *isnāds*, however, is quite surprising: as attested by his *fihrist* and *rijāl* works, it is evident that he had access to the entire collection through four different *isnāds*. As mentioned, perhaps he did not cite them because the aim of his legal hadith works, *Tahdhīb al-aḥkām* and *al-Istibṣār*, was to reconcile the contradictory hadith appearing in *al-Kāfī* and *al-Faḡīh* without consulting any new sources of hadith. It can also be argued that he may not have needed to refer to *al-Ja‘fariyyāt* because of the accessibility of identical content from *al-Kāfī*.

Even though *al-Kutub al-Ja‘fariyya* was not accessible in Qum, its content is still found in Imami hadith compendia via Kūfan *isnād*. For instance, fifteen reports of *al-Īḍāḥ*, as cited from *al-Kutub al-Ja‘fariyya* in *al-Īḍāḥ*, closely resemble those hadith narrated on the authority of Ismā‘īl b. Abī Ziyād al-Sakūnī, a Kūfan non-Shi‘i transmitter, in *al-Kāfī*. Furthermore, a very high number of thirty-eight hadith correspond to the extant copy of *al-Ja‘fariyyāt*, which not only asserts the faithful transmission of Qāḍī Nu‘mān but also enhances our confidence in the credibility of the surviving manuscript. The same six reports appear in both *al-Ja‘fariyyāt* and *al-Kāfī*. I therefore conclude that more than 50 percent of the citations of *al-Īḍāḥ* are traceable either to the extant *al-Ja‘fariyyāt* or other contemporary Shi‘i hadith collections. The Venn diagram in Figure 4.2 illustrates the number of reports overlapping in *al-Īḍāḥ*, the extant *al-Ja‘fariyyāt*, and *al-Kāfī*.



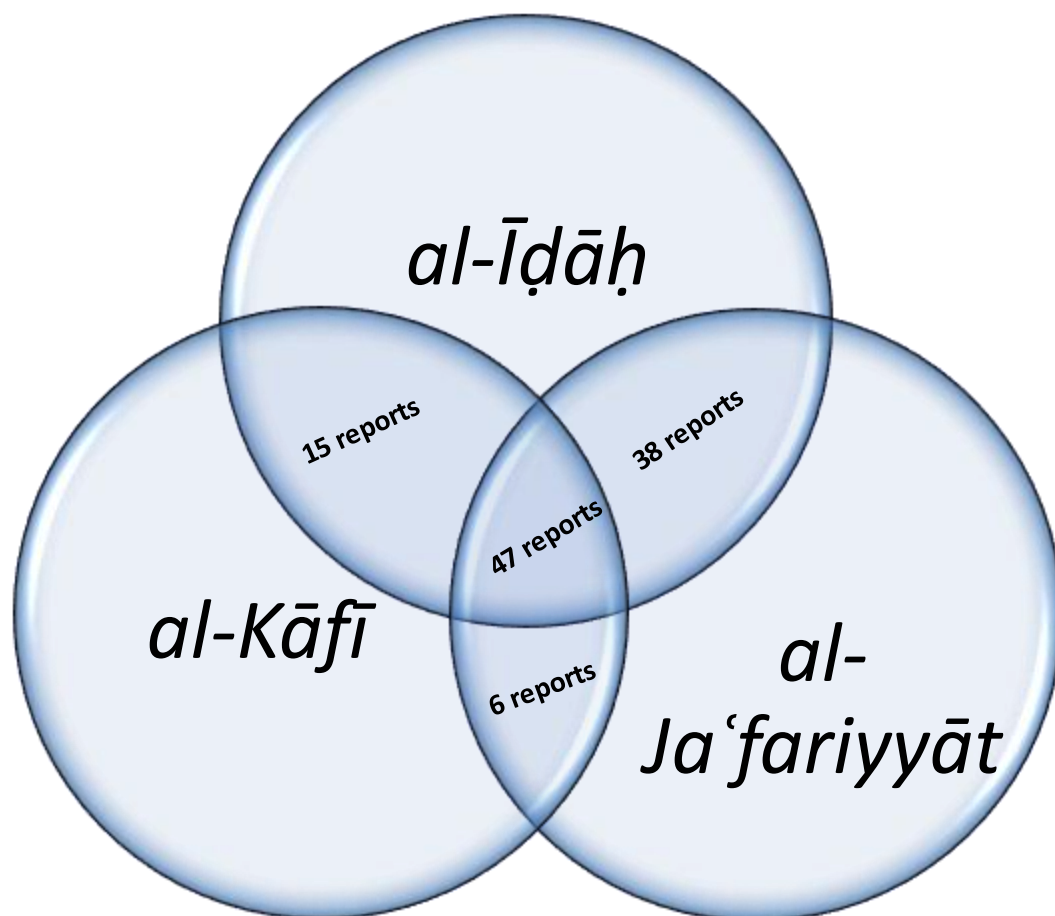


Figure 4.2: A Venn diagram illustrating the number of reports overlapping in *al-Īdāḥ*, *al-Kāfī* and *al-Ja'fariyyāt*.

Only thirty-seven reports are untraced, which may be because the copy of *al-Ja'fariyyāt* possessed by Qāḍī Nu'mān was different from that of the extant recension. Yet, the *matn* of twenty-four of those untraced reports are identical to hadith reported in other Shi'i hadith compendia. This leaves us with thirteen reports untraced in any works of hadith. The content of the untraceable reports is not significant enough to raise any suspicion of distortion or fabrication, but supports the view that Qāḍī Nu'mān's copy of *al-Kutub al-Ja'fariyya* was different from the existing *al-Ja'fariyyāt*. Notwithstanding the differences in the copies, we can assume that a significant number of hadith cited from *al-Kutub al-Ja'fariyya* in *al-Īdāḥ* have a solid grounding in other Shi'i hadith collections; some of these hadith are also independently traced in *Qurb al-isnād*, *Tafsīr al-'Ayyāshī*, *al-Maḥāsin*, *al-Amālī*,

*Masā'il 'Alī b. Ja'far*, and *al-Muqni'*.<sup>95</sup> Table 4.1 shows the correspondences between *al-Īdāh's* citation from *al-Kutub al-Ja'fariyya* and *al-Ja'fariyyāt* and other Imami hadith collections.<sup>96</sup>

<i>al-Ja'fariyyāt</i>	Ismā'īl b. Abī Ziyād al-Sakūnī from al-Şādiq	Four Imami canonical collections	<i>al-Nawādir of al-Rāwandī</i>	Not found
25.2 <sup>97</sup>	25.1 <sup>98</sup>	25.1 <sup>99</sup>	25.2 <sup>100</sup>	27
26 <sup>101</sup>	25.2 <sup>102</sup>	49 <sup>103</sup>	64.2 <sup>104</sup>	29
44 <sup>105</sup>	86.2 <sup>106</sup>	50 <sup>107</sup>	92.3 + 93.2 <sup>108</sup>	32.1
59.1 <sup>109</sup>	88.2 <sup>110</sup>	56 <sup>111</sup>	93.3 + 96.2 <sup>112</sup>	32.2

<sup>95</sup> al-Qādī al-Nu'mān, *al-Īdāh*, 25.2 ['Alī b. Ja'far, *Masā'il 'Alī b. Ja'far* (Qum: Mu'assasat Āl al-Bayt, 1409/1988), 339]; 49 ['Abdullāh b. Ja'far al-Ĥimyarī, *Qurb al-isnād* (Qum: Mu'assasat Āl al-Bayt, 1413/1992), 115]; 89 [Aḥmad b. Muḥammad b. Khālid al-Barqī, *al-Maḥāsin*, ed. Jalāl al-Dīn Muḥaddith (Qum: Dār al-Kutub al-Islāmiyya, 1371/1951), 1: 48]; 102.2 [Muḥammad b. al-Mas'ūd al-'Ayyāshī, *Tafsīr al-'Ayyāshī* (Qum: Chāpkhāna-yi 'Ilmiyye, 1380/1960), 2: 256 (no. 12)]; 123 [Muḥammad b. 'Alī b. Bābawayh al-Şadūq, *al-Amālī*, 338 (no. 22)]; 107.3, 108.1-5, 133 [Muḥammad b. 'Alī b. Bābawayh, *al-Muqni'* (Qum: Mu'assasat Imām al-Mahdī, 1415/1994), 115].

<sup>96</sup> The number in each column represents the number of pages of the edition of *al-Īdāh* in which the hadith of *al-Kutub al-Ja'fariyya* are cited. The page in which more than one hadith is cited is mentioned with a decimal point.

<sup>97</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 230.

<sup>98</sup> Ibn Bābawayh, *Al-Khiṣāl*, 1: 40.

<sup>99</sup> Muḥammad b. 'Alī b. Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, ed. 'Alī Akbar Ghaffārī (Qum: Daftar-i Intishārāt-i Islāmī, 1413/1992), 2: 282.

<sup>100</sup> al-Rāwandī, *al-Nawādir*, 5.

<sup>101</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 36.

<sup>102</sup> Aḥmad b. Muḥammad b. Khālid al-Barqī, *al-Maḥāsin*, ed. Jalāl al-Dīn Muḥaddith, 1: 11.

<sup>103</sup> al-Ṭūsī, *al-Istibṣār fī mā ukhtulifa min al-akhbār*, 1: 267.

<sup>104</sup> al-Rāwandī, *al-Nawādir*, 24.

<sup>105</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 52.

<sup>106</sup> Ibn Bābawayh, *al-Amālī*, 501.

<sup>107</sup> al-Ṭūsī, *al-Istibṣār fī mā ukhtulifa min al-akhbār*, 1: 286.

<sup>108</sup> al-Rāwandī, *al-Nawādir*, 24.

<sup>109</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 42.

<sup>110</sup> al-Kulaynī, *al-Kāfī*, 6: 24.

<sup>111</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 496.

<sup>112</sup> al-Rāwandī, *al-Nawādir*, 155.

<i>al-Ja'fariyyāt</i>	Ismā'īl b. Abī Ziyād al-Sakūnī from al-Ṣādiq	Four Imami canonical collections	<i>al-Nawādir of al-Rāwandī</i>	Not found
64.2 <sup>113</sup>	91.1 <sup>114</sup>	57-58 + 73 <sup>115</sup>	96.1 <sup>116</sup>	62
64.3 <sup>117</sup>	92.1 <sup>118</sup>	65 <sup>119</sup>	109 <sup>120</sup>	82.1
86.1 <sup>121</sup>	92.2 <sup>122</sup>	77 <sup>123</sup>	128.2 <sup>124</sup>	82.2
86.2 <sup>125</sup>	92.3 + 93.2 <sup>126</sup>	85 <sup>127</sup>	148.2 <sup>128</sup>	94.2
88.2 <sup>129</sup>	102.2 <sup>130</sup>	87 <sup>131</sup>		102.1
89 <sup>132</sup>	107.3 + 108.1 to 108.5 + 113 <sup>133</sup>	88.1 <sup>134</sup>		125.2
91.2 <sup>135</sup>	120-21 + 121.1 <sup>136</sup>	89 <sup>137</sup>		134

<sup>113</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 34.

<sup>114</sup> al-Kulaynī, *al-Kāfī*, 4: 526.

<sup>115</sup> al-Kulaynī, *al-Kāfī*, 3: 285; Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 278.

<sup>116</sup> al-Rāwandī, *al-Nawādir*, 155.

<sup>117</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 245.

<sup>118</sup> al-Kulaynī, *al-Kāfī*, 3: 357.

<sup>119</sup> al-Kulaynī, *al-Kāfī*, 3: 303; Muḥammad b. al-Ṭūsī, *al-Istibṣār fī mā ukhtulifa min al-akhbār*, 1: 305.

<sup>120</sup> al-Rāwandī, *al-Nawādir*, 30.

<sup>121</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 180.

<sup>122</sup> Ibn Bābawayh, *al-Amālī*, 501.

<sup>123</sup> al-Ṭūsī, *al-Istibṣār fī mā ukhtulifa min al-akhbār*, 1: 300.

<sup>124</sup> al-Rāwandī, *al-Nawādir*, 24.

<sup>125</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 42.

<sup>126</sup> al-Kulaynī, *al-Kāfī*, 2: 662.

<sup>127</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 283.

<sup>128</sup> al-Rāwandī, *al-Nawādir*, 54.

<sup>129</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 32.

<sup>130</sup> al-Ayyāshī, *Tafsīr al-Ayyāshī*, 2: 256.

<sup>131</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 285.

<sup>132</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 42.

<sup>133</sup> al-Kulaynī, *al-Kāfī*, 3: 375.

<sup>134</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 239.

<sup>135</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 72.

<sup>136</sup> al-Kulaynī, *al-Kāfī*, 3: 375.

<sup>137</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 298.

<i>al-Ja'fariyyāt</i>	Ismā'īl b. Abī Ziyād al-Sakūnī from al-Şādiq	Four Imami canonical collections	<i>al-Nawādir of al-Rāwandī</i>	Not found
92.1 <sup>138</sup>	123 <sup>139</sup>	91.1 <sup>140</sup>		137
92.2 <sup>141</sup>	128.1 <sup>142</sup>	93.3 + 96.2 <sup>143</sup>		156.2
92.3 + 93.2 <sup>144</sup>	131 + 133 <sup>145</sup>	103.2 <sup>146</sup>		156.3
93.1 <sup>147</sup>	148.2 <sup>148</sup>	103.3 <sup>149</sup>		
93.3 + 96.2 <sup>150</sup>		107.1 <sup>151</sup>		
94.1 <sup>152</sup>		107.3 + 108.1 to 108.5 + 113 <sup>153</sup>		
96.1 <sup>154</sup>		120-21 + 121.1 <sup>155</sup>		

<sup>138</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 33.

<sup>139</sup> al-Kulaynī, *al-Kāfī*, 3: 371.

<sup>140</sup> al-Kulaynī, *al-Kāfī*, 4: 526.

<sup>141</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 31.

<sup>142</sup> al-Kulaynī, *al-Kāfī*, 3: 176.

<sup>143</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 237.

<sup>144</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 53.

<sup>145</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 3: 282-3.

<sup>146</sup> al-Ṭūsī, *al-Istibṣār fī mā ukhtulifa min al-akhbār*, 1: 407.

<sup>147</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 39.

<sup>148</sup> al-Kulaynī, *al-Kāfī*, 3: 15.

<sup>149</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 4: 178.

<sup>150</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 51.

<sup>151</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 377.

<sup>152</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 38.

<sup>153</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 378-9; al-Ṭūsī, *al-Istibṣār fī mā ukhtulifa min al-akhbār*, 1: 424.

<sup>154</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 51.

<sup>155</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 382.

<i>al-Ja'fariyyāt</i>	Ismā'īl b. Abī Ziyād al-Sakūnī from al-Ṣādiq	Four Imami canonical collections	<i>al-Nawādir of al-Rāwandī</i>	Not found
97 <sup>156</sup>		126 <sup>157</sup>		
103.1 <sup>158</sup>		128.1		
103.2 <sup>159</sup>		148.2 <sup>160</sup>		
103.3 <sup>161</sup>		156.1 + 157 <sup>162</sup>		
104 <sup>163</sup>		156.4 <sup>164</sup>		
107.1 <sup>165</sup>		164.2 <sup>166</sup>		
109 <sup>167</sup>				
110 + 111 <sup>168</sup>				
121.2 <sup>169</sup>				
125.1 <sup>170</sup>				
126 <sup>171</sup>				

<sup>156</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 37.

<sup>157</sup> Ibn Bābawayh, *Man lā yaḥḍuruhu al-faqīh*, 1: 376.

<sup>158</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 42.

<sup>159</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 40.

<sup>160</sup> Ibn Bābawayh, *Man lā yaḥḍuruhu al-faqīh*, 1: 27.

<sup>161</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 184.

<sup>162</sup> al-Kulaynī, *al-Kāfī*, 3: 315.

<sup>163</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 41.

<sup>164</sup> al-Kulaynī, *al-Kāfī*, 3: 312.

<sup>165</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 39.

<sup>166</sup> al-Kulaynī, *al-Kāfī*, 3: 449; Ibn Bābawayh, *Man lā yaḥḍuruhu al-faqīh*, 1: 485; al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 127-8; al-Ṭūsī, *al-Istibṣār fī mā ukhtulifa min al-akhbār*, 1: 348.

<sup>167</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 52.

<sup>168</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 52.

<sup>169</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 53.

<sup>170</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 35.

<sup>171</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 37.

<i>al-Ja'fariyyāt</i>	Ismā'īl b. Abī Ziyād al-Sakūnī from al-Ṣādiq	Four Imami canonical collections	<i>al-Nawādir of al-Rāwandī</i>	Not found
128.1 <sup>172</sup>				
128.2 <sup>173</sup>				
130.1 <sup>174</sup>				
130.2 <sup>175</sup>				
148.1 <sup>176</sup>				
148.2 <sup>177</sup>				
150 <sup>178</sup>				
163 <sup>179</sup>				
164.1 <sup>180</sup>				

Table 4.1: *Al-Īdāh*'s citations of *al-Kutub al-Ja'fariyya* in other Shi'ī hadith compendia.

## **An Ismaili-Fatimid Feature Common to *al-Kutub al-Ja'fariyya* of *al-Īdāh***

*Al-Īdāh* was composed in a burgeoning Fatimid caliphate that claimed descent from Fāṭima, the daughter of the Prophet. The submission to the political and spiritual

<sup>172</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 33.

<sup>173</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 34.

<sup>174</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 1-42.

<sup>175</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 35.

<sup>176</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 41.

<sup>177</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 13, 30, 42.

<sup>178</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 37-8.

<sup>179</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 34.

<sup>180</sup> Ibn al-Ash'ath, *al-Ja'fariyyāt (al-Ash'athiyyāt)*, 41.

authority of Ahl al-Bayt was the hallmark of this Ismaili caliphate. Though *al-Īdāh* does not display any overt signs of it being an exclusive Ismaili text, neither is its compilation in a Fatimid state hidden. Qāḍī Nu‘mān in three different instances reports hadith containing the phrase ‘*ijtama‘nā wuldu Fāṭima ‘alā...* (We, the Children of Fāṭima, have arrived at a consensus on...).’<sup>181</sup> It is not entirely clear whether the phrase is an editorial comment, or it constituted an integral part of the *matn*. Based on my examination of other Shi‘i hadith sources, I conclude that the concept of the ‘consensus’ of the children of Fāṭima is unique to a text composed under the patronage of the Fatimid state; it is alien to Shi‘i hadith in general and appears to have been influenced by the religious and political milieu of North Africa. Given that the extant copy of *al-Ja‘fariyyāt* uses the phrase ‘*ajma‘nā wuld Fāṭima ‘alā...* (We, the Children of Fāṭima, have agreed upon...),’ the similar phrase in *al-Īdāh* may not indicate an editorial comment of Qāḍī Nu‘mān, but rather is a usage specific to the ‘Alids of Egypt where the collection was disseminated. The occurrence of this phrase in both collections indicates the emergence of the concept of ‘the consensus of the Children of Fāṭima’ in this region.<sup>182</sup>

## Discrepancies in the *Isnāds* of *al-Īdāh*

As discussed earlier, *al-Īdāh* not only offers the references for all its sources but also, where available, provides *isnād* for its hadith. In contrast, every citation in *al-Kutub al-Ja‘fariyya* is followed by the same *isnād* from Ibn al-Ash‘ath to the final authority of an Imam or the Prophet. The extant fragment of *al-Īdāh* indicates that Qāḍī Nu‘mān is highly inconsistent both in rendering the *isnād* of *al-Kutub al-Ja‘fariyya* and in his usage of the object pronouns (*ḍamā‘ir*). For instance, the first reference to *al-Kutub al-Ja‘fariyya* is made in the following pattern:

‘*fī al-Kutub al-Ja‘fariyya min riwāyat Abī ‘Alī Muḥammad bin Muḥammad bin al-Ash‘ath al-Kūfī ‘an Abī al-Ḥasan Mūsā bin Ismā‘īl bin Mūsā bin Ja‘far ‘an abīhi ‘an jaddihi ‘an Abī jaddihi (‘an) Ja‘far bin Muḥammad qāl...*’

<sup>181</sup> al-Qāḍī al-Nu‘mān, *al-Īdāh*, 56, 65, 156. 2.

<sup>182</sup> For a detailed study of the use of the term al-Fāṭimī and al-Fāṭimiyyūn before the Fatimids, see Maribel Fierro, “On al-Fāṭimī and al-Fāṭimiyyūn,” *JSAI*, 20 (1996), 130-61.

In this *isnād*, all the object pronouns refer to Abū al-Ḥasan Mūsā b. Ismāʿīl, instead of the immediate previous authority. This style of reporting *isnād* is foreign to other Shiʿi hadith collections, which supports the idea that *al-Ṭḍāḥ* adopts a different method from the prevalent convention of citing *isnāds* in Qum and Baghdad. Furthermore, the few *isnāds* attributed to *al-Kutub al-Jaʿfariyya* in *al-Ṭḍāḥ* appear to be incorrect: they neither resonate with Shiʿi *isnād* nor appear to be consistent with the unvarying, lengthy chains throughout the work.<sup>183</sup> Note that Mūsā b. Jaʿfar al-Kāzīm (d. 183/799), the seventh Imami Imam, is quoted in the capacity of a transmitter in a significant number of the *isnāds* of *al-Kutub al-Jaʿfariyya*. The two instances where al-Kāzīm is perceived to be quoted as the final authority of the hadith in *al-Ṭḍāḥ* are the results of the rampant textual discrepancies found throughout it.<sup>184</sup>

## Consanguinity and the Transmission of Shiʿi Hadith

What distinguishes a Shiʿi hadith from other hadith is that it must end with the final authority of the Imams. An Imam, in Shiʿi ideology, is not only the genuine custodian of the teachings of the Prophet and hence a transmitter but also a divine authority whose words, actions and tacit approvals constitute a hadith. The genuine prophetic traditions, for the Shiʿites, are only those which are transmitted on the authority of an Imam. Therefore, a typical Shiʿi *isnād* will abruptly end with an Imam, without attributing the hadith to the Prophet. This could either be explained on the theological grounds that any speech, action or inaction of an Imam, in a Shiʿi context, culminates in an independent hadith or on an historical basis, which claims that an Imam, by virtue of his position, is the inheritor of the knowledge of the Prophet and therefore, every hadith of an Imam, whether or not it is attributed to the Prophet, is fundamentally narrated on the latter’s authority.<sup>185</sup> As a result, the authority of the Prophet is missing in Shiʿi *isnāds*, and the entire corpus of prophetic hadith narrated

<sup>183</sup> al-Qāḍī al-Nuʿmān, *al-Ṭḍāḥ*, 59.2, 60, 63, 64.1, 107.2, 156.3, 165.1, 165.2. For such instances, see al-Qāḍī al-Nuʿmān, *al-Ṭḍāḥ*, 25.1, 56, 59.1, 65, 107.3.

<sup>184</sup> al-Qāḍī al-Nuʿmān, *al-Ṭḍāḥ*, 73, 109.

<sup>185</sup> For one such claim, see al-Kulaynī, *al-Kāfī*, 1: 53. Ibn Ṭāwūs, alluding to these narrations, states, in generic terms, that whenever a hadith is transmitted on the authority of Imam ʿAlī, it should be considered from the Prophet. See Ibn Ṭāwūs, *al-Iqbāl*, 1: 29.



via Companions of the Prophet was discredited.

However, in the third/ninth century there emerged a new genre of Shi‘i hadith which narrated prophetic traditions via a familial chain of the household of the Prophet. *Al-Ja‘fariyyāt* is a classic example of this genre: its hadith are attributed to the Prophet as the final authority. In addition, Ja‘far b. Aḥmad b. ‘Alī al-Qummī (c. fourth/tenth century) composed an anthology of prophetic traditions, transmitted through a chain leading back to the Prophet.<sup>186</sup> In contrast, *Masā’il ‘Alī b. Ja‘far*—an anthology of questions and answers of ‘Alī b. Ja‘far directed to his younger brother Mūsā al-Kāẓim—though allegedly emerging in the same era, ended the *isnād* with the final authority of al-Kāẓim. I suspect that the practice of rendering a complete *isnād* leading back to the Prophet or ‘Alī depended on the region in which the work is composed. In other words, the Sunni milieu of Egypt prompted Ismā‘īl b. Mūsā to offer a complete *isnād* so his work could generate a wider appeal among the dominant Sunni populace of the region. This strategy was also adopted by al-Ṣādiq, who was believed to have reported hadith on the authority of the Prophet for his Sunni companion, Ismā‘īl b. Abī Ziyād al-Sakūnī. Al-Kulaynī, for instance, cites 507 reports on the authority of that Sunni companion via an *isnād* leading back to the Prophet or, occasionally, to Imam ‘Alī.<sup>187</sup> This style of *isnād* is completely absent in the hadith dictated by the Imams to Zurāra b. A‘yan, for instance. Therefore, it is likely that al-Sakūnī’s adherence to Sunni doctrines would have prompted the Imam to highlight the name of the Prophet or ‘Alī as the final authority of the report.<sup>188</sup>

## Conclusion

Support for the historicity of the sources of *al-Īdāh* is extremely important for two reasons: it enhances the credibility of this North African legal hadith collection, and

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<sup>186</sup> al-Qummī, *Jāmi‘ al-aḥādīth wa yalīhi al-‘Urūs, al-Ghāyāt, al-Musalsalāt, al-A‘māl al-māni‘a min al-Janna, Nawādir al-athar fī ‘Alī khayr al-bashar*.

<sup>187</sup> al-Kulaynī, *al-Kāfī*, 1: 12, 22-3, 40, 46 and passim.

<sup>188</sup> For al-Sakūnī’s non-Shi‘i background, see Muḥammad b. al-Ḥasan al-Ṭūsī, *Uddat al-uṣūl wa bi dhaylihī al-ḥāshiya al-khalīliyya*, ed. Muḥammad Mahdī Tāha Najaf (Qum: Mu‘assasat Āl al-Bayt li lḥyā’ al-Turāth, 1403/1982), 1: 380. Al-Barqī reports that al-Sakūnī narrates on the authority of Sunni jurists. See Aḥmad b. Muḥammad b. al-Khālīd al-Barqī, *Rijāl al-Barqī-al-Ṭabaqāt*, ed. Ḥasan al-Muṣṭafawī (Tehran: Intishārāt-i Dānishgāh-i Tihārān, 1342 Sh/1963), 28.

it plays a significant role in shaping the perception of early Shi'i foundational (*uṣūl*) texts. In the absence of those alleged sources, one has to rely on secondary works believed to have been excerpted and copied from those early texts. Given the chances of distortion, interpolation or contextualisation in this process, the accuracy of their transmission may come under question. Using secondary sources that are maximally diverse, both regionally and doctrinally, will yield better results in confirming the historicity of the foundational texts.

Clearly, the hadith reported in *al-Ṭḍāḥ* have their roots in the foundational texts of Medina and Kūfa. This case study has examined one such alleged *aṣl* (foundational text), *al-Kutub al-Ja'fariyya*, which is a direct source for Qāḍī Nu'mān in his legal work. However, because the *aṣl* does not meet the conventional criteria of authentication of a hadith collection, I have used three alternative methods to establish the credibility of its citations in *al-Ṭḍāḥ*.

First, I compared *al-Ṭḍāḥ* to the extant *al-Ja'fariyyāt/al-Kutub al-Ja'fariyya*, which suggests that a significant number of its reports are identical to those found in the extant *al-Ja'fariyyāt*. I then analysed those citations of *al-Ṭḍāḥ* which remain untraced in the extant *al-Ja'fariyyāt* and found their content's astonishing resemblance to hadith recorded in other Shi'i hadith compendia. Finally, I used cross-regional textual analysis to identify identical *matn* in other regions by scholars with different religious affiliations, finding very surprising results in *al-Kāfi*. Al-Kulaynī reports several hadith on the authority of Ismā'īl b. Abī Ziyād al-Sakūnī, a Sunni companion of al-Ṣādiq through the following chain of transmission:

Al-Kulaynī -> 'Alī b. Ibrāhīm -> Ibrāhīm b. Hāshim -> Ḥusayn b. Yazīd al-Nawfalī -> Ismā'īl b. Abī Ziyād al-Sakūnī -> Ja'far b. Muḥammad al-Ṣādiq.

The *matn* of several hadith transmitted with this *isnād* is strikingly similar to that reported by *al-Ṭḍāḥ* via *al-Kutub al-Ja'fariyya*. The *isnād* of *al-Kutub al-Ja'fariyya* as reported by Qāḍī Nu'mān is as follows:

Al-Qāḍī al-Nu‘mān -> Abū ‘Alī Muḥammad b. Muḥammad b. al-Ash‘ath al-Kūfī -> Abū al-Ḥasan Mūsā b. Ismā‘īl b. Mūsā b. Ja‘far -> *Abīhi* (his father, i.e., Ismā‘īl b. Mūsā b. Ja‘far) -> *Jaddihi* (his grandfather, i.e., Mūsā b. Ja‘far) -> Ja‘far b. Muḥammad al-Ṣādiq.

Available information about the individuals mentioned in al-Kulaynī’s *isnād* suggests that al-Sakūnī obtained hadith from al-Ṣādiq in Medina. These reports were transmitted to Kūfa via al-Nawfalī before reaching Qum via Ibrāhīm b. Hāshim. The latter’s son, ‘Alī b. Ibrāhīm, transmitted them to al-Kulaynī in Qum, whereas Qāḍī Nu‘mān’s chain of transmission suggests that he should have obtained the copy of Ibn al-Ash‘ath in Qayrawān. Ibn al-Ash‘ath had received the collection in Egypt from Mūsā b. Ismā‘īl, who had settled there with his father. They transmitted this collection on the authority of Mūsā b. Ja‘far al-Kāẓim, who presumably studied the text with his father in Medina (see Figure 4.3)

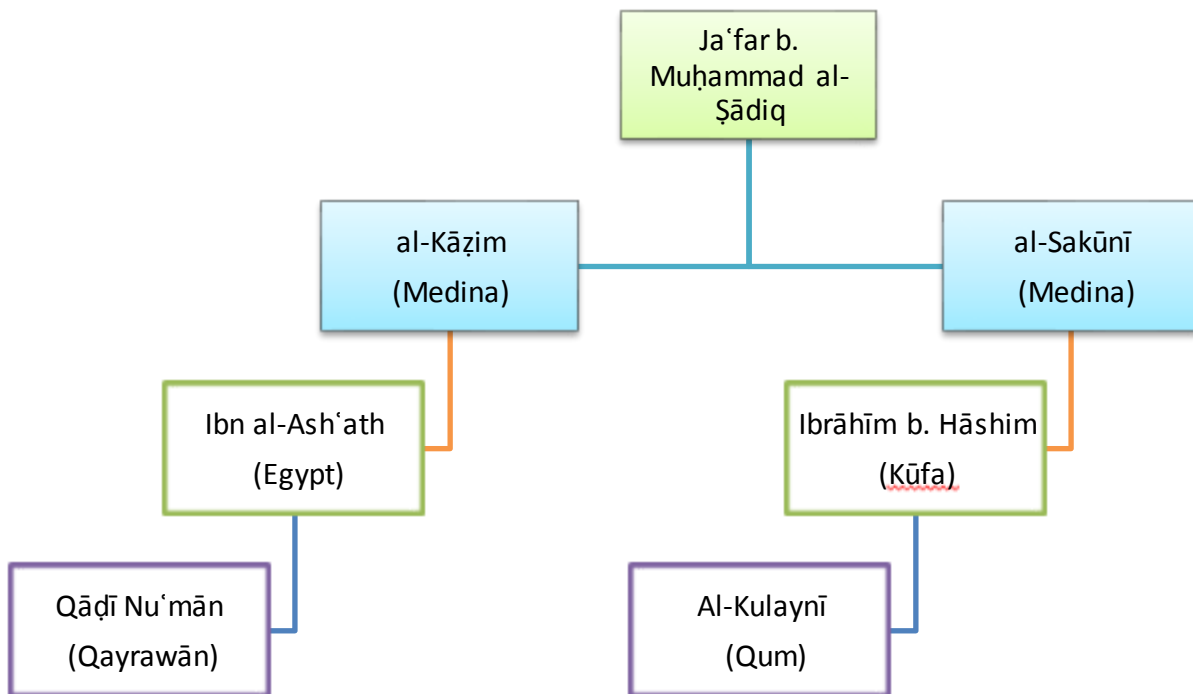


Figure 4.3: Dissemination of the hadith of al-Ṣādiq in the form of *al-Ja‘fariyyāt* to Qayrawān and the collection of al-Sakūnī to Qum.<sup>189</sup>

<sup>189</sup> It should be noted that the Figure does not depict the actual *isnād*. I have just highlighted the major transmitters based on the importance of the region in which they have collected and transmitted the reports.

The striking similarities between several hadith of *al-Īḍāḥ* cited from *al-Kutub al-Jaʿfariyya* and those quoted in *al-Kāfī* on the authority of al-Sakūnī led Nūrī to infer that Mūsā b. Jaʿfar and al-Sakūnī might have been colleagues who both attended the hadith sessions of Jaʿfar b. Muḥammad.<sup>190</sup> The entire corpus of the hadith of al-Sakūnī, as attested by the *isnād* of *al-Kāfī*, was transmitted to Qum via Ibrāhīm b. Hāshim in the beginning of the third/ninth century, the period during which similar hadith were transmitted by Ismāʿīl b. Mūsā b. Jaʿfar in Egypt. In the previous *ṭabaqa*, the collection was transmitted to them in Medina in the first half of the second/eighth century by Imam al-Ṣādiq.

The identical content found in *al-Īḍāḥ* and *al-Kāfī* demonstrates that the sources of both the compilers originated in Medina. The historicity of their original source is strengthened by considering the authors' doctrinal and regional differences. It would be highly unusual for two scholars residing in two different regions, with two distinct doctrinal persuasions, to report identical *matn*, if there had not been a common source for them. The travel history of *isnād* also supports the claim that the text originated in Medina. However, we do not have access to that Medinese copy, nor can we confirm if there existed any such work in the form of a collection. What we know is that two individuals, who had no connections with each other after having studied in Medina, disseminated identical hadith in Egypt and Kūfa. From this period, what has survived is a collection entitled *al-Jaʿfariyyāt* or *Ashʿathiyyāt*. The dissemination of *al-Jaʿfariyyāt* in Egypt and the scholarly interests of the Fatimids likely enabled Nuʿmān, the librarian of the court, to gain access to this and other similar foundational texts.

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<sup>190</sup> Mīrzā Ḥusayn al-Nūrī al-Ṭabarsī, *Khātimat mustadrak al-wasāʿil*, 1: 37.

## Chapter 5

### Case Study 2: Examining *Kitāb al-īḍāḥ* through a Zaydi Collection, *Kutub Muḥammad b. Sallām b. Sayyār al-Kūfī*

The statements of the Imams should not be retracted in the favour of the statements of Qāsim b. Ibrāhīm al-Rassī. (al-Qāḍī al-Nu‘mān, *al-īḍāḥ*, 108-9)

#### Introduction

To address the central question of the thesis pertaining to the historicity of Qāḍī Nu‘mān’s hadith sources in his *al-īḍāḥ* and to explore the modality of the author’s engagement with the text, this chapter examines *al-īḍāḥ*’s most widely cited title, *Kutub Muḥammad b. Sallām b. Sayyār al-Kūfī* (henceforth *Kutub Ibn Sallām*). The collection appears to be a compendium of legal hadith transmitted by Muḥammad b. Sallām b. Sayyār al-Kūfī on various Kūfan Zaydi authorities, presumably his teachers.

*Al-īḍāḥ* consistently refers to the collection as ‘*Kutub Abī ‘Abdillāh Muḥammad b. Sallām b. Sayyār al-Kūfī*’ (The Collection of Abū ‘Abdallāh Muḥammad b. Sallām b. Sayyār al-Kūfī). It is quintessentially Zaydi and, therefore, is distinctively dissimilar, both in *matn* and *isnād*, to *al-īḍāḥ*’s other hadith sources. As he did with *al-Kutub al-Ja‘fariyyā*, Qāḍī Nu‘mān cites the reports in Ibn Sallām’s collection with the entire *isnād*, some leading to the earliest authority such as the Prophet or ‘Alī and a significant number ending with the sayings and practices of Zaydi Imams. Amongst the nineteen titles cited in the extant fragment of *al-īḍāḥ*, which comprises 649 hadith, *Kutub Ibn Sallām* is consulted 158 times, which includes a small number of repetitions and *taqtī‘* (dissection) of certain hadith. It is not yet known when Qāḍī Nu‘mān become acquainted with Ibn Sallām al-Kūfī.

The great number of cites to one Zaydi source raises many questions. How did Qāḍī Nu‘mān gain access to this Zaydi source? Who was Ibn Sallām? What is the credibility of the collection of Ibn Sallām, given the isolated nature of the hadith transmitted in it? How can one establish the historicity of the reports rendered in it, given that it does not meet the standards of the conventional methods of transmitting a hadith collection? Why would Qāḍī Nu‘mān even cite a Zaydi source in a text primarily compiled to lay the foundation of Ismaili jurisprudence? This chapter addresses these questions by critically examining all the citations of *Kutub Ibn Sallām* of *al-Īḍāḥ*. This detailed comparison of *al-Īḍāḥ*'s citations with its contemporaneous Zaydi hadith collections, transmitted through routes not used by Ibn Sallām, enhances the veracity of the source materials used by Qāḍī Nu‘mān. Furthermore, it reciprocally increases the credibility of those Zaydi hadith collections by finding identical reports in North African collections.

After a detailed introduction to Ibn Sallām and his collection, the chapter examines *al-Īḍāḥ*'s citations, comparing them with contemporaneous Zaydi sources to determine how closely they correspond with each other and to what extent Qāḍī Nu‘mān accurately transmitted them in *al-Īḍāḥ*. It also highlights the modality of Nu‘mān's engagement with these Zaydi reports. The following section examines the life and works of Muḥammad b. Sallām, which is followed by a statistical analysis of the *isnād* of *Kutub Ibn Sallām*.

### **Muḥammad b. Sallām b. Sayyār al-Kūfī al-Barqī al-Hamadānī (d. 310/922)**

The details of Ibn Sallām's life remain unknown, although based on the authorities he quotes, it is evident that he was a second–third/ninth–tenth century Zaydi scholar who studied in Kūfa. Other than a few individual reports, Ibn al-Haytham's memoir, and *al-Īḍāḥ*'s citations there is no substantive information on Ibn Sallām and his collection (*Kutub Ibn Sallām*).

Without offering any details or explanation, Ibn Shahrāshūb lists Ibn Sallām

amongst the authors credited for their contributions to Shi'ī literature. He states that his full name is Abū 'Abdillāh Muḥammad b. Sallām al-Kūfī, who was known for his many writings (*lahu kutub*). As discussed earlier, Ibn Shahrāshūb's account is not an independent assessment of the works compiled by Shi'ī authors. It is evident that Ibn Shahrāshūb had no access to the sources cited by Qāḍī Nu'mān and he simply copied the titles which he read in *al-Ṭdāh* and *Sharḥ al-akhbār*.<sup>1</sup>

In *al-Ṭdāh*, Muḥammad b. Sallām's name is frequently preceded by the epithet Abū 'Abdillāh. Ibn 'Idhārī refers to him by adding two regional titles, al-Barqī and al-Hamadānī, without alluding to his Kūfan identity. However, he mentions that Ibn Sallām had studied *fiqh* based on the Shi'ī *madhhab*, which is an oblique reference to his Kūfan affiliation.<sup>2</sup>

An individual named Muḥammad al-Kūfī, whom Ibn al-Haytham (b. c. 273/886 or 274/887; alive in 298/911) refers to in his *Kitāb al-munāẓarāt*, has been reasonably claimed to be Ibn Sallām. Ibn al-Haytham reports that al-Kūfī arrived in Qayrawān as an expatriate from Sicily, most likely between 285–290/898–903. The detailed account of their encounter reveals that al-Kūfī was not only a Shi'ī missionary but also an accomplished scholar who had in his possession some seminal Shi'ī works on theology and jurisprudence, believed to have been composed by the early companions of the Imams. It is interesting to note that it was al-Kūfī who approached Ibn al-Haytham, offering to teach him his creed; he stopped teaching him for a short period of time, but later resumed the rigorous training. Al-Kūfī taught Ibn al-Haytham some core Kūfan Shi'ī teachings of *walāya* (association with the Ahl al-Bayt) and *barā'a* (dissociation from the enemies of the Ahl al-Bayt), which had hitherto not been available to Shi'ites of North Africa. Al-Kūfī, in this second phase of his training, commenced the task of shaping the world-view of Ibn al-Haytham and his other colleagues, which ultimately inspired them to abandon the reading of

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<sup>1</sup> Ibn Shahrāshūb, *Ma'ālim al-'ulamā'*, 116 (no. 770). The word '*al-Kūfī*' appears in al-Qāḍī al-Nu'mān, *Sharḥ al-akhbār*, ed. al-Sayyid Muḥammad al-Ḥusaynī al-Jalālī, 3: 417.

<sup>2</sup> Ibn 'Idhārī al-Marrākushī, *al-Bayān al-mughrib*, 1: 188.

Ḥanafī law texts with Ibn ‘Abdūn.<sup>3</sup>

Ibn al-Haytham’s Zaydi background and al-Kūfī’s offer to educate him may indicate that both shared a common Zaydi ideology, but that al-Kūfī wanted the young man to be trained more intensively and unapologetically in the core beliefs of Jārūdī Zaydism. In other words, he wanted to introduce the Shi‘ī Jārūdī creed to the proto-Sunni Batrī, Ibn al-Ḥaytham.<sup>4</sup> This is corroborated by Ibn al-Haytham’s account that he was introduced to the tenet of *barā’*a, the intricacies of the imamate, and that it is one of the pillars of the religion connected to the prophecy; he also learned about the corrupt doctrines of Abū Ḥanīfa and Mālik amongst many other peculiar aspects of Shi‘ī thinking, in general, and Jārūdī Zaydism, in particular.<sup>5</sup> However, al-Kūfī makes no explicit effort to teach about the Zaydi Imams of al-Kūfa in his training. This could be explained by the fact that Ibn al-Haytham was just a beginner and al-Kūfī did not deem it appropriate to share the core teachings of the Zaydi imamate in a caliphate which did not subscribe to that belief. The rise of Abū ‘Abdallāh al-Shī‘ī (d. 298/911) overshadowed al-Kūfī, and ironically, he was summoned to the faith of al-Shī‘ī in Ibn al-Haytham’s presence.<sup>6</sup> It could also be argued that the imamate of a Fatimid Imam who was leading an uprising against the corrupt ‘Abbasids and attempting to establish a new caliphate conforms with al-Shī‘ī’s belief about the imamate. Any attempt to argue for or against these findings must be tentative, given the paucity of resources on the life and beliefs of Ibn Sallām.

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<sup>3</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 24-5 (introduction), 112-3, 116-9; Wilferd Madelung, “The Youth and Education of the Qādī Abū Ḥanīfa al-Nu’mān,” in *Islam: Identité et altérité Hommage à Guy Monnot, o. p.*, ed. M. A. Amir-Moezzi (Turnhout: Brepols, 2013), 335-7.

<sup>4</sup> For the differences between Batrī and Jārūdī Zaydism, see Patricia Crone, *Medieval Islamic Political Thought* (Edinburgh: Edinburgh University Press, 2004), 99-109; Najam Haider, *Shī‘ī Islam: An Introduction* (New York: Cambridge University Press, 2014), 103-23; Najam Haider, *The Origins of the Shi‘a: Identity, Ritual, and Sacred Space in 8<sup>th</sup> century Kufa* (New York: Cambridge University Press, 2011), 17-23; Najam Haider, “A Community Divided: An Examination of the Murder of Idrīs b. ‘Abd Allāh (d. 175/791),” in *Journal of the American Oriental Society* 128 (2008), 459-76; Najam Haider, “Batriyya,” in *EI3*. Consulted online on 13 August 2018 [http://dx.doi.org/10.1163/1573-3912\\_ei3\\_COM\\_25257](http://dx.doi.org/10.1163/1573-3912_ei3_COM_25257); Wilferd Madelung, “Zaydiyya,” in *EI2*. Consulted online on 13 August 2018 [http://dx.doi.org/10.1163/1573-3912\\_islam\\_COM\\_1385](http://dx.doi.org/10.1163/1573-3912_islam_COM_1385).

<sup>5</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 112-5, 116.

<sup>6</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 116.



Despite some speculation, there is no clear textual evidence to suggest that Muḥammad al-Kūfī of *Kitāb al-munāẓarāt* is one and the same as Ibn Sallām, who is cited in *al-Īdāh*. Madelung, however, agrees that they are the same person,<sup>7</sup> and Ibn Sallām's hadith, both *isnād* and *matn*, are undoubtedly Zaydi.<sup>8</sup> Given the fact that there is no substantive evidence for Qāḍī Nu'mān's direct accessibility to Zaydi legal hadith sources, it is likely that he obtained Shi'i hadith sources, in general, and Zaydi sources, in particular, from the same Muḥammad al-Kūfī. If corroborated by further evidence, this would imply that the Fatimids were indebted to al-Kūfī for their intellectual contributions in the fields of theology, jurisprudence and hadith. Ibn al-Haytham's confession that his ancestors adhered to Zaydi creed is strong evidence that the scholars in the region were familiar with some Zaydi texts of *fiqh* and hadith.<sup>9</sup>

The issue which remains unresolved is why Qāḍī Nu'mān and Ibn al-Haytham, both having studied with Muḥammad, choose to cite him using two distinct patterns. Qāḍī Nu'mān records his epithet, first name, his father and grandfather's names, and the place of origin (Abū Abdillāh Muḥammad b. Sallām b. Sayyār al-Kūfī), whereas Ibn al-Haytham uses only his first name and the place of his origin (Muḥammad al-Kūfī).

The accounts of *Kitāb al-munāẓarāt* reveal that Ibn al-Haytham was much closer to al-Kūfī than his other colleagues. Their close acquaintance and radical approach to subjugating the rights of Mālikīs to congregate for *tarāwīḥ* (recommended prayers offered in the nights of Ramaḍān) dragged them towards a tragic fate. Al-Kūfī, on the recommendation of Ibn al-Haytham, was appointed to offer the Friday sermons and prayers in the Great Mosque of Qayrawān with a monthly salary of five *dīnārs*; he was later dismissed from that position by al-Mahdī. Both Ibn

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<sup>7</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 112 (footnote 78).

<sup>8</sup> For instance, Qāḍī Nu'mān arrives at the conclusion that *basmala* should be recited in an audible manner in the audible prayers and silently in the silent prayers. This coincides with the Zaydi view and the proto-Imami hadith are simply discarded in the light of the reports narrated by Ibn Sallām and others. See al-Qāḍī al-Nu'mān, *Da'ā'im al-Islām*, ed. Asaf Ali Asghar Fyzee, 159-60; al-Qāḍī al-Nu'mān, *al-Īdāh*, 156-9.

<sup>9</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 109.

al-Haytham and Qāḍī Nu‘mān were also close associates of al-Shī‘ī, who was later accused of treason and executed in 298/911. Madelung states that Ibn al-Haytham ‘lost his position as chief adviser of the government on religious policy in Qayrawān and soon was sent to Andalus as an envoy to the famous anti-Umayyad rebel ‘Umar b. Ḥafṣūn and later to Tāhart to cope with the Miknāsa chieftain Maṣāla b. Ḥabūs’.<sup>10</sup> However, it is not entirely clear if he was sent to this region as a punishment for falling short of his duties as a chief adviser. Their fall from grace explains why Qāḍī Nu‘mān changes the way in which he refers to al-Kūfī and does not mention Ibn al-Haytham at all.<sup>11</sup> This explanation is corroborated by the fact that Qāḍī Nu‘mān chooses not to mention their novel contributions in his most authoritative Fatimid historical work, *Kitāb iftitāḥ al-da‘wa wa ibtidā’ al-dawla*, despite the fact that it covers the time period during which they both played a prominent role in consolidating Shi‘i theology and jurisprudence in North Africa.

Notwithstanding the ambiguity surrounding his life and beliefs, largely due to the political turmoil of the nascent Fatimid state, it is highly probable that Muḥammad al-Kūfī of *Kitāb al-munāẓarāt* and Muḥammad b. Sallām of *al-Īdāḥ* are the same person. This identification helps us decipher the sources, Zaydi and non-Zaydi alike, of Qāḍī Nu‘mān and learn how he obtained and later contextualised them to construct an Ismaili legal system.

### **Qāḍī Nu‘mān’s Acquaintance with al-Kūfī**

To reaffirm his claim about the identical identity of Muḥammad al-Kūfī and Ibn Sallām, Madelung asserts that al-Kūfī was a private mentor for Qāḍī Nu‘mān and his two colleagues, Ibn al-Haytham and Aḥmad al-Marwadhī.<sup>12</sup> Furthermore, he

<sup>10</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 63-4; Wilferd Madelung, “The Youth and Education of the Qāḍī Abū Ḥanīfa al-Nu‘mān,” 340.

<sup>11</sup> al-Qāḍī al-Nu‘mān, *Founding the Fatimid State*, ed. and tr. Hamid Haji, 220; Ibn ‘Idhārī al-Marrākushī, *al-Bayān al-mughrib*, 1: 164; Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 112-3, 116, 118-9; Wilferd Madelung, “The Youth and Education of the Qāḍī Abū Ḥanīfa al-Nu‘mān,” 340.

<sup>12</sup> Wilferd Madelung, “The Youth and Education of the Qāḍī Abū Ḥanīfa al-Nu‘mān,” 335; Wilferd Madelung, “The Sources of Ismā‘īlī Law,” 31, 35; Wilferd Madelung, “Some notes on Non-Isma‘īlī Shi‘ism in the Maghrib,” 97.

adds, with notable conviction, that al-Kūfī must be the anonymous benefactor (*baʿḍ al-munʿimīn ʿalayya/al-munʿim ʿalayya*) of Qāḍī Nuʿmān, whom he praises highly in his succinct work on the etiquette required for the followers of Imams entitled *Kitāb al-himma fī ādāb atbāʿ al-aʿimma*.<sup>13</sup> Citing the following passage from *Kitāb al-himma*, Madelung infers that Nuʿmān's benefactor was evidently no longer alive at the time of composing this work: 'I still scoop from his sea and endeavour to move forward and backward in accordance with his command and prohibition.'<sup>14</sup>

Madelung fails to provide any explanation for why Nuʿmān chose to hide the identity of his benefactor. Had the benefactor been Ibn Sallām/al-Kūfī, it could be argued, Nuʿmān would have had no reason to hide his identity, given that he frequently quotes the latter in *al-Īḍāḥ*, which was composed around the same time as *Kitāb al-himma*. Moreover, the phrase '*lam azal*' does not indicate the past tense; conversely, it denotes the continuity of the verb which implies that the benefactor was still alive while Nuʿmān was composing this work. In contrast to Madelung's presupposition, I argue that the benefactor should have been the Fatimid Imam, al-Mahdī, and maintaining his anonymity was a political decision made by Nuʿmān in the early days of the Fatimid Empire. Nuʿmān continues to exercise the same discretion throughout his *al-Īḍāḥ*.<sup>15</sup> Madelung asserts that al-Mahdī acknowledged

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<sup>13</sup> Wilferd Madelung, "The Youth and Education of the Qāḍī Abū Ḥanīfa al-Nuʿmān," 337; Wilferd Madelung, "Some Notes on Non-Ismāʿīlī Shiʿism in the Maghrib," 97; al-Qāḍī al-Nuʿmān, *Kitāb al-himma fī ādāb atbāʿ al-aʿimma*, ed. Muḥammad Kāmil Ḥusayn (Cairo: Dār al-Fikr al-ʿArabī -silsilat makḥṭūṭat al-Fāṭimiyyīn- 3, n.d.), 33; Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 112 (footnote 78).

<sup>14</sup> al-Qāḍī al-Nuʿmān, *Kitāb al-himma fī ādāb atbāʿ al-aʿimma*, ed. Muḥammad Kāmil Ḥusayn, 33.

<sup>15</sup> It is to be noted, as Poonawala suggests, that *Kitāb al-himma* was composed at a very early age of his career. See Ismail K. Poonawala, "The Chronology of al-Qāḍī al-Nuʿmān's Works," *Arabica*, 65 (2018), 106; al-Qāḍī al-Nuʿmān, *Kitāb al-himma fī ādāb atbāʿ al-aʿimma*, 102. For the anonymous indication to the Fatimid Imams, see al-Qāḍī al-Nuʿmān, *al-Īḍāḥ*, 42 (one whose statements deserve total submission), 57 (One who is trustworthy, but I do not recall his name has reported to me on the authority of one whose statements must be accepted), 71 (This has been the practice and one it confirms with the statement of one whose order must be accepted), 111 (I have discussed the teachings of the Imams about *taqiyya* (precautionary dissimulation) in the chapter of *ṭahāra* (ritual purity). The permission to attend the congregational prayers with the Sunnis was based on precautionary dissimulation. The *sharīʿa* of Islam would have been suspended if they were not encouraged to pray, fast and conduct *jihād* along with them. And now, when God has established the knowledge of the righteous Imams and the truth has been restored to the progeny of the Prophet and heirs of the knowledge of the true guardians (Imams), the obligation of practicing *taqiyya* has been lifted. And all praise belongs to God, Lord of the worlds. Today, the decree is that no one should be followed until his imamate is absolutely established, someone to whom allegiance is paid, who is

al-Kūfī's excellence in Shi'ī literature; therefore, unlike Ibn al-Haytham, al-Kūfī was not sent abroad for missionary works, but rather was commissioned to collect Shi'ī texts with the long-term objective of producing a Shi'ī law based on the madhhab of Ahl al-Bayt.<sup>16</sup> He does not provide any sources for this assertion, nor is al-Kūfī's role documented in any historical chronicles available from that period. Until further evidence is found, Madelung's claim should be treated as a plausible hypothesis.

### **The Kūfan-Yemenī Jurist: Muḥammad b. Sulaymān al-Kūfī**

Muḥammad al-Kūfī should not be confused with another contemporary individual named Muḥammad b. Sulaymān al-Kūfī, though they share an identical first name, epithet, teacher and era. Muḥammad b. Sulaymān al-Kūfī was a Kūfan Zaydi jurist who migrated from Kūfa to Yemen to join al-Hādī ilā al-Ḥaqq Yaḥyā b. al-Ḥusayn (d. 298/911). During his training in Kūfa, he studied under Muḥammad b. Manṣūr al-Murādī (d. 290/893), on whose authority Ibn Sallām cited several reports in his collection. He lived in Yemen from c. 283/896, and there are no reports suggesting his migration or even a brief visit to North Africa. Moreover, his legal text *Kitāb al-muntakhab* is very different to Ibn Sallām's collection, which is a collection of legal hadith. In contrast, *Kitāb al-muntakhab* is structured as dialogue he had with al-Hādī ilā al-Ḥaqq Yaḥyā b. al-Ḥusayn (d. 298/911), which makes no references to hadith or opinions of any jurist.<sup>17</sup>

### ***Kutub Ibn Sallām of al-Īḍāḥ***

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righteous in his public conduct and private life), 146 (This is instructed by the one whose orders must be executed and his decree in this (ruling) is aligned with the content of the hadith. Therefore, it is supposed to be the final verdict), 148 (This (ruling) is aligned with (the ruling of) one whose words should be executed). Also see Chapter 2 of this study, footnotes 55-8.

<sup>16</sup> Wilferd Madelung, "The Youth and Education of the Qāḍī Abū Ḥanīfa al-Nu'mān," 340-1.

<sup>17</sup> Majd al-Dīn al-Mu'ayyadī, *Lawāmi' al-anwār fī jawāmi' al-'ulūm wa al-āthār wa tarājim ūlī al-'ilm wa al-anzār* (Sa'da: Maktabat al-Turāth al-Islāmī, 1414/1993), 1: 320-5; Najam Haider, "A Kūfan Jurist in Yemen: Contextualizing Muḥammad b. Sulaymān al-Kūfī's *Kitāb al-Muntaḥab*," *Arabica*, 59 (2012), 200-17; Ibrāhīm b. al-Qāsim Ibn al-Murtaḍā, *Ṭabaqāt al-Zaydiyya al-kubrā*, ed. 'Abd al-Salām b. 'Abbas al-Wajīh (Amman: Mu'assasat al-Imām Zayd al-Thaqāfiyya, 1421/2001), 2: 971-2 (no. 614); Muḥammad b. Sulaymān al-Kūfī, *Kitāb al-muntakhab* (Sana'a: Dār al-Ḥikma al-Yamāniya, 1414/1993), 5-8 (introduction).

Ibn Sallām al-Kūfī's collection is thus the only gateway through which Qāḍī Nu'mān gained access to Zaydi sources. The fact that Ibn Sallām uses the word 'kutub (books)' in a plural form, referring to his collection, may indicate that he had several Kūfan Zaydi writings at his disposal.<sup>18</sup> The word 'kutub' could also refer to the different chapters of a single collection. This possibility is supported by the statement made by Nu'mān when he refers to the two reports of Ibn Sallām: 'wa isnād al-ḥadīthayn wāḥid wa huma fī kitab wāḥid (both hadith share a common isnād and are cited in a single collection)': this suggests that the collection is, broadly, one large single text. It is not uncommon for the classical *fiqh* literature to refer to the chapters of a legal text as 'kutub'.

A significant majority of the reports in the collection of Ibn Sallām are transmitted on the authority of Muḥammad b. Manṣūr al-Murādī's (d. 290/893) collection, and a significant majority of these quoted hadith are found in the collection of al-Murādī, famously known as *Amālī Aḥmad b. 'Īsā*; henceforth 'Amālī' or 'the collection of al-Murādī'. Yet, unlike al-Murādī, Ibn Sallām does not appear to be a *faqīh* or a *muḥaddith*, but rather someone who had access to Kūfan Zaydi hadith sources. Given that we have no further information on how he obtained these reports, it is reasonably safe to assume that his role would have been, at least in the Kūfan Zaydi milieu, confined to that of a scribe. This is further corroborated by two pieces of evidence; he is not mentioned in Zaydi *ṭabaqāt* (biographical dictionaries) works, and the edited volume of *al-Īḍāḥ* uses al-Murādī's full name in every cite, presumably reminding the reader that Ibn Sallām's role is that of a transmitter, and not the compiler, of al-Murādī's collection. This assessment might have been influenced by Madelung, who believes, with high probability, that Ibn Sallām was quoted all the narrations on the authority of al-Murādī, including those instances in which his name is omitted in the *isnād*.<sup>19</sup>

The deconstruction of Ibn Sallām's collection reveals the legal thinking of

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<sup>18</sup> The word 'fī kutub Ibn Sallām (in the collection of Ibn Sallām)' appears, consistently, in most of the instances. However, in one instance it is stated, 'wa qad dhakara Muḥammad b. Sallām fī kutubihī (and Muḥammad b. Sallām has discussed this in his works)'. See al-Qāḍī al-Nu'mān, *al-Īḍāḥ*, 111.

<sup>19</sup> Wilferd Madelung, "The Sources of Ismā'īlī Law," 35.

Zaydi authorities of Kūfa in the mid-third/ninth century and provides an opportunity to assess how much of that thinking was accepted and contextualised in the North African Ismaili state. Despite his limited role in the Zaydi Kūfan milieu, he is undoubtedly the most important link between al-Haytham and Qāḍī Nu‘mān in North Africa and the authors of Kūfan Shi‘i *fiqh* and hadith literature such as al-Murādī. His collection proved to be one of the key texts for the formulation of Ismaili *fiqh* in North Africa.

## Qāḍī Nu‘mān’s Treatment of Ibn Sallām’s Works

Though *Kutub Ibn Sallām* is the most-cited source in *al-Īḍāḥ*, Qāḍī Nu‘mān’s inferior treatment of its reports is noticeable. In one instance, he denigrates the statements of the Zaydi scholar, Qāsim b. Ibrāhīm al-Rassī (d. 246/860) by writing, ‘The statements of Imams [early proto-Imami and Ismaili Imams] should not be retracted in favour of the statements of Qāsim b. Ibrāhīm.’<sup>20</sup> In another instance, al-Rassī’s statement is suspended in favour of the familial hadith collection of Ahl al-Bayt entitled *al-Kutub al-Ja‘fariyya*.<sup>21</sup> It is not only al-Rassī whose opinions are retracted, but other Zaydi Imams also receive similar treatment. For instance, the liberal position of Aḥmad b. ‘Īsā b. Zayd based on the permissibility of the utterance of ‘*āmīn*’ after the chapter of *al-Ḥamd* does not appeal Qāḍī Nu‘mān. While undermining Aḥmad’s opinion, he writes, ‘I have cited his position, but I do not subscribe to it.’<sup>22</sup> At the same time, he does not fail to acknowledge al-Rassī’s contribution and give due credit to his statements when deemed appropriate.<sup>23</sup> This inferior treatment stems from Qāḍī Nu‘mān’s doctrinal position which rejected the authority of the likes of al-Rassī and other contemporary Zaydi Imams. This begs the pertinent question: Why does he cite their legal opinions in *al-Īḍāḥ* in the first place?

One part of the answer is that *al-Īḍāḥ* is the first legal text not only in Qāḍī

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<sup>20</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 108-9.

<sup>21</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 86.

<sup>22</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 162.

<sup>23</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 35.

Nu‘mān’s scholarly career but also for the nascent Fatimid state desperate to construct a legal system for its subjects.<sup>24</sup> Secondly, at this early stage, it appears that the Fatimids embraced a broad concept of Ahl al-Bayt which was inclusive of all the ‘Alids, as opposed to those from the lineage of al-Ḥusayn, the son of ‘Alī and Fāṭima. Lastly, it appears that the Zaydi reports are cited as proof-texts for an argument already constructed by other reports from authoritative sources. This is corroborated by the fact that Zaydi sources are preceded or followed by other non-Zaydi hadith reports. This position is further studied in Chapter 7.

Ibn Sallām is also quoted frequently in Qāḍī Nu‘mān’s non-legal hadith work entitled *Sharḥ al-akhbār*. The adopted norm in historical accounts of the life of Prophets and early Imams compiled during the reign of al-Mu‘izz (d. 365/975) was to condense the *isnād* by stating ‘*Ibn Sallām bi isnādihi* (Ibn Sallām through his chain of transmission)’. Ibn Sallām is reported to have been transmitting, through his chain, on the authority of the companions of the Prophet such as Abū Rāfi‘.<sup>25</sup> Interestingly, there are two reports with a detailed *isnād* leading to Abū Rāfi‘ in *al-Īḍāḥ*, one of which is found in al-Murādī’s collection, whereas the other remains unfounded.<sup>26</sup> This may imply that al-Murādī and Ibn Sallām shared common hadith sources and that the latter was not a mere copyist of the former’s collection. Ibn Sallām’s report is also quoted in *Ikhtilāf uṣūl al-madhāhib* where Nu‘mān appears to have directly audited (*akhbaranā Muḥammad b. Sallām b. Sayyār al-Kūfi*) the hadith from him.

## Muḥammad b. Sallām in Imami Sources

Ibn Sallām appears in some of the *isnāds* of the later Imami hadith collections. Ja‘far b. Muḥammad b. Qūlawayh (d. 367/977) cites a report from Ibn Sallām in his *Kāmil*

<sup>24</sup> For a detailed study, see Sumaiya Hamdani, *Between Revolution and State: The Path to Fatimid Statehood* (London: I. B. Tauris, 2006).

<sup>25</sup> al-Qāḍī al-Nu‘mān, *Sharḥ al-akhbār*, ed. al-Sayyid Muḥammad al-Ḥusaynī al-Jalālī, 1: 236, 244, 254, 263, 287, 304, 345, 374; 2: 9, 16, 307, 418 *yasār* should be corrected to *sayyār*; 3: 32 (*sār* should be corrected to *Sayyār*), 34, 98, 386, 388, 417, 445.

<sup>26</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 89 (Ibn Sallām -> Ismā‘īl -> Ghiyāth -> Abū ‘Abdillāh Ja‘far b. Muḥammad -> Abū Rāfi‘ -> Prophet), 120.2 (Ibn Sallām -> Abū Jamīl -> al-Ḥasan b. al-Ḥusayn -> ‘Alī b. al-Qāsim -> ‘Ubaydullāh b. ‘Alī b. Abī Rāfi‘ -> ‘Alī b. Abī Rāfi‘ -> Abū Rāfi‘ -> ‘Alī).

*al-ziyārāt*.<sup>27</sup> Al-Ḥusayn b. Aḥmad b. al-Mughīra al-Būshanjī, the chief reporter of the hadith, states that he had obtained the report in question in Egypt. Given that Ibn Qūlawayh had travelled to Egypt and had transmitted hadith on the Egyptian authorities, it is more likely that Muḥammad b. Sallām was acknowledged as an authority of hadith in that region. *Al-Amālī* of al-Ṭūsī offers a report which includes Ibn Sallām in its *isnād*; the informant asserts that it had been transmitted to him in Egypt. This report is identical to that of Ibn Qūlawayh, with the exception that the narrator from Ibn Sallām is an ‘Alid with the name of al-Ḥusayn b. ‘Alī b. al-Ḥusayn b. ‘Alī b. ‘Umar b. ‘Alī b. al-Ḥusayn b. ‘Alī b. Abī Ṭālib.<sup>28</sup> There are no further reports cited on the authority of Ibn Sallām in Imami collections, and therefore, it is reasonably safe to conclude that the reports of Ibn Sallām are essentially Zaydi reports which is one of the reasons why he is not cited in Imami literature.

In the absence of Qāḍī Nu‘mān’s listing of his sources, an alternative method of cross-regional textual analysis—the cross-verifications of reports cited in works compiled in different regions by authors subscribing to different religious beliefs—helps establish the historicity of *al-Ḍāḥ*’s early hadith sources. In what follows, I examine Ibn Sallām’s citations of *al-Ḍāḥ* against the hadith collection of Yemeni Zaydi scholars (see Figure 5.1). For instance, a Zaydi hadith collection *Ra’b al-ṣad*’ is believed to have preserved the reports of Aḥmad b. ‘Īsā transmitted on the authority of Muḥammad b. Manṣūr al-Murādī. This collection is also referred to as *Kitāb al-‘ulūm* and *Badā’i’ al-anwār fī maḥāsin al-āthār*. The cross-examination of *al-Ḍāḥ*’s *Kutub Ibn Sallām* with this Zaydi legal hadith collection reveals that both collections have reported hadith from early Zaydi Imams of Kūfa via different *isnāds*. It also strengthens the credibility of al-Murādī’s collection by finding an attestation from an Ismaili legal text which claims to have preserved some early Zaydi hadith.

<sup>27</sup> Ibn Qūlawayh, *Kāmil al-ziyārāt*, 259-60. The *isnād* is as follows:

Abū ‘Abdillāh Aḥmad b. Muḥammad b. ‘Ayyāsh -> Abul Qāsim Ja‘far b. Muḥammad b. Qūlawayh -> Abū ‘Īsā ‘Ubaydullāh b. al-Faḍl b. Muḥammad b. Hilāl al-Ṭā‘ī al-Baṣrī -> Abū ‘Uthmān Sa‘īd b. Muḥammad from Muḥammad b. Sallām b. Yasār (Sayyār) al-Kūfī -> Aḥmad b. Muḥammad al-Wāsiṭī -> ‘Īsā b. Abī Shayba al-Qāḍī -> Nūḥ b. Darrāj -> Qudāma b. Zā‘ida -> Zā‘ida -> ‘Alī b. al-Ḥusayn.

<sup>28</sup> Muḥammad b. al-Ḥasan al-Ṭūsī, *Amālī* (Qum: Dār al-Thaqāfa, 1414/1993), 59.



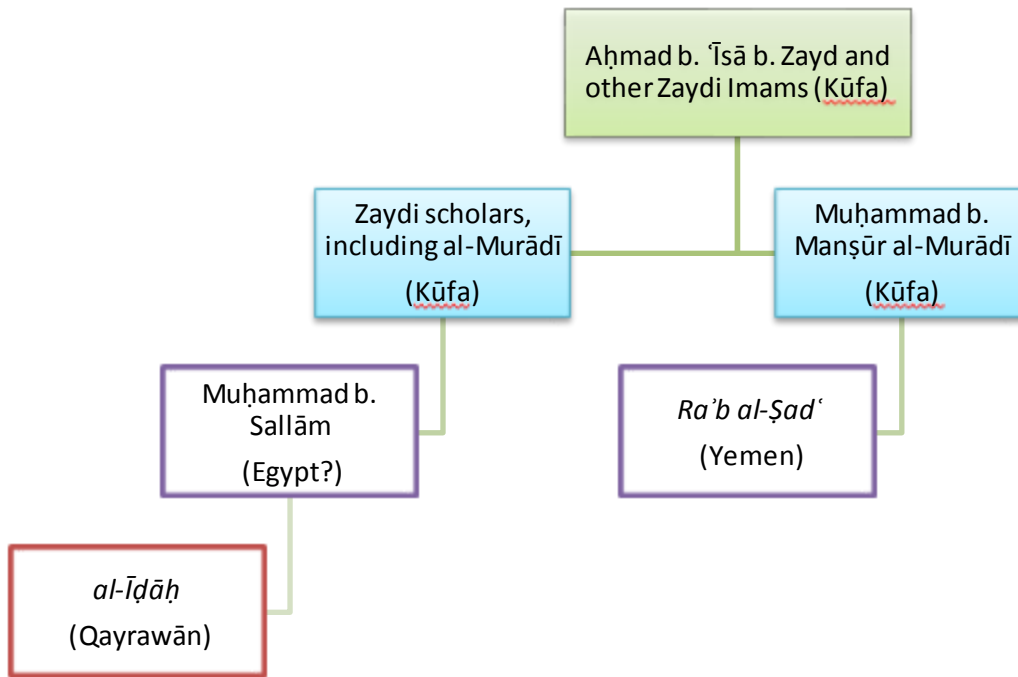


Figure 5.1: Common provenance of the reports of *al-ʿĪḍāḥ* and *Raʿb al-Ṣadʿ*.

## Muḥammad b. Maṣṣūr al-Murādī (d. c. 290/903)

Given the central role of al-Murādī’s collection—it appears throughout *al-ʿĪḍāḥ*’s various citations—it is essential to analyse his life and works not only to explore his relationship with Ibn Sallām but also to examine the Kūfan authorities from whom he transmitted the hadith.

Abū Jaʿfar Muḥammad b. Maṣṣūr b. Yazīd al-Murādī al-Muqrī al-Kūfī (henceforth al-Murādī) was born in Kūfa and is reported to have lived a long life from 133–138/750–755 to 290–300/902–912. His portrayal with laudatory terms in various Zaydi *tarājim* (biographical dictionaries) is a testimony to his great stature as an accomplished *faqīh* and *muḥaddith*.<sup>29</sup> He transmitted legal opinions of Zaydi

<sup>29</sup> Shihāb al-Dīn Aḥmad b. Ṣāliḥ b. Abī al-Rijāl, *Maṭlaʿ al-budūr wa majmaʿ al-buḥūr*, ed. ʿAbd al-Raqīb Muṭahhar Muḥammad Hajr (Saʿda: Markaz Ahl al-Bayt li al-Dirāsā al-Islāmiyya, 1426/2004), 4: 372-4 (no. 1215); For a detailed biography of al-Murādī, see Muḥammad b. ʿAlī b. al-Ḥasan al-ʿAlawī al-Kūfī, *al-Jāmiʿ al-kāfī fī fiqh al-Zaydiyya*, ed. ʿAbdullāh b. Ḥammūd al-ʿIzzī (Saʿda: Muʿassasat al-Muṣṭafā al-Thaqāfiyya, 1435/2014), 1: 205-28; Aḥmad b. ʿAbdullāh al-Jundārī, *Tarājim*

stalwarts, such as al-Qāsim b. Ibrāhīm b. Ismā'īl al-Rassī (d. 246/860), Aḥmad b. 'Isā b. Zayd b. 'Alī (d. 247/861), 'Abdullāh b. Mūsā b. 'Abdillāh b. al-Ḥasan (d. 247/861) and al-Ḥasan b. Yaḥyā b. al-Ḥusayn b. Zayd (d. 260/873), in thirty legal works attributed to him. Though these titles are no longer extant, a significant number of his hadith and legal opinions are preserved in *al-Jāmi' al-kāfi* of Muḥammad b. 'Alī al-'Alawī (d. 445/1053). He was known as an established authority alongside Zaydi Imams such as al-Rassī, Aḥmad b. 'Isā and al-Ḥasan b. Yaḥyā.<sup>30</sup> The historical summit of the Zaydi Imams, which restored the spirit of revolt and resulted in a pledge of allegiance to al-Rassī by other Zaydi Imams, took place in al-Murādī's house. That he took the risk of conducting such a confidential, high-level summit at his house not only demonstrates his enthusiasm for supporting Zaydi aspirations of revolt but also reveals his unwavering commitment to the Zaydi creed.<sup>31</sup> In addition to legal works, al-Murādī wrote exegetical and theological works including *Kitāb al-tafsīr al-kabīr*, *Kitāb al-tafsīr al-ṣaghīr*, *Kitāb al-khamīs*, and *Kitāb risālatuhu 'alā lisān ba'd al-ṭālibīyīn ilā al-Ḥasan bin Zayd bi Ṭabaristān*.<sup>32</sup> In reference to the *fiqhi* views of Aḥmad b. 'Isā and Qāsim al-Rassī, Sezgin records another work attributed to al-Murādī entitled *Kitāb masā'il (Aḥmad b. 'Isā wa al-Qāsim b. Ibrāhīm)*.<sup>33</sup>

## The Hadith Compendium of al-Murādī

Al-Murādī is mostly recognised for his compendium of hadith, which was known by different titles throughout the years. Because he frequently cited Aḥmad's legal opinions and practices, the collection is widely known as *Amālī Aḥmad b. 'Isā* (A

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*al-rijāl al-madhkūra fi sharḥ al-azhār* (unknown), 1: 36; Muḥammad b. Manṣūr al-Murādī, *Kitāb al-'ulūm al-shahīr bi Amālī Aḥmad b. 'Isā* (unknown), 5-9 (introduction); al-Mu'ayyadī, *Lawāmi' al-anwār fi jawāmi' al-'ulūm wa al-āthār wa tarājim ulī al-'ilm wa al-anzār*, 2: 5-10; Fuat Sezgin, *Tārīkh al-turāth al-'Arabī*, tr. Maḥmūd Fahmī Ḥijāzī, 1.3: 333-4.

<sup>30</sup> al-'Alawī al-Kūfī, *al-Jāmi' al-kāfi fi fiqh al-Zaydiyya*, 1: 2.

<sup>31</sup> Yaḥyā b. al-Ḥusayn b. Hārūn al-Hārūnī al-Ḥasanī, *al-Ifāda fi tārīkh al-a'imma al-sāda* (Ṣa'da: Maktabat Ahl al-Bayt, 1435/2014), 82-3; Aḥmad b. Ibrāhīm al-Ḥasanī, *al-Maṣābiḥ*, extension of the work by 'Alī b. Bilāl al-Āmūlī al-Zaydī (Amman: Mu'assasat Imām Zayd b. 'Alī al-Thaqāfiyya, 2002), 558-63 (no. 55).

<sup>32</sup> Muḥammad b. Iṣḥāq Ibn al-Nadīm, *Kitāb al-fihrist*, ed. Ayman Fu'ād Sayyīd (London: Mu'assasat al-Furqān li al-Turāth al-Islāmī, 1430/2009), 1: 684.

<sup>33</sup> Fuat Sezgin, *Tārīkh al-turāth al-'Arabī*, tr. Maḥmūd Fahmī Ḥijāzī, 1.3: 334.

Dictation Collection of Aḥmad b. ʿĪsā). This title is misleading, however, for neither does the structure of the book resemble a typical *amālī* work in which the *shaykh* (teacher) is expected to dictate a set of hadith in a given session, nor are all its hadith reported on the authority of Aḥmad b. ʿĪsā. The collection also includes the legal opinions and practices of al-Rassī and ʿAbdullāh b. Mūsā, amongst many others. Al-ʿĪzzī, in his detailed introduction to *al-Jāmiʿ al-kāfi*, states that the existing collection contains 601 reports on the authority of Aḥmad b. ʿĪsā, of which 278 are hadith transmitted by Aḥmad and the remaining are his legal opinions.<sup>34</sup> Aḥmad's cites make up less than one fourth of al-Murādī's collection, which contains 2790 reports.

Another more appropriate title assigned to the collection is *Jāmiʿ Muḥammad b. Manṣūr*. The compendium is also referred to as *al-ʿUlūm* and *ʿUlūm Āl Muḥammad*. Because no single name was assigned to this collection, al-Manṣūr billāh ʿAbdullāh b. Ḥamza (d. 614/1217) assigns a distinct name to the collection: *Badāʾiʿ al-anwār fī maḥāsīn al-āthār*.<sup>35</sup>

In this seminal work, al-Murādī reported the legal practices of his contemporary Zaydī Imams and transmitted the sayings of the Prophet and earlier Imams through various chains of transmission. The reports of this collection are arranged as per the conventional order of any *fiqh* work. The entire collection is narrated by ʿAlī b. ʿAbd al-Raḥmān b. ʿĪsā b. Mātī al-Kātib, the common link for al-Murādī's collection, in 290/902.<sup>36</sup>

## Different Editions of al-Murādī's Collection

The first known edition of this work is entitled *Kitāb al-ʿulūm al-shahīr bi Amālī Aḥmad b. ʿĪsā* and was published at the behest of Yūsūf b. Muḥammad al-Muʿayyad al-

<sup>34</sup> al-ʿAlawī al-Kūfī, *al-Jāmiʿ al-kāfi fī fiqh al-Zaydiyya*, 1: 193 (introduction).

<sup>35</sup> ʿAbdullāh b. Ḥamza b. Sulaymān al-Manṣūr billāh, *Sharḥ al-risāla al-nāṣiḥa bi al-adilla al-wāḍiḥa*, eds. Hādī Ḥasan Hādī and Ibrāhīm Yaḥyā (Saʿda: Markaz Ahl al-Bayt li al-Dirāsā al-Islāmiyya, 1423/2002), 1: 577; Majd al-Dīn al-Muʿayyadī, *Lawāmiʿ al-anwār fī jawāmiʿ al-ʿulūm wa al-āthār wa tarājim ūlī al-ʿilm wa al-anzār*, 1: 333.

<sup>36</sup> Majd al-Dīn al-Muʿayyadī, *Lawāmiʿ al-anwār fī jawāmiʿ al-ʿulūm wa al-āthār wa tarājim ūlī al-ʿilm wa al-anzār*, 1: 333.

Ḥasanī. The two-volume edition appears to be incomplete because it contains only the chapters pertaining to *ʿibādāt* (rituals). Moreover, the date of publication and the publisher of this edition remain unknown. I speculate that this edition is based on the manuscript housed at King Saud University. The colophon suggests that the scribe, Aḥmad b. ʿAbdillāh b. Muḥammad al-Kabsī, completed the task of copying the text in 1320/1902.<sup>37</sup>

The entire text is preserved by ʿAlī b. Ismāʿīl al-Ṣanʿānī along with the *takhrij* (extraction) of its hadith in the most popular edition, which is entitled *Kitāb raʿb al-ṣadʿ: Amālī al-Imām Aḥmad b. ʿĪsā*.<sup>38</sup> The three-volume edition was published by al-Ṣanʿānī's son Aḥmad in 1990. The acclaimed Zaydi scholar, ʿAbdullāh b. Ḥammūd al-ʿIzzī, in his introduction to *al-Jāmiʿ al-kāfi*, indicates that he has edited the *Amālī* in a critical three-volume edition, yet it remains unpublished.<sup>39</sup>

## Recognition of al-Murādī's Collection

Zaydi biographical records suggest that al-Murādī's collection was studied as early as the late third/ninth century. Al-Wazīr (d. 914/1508), in his *al-Falak al-dawwār*, reports that al-Murādī studied the collection with Aḥmad b. ʿĪsā in 256/869.<sup>40</sup> In reference to al-Murādī's transmission of hadith on the authority of *majhūl* (unidentified) transmitters, Muḥammad b. Ibrāhīm al-Wazīr (d. 840/1436) accuses him, quoting *ʿulūm*, of reporting unfounded accounts.<sup>41</sup> Though this claim remains unsubstantiated, it is significant to note that the author cites this Zaydi collection along with the collections of Bukhārī and Muslim.

<sup>37</sup> Aḥmad b. ʿĪsā, *Kitāb al-ʿulūm*, MS 7860, King Saud University, Riyadh.

<sup>38</sup> al-Murādī, *Kitāb al-ʿulūm al-shahīr bi Amālī Aḥmad b. ʿĪsā*; Muḥammad b. Maṣṣūr al-Murādī, *Kitāb raʿb al-ṣadʿ: Amālī al-imām Aḥmad b. ʿĪsā*, ed. ʿAlī b. Ismāʿīl b. ʿAbdullāh al-Muʿayyad al-Ṣanʿānī (Beirut: Dār al-Nafāʿis, 1990).

<sup>39</sup> al-ʿAlawī al-Kūfī, *al-Jāmiʿ al-kāfi fi fiqh al-Zaydiyya*, 1: 195 (introduction, footnote 2), 207.

<sup>40</sup> Ibrāhīm b. Muḥammad al-Wazīr, *al-Falak al-dawwār fi ʿulūm al-ḥadīth wa al-fiqh wa al-āthār*, ed. Muḥammad Yaḥyā Sālim ʿAzzān (Sanaʿa: Dār al-Turāth al-Yamānī; Saʿda: Maktabat al-Turāth al-Islāmī, 1994), 183.

<sup>41</sup> Muḥammad b. Ibrāhīm al-Wazīr, *Kitāb tanqīḥ al-anzār fi maʿrifat ʿulūm al-āthār*, ed. Muḥammad Ṣubḥī b. Ḥasan Ḥallāq and ʿĀmir Ḥusayn (Beirut: Dār Ibn Ḥazm, 1420/1999), 202; For a response to this claim, see al-Muʿayyadī, *Lawāmiʿ al-anwār fi jawāmiʿ al-ʿulūm wa al-āthār wa tarājim ūlī al-ʿilm wa al-anzār*, 1: 333-4.

The critical issue for my purposes is whether Ibn Sallām cited all his hadith from al-Murādī's collection, as argued by Madelung and subsequently by Muhammad Kazim Rehmati. Or does the title *Kutub Ibn Sallām* indicate that Ibn Sallām consulted many collections, including one from al-Murādī? A thorough examination of the *matn* and *isnād* of *al-Īdāh*'s citations of *Kutub Ibn Sallām* and comparing them with al-Murādī's collection, as preserved by *Raʿb al-Ṣadʿ*, will help determine the sources available to Ibn Sallām and, therefore, to *al-Īdāh*.

## **Comparative Study of the Collections of Ibn Sallām and al-Murādī**

Our information about Ibn Sallām's collection is obtained solely through *al-Īdāh*. Neither the collection has survived, nor do the *tarājim* and *fihrist* works allude to his life and works. However, the *isnāds* of al-Murādī's collection claim that its reports were in circulation since the fifth/eleventh century. Moreover, as indicated earlier, al-Wazīrī (d. 914/1508) reports that al-Murādī studied it with Aḥmad b. ʿIsā in the mid-third/mid-ninth century. The following sections analyses the *isnāds* of al-Murādī's collection and then compare the content with Ibn Sallām's citations in *al-Īdāh*.

### ***Isnād* of al-Murādī's Collection**

The collection of al-Murādī was in circulation as early as Rabīʿ al-ākhar 555/April–May 1160 or Rabīʿ al-ākhar 567/February–March 1172, as per the attestation of its several *isnāds*. The edition entitled *Kitāb al-ʿulūm* gives credit to an individual named ʿImrān b. al-Ḥasan b. Nāṣir b. ʿUbayda al-ʿAdhrī for transmitting it through three distinct forms: *qirāʿa*, *munāwala* and *samāʿ*. However, the latest edition entitled *Raʿb al-ṣadʿ* only reports one *isnād* identical to that found in *Kitāb al-ʿulūm*, though with notable variants in the names, largely as a result of orthographical errors. The six *isnāds* of al-Murādī's collection are as follows (see Figure 5.2):

1. ʿImrān -> al-Amīr al-Sharīf al-Ṭāhir al-Zakī Abū ʿAbdillāh Muḥammad b.

Aḥmad b. Yaḥyā b. Yaḥyā b. al-Nāṣir b. al-Ḥasan b. ʿAbdillāh b. Muḥammad al-Mukhtār b. al-Nāṣir b. al-Hādī ilā al-Ḥaqq -> al-Sharīf al-ʿĀlim Tāj al-ʿItra al-Ḥasan b. ʿAbdillāh b. Muḥammad b. Yaḥyā al-Ḥasanī (via *munāwala* [handing over the text]) -> al-Shaykh al-Awḥad Muḥammad b. Muḥammad b. al-Ḥasan b. ʿAlawī b. Ghabara al-Ḥārithī (via reading the text in his residency in Kūfa in the month of *Rabīʿ al-ākhar* 555/April-May 1160 or *Rabīʿ al-ākhar* 567/February-March 1172) -> Abū al-Faraj Muḥammad b. Aḥmad b. ʿAllān al-Muʿaddil (al-Maʿaddī) -> Abū Ṭālib Muḥammad b. al-Ṣabbāgh -> Abū al-Ḥasan ʿAlī b. ʿAbd al-Raḥmān b. ʿĪsā b. Mātī al-Kātib -> Abū Jaʿfar Muḥammad b. Manṣūr b. Yazīd.<sup>42</sup>

2. ʿImrān -> al-Shaykh al-Fāḍil al-ʿĀlim Muḥyī al-Dīn b. Ḥamīd b. Aḥmad al-Qarashī (via *munāwala* [handing over the text]) -> al-Amīr al-Sharīf al-Ṭāhir al-Zakī Abū ʿAbdillāh Muḥammad b. Aḥmad b. Yaḥyā b. Yaḥyā b. al-Nāṣir b. al-Ḥasan b. ʿAbdillāh b. Muḥammad al-Mukhtār b. al-Nāṣir b. al-Hādī ilā al-Ḥaqq -> al-Sharīf al-ʿĀlim Tāj al-ʿItra al-Ḥasan b. ʿAbdillāh b. Muḥammad b. Yaḥyā al-Ḥasanī (via *munāwala* [handing over the text]) -> al-Shaykh al-Awḥad Muḥammad b. Muḥammad b. al-Ḥasan b. ʿAlawī b. Ghabara al-Ḥārithī (via reading the text in his residency in Kūfa in the month of *Rabīʿ al-ākhar* 555/April-May 1160 or *Rabīʿ al-ākhar* 567/February-March 1172) -> Abū al-Faraj Muḥammad b. Aḥmad b. ʿAllān al-Muʿaddil (al-Maʿaddī) -> Abū Ṭālib Muḥammad b. al-Ṣabbāgh -> Abū al-Ḥasan ʿAlī b. ʿAbd al-Raḥmān b. ʿĪsā b. Mātī al-Kātib -> Abū Jaʿfar Muḥammad b. Manṣūr b. Yazīd<sup>43</sup>
3. ʿImrān -> al-Shaykh al-Fāḍil al-ʿĀlim Muḥyī al-Dīn b. Ḥamīd b. Aḥmad al-Qarashī -> al-Shaykh al-ʿĀlim al-Fāḍil ʿAfīf al-Dīn Ḥanzala b. al-Ḥasan b. Aḥmad b. Shaʿbān (via reading the collection in 599/1202) -> al-Qāḍī al-Ajall al-Imām al-Fāḍil Shams al-Dīn Jamāl al-Islām wa al-Muslimīn Abū al-Faḍl Jaʿfar b. Aḥmad b. ʿAbd al-Salām b. Abū Yaḥyā (via reading the collection in Jumādā al-ūlā 571/November-December 1175) -> al-Shaykh al-Fāḍil al-ʿAdl Abū ʿAlī al-Ḥasan b. ʿAlī b. Muḥāʾib al-Asadī -> Al-Sharīf al-Sayyid ʿUmar b. Ibrāhīm b. Ḥamza al-ʿAlawī al-Ḥusaynī + Abū al-Ḥasan Muḥammad b. Aḥmad

<sup>42</sup> Aḥmad b. ʿĪsā, *Kitāb al-ʿulūm*, 1: 13.

<sup>43</sup> Aḥmad b. ʿĪsā, *Kitāb al-ʿulūm*, 1: 13.

- b. Baḥshal al-‘Aṭṭār (via reading the collection with both of them) -> Abū al-Faraj Muḥammad b. Muḥammad b. al-Ḥārith -> Muḥammad b. al-Ḥusayn al-Bazzāz *al-ma‘rūf bi Ibn al-Ṣabbāgh* -> ‘Alī b. Mātī -> Abū Ja‘far Muḥammad b. Manṣūr b. Yazīd -> Abū Ja‘far Muḥammad b. Manṣūr b. Yazīd<sup>44</sup>
4. Unknown -> al-Shaykh al-Ajall al-Fāḍil al-‘Ālim al-Kāmil Muḥyī al-Dīn ‘Umda al-Muwaḥḥidīn Muḥammad b. Aḥmad b. Walīd -> al-Qāḍī al-Ajall al-Imām al-Fāḍil Shams al-Dīn Jamāl al-Islām wa al-Muslimīn Ja‘far b. Aḥmad b. ‘Abd al-Salām b. Abū Yaḥyā -> al-Shaykh al-Fāḍil al-‘Adl Abū ‘Alī al-Ḥasan b. ‘Alī b. Mulā‘ib al-Asadī -> al-Sharīf al-Sayyid ‘Umar b. Ibrāhīm b. Ḥamza al-‘Alawī al-Ḥusaynī + Abū al-Ḥasan Muḥammad b. Aḥmad b. Naḥshal al-‘Aṭṭār (via reading the collection with both of them) -> Abū al-Ja‘far Muḥammad b. Manṣūr al-Faraj Muḥammad b. al-Ḥārith -> Muḥammad b. al-Ḥusayn al-Bazzāz *al-ma‘rūf bi Ibn al-Ṣabbāgh* -> ‘Alī b. Mātī -> Abū Ja‘far Muḥammad b. Manṣūr b. Yazīd<sup>45</sup>
5. ‘Imrān -> al-Amīn al-Sayyid al-Sharīf al-Ajall al-Awḥad al-Imām Badr al-Dīn al-Dā‘ī Amīr al-Mu‘minīn Abū ‘Abdillāh Muḥammad b. Aḥmad b. Yaḥyā b. Yaḥyā b. al-Nāṣir (*munāwala wa ijāza* [handing over the collection and issuing the license to transmit]) -> al-Sayyid al-Imām al-Ajall ‘Imād al-Dīn Tāj al-‘Itra al-Akramīn al-Ḥasan b. ‘Abdillāh b. Muḥammad b. Yaḥyā al-Ḥasanī (via *munāwala* [handing over the collection] in the year 567/1171) -> al-Shaykh al-Ajall Muḥammad b. Muḥammad b. al-Ḥasan b. ‘Alawī b. Ghabara al-Ḥārithī (via reading the text in the month of *Rabī‘ al-ākhar* 555/April-May 1160) -> Abū al-Faraj Muḥammad b. Aḥmad b. ‘Allān al-Mu‘addil -> Abū Ṭālib b. Muḥammad b. al-Ṣabbāgh -> Abū al-Ḥusayn ‘Alī b. ‘Abd al-Raḥmān b. Mātī al-Kātib -> Abū Ja‘far Muḥammad b. Manṣūr b. Yazīd.
6. ‘Imrān -> al-Shaykh al-Ajall al-Imām al-‘Ālim ‘Afīf al-Dīn Ḥanzala b. al-Ḥasan b. Aḥmad b. Sufyān al-Ghassānī al-Ṣana‘ānī (via reading the collection repeatedly in the year 601/1204) -> al-Qāḍī al-Ajall al-Imām al-Fāḍil Shams al-Dīn Jamāl al-Islām wa al-Muslimīn Abū al-Faḍl Ja‘far b. Aḥmad b. ‘Abd al-Salām b. Abū Yaḥyā (via reading the collection in Jumādā al-ūlā

<sup>44</sup> Aḥmad b. ‘Isā, *Kitāb al-‘ulūm*, 1: 13-4.

<sup>45</sup> al-Murādī, *Ra‘b al-ṣad*, 1: 25.

571/November-December 1175) -> al-Shaykh al-Fāḍil al-ʿAdl Abū ʿAlī al-Ḥasan b. ʿAlī b. Muḥāib al-Asadī -> al-Sharīf al-Sayyid ʿUmar b. Ibrāhīm b. Ḥamza al-ʿAlawī al-Ḥusaynī + Abū al-Ḥasan Muḥammad b. Aḥmad b. Baḥshal al-ʿAṭṭār (via reading the collection with both of them) -> Abū al-Faraj Muḥammad b. Muḥammad b. al-Ḥārith -> Muḥammad b. al-Ḥusayn al-Bazzāz *al-maʿrūf bi* Ibn al-Ṣabbāgh -> ʿAlī b. Mātī -> Abū Jaʿfar Muḥammad b. Manṣūr b. Yazīd.



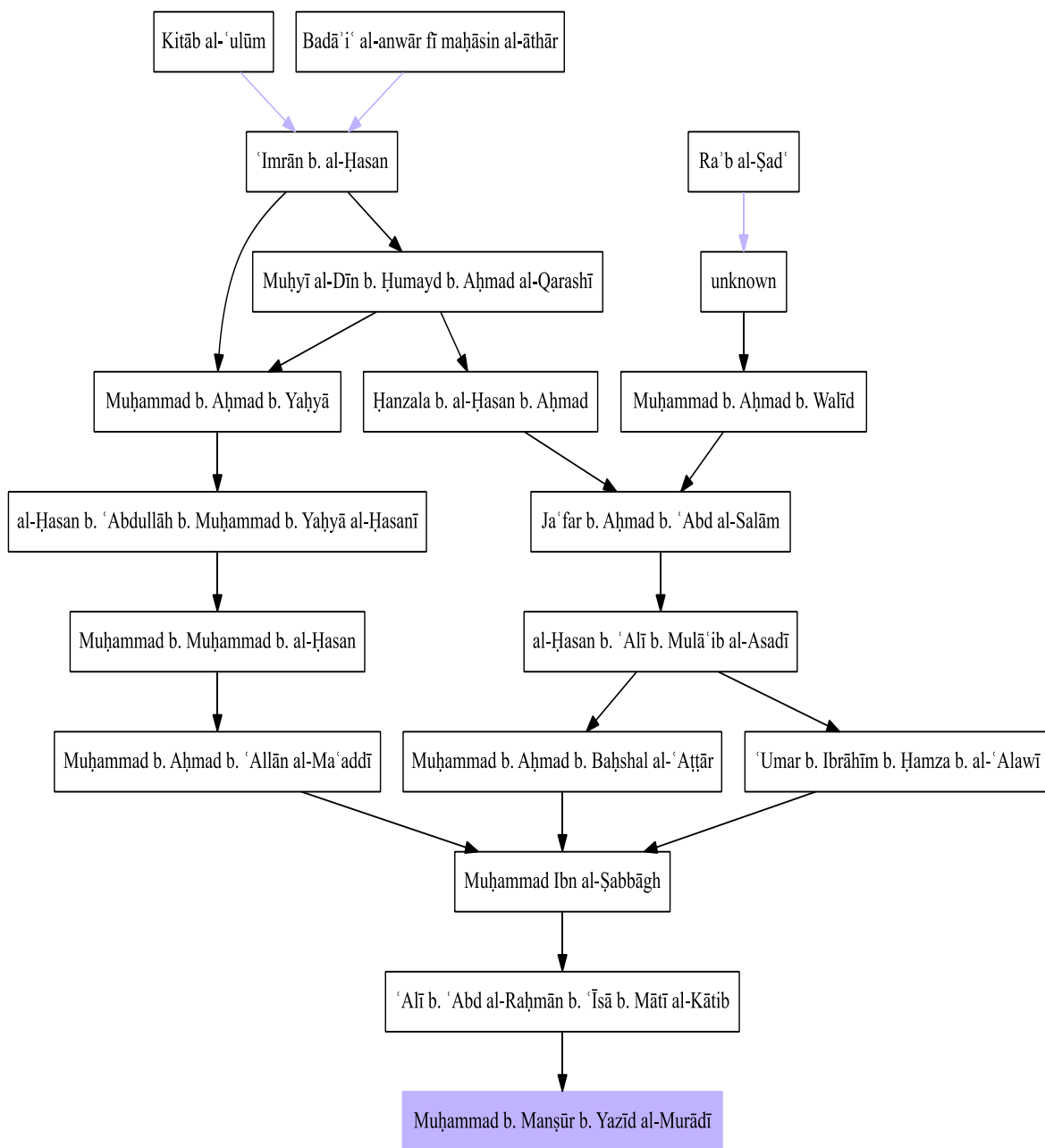


Figure 5.2: Six *isnāds* for al-Murādī's collection via the common link, Muḥammad Ibn al-Ṣabbāgh

## Cross-Verification of the Reports of *Amālī* and *Kutub Ibn Sallām*

The collection of Ibn Sallām is cited 158 times in the extant fragment of *al-Īdāh*; this number includes some repetitions and *taqṭīʿ* (dissection) of hadith. A comparative study of the reports of these two collections finds that 84 reports cited from Ibn Sallām's collection are identical to reports in al-Murādī's collection (henceforth *Amālī*).<sup>46</sup> However, the remaining 74 instances remain untraced in *Amālī*, which implies that either the extant copy of *Amālī* is from a different recension than what Ibn Sallām consulted or, more likely, Ibn Sallām had cited those 74 hadith from other non-*Amālī* sources at his disposal. In other words, Ibn Sallām had several works in his possession along with *Amālī*, which he quoted most extensively. The Venn

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<sup>46</sup> References in the brackets refers to the volume and page numbers of the previous and the new editions of *Amālī Aḥmad b. ʿĪsā* entitled *Kitāb al-ʿulūm al-shahīr bi Amālī Aḥmad b. ʿĪsā* (ʿU) and *Raʿb al-ṣadʿ* (R.) respectively by differentiating between them by a forward slash sign (/). See al-Qādī al-Nuʿmān, *al-Īdāh*, 26 (ʿU. 1: 98-9/R. 1: 212 (no. 254)), 29.2 (ʿU. 1: 99/R. 1: 212 (no. 256)), 32 (ʿU. 1: 231/R. 1: 465 (no. 739)), 34.1 (ʿU. 1: 213-4/R. 1: 434 (no. 672)), 34.2 (ʿU. 1: 214/R. 1: 435 (no. 674)), 35 (ʿU. 1: 214/R. 1: 435 (no. 675)), 36 (ʿU. 1: 213/R. 1: 432-3 (no. 671)), 37 (ʿU. 1: 98-9/R. 1: 212 (no. 254)), 38.1 (ʿU. 1: 102-3/R. 1: 217 (no. 268)), 45.2 (ʿU. 1: 174/R. 1: 355 (no. 539)), 46 (ʿU. 1: 253/R. 1: 500 (no. 811)), 47.1 (ʿU. 1: 183-4/R. 1: 375 (no. 574)), 47.2 (ʿU. 1: 184/R. 1: 376 (no. 576)), 47.3 (ʿU. 1: 184/R. 1: 376 (no. 578)), 48.1 (ʿU. 1: 252/R. 1: 496 (no. 802)), 48.2 (ʿU. 1: 253/R. 1: 500 (no. 811)), 56 (ʿU. 1: 233/R. 1: 468-9 (no. 747)), 57 (ʿU. 1: 233/R. 1: 469 (no. 748)), 61 (ʿU. 1: 90-1/R. 1: 193 (no. 232)), 62 (ʿU. 1: 92/R. 1: 196 (no. 235)), 63.1 (ʿU. 1: 92/R. 1: 197 (no. 236)), 63.2 (ʿU. 1: 192/R. 1: 197 (no. 237)), 64.1 (ʿU. 1: 89/R. 1: 190 (no. 227)), 64.2 (ʿU. 1: 89/R. 1: 191 (no. 228)), 65.1 (ʿU. 1: 93/R. 1: 200 (no. 240)), 65.2 (ʿU. 1: 98/R. 1: 211 (no. 253)), 67.2 (ʿU. 1: 93-4/R. 1: 202, (no. 241) narrated on the authority of Qāsim b. Ibrāhīm), 73 (ʿU. 1: 96/R. 1: 207 (no. 248)), 76 (ʿU. 1: 97/R. 1: 209 (no. 251)), 79 (ʿU. 1: 97/R. 1: 209 (no. 250)), 82 (ʿU. 1: 98/R. 1: 210 (no. 252)), 83.2 (ʿU. 1: 98/R. 1: 210 (no. 252)), 87 (ʿU. 1: 97/R. 1: 210 (no. 252)), 94.1 (ʿU. 1: 144/R. 1: 298 (no. 451) with a different *isnād*), 94.3 (ʿU. 1: 252/R. 1: 496 (no. 803)), 97.2 (ʿU. 1: 163/R. 1: 332 (no. 499)), 98.1 (ʿU. 1: 162-3/R. 1: 331 (no. 498)), 103 (ʿU. 1: 165/R. 1: 335 (no. 506)), 108.2 (ʿU. 1: 146/R. 1: 302 (no. 456)), 108.3 (ʿU. 1: 148/R. 1: 306 (no. 462)), 108.4 (ʿU. 1: 148/R. 1: 305 (no. 460)), 110.1 (ʿU. 1: 147/R. 1: 303-4 (no. 457)), 110.2 (ʿU. 1: 147/R. 1: 305 (no. 458)), 111 (ʿU. 1: 150/R. 1: 309 (no. 466)), 113.1 (ʿU. 1: 192/R. 1: 391 (no. 604) without *isnād*), 113.2 (ʿU. 1: 225/R. 1: 454 (no. 713)), 118 (ʿU. 1: 221/R. 1: 446 (no. 703)), 119.1 (ʿU. 1: 222/R. 1: 447 (no. 704)), 119.3 (ʿU. 1: 210/R. 1: 426 (no. 657)), 120.1 (ʿU. 1: 210/R. 1: 427 (no. 658) with a different *isnād*), 120.2 (ʿU. 1: 210/R. 1: 427 (no. 658)), 123 (ʿU. 1: 161/R. 1: 328 (no. 493)), 125 (ʿU. 1: 162/R. 1: 330 (no. 496)), 127.1 (ʿU. 1: 161/R. 1: 329 (no. 495)), 127.2 (ʿU. 1: 162/R. 1: 330 (no. 497)), 128.2 (ʿU. 1: 153/R. 1: 313 (no. 471)), 129.1 (ʿU. 1: 154/R. 1: 315 (no. 473)), 129.2 (ʿU. 1: 153/R. 1: 313 (no. 471)), 130 (ʿU. 1: 153/R. 1: 313 (no. 471)), 131 (ʿU. 1: 153/R. 1: 313 (no. 472)), 132.1 (ʿU. 1: 154/R. 1: 315 (no. 474)), 140 (ʿU. 1: 107-8/R. 1: 227 (no. 282)), 141.1 (ʿU. 1: 108/R. 1: 229 (no. 283)), 141.2 (ʿU. 1: 108/R. 1: 229 (no. 286)), 145 (ʿU. 1: 108-9/R. 1: 229 (no. 286)), 147.1 (ʿU. 1: 110/R. 1: 232 (no. 292)), 147.2 (ʿU. 1: 110/R. 1: 232 (no. 293)), 147.3 (ʿU. 1: 109/R. 1: 232 (no. 294)), 147.4 (ʿU. 1: 110/R. 1: 232 (no. 295)), 154 (ʿU. 1: 124/R. 1: 263 (no. 368)), 157.1 (ʿU. 1: 114/R. 1: 242 (no. 311)), 157.2 (ʿU. 1: 114/R. 1: 243 (no. 312)), 157.3 (ʿU. 1: 115/R. 1: 243 (no. 313)), 157.4 (ʿU. 1: 115/R. 1: 243 (no. 314)), 158.1 (ʿU. 1: 115/R. 1: 243 (no. 315)), 158.2 (ʿU. 1: 115/R. 1: 244 (no. 316)), 158.3 (ʿU. 1: 115/R. 1: 244 (no. 317)), 158.4 (ʿU. 1: 115/R. 1: 244 (no. 318)), 158.5 (ʿU. 1: 115/R. 1: 245 (no. 319)), 160.1 (ʿU. 1: 132/R. 1: 279 (no. 396)), 161.1 (ʿU. 1: 112/R. 1: 237 (no. 303)), 161.2 (ʿU. 1: 154-5/R. 1: 318 (no. 477)), 162.1 (ʿU. 1: 126/R. 1: 266 (no. 374)), 162.2 (ʿU. 1: 154-5/R. 1: 318 (no. 477)).

diagram in Figure 5.3 shows the number of overlapping hadith in *Amālī* and *Kutub Ibn Sallām*. About 350 reports could have been potentially used by Ibn Sallām or Qāḍī Nu‘mān in their works.

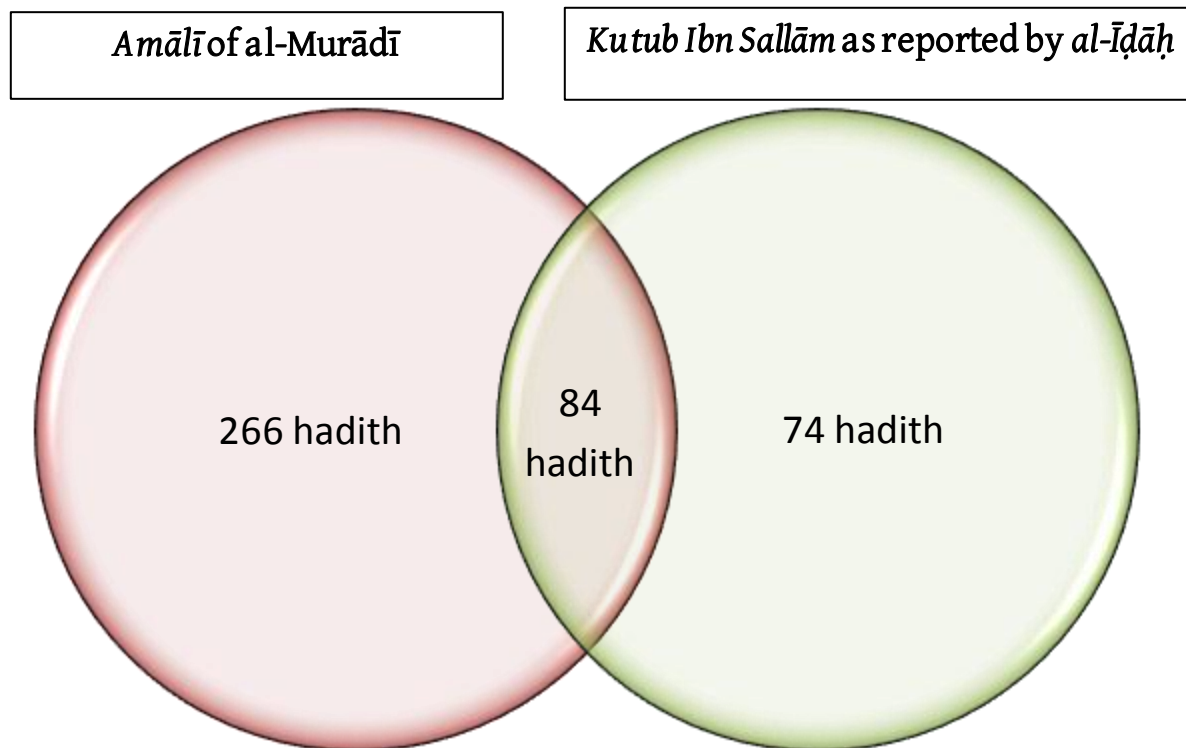


Figure 5.3: A Venn diagram illustrating the number of overlapping hadith in the collections of Ibn Sallām and al-Murādī.

Based on Ibn al-Haytham’s account, it is more probable that Ibn Sallām had sources in his possession which were later inherited by Qāḍī Nu‘mān in his position of the librarian of the Fatimid Caliphate. A consistent pattern of certain *isnāds* in Ibn Sallām’s collection that is not found in *Amālī* corroborates Ibn Sallām’s access to a wide range of other sources. For instance, all thirty-nine hadith with *isnāds* ending on the authority of Ḍumayra, the companion of the Prophet, are missing in *Amālī*.<sup>47</sup>

<sup>47</sup> See al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 31, 39.1, 45.3, 45.4, 45.5, 48.3, 50, 53, 66.2, 67.1, 68.2, 70, 74, 77, 78, 80, 81, 83.1, 84, 92.1, 92.2, 93.1, 93.2, 95.1, 95.2, 97.1, 98.2, 104.1, 104.3, 112, 115.1, 115.2, 117.1, 117.2, 117.3, 119.2, 128.1, 129.3, 155. Interestingly, the two instances transmitted on the authority of Ḍumayra in *al-Īḍāḥ* (from *Kutub Ibn Sallām*) are traced in *Amālī* but are recorded with a complete variant *isnād*. See al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 123 (*Kitāb al-‘ulūm*, 1: 161/*Ra‘b al-ṣad‘*, 1: 328 (no. 493)), 157.2 (*Kitāb al-‘ulūm*, 1: 114/*Ra‘b al-ṣad‘*, 1: 243 (no. 312)).

## Examining Reports of *Kutub Ibn Sallām* through Non-*Amālī* Sources

As mentioned earlier, the seventy-four citations of *al-Īdāh* from *Kutub Ibn Sallām* that remain untraced in the extant *Amālī* are evidently transmitted through non-*al-Murādī isnād*. The sparse Zaydi hadith sources of that period make it difficult to trace the sources of those reports. The way forward, therefore, is to compare the content of these reports with similar contemporaneous and non-contemporaneous sources.

Interestingly, a significant majority of these reports are narrated via other Sunni and/or Shi'i compilers of hadith. Though these reports are not identical to those found in *al-Īdāh*, the content of both is similar, which suggests that Qāḍī Nu'mān may have received these reports through other chains of transmission. In other words, the content transmitted from *Kutub Ibn Sallām* that could not be traced in other Zaydi sources has its roots in other Sunni and/or Shi'i sources. One could also argue that the variant readings of these reports, reported in different regions, collected and transmitted by authors subscribing to distinct, and often hostile, religious persuasions, suggest that their reports have a common provenance.<sup>48</sup>

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<sup>48</sup> al-Qāḍī al-Nu'mān, *al-Īdāh*, 27 (Muḥammad b. Ismā'īl al-Bukhārī, *Ṣaḥīḥ al-Bukhārī* (Beirut: Dār al-Fikr li al-Ṭibā'a wa al-Nashr wa al-Tawzī', 1401/1981), 1: 142), 28 (al-Kulaynī, *al-Kāfī*, 3: 279 (no. 6)), 29.1 (not found), 31 (Abdullāh b. Abī Zayd al-Qayrawānī, *Risāla Ibn Abī Zayd*, ed. Ṣāliḥ 'Abd al-Samī' al-Ābī al-Azharī (Beirut: al-Maktaba al-Thaqāfiyya, n.d.), 141), 38.2 (Mālik b. Anas, *Kitāb al-muwāḥḥa*, ed. Muḥammad Fu'ād 'Abd al-Bāqī (Beirut: Dār Iḥyā' al-Turāth al-'Arabī, 1406/1985), 1: 229 (no. 20) [the practice of Ṭāriq is recorded and not 'Alī]; 'Alī b. Abī Bakr al-Haythamī, *Majma' al-Zawā'id* (Beirut: Dār al-Kutub al-'Ilmiyya, 1408/1988), 1: 318 [the practice of 'Abdullāh b. Mas'ūd is recorded instead of 'Alī]; 'Abd al-Razzāq al-Ṣan'ānī, *al-Muṣannaf*, ed. Ḥabīb al-Raḥmān al-A'zamī (Johannesburg: Majlis 'Ilmī, 1390-2/1970-2), 1: 569 (no. 2162) [the practice of 'Abdullāh b. Mas'ūd is recorded instead of 'Alī], 39.1 (Aḥmad b. al-Ḥusayn b. 'Alī al-Bayhaqī, *al-Sunan al-Kubrā* (Beirut: Dār al-Fikr, 1419/1999), 4: 215); 'Abdullāh b. Muḥammad b. Abī Shayba al-Kūfī, *al-Muṣannaf*, ed. Saīd al-Laḥḥām (Beirut: Dār al-Fikr li al-Ṭibā'a wa al-Nashr wa al-Tawzī', 1409/1989), 2: 443; 'Alī b. 'Umar al-Dārquṭnī, *Sunan al-Dārquṭnī* (Beirut: Dār al-Kutub al-'Ilmiyya, 1417/1996), 2: 144), 39.2 (Muḥammad b. 'Isā al-Tirmidhī, *Sunan al-Tirmidhī*, ed. 'Abd al-Waḥḥāb al-Laṭīf (Beirut: Dār al-Fikr li al-Ṭibā'a wa al-Nashr wa al-Tawzī', 1403/1983), 1: 262 (no. 417)), 45.1 (Ibn Ḥazm, *al-Muḥallā bi al-āthār* (Beirut: Dār al-Fikr, n.d.) 5: 44; Ibn Abī Shayba al-Kūfī, *al-Muṣannaf*, 2: 17; Aḥmad b. Shu'ayb al-Nasā'ī, *Sunan al-Nasā'ī* (Beirut: Dār al-Fikr li al-Ṭibā'a wa al-Nashr wa al-Tawzī', 1438/1930), 3: 100; Muslim b. Ḥajjāj al-Nayshābūrī, *Ṣaḥīḥ Muslim* (Beirut: Dār al-Fikr, n.d.), 3: 8; Aḥmad b. Ḥanbal, *Musnad Aḥmad* (Beirut: Dār Ṣādir, n.d.), 3: 331), 45.3 (al-Ṭūsī, *Tahdhīb al-aḥkām*, 3: 12 (no. 42); Ibn Abī Shayba al-Kūfī, *al-Muṣannaf*, 2: 18 (no. 10)), 45.4 (not found), 45.5 (not found), 48.3 (Mālik b. Anas, *al-Mudawwana al-kubrā*, Beirut: Dār Iḥyā' al-Turāth al-'Arabī, n.d.), 1: 116), 50 (Mālik b. Anas, *Kitāb al-muwāḥḥa*, 1: 13), 53 (al-Kulaynī, *al-Kāfī*, 3: 293; al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 269 (no. 1071)), 63.3 (not found), 66.1 (not found), 66.2 (Aḥmad b. al-Ḥusayn b. 'Alī al-Bayhaqī, *al-Sunan al-Kubrā*, 1: 412, 418; al-Ṣan'ānī, *al-Muṣannaf*, 1: 462 (no. 1794)), 67.1 (Ibn Abī Shayba al-Kūfī, *al-*

To sum up, one may conclude that, although *Kutub Ibn Sallām* cites a significant number of hadith from *Amālī*, it draws on other sources. The *isnād* of *Kutub Ibn Sallām*, as reported by *al-Īdāh*, from *Amālī* and non-*Amālī* sources, is examined in the following section to identify the works consulted by Ibn Sallām for his hadith collection.

## Deconstructing *Kutub Ibn Sallām's Isnād*

The inconsistent nature in which the *isnād* is reported in *al-Īdāh* is the key challenge faced by any researcher in deconstructing the sources consulted by Qādī Nu'mān. Unlike other sources of *al-Īdāh*, the challenges of examining the sources of *Kutub Ibn Sallām* are compounded: its hadith are transmitted on the authority of a number

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*Muṣannaf*, 1: 238), 68.1 (not found due to omission in the manuscript), 68.2 ('Abdullāh b. Qudāma, *al-Mughnī*, (Beirut: Dār al-Kitāb al-'Arabī li al-Nashr wa al-Tawzī', n.d.), 1: 427)), 70 (Zayd b. 'Alī, *Musnad Zayd b. 'Alī* (Beirut: Manshūrāt Dār Maktabat al-Ḥayāt, n.d.), 186; al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 51 (no. 170), 74 (not found), 77 (al-Kulaynī, *al-Kāfī*, 3: 304 (no. 10)), 78 (Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 282 (no. 867)), 80 (al-Kulaynī, *al-Kāfī*, 3: 305; Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 282 (no. 867); al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 56 (no. 192)), 81 (*ibid*), 83.1 (not found), 84 (al-Bayhaqī, *al-Sunan al-Kubrā*, 1: 408), 86 (not found), 88 (Zayd b. 'Alī, *Musnad Zayd b. 'Alī*, 266), 89 (Zayd b. 'Alī, *Musnad Zayd b. 'Alī*, 266; al-Qādī al-Nu'mān, *Sharḥ al-akhbār*, 3: 89 (no. 1018)), 90 (al-Ṭūsī, *Tahdhīb al-aḥkām*, 3: 261 (no. 735)), 92.1 (Ibn Qūlawayh, *Kāmil al-ziyārāt*, 60 (no. 40)), 92.2 (not found), 93.1 (not found), 93.2 ('Alī b. 'Umar al-Dārquṭnī, *Ilal al-Dārquṭnī*, ed. Maḥfūz al-Raḥmān Zaynullāh al-Salafī (Riyadh: Dār Ṭayyiba, 1405/1984), 11: 8 (no. 2086), 93.3 (not found), 94.2 (not found), 95.1 (not found), 95.2 (not found), 96 (not found), 97.1 ('Abdullāh b. Bihrām al-Dāramī, *Sunan al-Dāramī* (Damascus: Maṭba' al-'itidāl, n.d.), 1: 65; Ibn Abī Shayba, *al-Muṣannaf*, 1: 171 (no. 3)), 98.2 (not found), 99 (al-Kashshī, *Rijāl al-Kashshī*, 31-2 (nos. 59-60)), 101 (Aḥmad b. Ḥanbal, *Musnad Aḥmad*, 4: 369; Ibn Bābawayh, *al-Khiṣāl*, 311), 102.1 (not found), 102.2 (Ibn 'Adī, *al-Kāmil fī al-qu'afā'*, 4: 206 [Contrary to *al-Īdāh*, the report suggests that Abū Bakr had a chamber which opened to the mosque]), 104.1 (al-Barqī, *al-Maḥāsīn*, 2: 636), 104.2 (not found), 104.3 (Ibn Ḥazm, *al-Muḥallā bi al-āthār*, 4: 186; Aḥmad b. Shu'ayb al-Nasā'ī, *Sunan al-Nasā'ī*, 2: 62; Abū Dāwūd Sulaymān b. al-Ash'ath al-Sijistānī, *Sunan Abī Dāwūd*, ed. Sa'īd Muḥammad al-Laḥḥām (Beirut: Dār al-Fikr li al-Ṭibā'a wa al-Nashr wa al-Tawzī', 1410/1990), 1: 162), 105.1 (Yūsuf b. 'Abdallāh b. Muḥammad B. 'Abd al-Barr, *al-Istidhkār*, ed. Sālim Muḥammad 'Aṭā and Muḥammad 'Alī Mu'awwad (Beirut: Dār al-Kutub al-'Ilmiyya, 2000), 8: 486), 105.2 (not found), 108.1 (Zayd b. 'Alī, *Musnad Zayd b. 'Alī*, 87; Ibn Ḥazm, *al-Muḥallā bi al-āthār*, 2: 143; al-Kulaynī, *al-Kāfī*, 3: 375 (no. 2)), 110.3 (not found), 112 (Ibn 'Abd al-Barr, *al-Istidhkār*, 1: 318), 115.1 (not found), 115.2 (not found), 117.1 (not found), 117.2 (Mālik b. Anas, *al-Mudawwana al-kubrā*, 1: 152), 117.3 (Ibn Ḥazm, *al-Muḥallā bi al-āthār*, 4: 230; Aḥmad b. Ḥanbal, *Musnad Aḥmad*, 5: 74), 119.2 (Ibn Abī Shayba, *al-Muṣannaf*, 1: 521), 121 (Zayd b. 'Alī, *Musnad Zayd b. 'Alī*, 130; 'Abdullāh b. Qudāmāh, *al-Mughnī* (Beirut: Dār al-Kitāb al-'Arabī li al-Nashr wa al-Tawzī', n.d.), 1: 599), 128.1 (identical to what is found in *al-'Ulūm*, 1: 190/ *Ra'b al-ṣad'*, 1: 313 (no. 471)), 129.3 (Muḥammad b. Muḥammad al-Ḥaṭṭab al-Ra'īnī, *Mawāhib al-jalīl li sharḥ mukhtaṣar al-Khalīl*, ed. Zakariyya 'Amīrāt (Beirut: Dār al-Kutub al-'Ilmiyya, 1416/1995), 2: 473), 132.2 (Mālik b. Anas, *al-Mudawwana al-kubrā*, 1: 105), 136 (not found), 144 (not found), 146.1 (not found), 146.2 (not found), 155 (not found), 159.1 (not found), 159.2 (al-'Ayyāshī, *Tafsīr al-'Ayyāshī*, 1: 21), 159.3 (not found), 160.2 (al-Murādī, *Ra'b al-ṣad'*, 1: 279 (no. 397)).

of individuals, each with his own *isnād* to a given set of hadith. Furthermore, Qāḍī Nu‘mān has chosen to report the *isnād* either by omitting some of the recurring names or simply by circumventing the main source from which Ibn Sallām would have cited a particular report. In some instances, there is *taqṭī‘* (dissection) in the *isnād*: an authority is omitted from the chain of transmission.<sup>49</sup> There are even instances in which the *isnād* of *Kutub Ibn Sallām* and *Amālī* are completely different, though the *matn* of both the collections is completely identical.<sup>50</sup> These discrepancies could be the direct result of Qāḍī Nu‘mān’s negligence in reporting hadith, for his primary interest seems to have been composing a legal text rather than a hadith compendium. It is equally plausible that these inconsistencies were a result of his using corrupt copies of Ibn Sallām’s sources. It is extremely difficult to determine the original nature of the sources consulted by Qāḍī Nu‘mān. We therefore turn to the *isnād* of Ibn Sallām to identify the origins of the reports. The following section analyses seven authorities through whom Ibn Sallām transmitted most of his hadith, followed by the eighth type, which covers a group of individuals not frequently occurring in his collection.

### On the Authority of Qāsim b. Ibrāhīm al-‘Alawī al-Rassī

- Ibn Sallām -> Muḥammad b. Maṣṣūr al-Murādī -> Ja‘far b. Muḥammad al-Ṭabarī al-Nayrūsī -> Qāsim b. Ibrāhīm al-‘Alawī al-Rassī

*Al-Ṭāh* cites twenty-three reports from *Kutub Ibn Sallām* on the authority of Qāsim b. Ibrāhīm al-‘Alawī al-Rassī (d. 246/860) via his companion, al-Nayrūsī.<sup>51</sup> For most of these reports, Qāḍī Nu‘mān omits al-Murādī, and occasionally he eliminates al-Nayrūsī from the *isnād*. However, *Amālī* consistently cites the complete *isnād*.<sup>52</sup> It is

<sup>49</sup> See al-Qāḍī al-Nu‘mān, *al-Ṭāh*, 26, 35, 48.1, 61, 67.2, 141.2, 157.3, 161.2.

<sup>50</sup> See al-Qāḍī al-Nu‘mān, *al-Ṭāh*, 94.1, 120.1, 123, 157.1.

<sup>51</sup> For his biography, see Aḥmad b. Ibrāhīm b. al-Ḥasan, *al-Maṣābiḥ*, 555-65 (no. 22); al-Hārūnī al-Ḥasanī, *al-Ifāda fī tārikh al-a‘imma al-sāda*, 75-86; Wilferd Madelung, *Der Imam al-Qāsim b. Ibrāhīm und die Glaubenslehre der Zaiditen* (Berlin: De Gruyter, 1965); Wilferd Madelung, “al-Rassī,” in *EI2*. Consulted online on 13 August 2018 [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_6247](http://dx.doi.org/10.1163/1573-3912_islam_SIM_6247).

<sup>52</sup> See al-Qāḍī al-Nu‘mān, *al-Ṭāh*, 29.2, 35, 36, 46, 47.1, 48.2, 66.1 (not found in *Amālī*), 76, 79, 82, 83.2, 86 (not found in *Amālī*), 87, 94.3, 96 (not found in *Amālī*), 103, 104.2 (not found in *Amālī*), 108.3, 119.3, 144 (not found in *Amālī*), 146.2 (not found in *Amālī*), 147.4, 162.1. The report on page 67.2 is attributed to ‘Abdullāh b. Mūsā, however, *Amālī* cited it on the authority of al-Rassī.

thought that Ibn Sallām had access to these hadith through *Amālī* and non-*Amālī* sources. This assumption is supported by the frequent occurrence of the epithet ‘al-Ṭabarī’ for al-Nayrūsī, which is found exclusively in the *isnād* of Ibn Sallām. The inclusion of this title may also support the hypothesis that the manuscript of *Amālī* in the possession of Ibn Sallām differed from the extant copy.

Ja‘far b. Muḥammad b. Shu‘ba al-Nayrūsī (d. third century/ninth century) was a close associate of al-Rassī and the compiler of *Masā’il al-Nayrūsī/Ajwibat masā’il al-Nayrūsī*. No biographical work records the epithet ‘al-Ṭabarī’ for al-Nayrūsī.<sup>53</sup> The fact that al-Nayrūsī is located in the suburbs of al-Ruyān in Ṭabaristān may suggest why he has been assigned the title al-Ṭabarī, but that does not explain why Qāḍī Nu‘mān, or Ibn Sallām for that matter, chose to record this particular title in the *isnād*. Al-Nayrūsī was a contemporary of al-Murādī, and both narrated hadith on the authority of al-Rassī.<sup>54</sup> Some anecdotal reports suggest that, because of al-Rassī’s extreme piety and excessive melancholy (*ḥuzn*), al-Murādī could not ask him, as much as he would have liked to, about his legal opinions.<sup>55</sup> This explains why al-Murādī, despite having direct access to al-Rassī, transmits his hadith through al-Nayrūsī.

It is worth noting that every citation on the authority of al-Rassī ends with his legal opinions or practices; that is, the content is not advanced to a higher authority such as the Prophet or ‘Alī. This may sound insignificant for the adherents of the Zaydi *madhhab*, for his imamate is acknowledged as equal to that of any previous Imam, and therefore, the reports of his sayings, actions and inactions on any legal issues would qualify as a hadith. However, these reports are quite different from those of Imami Imams, who are believed to have taken pride in confirming that their hadith are, in fact, the hadith of the Prophet.<sup>56</sup>

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<sup>53</sup> Majd al-Dīn al-Mu‘ayyadī, *Lawāmi‘ al-anwār fī jawāmi‘ al-‘ulūm wa al-āthār wa tarājim ūlī al-‘ilm wa al-anzār*, 1: 324; ‘Abd al-Salām b. ‘Abbās al-Wajīh, *Al-lām al-mu‘alifīn al-Zaydiyya* (Amman: Mu‘assasat Imām Zayd b. ‘Alī al-Thaqāfiyya, 1420/1999), 284; Aḥmad al-Ḥusaynī, *Mu‘allafāt al-Zaydiyya* (Qum: Maktabat Āyatullāh al-Mar‘ashī al-Najafī, 1413/1992), 75 (no. 158).

<sup>54</sup> Aḥmad b. al-Murtaḍā, *Sharḥ al-azhār*, 1: 10, 29 (introduction).

<sup>55</sup> Yaḥyā b. al-Ḥusayn b. Hārūn al-Hārūnī al-Ḥasanī, *al-Ifāda fī tārikh al-a‘imma al-sāda*, 84.

<sup>56</sup> For one such report, see al-Kulaynī, *al-Kāfī*, 1: 53.





Prophet,<sup>59</sup> anecdotal reports suggest that *Āl Ǧumayra* (the progeny of Ǧumayra) was always revered by the caliphs based on the prophetic recommendation. Ibn ‘Abd al-Barr (d. 463/1071) reports that the Prophet had enjoined Muslims to be kind towards the children of Ǧumayra. When the prophetic will concerning the distinguishing status of *Āl Ǧumayra* was brought to al-Mahdī billāh (d. 158/785) by Ǧumayra’s grandson, the ‘Abbasid caliph kissed the scroll and honoured him by gifting a sum of three hundred *dīnār*.<sup>60</sup>

The reports transmitted on the authority of Ǧumayra are believed to have been in circulation since the early third/ninth century. The North African legal text *al-Mudawwana al-kubrā*, contains a few reports with the familial chain of *Āl Ǧumayra*,<sup>61</sup> farther north in Andalus, Ibn Ḥazm’s (d. 456/1064) work contains several of these hadith as well. Al-Bayhaqī (d. 458/1066) in his *Sunan* also offers some reports with the same familial *isnād*.<sup>62</sup> It appears that Ǧumayra was a close associate of ‘Alī, who had preserved a number of hadith from him and later transmitted to his son. This collection then was disseminated by Ǧumayra’s grandson Ḥusayn b. ‘Abdillāh b. Ǧumayra to later *muḥaddithūn*.

Abū Bakr ‘Abd al-Ḥamīd b. ‘Abdillāh b. Abī Uways (d. 224/838), the Medinese *muḥaddith*, is the most prominent common link responsible for disseminating the reports attributed to the grandson of Ǧumayra. Yaḥyā b. al-Ḥusayn (d. 298/910) in his *al-Aḥkām* renders Ǧumayra’s reports through his grandfather, al-Rassī, who

<sup>59</sup> Muḥammad b. Ismā‘īl al-Bukhārī, *al-Tārīkh al-kabīr* (Diyarbakir: al-Maktaba al-Islāmiyya, n.d.), 2: 388 (no. 2873); Muḥammad b. Ismā‘īl al-Bukhārī, *al-Ḍu‘afā’ al-ṣaḡhīr*, ed. Maḥmūd Ibrāhīm Zāyid (Beirut: Dār al-Ma‘rifat li al-Ṭibā‘a wa al-Nashr wa al-Tawzī‘, 1406/1986), 37 (no. 79); Muḥammad b. Abū ‘Amr Abū Ja‘far al-‘Aqīlī, *Ḍu‘afā’ al-‘Aqīlī*, ed. ‘Abd al-Mu‘atī Amīn Qal‘ajī (Beirut: Dār al-Kutub al-‘Ilmiyya, 1418/1997), 246-7 (no. 294); Yūsuf b. ‘Abdallāh b. Muḥammad b. ‘Abd al-Barr, *al-Istī‘āb fī ma‘rifat al-aṣḥāb*, ed. ‘Alī Muḥammad al-Bajāwī (Beirut: Dār al-Jabal, 1412/1991), 4: 695 (no. 3051); Ibn ‘Adī, *al-Kāmil fī al-ḍu‘afā’*, 2: 356-9; Yūsuf b. ‘Abdallāh b. Muḥammad b. ‘Abd al-Barr, *al-Tamhīd*, ed. Muṣṭafa b. Aḥmad al-‘Alawī and Muḥammad ‘Abd al-Karīm al-Bakrī (Maghrib: Wizārat ‘Umūm al-Awqāf wa al-Shu‘ūn al-Islāmiyya, 1387/1965), 24: 128; Muḥammad b. Ḥabbān, *Kitāb al-majrūḥīn*, 1: 244.

<sup>60</sup> Ibn ‘Abd al-Barr, *al-Istī‘āb fī ma‘rifat al-aṣḥāb*, 4: 1695 (no. 3051).

<sup>61</sup> Mālik b. Anas, *al-Mudawwana al-kubrā*, 1: 126, 4: 281, 5: 32.

<sup>62</sup> Ibn Ḥazm, *al-Muḥallā bi al-āthār*, 7: 495; 8: 449; 9: 280; 12: 390; Abū Bakr Aḥmad b. al-Ḥusayn b. ‘Alī al-Bayhaqī, *al-Sunan al-Kubra*, ed. Muḥammad ‘Abd al-Qādir ‘Aṭā’ (Hyderabad: Majlis Dā‘irat al-Ma‘ārif al-Uthmāniyya, 1344/1925), 4: 7 (no. 7026); 8: 61 (no. 16507), 266 (no. 17682), 296 (no. 17857); 9: 126 (no. 18774); 10: 184 (no. 21258).

transmits them on the authority of Abū Bakr b. Abī Uways.<sup>63</sup> Abū Bakr, a nephew of Mālik b. Anas, is the brother of the famous Ismā‘īl b. Abū Uways al-A‘shā, who also transmits reports on the authority of Ḥusayn b. ‘Abdillāh b. Ḍumayra.<sup>64</sup> There is no substantive evidence suggesting how and when these two brothers received those reports. However, we know from Ibn Ḥajar al-‘Asqalānī that the brothers’ uncle, Mālik b. Anas, was unhappy with their association with al-Ḥusayn. In one such incident, Malik punished his nephew Ismā‘īl by not interacting with him for forty days for no other reason than that he had visited al-Ḥusayn.<sup>65</sup>

In any case, these reports of Abū Bakr b. Abī Uways were embraced by Zaydi scholars. A-Rassī takes an interest in reporting them, as suggested by the *isnād* of *al-Aḥkām*, and *Kutub Ibn Sallām* quotes them on the authority of two ‘Alids: Zayd b. Aḥmad, the nephew who transmits on the authority of his maternal uncle Zayd b. al-Ḥusayn.<sup>66</sup> This Zayd b. al-Ḥusayn is introduced, with a phonetic corruption, as Zayd b. al-Ḥasan al-‘Alawī in *Tahdhīb al-kamāl* who transmits on the authority of Abū Bakr b. Abī Uways (d. 202/817).<sup>67</sup>

It is quite interesting that Ibn Sallām chose not to transmit these reports on the authority of al-Rassī, despite having access to them through al-Murādī’s *Amālī*. Rather, he took the route of citing Zayd b. Aḥmad b. Ismā‘īl b. Muḥammad b. Ismā‘īl b. Ja‘far al-Ṣādiq, the great-great-grandson of Ismā‘īl b. Ja‘far. This choice not only reveals his preference for reporting *isnād* containing the names of Ismaili Imams over Zaydi Imams but also his political astuteness in highlighting the contributions

<sup>63</sup> Yaḥyā b. al-Ḥusayn, *al-Aḥkām*, ed. ‘Alī b. Aḥmad b. Abī Ḥarīṣa (unknown, 1410/1990), 1: 124, 346, 352; 2: 266.

<sup>64</sup> Shams al-Dīn al-Dhabī, *Siyar a‘lām al-nubalā’*, eds. Shu‘ayb al-Arna‘ūt, Ṣālih al-Samir et al. (Beirut: Mu‘assasat al-Risāla, 1406/1986), 10: 391 (no. 108, Ismā‘īl b. Abī Uways); al-Mizzī, *Tahdhīb al-kamāl*, 16: 444 (no. 3721, Abū Bakr b. Abī Uways); Muḥammad b. Ḥabbān, *al-Thiqāt* (Hyderabad: Mu‘assasat al-Kutub al-Thaqāfiyya, 1393/1973), 8: 398.

<sup>65</sup> Shihāb al-Dīn Ibn Ḥajar al-‘Asqalānī, *Ta’jīl al-manfa‘a bi zawā‘id rijāl al-a‘imma al-arba‘a*, ed. Ikrāmullāh Imdād al-Ḥaqq (Beirut: Dār al-Bashā‘ir, 1996), 1: 451.

<sup>66</sup> Zayd b. Aḥmad’s brother passed away in Dhū al-Qa‘da 274/888 in Egypt, he should have died around the second half of the third/ninth century. Zayd b. Aḥmad’s name appear in Taqī al-Dīn Aḥmad b. ‘Alī al-Maqrīzī, *Ittī‘āz al-ḥunafā’ bi akhbār al-a‘imma al-Fāṭimiyyīn al-khulafā’*, ed. Jamāl al-Dīn al-Shayyāl (Cairo: Vizārat al-Awqāf, 1416/1996), 1: 18-9.

<sup>67</sup> See Jamāl al-Dīn Abū al-Ḥajjāj Yūsuf al-Mizzī, *Tahdhīb al-kamāl fī asmā’ al-rijāl*, ed. Bashshār ‘Awwād Ma‘rūf (Beirut: Mu‘assasat al-Risāla, 1406/1985), 10: 56; Muḥammad b. Ḥabbān, *al-Thiqāt*, 8: 398.

made by the progeny of Ismaili Imams to hadith literature. Such an *isnād* would attract Qāḍī Nu‘mān whose vested interest also was in familiarising the nascent Ismaili community with the names of pre-Fatimid Ismaili Imams, such as Ismā‘īl b. Ja‘far and his son Muḥammad b. Ismā‘īl. Nu‘mān’s citation of them is evidently the first time that the intellectual contribution of the progeny of the pre-Fatimid Ismaili Imams is highlighted in the scholarly milieu of North Africa.

### On the Authority of Zayd b. ‘Alī

- Ibn Sallām -> Aḥmad b. ‘Īsā b. Zayd -> Ḥusayn b. ‘Ulwān -> Abū Khālid ‘Amr b. Khālid al-Wāsiṭī -> Zayd -> forefathers -> ‘Alī

This *isnād* occurs in twenty instances in the extant *al-Īḍāḥ*. Though all these reports are identical to those traced in *Amālī*, the fact that al-Murādī is missing in these *isnāds*, arguably, indicates that Ibn Sallām had direct access to these hadith (i.e., without the intervention of al-Murādī). Furthermore, all twenty reports correspond to the collection of hadith attributed to Zayd famously known as *Musnad Zayd b. ‘Alī*.<sup>68</sup> To acknowledge that the *fiqhī* and non-*fiqhī* content of the two sets of collection was later combined into a single text, it is also referred to as *al-Majmū‘ al-fiqhī wa al-ḥadīthī*. Though the collection was compiled by the fourth-/tenth-century Zaydi scholar Ibn al-Baqqāl ‘Abd al-‘Azīz b. Ishāq (d. 363/974), it is transmitted via distinct *isnād* from that of *Amālī* and *Kutub Ibn Sallām*.<sup>69</sup> Figure 5.4 illustrates the chains of transmission and the common link for the hadith transmitted on the authority of Zayd in *al-Īḍāḥ*, *Amālī* and *Musnad Zayd b. ‘Alī*.

<sup>68</sup> The references in the brackets refers to Zayd b. ‘Alī, *Musnad Zayd b. ‘Alī*. See al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 32 (135), 34.1 (131), 34.2 (unfound in *Musnad*), 64.1 (75), 68.1 (missing in the manuscript), 73 (93). It appears that *isnād* of *al-Īḍāḥ* has some discrepancy in this particular instance), 97.2 (155), 98.1 (154), 118 (126), 119.1 (126), 125 (114-5), 127.1 (73), 128.2 (117-8), 129.2 (117-8), 130 (118), 132.1 (119), 132.2 (unfound in *Amālī* and *Musnad*), 140 (103), 161.1 (104). There is another report which is found in *Musnad* but not in *Amālī*, see *al-Īḍāḥ*, 88, (466).

<sup>69</sup> For his biography, see al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, 10: 458 (no. 5627); al-Dhahabī, *Mizān al-i‘tidāl*, 2: 623 (no. 5083).

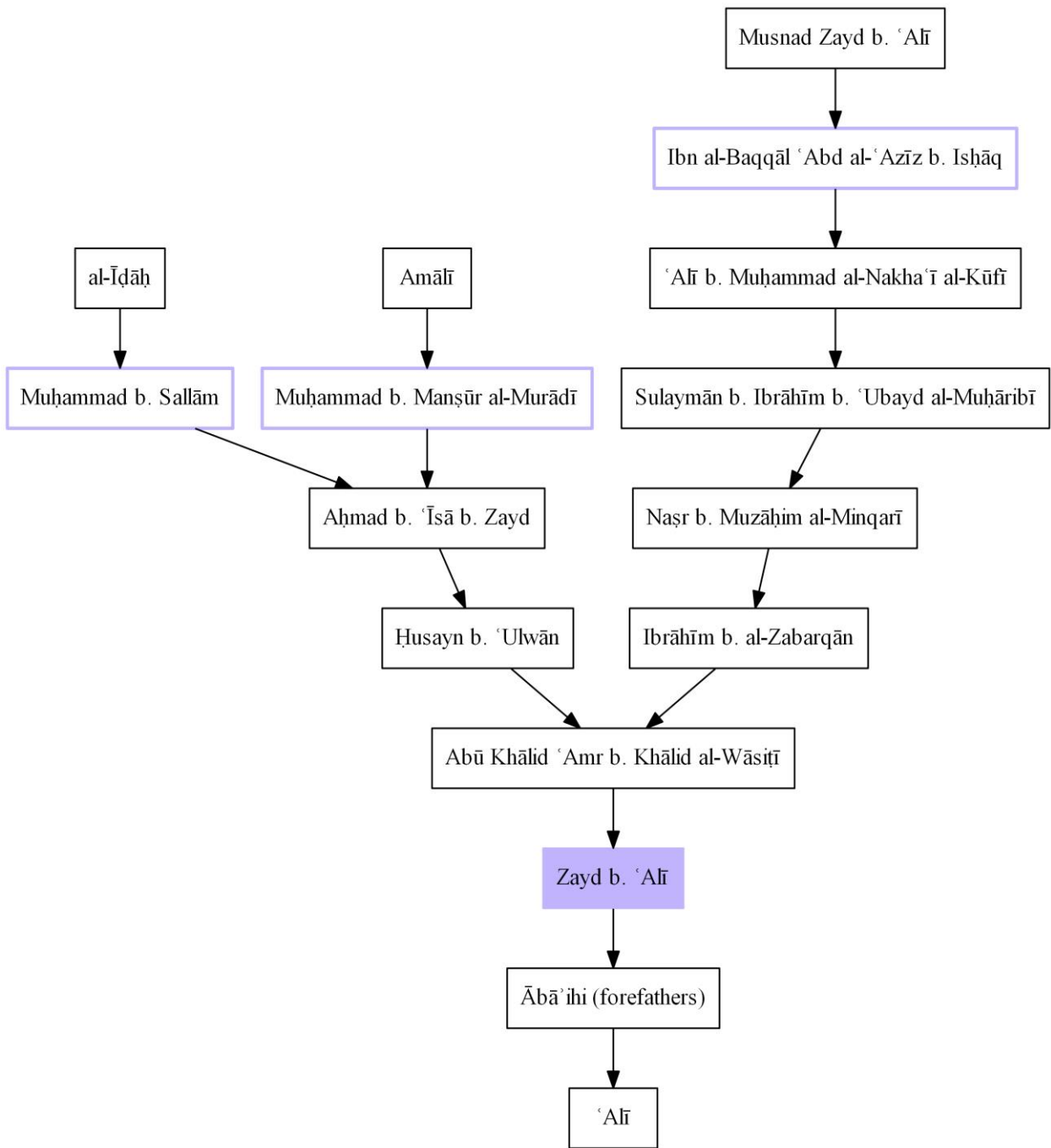


Figure 5.4: *Isnād* tree of the hadith attributed to Zayd b. 'Alī in *Amālī*, *al-Īḍāḥ* and *Musnad Zayd b. 'Alī*.

As the *isnād* tree depicts, the common link for the hadith attributed to Zayd is Abū Khālid al-Wāsiṭī (d. in second/eighth century), an early well-known Baṭrī figure. His chief informants are Ḥusayn b. 'Ulwān and Ibrāhīm b. al-Zabarqān in *Amālī* and

*Musnad*, respectively. Abū Khālid al-Wāsiṭī's credibility, however, is vehemently challenged in the biographical dictionaries compiled by Sunni scholars. Shi'i *rijālī* scholars, without assessing the reliability of his reports, opt to only state that he adhered to the Batrī Zaydi creed.<sup>70</sup> It is for this reason that Zaydi scholars have engaged in rigorous discourses to establish his credibility by not only highlighting his status as a trustworthy transmitter but also maintaining that he was a close associate of Zayd.<sup>71</sup>

Lastly, all these *isnāds* lead either to 'Alī or the Prophet, which illustrates the Zaydi pattern of quoting the *isnād*. This differs to the Imami style of reporting *isnāds* in which the hadith are transmitted on the authority of Imams without, necessarily, attributing their content to 'Alī or the Prophet.

### **On the Authority of Abū al-Jārūd Ziyād b. Mundhir al-Hamadānī**

- Ibn Sallām -> Aḥmad b. 'Īsā b. Zayd -> Muḥammad b. Bakr al-Arḥabī -> Abū al-Jārūd Ziyād b. Mundhir al-Hamadānī

Eleven reports are transmitted on the authority of Abū al-Jārūd in *al-Īḍāh*.<sup>72</sup> Although all these reports are identical to those in *Amālī*, yet again al-Murādī is missing from their *isnāds*. Abū al-Jārūd Ziyād b. Mundhir al-Hamadānī (d. mid-second/eighth century) to whom Jārūdīs are eponymously linked, was a blind companion of al-Bāqir on whose authority he frequently reports hadith. After al-Bāqir's death, he reportedly became a follower of al-Ṣādiq, but then left him to support the revolt of Zayd and

<sup>70</sup> al-Dhahabī, *Mīzān al-ītidāl*, 4: 519 (no. 10142); Shihāb al-Dīn Ibn Ḥajar al-'Asqalānī, *Fath al-bārī* (Beirut: Dār al-Ma'rifa li al-Ṭibā'a wa al-Nashr, n.d.), 9: 336; al-Dārquṭnī, *Sunan al-Dārquṭnī*, 1: 163, 354; al-Najāshī, *Rijāl al-Najāshī*, 288 (no. 771); al-Ṭūsī, *al-Fihrist*, 536; al-Kashshī, *Rijāl al-Kashshī-Ikhtiyār ma'rifat al-rijāl*, 390 (no. 733); al-Ṭūsī, *Rijāl al-Shaykh al-Ṭūsī*, 142 (no. 69).

<sup>71</sup> al-Mu'ayyadī, *Lawāmi' al-anwār fī jawāmi' al-'ulūm wa al-āthār wa tarājim ulī al-'ilm wa al-anzār*, 1: 426; Zayd b. 'Alī, *Musnad Zayd b. 'Alī*, 11-2 (introduction).

<sup>72</sup> Al-Qāḍī al-Nu'mān, *al-Īḍāh*, 56, 61 (via Abū 'Alā' who quotes al-Bāqir), 62 (al-Bāqir from al-Sajjād), 63.1 (on the authority of Ḥassan who quotes Yaḥyā b. Zayd), 64.2 (via Ḥabīb b. Yasār -> Abū Hāshim 'Abdullāh b. Muḥammad b. 'Alī b. Abī Ṭālib -> Muḥammad b. 'Alī b. Abī Ṭālib), 108.4 (It appears there is some discrepancy in the *isnād*), 110.1 (on the authority of al-Bāqir), 110.2 (on the authority of al-Bāqir), 131 (on the authority of al-Bāqir), 141.1 (on the authority of al-Bāqir), 147.1 (on the authority of al-Bāqir).

abandoning the practice of precautionary dissimulation (*taqiyya*). He is reported to have been reproached for that reason and to have become an object of a curse by al-Şādiq.<sup>73</sup> Abū al-‘Abbās al-Ḥasanī (d. 352/964) reports that Ziyād b. Mundhir and al-Fuḍayl b. al-Zubayr (d. 150/767) were sent as delegates to invite him to join the revolt; Abū Ḥanīfa used his poor health as an excuse for not doing so. Abū al-Jārūd also actively participated in the revolt by chanting slogans and thus encouraging the troops to fight for Zayd. Though he is reported to have been in charge of a unit of the troop, his contribution should be interpreted as a symbolic gesture, given that his physical disability prevented him from engaging in any military missions.<sup>74</sup> Zaydi sources nevertheless unequivocally revere Abū al-Jārūd for his unwavering commitment to the cause of Zayd.

Abū al-Jārūd’s relationship with Zayd was likely developed when Zayd stayed for less than thirteen months in Kūfa.<sup>75</sup> It is likely that he obtained hadith from Zayd during this period and later compiled them into a collection of hadith transmitted on the latter’s authority. Although most of the hadith are reported on the authority of Zayd, Abū al-Jārūd also transmitted some hadith on the authorities of other prominent ‘Alids, such as Muḥammad al-Ḥanafiyya (d. 81/700) and Yaḥyā b. Zayd (d. 125/743).<sup>76</sup>

## **On the Authority of Aḥmad b. ‘Īsā (d. 247/862)**

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<sup>73</sup> For his detailed biography, see al-Najāshī, *Rijāl al-Najāshī*, 170 (no. 448); al-Ṭūsī, *al-Fihrist*, 203 (no. 303); al-Kashshī, *Rijāl al-Kashshī-Ikhtiyār ma‘rifat al-rijāl*, 229-31 (nos. 413-9). For Sunni sources, see Ibn ‘Adī, *al-Kāmil fī al-ḍu‘afā’*, 3: 189; Maher Jarrar, “Tafsīr Abī al-Jārūd ‘an al-Imām al-Bāqir: musāhama fī dirāsāt al-‘aqā‘id al-Zaydiyya al-mubakkira,” *al-Abḥāth*, 50-1 (2002/03), 37-94; Josef van Ess, *Theologie und Gesellschaft Im 2. und 3. Jahrhunderts Hidschra* (Berlin: Walter de Gruyter, 1991-1992), 1: 253-26; Wilferd Madelung, *Der Imam al-Qasim ibn Ibrahim*, 48, 81; Maria Massi Dakake, *The Charismatic Community: Shi‘ite Identity in Early Islam* (New York: New York University Press, 2007), 111; Hossein Modarressi, *Tradition and Survival: A Bibliographical Survey of Early Shi‘ite Literature*, 1: 121-6.

<sup>74</sup> Aḥmad b. Ibrāhīm b. al-Ḥasan, *al-Maṣābiḥ*, 401; Abū al-Faraj al-Iṣfahānī, *Maqātil al-ṭālibiyyīn*, ed. Kāzīm al-Muẓaffar (Najaf: Manshūrāt al-Maktaba al-Ḥaydariyya wa Maṭba‘atuhā, 1385/1965), 93.

<sup>75</sup> Aḥmad b. Ibrāhīm b. al-Ḥasan, *al-Maṣābiḥ*, 389.

<sup>76</sup> al-Qāḍī al-Nu‘mān, *al-Īdāh*, 63.1 (on the authority of Ḥassan who quotes Yaḥyā b. Zayd), 64.2 (via Ḥabīb b. Yasār -> Abū Ḥāshim ‘Abdullāh b. Muḥammad b. ‘Alī b. Abī Ṭālib -> Muḥammad b. ‘Alī b. Abī Ṭālib).

- Ibn Sallām -> Muḥammad b. Manṣūr al-Murādī -> Aḥmad b. ʿĪsā b. Zayd<sup>77</sup>
- Ibn Sallām -> ʿAlī b. Aḥmad b. ʿĪsā b. Zayd -> Aḥmad b. ʿĪsā b. Zayd<sup>78</sup>
- Ibn Sallām -> ʿAlī b. Aḥmad b. ʿĪsā b. Zayd<sup>79</sup>

Aḥmad b. ʿĪsā appears in twelve *isnāds* of *Kutub Ibn Sallām*. Al-Murādī is the chief informant of Aḥmad’s hadith as suggested by six reports attributed to the latter. Ibn Sallām also cites three hadith on the authority of ʿAlī b. Aḥmad b. ʿĪsā b. Zayd, which suggests that he not only collected the hadith of Aḥmad b. ʿĪsā but also recorded the reports of his son ʿAlī. Muḥammad b. ʿĪsā, the other son of Aḥmad, is mysteriously missing from these *isnāds*. Despite the omission of al-Murādī’s authority in a number of these *isnāds*, it is evident that the source of *Kutub Ibn Sallām* in these cases is *Amālī*. Thus, Madelung’s conviction that all these eleven reports are transmitted on the authority of al-Murādī (i.e., from his *Amālī*) seems to be highly reasonable. Indeed, all these reports are identically traced in the extant *Amālī*, which is essentially a collection of al-Murādī.<sup>80</sup>

Aḥmad was born in Iraq in the year 157/773 and is reported to have been raised in that region. He spent sixty years of his life hiding from ʿAbbasid rulers, which eventually earned him the title ‘*al-mukhtaḥ* (the hidden one)’. In addition to engaging in political activities, he was a prominent Zaydi scholar. He was also fondly known as *faqīh Āl Muḥammad* (the jurist of the progeny of Muḥammad).<sup>81</sup>

Muḥammad b. Manṣūr al-Murādī collected hadith in a compendium which later came to be known as *Amālī Aḥmad b. ʿĪsā*. Though a significant number of

<sup>77</sup> al-Qāḍī al-Nuʿmān, *al-Īḍāh*, 48.1, 63.2, 111 (al-Murādī is omitted in the *isnād*), 147.2, 154, 162.1.

<sup>78</sup> al-Qāḍī al-Nuʿmān, *al-Īḍāh*, 65.2, 146.1, 161.2.

<sup>79</sup> al-Qāḍī al-Nuʿmān, *al-Īḍāh*, 141.2, 145, 162.2.

<sup>80</sup> Wilferd Madelung, “The Sources of Ismāʿīlī Law,” 35 (no. 8). However, one of the reports of *al-Īḍāh* remain untraced in *Amālī*. See al-Qāḍī al-Nuʿmān, *al-Īḍāh*, 146.1.

<sup>81</sup> For a detailed biography of Aḥmad b. ʿĪsā, see Abū al-Faraj al-Iṣṣahānī, *Maqātil al-ṭālibiyyīn*, 270, 408-14; Ibn Abī al-Rijāl, *Maṭlaʿ al-budūr wa majmaʿ al-buḥūr*, 1: 384-7 (no. 179); Aḥmad b. Ibrāhīm b. al-Ḥasan, *al-Maṣābiḥ*, 556-8 (no. 54); al-ʿAlawī al-Kūfī, *al-Jāmiʿ al-kāfi fi fiqh al-Zaydiyya*, 1: 185-96 (introduction); al-Jundārī, *Tarājim al-rijāl al-madhkūra fi sharḥ al-azhār*, 1: 5; Ibn Ḥajar al-ʿAsqalānī, *Lisān al-mizān*, 1: 127 (no. 512); Fuat Sezgin, *Tārīkh al-turāth al-ʿArabī*, tr. Maḥmūd Fahmī Ḥijāzī, 1.3: 327-8; Hassan Ansari and Jawad Qasemi, “Aḥmad b. ʿĪsā b. Zayd,” in *Encyclopaedia Islamica*. Consulted online on 01 August 2018 [http://dx.doi.org/10.1163/1875-9831\\_isla\\_COM\\_0209](http://dx.doi.org/10.1163/1875-9831_isla_COM_0209).

these reports are narrated on the authority of Aḥmad, the collection includes reports transmitted on the authorities of the contemporaries of Aḥmad. Ibn Ḥajar states that Aḥmad b. ʿĪsā b. Zayd had a compilation entitled *Kitāb al-ṣiyām*, which was also transmitted by Muḥammad b. Manṣūr.<sup>82</sup> This suggests that al-Murādī is the principal transmitter of the legacy of Aḥmad b. ʿĪsā.

### On the Authority of ʿAbdullāh b. Mūsā

- Ibn Sallām -> Muḥammad b. Manṣūr al-Murādī -> ʿAbdullāh b. Mūsā
- Ibn Sallām -> Muḥammad b. Manṣūr al-Murādī -> Yaḥyā b. ʿAbdillāh b. Mūsā -> ʿAbdullāh b. Mūsā

*Al-Ṭḍāḥ* records nine reports with this *isnād* taken from *Kutub Ibn Sallām*.<sup>83</sup> All are transmitted on the authority of al-Murādī and, hence, are traced in *Amālī* as well, except for one which is cited on the authority of ʿAbdullāh b. Mūsā's son Yaḥyā. The unique feature of these reports is their recording of the routine legal practices (*kāna yafʿalu kadhā* or *raʿaytuhu yafʿalu kadhā*) of ʿAbdullāh b. Mūsā as opposed to his sayings. That al-Murādī could document the daily practices of ʿAbdullāh b. Mūsā, indicates they had a very close relationship; these reports are also part of an emerging trend of the second/eight century, at least in Zaydi circles, towards reporting actional hadith (*fi ʿlī*) rather than verbatim hadith (*qawli*).

Abū Mūsā Abdullāh b. Mūsā b. ʿAbdillāh b. al-Ḥasan b. al-Ḥasan b. ʿAlī b. Abī Ṭālib al-Ḥasanī al-Hāshimī (d. 240/844 or 247/861) was an ʿAlid contemporary of al-Rassī, Aḥmad b. ʿĪsā and al-Ḥasan b. Yaḥyā.<sup>84</sup> He was one of the candidates for the seat of the Zaydi imamate who participated in the historic summit conducted to advance the political aspirations of the early Zaydis. Al-Rassī asked him to take over the leadership of the movement, but he declined in favour of al-Rassī himself.<sup>85</sup> Al-

<sup>82</sup> Ibn Ḥajar al-ʿAsqalānī, *Lisān al-mīzān*, 1: 242 (no. 760).

<sup>83</sup> al-Qādī al-Nuʿmān, *al-Ṭḍāḥ*, 26, 37, 38.1 (ʿAbdullāh b. Mūsā cites the report on the authority of his father), 47.1 (in a group of Zaydi Imams), 47.2 (via Yaḥyā b. ʿAbdullāh b. Mūsā), 47.3 (in a group of Zaydi Imams), 65.1, 67.2, 157.2.

<sup>84</sup> Aḥmad b. al-Murtaḍā, *Sharḥ al-azhār* (Sanaʿa: Maktabat Ghamḍān, n.d.), 1: 22 (introduction).

<sup>85</sup> al-Hārūnī al-Ḥasanī, *al-Ifāda fi tārikh al-aʿimma al-sāda*, 82-3; Aḥmad b. Ibrāhīm b. al-Ḥasan, *al-Maṣābiḥ*, 558-63 (no. 55).



Murādī's reverence for him is similar to that of his other contemporaries.

### On the Authority of Abū al-Ṭāhir al-ʿAlawī

- Ibn Sallām -> Abū al-Ṭāhir Aḥmad b. ʿĪsā b. ʿAbdillāh b. Muḥammad b. ʿUmar b. ʿAlī<sup>86</sup>
- Ibn Sallām -> Abū al-Ṭāhir Aḥmad b. ʿĪsā b. ʿAbdillāh b. Muḥammad b. ʿUmar b. ʿAlī -> Ḥusayn b. Zayd -> Jaʿfar<sup>87</sup>
- Ibn Sallām -> Abū al-Ṭāhir Aḥmad b. ʿĪsā b. ʿAbdillāh b. Muḥammad b. ʿUmar b. ʿAlī -> ʿĪsā b. ʿAbdillāh b. Muḥammad b. ʿUmar b. ʿAlī -> ʿAbdullāh b. Muḥammad b. ʿUmar b. ʿAlī -> ʿUmar b. ʿAlī -> ʿAlī<sup>88</sup>
- Ibn Sallām -> Abū al-Ṭāhir Aḥmad b. ʿĪsā b. ʿAbdillāh b. Muḥammad b. ʿUmar b. ʿAlī -> al-Ḥasan b. ʿAlī + Aḥmad b. al-Ḥusayn al-Yanbuʿī -> Muḥammad b. ʿAbdillāh + Ibrāhīm b. ʿAbdillāh<sup>89</sup>

*Kutub Ibn Sallām* records six narrations on the authority of Abū al-Ṭāhir Aḥmad b. ʿĪsā. In two instances, Abū al-Ṭāhir, amongst other Zaydi Imams and scholars such as al-Rassī, ʿAbdullāh b. Mūsā, Aḥmad b. ʿĪsā, and ʿUbaydullāh b. ʿAlī, are approached by al-Murādī for their legal opinions pertaining to the timing of the daily prayers. Though al-Murādī is omitted in the *isnād*, it is very likely that Ibn Sallām cited these reports from *Amālī*.

In the remaining four reports, Abū al-Ṭāhir is reporting hadith from the Ḥasanī and Ḥusaynī ʿAlids. Interestingly the legal practices of Muḥammad b. ʿAbdillāh al-Nafs al-Zakiyya and his brother Ibrāhīm b. ʿAbdillāh, two leaders of the ʿAlid revolt of 145/762, are quoted as a reported hadith. This indicates that the *Kutub Ibn Sallām* and the sources he consulted are solidly Zaydi.

Abū al-Ṭāhir was a Medinese ʿAlid whose trustworthiness as a transmitter of the hadith was questioned by Sunni biographers.<sup>90</sup> There is no substantive

<sup>86</sup> al-Qāḍī al-Nuʿmān, *al-Īḍāh*, 47.1, 47.3.

<sup>87</sup> al-Qāḍī al-Nuʿmān, *al-Īḍāh*, 57.

<sup>88</sup> al-Qāḍī al-Nuʿmān, *al-Īḍāh*, 108.2, 127.2 (on the authority of the Prophet).

<sup>89</sup> al-Qāḍī al-Nuʿmān, *al-Īḍāh*, 157.3.

<sup>90</sup> al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, 12: 71-2 (no. 17); Ibn Ḥajar al-ʿAsqalānī, *Lisān al-mīzān*, 1: 241 (no. 757).

information about his life or works, nor does his name appear in many *isnāds* of the hadith. The appearance of his name in the *isnād* along with some Zaydi leaders of the mid-second/eighth century suggests that he aspired to Zaydi leadership.

### **Unidentified Authorities in the *Isnāds* of *Kutub Ibn Sallām***

The remaining thirty-seven reports of *Kutub Ibn Sallām* are cited on the authorities of various individuals largely unidentified because of their incomplete names reported in the *isnāds*.<sup>91</sup> Furthermore, twenty-two of these reports remain untraced in *Amālī*, which increases the difficulty in locating the sources of *Kutub Ibn Sallām*. In the absence of any substantial evidence on the sources of these hadith and the modality of transmission, I suggest that they be classified as having been obtained through *wijāda* (finding); the value of these reports lies in their representation of early Kūfan sources. They also indicate that the sources of Ibn Sallām are not limited to *Amālī*, for he reports hadith obtained through any conventional method of transmission. Unsurprisingly, these *isnāds* do not end with any Zaydi Imam, but are advanced, through lengthy chains of transmitters, to the Prophet or ‘Alī.<sup>92</sup>

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<sup>91</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 27, 159.1-3 (‘Īsā), 28, 45.2 (Abū Maryam), 38.2 (Zayd b. Aḥmad b. Ismā‘īl), 63.3 (Abū Sulaym), 89, 102.2, 105.1-2 (Ismā‘īl), 90, 120.1 (‘Ubbad b. Ya‘qūb), 94.1-2 (Ismā‘īl b. Abān), 93.3 (Rāziq b. Zubayr), 99 (‘Anbasa), 108.1, 113.1 (‘Abdul Wāḥid), 110.3, 147.3, 157.4 (Ismā‘īl b. Ishāq), 113.2 (Ḥakam b. Sulaymān), 120.2 (Abū Jamīl), 102.1-2, 121 (Giyāth), 129.1 (‘Abdullāh b. Zāhir), 136 (*bi isnādihi*), 158.1-5 (Ibrāhīm b. Muḥammad), 160.1 (Zayd b. Aḥmad).

<sup>92</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 45.1 (Jābir), 45.2 (Jābir), 89 (Abū Rāfi‘ from Prophet), 113.2 (Jābir), 120.2 (Abū Rāfi‘). For a detailed study on the views of Zaydis on the companions of the Prophet, see Etan Kohlberg, “Some Zaydī Views on the Companions of the Prophet,” *BSOAS*, 39. 1 (1976), 91-8. For a study of Imams narrating on the authority of companions, see Etan Kohlberg, “An unusual Shi‘ī *isnād*,” 142-9.

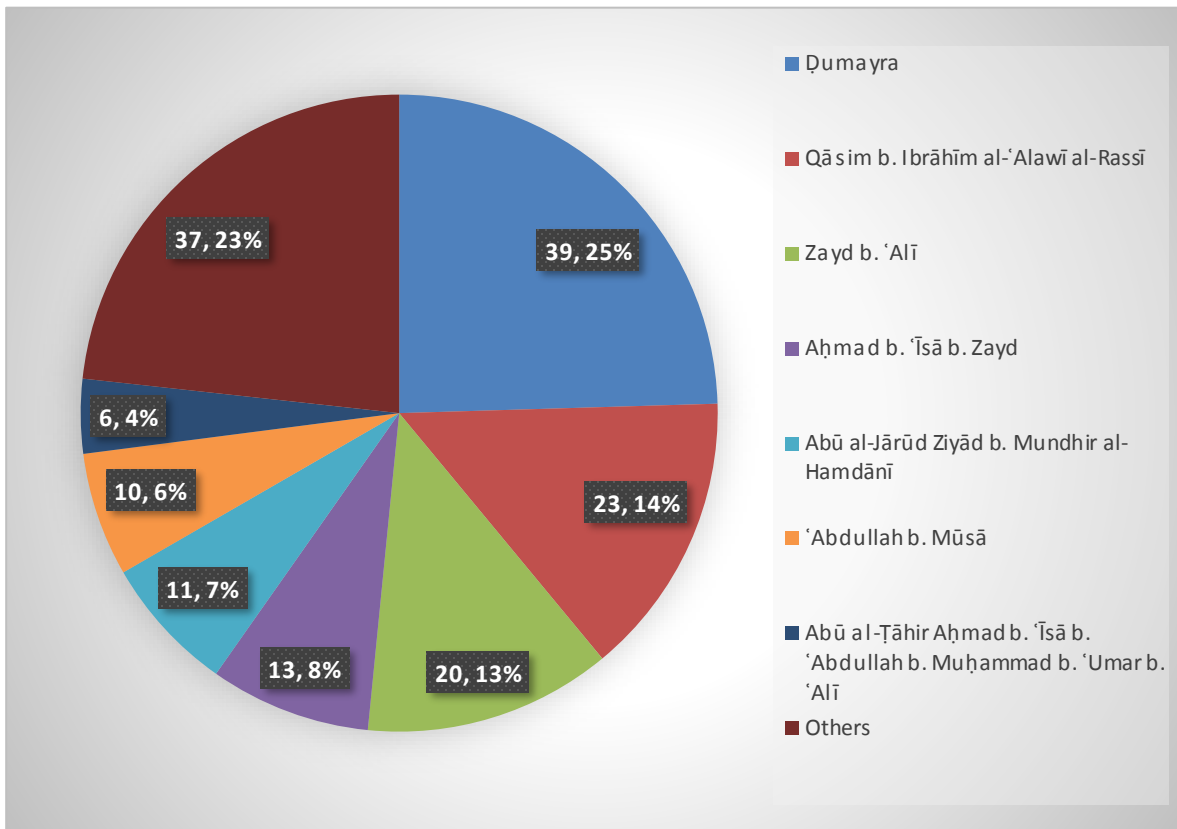


Figure 5.5: Number of reports and percentages attributed to different authorities of *Kutub Ibn Sallām* as reported by *al-Īḍāḥ*. (number of reports-comma-percentage of the reports).

## Conclusion

The political aspirations of the early Kūfan Zaydis and their revolts have been studied recently, but the Zaydi literary legacy of Kūfa, in particular their hadith, remain significantly under-analysed.<sup>93</sup> Najam Haider examines the legal traditions of early Kūfan Zaydis, but his focus is on how the ritual forms functioned as visible markers for sectarian identity in early second/eighth century Kūfa. In other words, he

<sup>93</sup> Sabine Schmidtke, "The History of Zaydi Studies: An Introduction," *Arabica*, 59 (2012), 185-99. For works on Zaydi hadith, see Ibrāhīm b. Muḥammad al-Wazīr, *al-Falak al-dawwār fī 'ulūm al-ḥadīth wa al-fiqh wa al-āthār*, ed. Muḥammad Yaḥyā Sālim 'Azzān; 'Abdullāh b. Ḥammūd al-'Izzī, *'Ulūm al-ḥadīth 'ind al-Zaydiyya wa al-muḥaddithīn* (Amman: Mu'assasat al-Imām Zayd b. al-Thaqāfiyya, 1421/2001); Qāsim Ḥasan Qāsim al-Sirājī, *Mukhtaṣar 'ilm al-ḥadīth* (Amman: Mu'assasat al-Imām Zayd b. al-Thaqāfiyya, 1430/2009).

examines the legal hadith of Zaydis to comprehend the larger picture of Kūfan jurisprudence.<sup>94</sup> Bernard Haykel and Aron Zysow in their study of Zaydi debates on the structure of legal authority explore the following questions: How is a legal authority defined in Zaydism? What is the nature of the authority of Zayd b. ‘Alī, given that he was not followed as an Imam of a legal *maddhab* during his life? How were the legal disagreements amongst the Zaydi Imams resolved?<sup>95</sup> Zaydi hadith sources, Zaydi authorities and the interpretation of Zaydi hadith remain largely understudied in the broader Shi‘i hadith discourses.

The primary aim of this chapter was to explore the Zaydi sources of *al-Īḍāḥ* as a means of establishing the historicity of the sources consulted by Qāḍī Nu‘mān. *Kutub Ibn Sallām* is not only the most-cited collection in *al-Īḍāḥ*—a total of 158 citations of 649 reports—but also the only Zaydi source consulted in this Ismaili legal work. Contrary to Madelung’s assertion that *Kutub Ibn Sallām* is, in fact, al-Murādī’s collection, this chapter has demonstrated that Ibn Sallām’s collection is drawn from a number of Kūfan authorities (see Figure 5.5). In other words, *Amālī* is ‘a’ source, and undoubtedly the most significant one, but not ‘the’ source of *Kutub Ibn Sallām*. The various *isnāds* examined in this chapter also illustrate that its pattern of reporting *isnāds* does not resemble that of *Amālī*.

Though the extant fragment of *al-Īḍāḥ* is very inconsistent in reporting the *isnād* of *Kutub Ibn Sallām*, thereby adding more complexity to this exploration, and Qāḍī Nu‘mān has also chosen to omit some names from the *isnāds*, this fragment has much to contribute to our understanding of Zaydi literary sources in North Africa. *Al-Īḍāḥ* predates *Amālī* and other Zaydi hadith sources, not only in preserving the Zaydi hadith legacy but also in introducing an early hadith source of Kūfa. In addition, *al-Īḍāḥ* solely relied on textual sources available to the author in North Africa, and therefore *Kutub Ibn Sallām* serves as an important Zaydi textual source in the late third/ninth century.

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<sup>94</sup> Najam Haider, *Shī‘ī Islam: An Introduction*; Najam Haider, *The Origins of the Shi‘a: Identity, Ritual, and Sacred Space in 8<sup>th</sup> century Kufa*.

<sup>95</sup> Bernard Haykel and Aron Zysow, “What Makes a Madhhab a Madhhab: Zaydī debates on the structure of legal authority,” *Arabica*, 59 (2012), 332-71.

This case study reveals that the sources consulted by Qāḍī Nu‘mān have their roots in Kūfa, as attested by other contemporaneous sources believed to have preserved that Kūfan legacy. A great number of reports recorded by *al-Īḍāḥ* from *Kutub Ibn Sallām* resemble those of *Amālī*, which was later transmitted by Yemenī Zaydi authorities. Therefore, the identical nature of the reports documented in two separate texts, composed in two different regions, by authors adhering to different religious persuasions enhance the historicity of *al-Īḍāḥ*. Reciprocally, finding identical and, more importantly, independent attestation from a North African collection also strengthens the veracity of those Zaydi sources of Yemen. To sum up, the cross-examination of *al-Īḍāḥ*'s citations from *Kutub Ibn Sallām* with that of *Amālī* indicates their shared provenance.

The *isnād* patterns of *Amālī* and *Kutub Ibn Sallām* analysed in this case study offer valuable information about the key authorities whose sayings and legal practices constituted Zaydi hadith. A study of the *isnād* of *Amālī* and *Kutub Ibn Sallām* reveals that firstly, there is a notable presence of those who participated in and supported a revolt against the Umayyads and ‘Abbasids in the *isnāds* of both the collections. Secondly, unlike Imami hadith literature in which the *isnād* generally ends on the authority of the later Imams, the tendency here is to advance the *isnād* to the highest authority of the Prophet or ‘Alī. Thirdly, again contrary to the general Shi‘i trend, it is quite common to notice the names of the Companions of the Prophet in the *isnād* as credible transmitters of the hadith. Fourthly, the familial chains of Ahl al-Bayt are preferred over non-Ahl al-Bayt chains of *isnād*. Lastly, there is a significant representation of the actional hadith (*fi‘lī*) of the third-/ninth-century Imams, as opposed to transmitting the verbatim hadith (*qawlī*) of the second/eight century Imams.

Shi‘i ideology was known in North Africa since the second half of the second/eighth century. Al-Bakrī's (d. 487/1094) account of the Shi‘i activities in the region of Naftā, which came to be fondly known as *al-Kūfa al-ṣuḡhrā* (the little Kūfa), is indicative of the vibrant and dynamic intellectual presence of Shi‘ites in North

Africa.<sup>96</sup> However, it fails to offer specific details of what these activities entailed or what advanced the cause of Shi'ism in general. The presence of Idrisids, the Zaydi background of Ibn al-Haytham and Zaydi characteristics of *Kutub Ibn Sallām* are all concrete evidence to suggest that the Zaydis were forerunners of the Shi'i movements in the region. It is, therefore, not surprising that Zaydi sources receive inferior treatment from Qāḍī Nu'mān, who aspired to construct a new Shi'i legal *madhhab* under the patronage of the Fatimids.

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<sup>96</sup> 'Abdullāh b. 'Abd al-'Azīz al-Bakrī, *al-Masālik wa al-mamālik* (Beirut: Dār al-Gharb al-Islāmī, 1992), 2: 743; al-Qāḍī al-Nu'mān, *Iftitāḥ al-da'wa*, 26-30; al-Qāḍī al-Nu'mān, *Founding the Fatimid State*, ed. and tr. Hamid Ḥajjī, 41-2; al-Qāḍī al-Nu'mān, *Sharḥ al-akhbār*, ed. al-Sayyid Muḥammad al-Ḥusaynī al-Jalālī, 3: 413-4.

## Chapter 6

### Case Study 3: Examining *Kitāb al-īḍāḥ* through Early Kūfan Texts Ascribed to Ḥalabī(s)

And whatever I may forget, I shall never forget the *dā'ī* of Malūsa, the shaykh of the community and their legal authority, Aflaḥ b. Hārūn al-'Ibānī. He combined his activity as a *dā'ī* with the sciences of the religious law, and he reached back to the time of Abū Ma'shar and al-Ḥulwānī and transmitted on their authority from al-Ḥalabī. (*The Advent of the Fatimids*, 168-9)<sup>1</sup>

The *nisba* 'al-Ḥalabī' appears 104 times in the extant fragment of *al-īḍāḥ*. It draws hadith from two works ascribed to Ḥalabī(s): *Jāmi' al-Ḥalabī* and *Kitāb al-Ḥalabī al-ma'rūf bi al-masā'il* (henceforth *Kitāb al-Ḥalabī*).<sup>2</sup> These works neither provide the full name of the author nor any specifications of these two hadith sources. Diverting from his method of rendering *isnāds* for the sources he consulted, Qāḍī Nu'mān does not follow the same practice for these two works. Nonetheless, a significant majority of the reports attributed to al-Ḥalabī in *al-īḍāḥ* correspond with the Imami counter hadith collections of Qum and Baghdad.

A rigorous cross-examination of the reports of these secondary collections compiled in Qayrawān, Qum and Baghdad will assist in delineating those foundational collections ascribed to al-Ḥalabī. The cross-regional textual analysis of these texts reveals a striking similarity between the Qayrawānī Ismaili *al-īḍāḥ* and the Qummī Imami *al-Kāfi*, which is further suggestive of the common provenance of their source. Their authors' different religious persuasions and distant geographical locations made it impossible for them to copy from each other or to share a single teacher. The identical nature of their content, despite the absolute disconnection

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<sup>1</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 168-9.

<sup>2</sup> *Al-īḍāḥ* cites a total of 52 reports from *Jāmi' al-Ḥalabī* and 53 reports from *Kitāb al-Ḥalabī al-ma'rūf bi al-masā'il*.

between them, indicates that their sources have the same provenance in Kūfan hadith collections, which helps establish the historicity of the sources consulted by Qāḍī Nu‘mān. The chapter also examines various *isnāds* of these texts to investigate the common link responsible for the dissemination of Ḥalabī(s)’ reports.

Qāḍī Nu‘mān’s *al-Ḍāh* refers to a single individual, al-Ḥalabī, who collected and transmitted two collections. In contrast, Shi‘i biobibliographical works ascribe these two legal (*fiqh*) works to two separate authors. Al-Ṭūsī and al-Najāshī ascribe a legal work to each of two brothers: ‘Ubaydullāh b. ‘Alī al-Ḥalabī and Muḥammad b. ‘Alī al-Ḥalabī.<sup>3</sup> Ibn Shahrāshūb makes a reference to two titles, ‘*al-Masā’il ‘an al-Ṣādiq*’ and ‘*kitāb*’ to ‘al-Ḥalabī’, without providing the full name of either author.<sup>4</sup> As stated early, Ibn Shahrāshūb’s list is not an independent study of the Shi‘i sources; rather he takes the titles of the sources from the secondary literature. In this case, it appears he had access to *al-Ḍāh* from where he extrapolated the two titles ascribed to a certain al-Ḥalabī.<sup>5</sup> Madelung, rather reluctantly, suggests that these two texts are either variant versions of a single text or two different sections of the *kitāb* of ‘Ubaydullāh mentioned in the Imami sources. The suggestion that these two works are two different sections of a single text can easily be dismissed by the fact that both of the titles cited in *al-Ḍāh* not only are interconnected but also, at times, overlap. A closer examination of the content of both these texts in other Imami sources eliminates the possibility that they are a single text with variant versions. Furthermore, contrary to his consistent pattern of using pronouns (*fīhi* or *fīhā*) for the same titles consulted for a previous hadith, in the case of these two texts Nu‘mān

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<sup>3</sup> al-Najāshī, *Rijāl al-Najāshī*, 231 (‘Ubaydullāh: *kitāb*), 325 (Muḥammad: *kitāb mubawwab fī al-ḥalāl wa al-ḥarām*); Muḥammad b. al-Ḥasan al-Ṭūsī, *Fihrist kutub al-Shī‘a wa uṣūluhum wa asmā’ al-muṣannifīn wa aṣḥāb al-uṣūl*, ed. ‘Abd al-‘Azīz al-Ṭabāṭabā’ī (Qum: Maktabat al-Muḥaqqiq al-Ṭabāṭabā’ī, 1420/1999), 106 (‘Ubaydullāh: *kitāb*), 130 (Muḥammad: *kitāb*). It is worth noting that the word ‘*kitāb*’ is a generic title and therefore, it does not contradict with their being other dedicated titles of the same work. In the absence of a dedicated title, the work is simply referred to as *kitāb*. For instance, *Kitāb al-Ḥalabī* (the collection of al-Ḥalabī).

<sup>4</sup> Ibn Shahrāshūb, *Ma‘ālim al-‘ulamā’*, 145 (no. 1017). Interestingly, he also ascribes a certain ‘*kitāb*’ to each of the two brothers. See 77 (no. 523, ‘Ubaydullāh al-Ḥalabī), 94 (no. 651, Muḥammad al-Ḥalabī).

<sup>5</sup> For instance, see Ibn Shahrāshūb, *Ma‘ālim al-‘ulamā’*, 118 (no. 785). For instance, the book entitled *Kitāb uṣūl madhāhib al-Shī‘a* is not mentioned in any of the Imami biographical or biobibliographical works to the best of my knowledge.



cites the full titles one after the other.<sup>6</sup> The mention of both the titles with a conjunction in several instances attests to the fact that the author considered them to be two separate texts.<sup>7</sup> The following section examines the authorship of these texts and their potential transmission to North Africa, followed by the cross-regional textual analysis of reports of *al-Īḍāh* and *al-Kāfi* transmitted on the authority of al-Ḥalabī.

## The Ḥalabī Family

Various bibliographical and biobibliographical works describe a distinguished Kūfan Shi'i family named al-Ḥalabī.<sup>8</sup> This family is widely acclaimed for its members' contribution to hadith literature. Al-Najāshī introduces them with some high accolade and honours the entire family with a collective endorsement.<sup>9</sup> The great-grandfather of the family, Abū Shu'ba, is believed to have transmitted hadith on the authority of al-Ḥasan (d. 50/670) and al-Ḥusayn (d. 61/680); his great-grandson is reported to have narrated from the eighth Imami Imam, al-Riḍā (d. 203/818; see Figure 6.1).<sup>10</sup> The family of Abū Shu'ba later came to be known as al-Ḥalabī because of their trading relationship with Aleppo (Ḥalab).<sup>11</sup>

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<sup>6</sup> al-Qāḍī al-Nu'mān, *al-Īḍāh*, 40.

<sup>7</sup> al-Qāḍī al-Nu'mān, *al-Īḍāh*, 52, 143, 159.

<sup>8</sup> al-Najāshī, *Rijāl al-Najāshī*, 230-1 (no. 612, 'Ubaydullāh b. 'Alī b. Abī Shu'ba al-Ḥalabī), 325 (no. 885, Muḥammad b. 'Alī b. Abī Shu'ba al-Ḥalabī Abū Ja'far), 98 (no. 245, Aḥmad b. 'Umar b. Abī Shu'ba al-Ḥalabī), 444 (no. 1199, Yahyā b. 'Imrān b. 'Alī b. Abī Shu'ba al-Ḥalabī); Hossein Modarressi, *Tradition and Survival: A Bibliographical Survey of Early Shī'ite Literature*, 337 (no. 147, Muḥammad al-Ḥalabī), 380 (no. 204, 'Ubaydullāh al-Ḥalabī).

<sup>9</sup> al-Najāshī, *Rijāl al-Najāshī*, 225, 230-1.

<sup>10</sup> al-Najāshī, *Rijāl al-Najāshī*, 230-1, 325.

<sup>11</sup> al-Barqī, *Rijāl al-Barqī*, 20, 23; al-Najāshī, *Rijāl al-Najāshī*, 230.

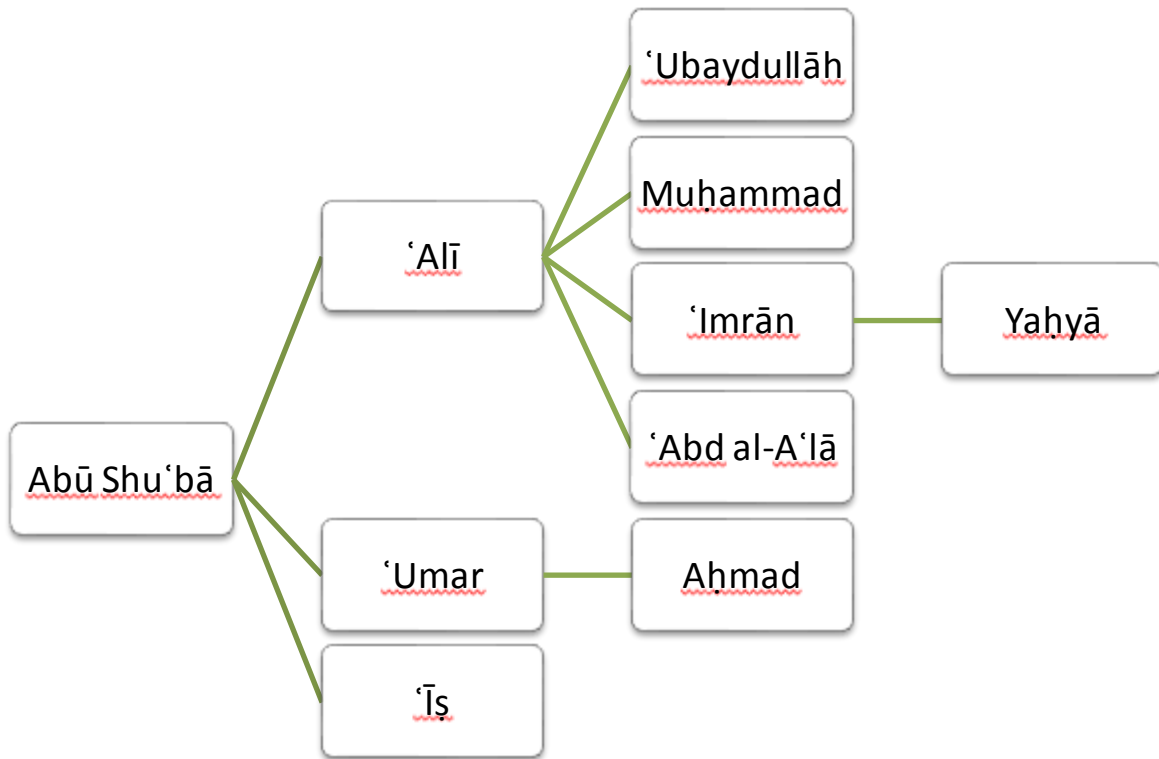


Figure 6.1: The family of Abū Shu‘ba.

Undoubtedly, ‘Ubaydullāh b. ‘Alī al-Ḥalabī and Muḥammad b. ‘Alī al-Ḥalabī are the most distinguished members of the Abī Shu‘ba family because of their extensive contributions to the Shi‘ī hadith literature. ‘Ubaydullāh appears to have been more popular among the traditionists than his brother Muḥammad,<sup>12</sup> although the contemporary scholar al-Khū‘ī disagrees with this assessment.<sup>13</sup> Al-Khū‘ī’s position is corroborated by the description of Ibn Dāwūd (d. after 707/1307), who introduces ‘Abd al-A‘lā b. ‘Alī al-Ḥalabī through his brother Muḥammad, and not ‘Ubaydullāh.<sup>14</sup>

<sup>12</sup> al-Najāshī, *Rijāl al-Najāshī*, 231. For a detailed study on ‘Ubaydullāh b. ‘Alī al-Ḥalabī, see Ihsan Surkhai, “*Kitāb Ḥalabī*: Manba‘ī maktūb dar ta‘līf-i *al-Kāfi*,” *Faṣḥnāma-yi ‘ulūm-i ḥadīth*, 51 (1388 Sh/2009), 34-58; Mīnā Aḥmadiyān, “Ḥalabī ‘Ubaydullāh b. ‘Alī Kūfī” in *Dānishnāma-yi jahān-i Islām*. Consulted online 25 April 2017, <http://rch.ac.ir/article/Details/7846>; Majīd Ma‘ārif and Amīr Rashīdī, “Barrasī-i aṣālat-i Kitāb-i ‘Ubaydullāh b. ‘Alī Ḥalabī,” *Ṣaḥīfa-i mubīn*, 51 (1391 Sh/2012), 8-24.

<sup>13</sup> Abū al-Qāsim al-Khū‘ī, *Muḥjam rijāl al-ḥadīth* (Qum: Markaz-i Nashr-i Āthār-i Shi‘a, 1410/1989), 23: 89.

<sup>14</sup> Ḥasan b. ‘Alī b. Dāwūd al-Ḥillī, *Rijāl Ibn Dāwūd* (Tehran: Intishārāt-i Dānishgāh-i Tihārān, 1383/1963), 220 (no. 914); Ḥasan b. Yūsuf b. Muṭahhar al-Ḥillī, *Rijāl ‘Allāma al-Ḥillī* (Qum: Dār al-Dhakhā‘ir, 1411/1990), 127.

The discussion about which of the two brothers is more renowned likely relates to who is actually meant when the *nisba* ‘al-Ḥalabī’ appears without a first name, given that the popularity of a transmitter usually allows the author to mention just the family name. Which one is more popular may not have any direct implication for a *faqīh* (jurist), given that both brothers are considered equally *thiqa* (trustworthy); however, for a historian, it is critical to determine the authorship of a given text for the analysis of *isnād* and *matn*.<sup>15</sup> The fact that both the brothers passed away in the same year makes it difficult to determine authorship through a chronological analysis. Reporting on the authority of his teacher, Naṣr b. Ṣabbāḥ, al-Kashshī notes that both the brothers died during the time of al-Ṣādiq (d. 148/765).<sup>16</sup> To help assign authorship of the texts ascribed to al-Ḥalabī in *al-Ṭḍāḥ*, the following sections study in greater depth the life and works of both brothers.

## ‘Ubaydullāh b. ‘Alī al-Ḥalabī and His Hadith Collection

Early Shi‘i bibliographies suggest that ‘Ubaydullāh b. ‘Alī al-Ḥalabī composed a *kitāb* (book), allegedly the first systematic collection of hadith in Shi‘i history.<sup>17</sup> The *ṭabaqāt* work ascribed to Aḥmad al-Barqī (d. 274–280/887–893) specifies that the collection of ‘Ubaydullāh is the first of its kind that Shi‘ites ever produced.<sup>18</sup> Al-Ṭūsī and al-Najāshī record that ‘Ubaydullāh compiled a hadith collection, without stating that it was the first collection amongst the Shi‘ites.<sup>19</sup> However, al-Ṭūsī, unconvincingly, reports that this collection was presented to al-Ṣādiq, who was very much pleased to see it and started boasting, saying, ‘Have you seen them [Sunnis]

<sup>15</sup> For a detailed study on the method of distinguishing between ‘Ubaydullāh and Muḥammad in the *isnād* of *al-Kāfi*, see Ihsan Surkhai, “*Kitāb Ḥalabī*: Manba‘ī maktūb dar ta‘līf-i *al-Kāfi*,” 34-58.

<sup>16</sup> al-Kashshī, *Rijāl al-Kashshī-Ikhtiyār ma‘rifat al-rijāl*, 488 (no. 927).

<sup>17</sup> al-Barqī, *Rijāl al-Barqī*, 23; al-Najāshī, *Rijāl al-Najāshī*, 231, 361; al-Ṭūsī, *Rijāl al-Shaykh al-Ṭūsī*, 431, 452; al-Ṭūsī, *Fihrist*, 106; Abū Ghālib al-Zurārī, *Risālat Abī Ghālib al-Zurārī* (Qum: Intishārāt-i Daftar-i Tablighāt, 1411/1990), 162.

<sup>18</sup> al-Barqī, *Rijāl al-Barqī*, 23. For the study of *Rijāl al-Barqī*, see Hossein Modarressi, *Tradition and Survival: A Bibliographical Survey of Early Shī‘ite Literature*, xvii.

<sup>19</sup> For the historiography of early hadith collection entitled *Jāmi‘*, see Sayyid Kāzim Ṭabāṭabā‘ī and ‘Aliyya Riḍādād, “*Jāmi‘* nawisān-i pīsh az Kulaynī,” *Faṣḥnāma-yi ‘ulūm-i ḥadīth*, 51 (1388 Sh/2009), 8-33; Hossein Modarressi, *Tradition and Survival: A Bibliographical Survey of Early Shī‘ite Literature*, 228, 380-1.

achieving such a milestone?!<sup>20</sup> Because of its systematic classification and detailed reporting, the work served as a reference for later hadith collections.<sup>21</sup> Though it is widely accepted that ‘Ubaydullāh is the compiler of this text, Behbudī (d. 1393 Sh/2015) observes that the phrase ‘*al-mansūb iliyahī*’ (it is attributed to him) in al-Najāshī’s *Rijāl* is a subtle indication of the wrongful attribution of this collection to ‘Ubaydullāh.<sup>22</sup> This claim does not seem convincing, for it could also be argued that the phrase indicate the attribution (*nisba*) of the text to its original compiler.

The numerous copies of ‘Ubaydullāh al-Ḥalabī’s text and the detailed descriptions of its features in various biographical and biobibliographical literature testify to its significance and popularity.<sup>23</sup> It is also reported that the work was arranged in a thematic order and was regarded as a reliable source by Shi‘ite jurists. Alluding to its popularity, al-Najāshī states that the variant copies of this collection do contain some minor differences in the beginning of the text. An example of such a variant reading from *Tafsīr al-‘Ayyāshī* indicates that the differences in the copies are instead found throughout the book, given that the chapter of *diyya* (blood money) it cites is conventionally one of the last chapters of a classical legal work.<sup>24</sup>

Most of ‘Ubaydullāh’s collection is incorporated into later Imami canonical hadith compendia. There are 1544 hadith reported on the authority of ‘Ubaydullāh b. ‘Alī al-Ḥalabī in those four collections.<sup>25</sup> His chief informant, Ḥammād b. ‘Uthmān al-Nāb, narrated 1261 hadith on his authority. Furthermore, Ibn Abī ‘Umayr, the principal reporter of Ḥammād, transmitted 1362 hadith on his authority (see Table

<sup>20</sup> al-Najāshī, *Rijāl al-Najāshī*, 230-1 (no. 612); al-Ṭūsī, *Fihrist*, 305 (no. 467). The same account appears in *Rijāl al-Najāshī* with a slight variation.

<sup>21</sup> al-Najāshī, *Rijāl al-Najāshī*, 366 (no. 990).

<sup>22</sup> Muḥammad Bāqir al-Behbudī, *Ma‘rifat al-ḥadīth* (Beirut: Dār al-Hādī, 2006), 127-8.

<sup>23</sup> al-Ṭūsī, *Rijāl al-Shaykh al-Ṭūsī*, 431.

<sup>24</sup> al-Najāshī, *Rijāl al-Najāshī*, 231, 366; al-Ṭūsī, *Fihrist*, 106; al-‘Ayyāshī, *Tafsīr al-‘Ayyāshī*, 1: 76 (no. 162).

<sup>25</sup> For the discussion of Shi‘i canonical hadith texts see, Kumail Rajani, “Hadith: Shi‘i,” in *Oxford Bibliographies in Islamic Studies*. Consulted online on 15 May 2017, <http://www.oxfordbibliographies.com/view/document/obo-9780195390155/obo-97801953901550235.xml?rskey=6Xws4P&result=1&q=Kumail%20Rajani%20#obo-9780195390155-0235-div1-0008>.

6.1).<sup>26</sup>

Imami hadith compendia	From ‘Ubaydullāh b. ‘Alī al-Ḥalabī	Ḥammād b. ‘Uthmān on the authority of ‘Ubaydullāh b. ‘Alī al-Ḥalabī	Ibn Abī ‘Umayr on the authority of Ḥammād b. ‘Uthmān
<i>al-Kāfī</i>	504	446	523
<i>al-Faqīh</i>	201	80	4
<i>Tahdhīb al-ahkām</i>	582	506	579
<i>al-Istibṣār</i>	257	229	257
<b>TOTAL</b>	1544	1261	1362

Table 6.1: Reports attributed to ‘Ubaydullāh b. ‘Alī al-Ḥalabī in Imami canonical collections.

Interestingly, *al-Īdāh* contains more citations of al-Ḥalabī’s collection than does *al-Kāfī*. In the entire chapter of *al-ṣalāt* (daily prayers) of *al-Kāfī*, there are forty-six hadith narrated on the authority of al-Ḥalabī, whereas the extant fragment of *al-Īdāh*, an incomplete chapter of *al-ṣalāt*, renders fifty-two hadith from *Jāmi‘ al-Ḥalabī* and fifty-three hadith from *Kitāb al-Ḥalabī*.<sup>27</sup> This reflects Qāḍī Nu‘mān’s maximum use of the works attributed to al-Ḥalabī(s). It could also be argued that unlike Qāḍī Nu‘mān, al-Kulaynī had a broad range of sources at his disposal, and therefore, he was able to consult other sources for the similar content. Moreover, Nu‘mān aimed

<sup>26</sup> These statistics are obtained by a rigorous search in the search engines of the Computer Research Center of Islamic Sciences, *Dirāyat al-nūr 1.2* (Qum: CRCIS, 2012). There are instances of repetition of the *isnād* in this table, which are not significant enough to jeopardise the force of my conclusions. Most of such cases are from *Tahdhīb al-ahkām* and *al-Istibṣār*. These two works are not only composed by a single author, but also cite the reports of *al-Kāfī* with the aim of reconciling between its contradictory hadith. For a detailed study of the variants *isnāds* of al-Ḥalabī in *al-Kāfī*, see Ihsan Surkhai, “*Kitāb Ḥalabī: Manba‘ī maktūb dar ta‘līf-i al-Kāfī*,” 34-58.

<sup>27</sup> al-Kulaynī, *al-Kāfī*, 3: 264-495.

to offer exhaustive list of reports in a given context, whereas al-Kulaynī was satisfied with highlighting the reports which appeared relevant to a given chapter.

The correspondence of the Shi'i community of al-Mayāfāriqīn (in present-day Silvan, Turkey) with al-Sharīf al-Murtaḍā (d. 436/1044) reveals that the distant Shi'i communities were familiar with 'Ubaydullāh al-Ḥalabī's collection.<sup>28</sup> Letters between a Shi'i community in Rass and al-Murtaḍā refer to the collection of 'Ubaydullāh as a *kitāb aṣl* (foundational text).<sup>29</sup> It is worth noting that in both correspondences, al-Ḥalabī's collection is compared to later Imami hadith collections, such as a *Kitāb al-Shalmaghānī*, *Risāla 'Alī b. Mūsā b. Bābawayh al-Qummī*, *Risāla al-Muqni'a*, and *al-Kāfi*. It, therefore, implies that 'Ubaydullāh's collection survived at least until the fifth/eleventh century, maintaining its status amongst later more accessible works of *muṣannaf* and *riwāya* collections.<sup>30</sup> Ibn Ṭāwūs (d. 664/1265) is believed to be the last scholar who had access to this work as attested by the references made in his works.<sup>31</sup>

### ***Isnāds* of 'Ubaydullāh al-Ḥalabī's Hadith Collection**

'Ubaydullāh's work, though originating in Kūfa, it made its way to Qum, Qayrawān, Baghdād, Silvan, Rass and Ḥilla, as attested by numerous citations by the authors of these regions. Al-Najāshī states that he had several *isnāds* for al-Ḥalabī's collection, but restricted by his commitment to brevity, only offers one *isnād*. In contrast, al-Ṭūsī and Ibn Bābawayh provide all the *isnāds* (four and three chains respectively) through which they had access to this foundational text. Abū Ghālib al-Zurārī (d. 368/978) had access to this collection through one *isnād*.<sup>32</sup> Reporting the distinguished status of his teacher and the extent of his scholarly activities, Ibn al-

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<sup>28</sup> 'Alī b. Ḥusayn b. Mūsā al-Sharīf al-Murtaḍā, *Rasā'il al-Murtaḍā*, ed. al-Sayyid Mahdī al-Rajā'ī (Qum: Dār al-Qur'an al-Karīm, 1405/1984), 1: 279.

<sup>29</sup> al-Sharīf al-Murtaḍā, *Rasā'il al-Murtaḍā*, 2: 331. For a detailed study of *aṣl*, see Etan Kohlberg, "Al-Uṣūl al-arba'umi'a," 128-66.

<sup>30</sup> al-Sharīf al-Murtaḍā, *Rasā'il al-Murtaḍā*, 2: 331.

<sup>31</sup> Ibn Ṭāwūs, *Iqbāl al-a'māl*, 1: 48; 'Alī b. Mūsā al-Sayyid Ibn Ṭāwūs, "Risāla 'adam muḍāyaqaṭ al-fawā'it," in *Turāthunā*, 2-3 (1407/1986), 340-1.

<sup>32</sup> al-Ṭūsī, *Fihrist*, 305-6; al-Najāshī, *Riḥal al-Najāshī*, 231; Abū Ghālib al-Zurārī, *Risāla Abī Ghālib al-Zurārī*, 162; Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 4: 429.

Haytham (b. c. 273–277/886–887) reports:

And whatever I may forget, I shall never forget the *dāʿī* of Malūsa, the shaykh of the community and their legal authority, Aflaḥ b. Hārūn al-ʿIbānī. He combined his activity as a *dāʿī* with the sciences of the religious law, and he reached back to the time of Abū Maʿshar and al-Ḥulwānī and transmitted on their authority from al-Ḥalabī.<sup>33</sup>

Notwithstanding the anecdotal nature of the report, it offers a valuable piece of information on how North African Ismaili *dāʿīs* were familiar with al-Ḥalabī's hadith-collection in the early fourth/tenth century. This is the very first account of the hadith of al-Ḥalabī being discussed in North African scholarly milieu. This account demonstrates the extent of the reach of al-Ḥalabī's collection (see Figure 6.1). Given the fact that Nuʿmān was not only a contemporary to Ibn al-Haytham but also a junior colleague, one may conclude that he had access to this collection through Aflaḥ b. Hārūn via Ibn al-Haytham. The following chronologically ordered list denotes the number of *isnāds* through which a given scholar had access to the original text.

1. Ibn al-Haytham (b. c. 273-7/886-7), one *isnād*
2. Abū Ghālib al-Zurārī (d. 368/978), one *isnād*
3. Ibn Bābawayh (d. 380/991), three *isnāds*
4. al-Najāshī (d. 450/1058), one *isnād*. However, he mentions '*qad rawā hādihā al-kitāb khalqun min aṣḥābina* (this book is reported by a great number of Shiʿite scholars)'.<sup>34</sup>
5. al-Ṭūsī (d. 460/1067), four *isnāds*

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<sup>33</sup> Ibn al-Haytham, *The Advent of the Fatimids*, eds. and trs. Wilferd Madelung and Paul E. Walker, 168-9.

<sup>34</sup> al-Najāshī, *Riḥal al-Najāshī*, 231.

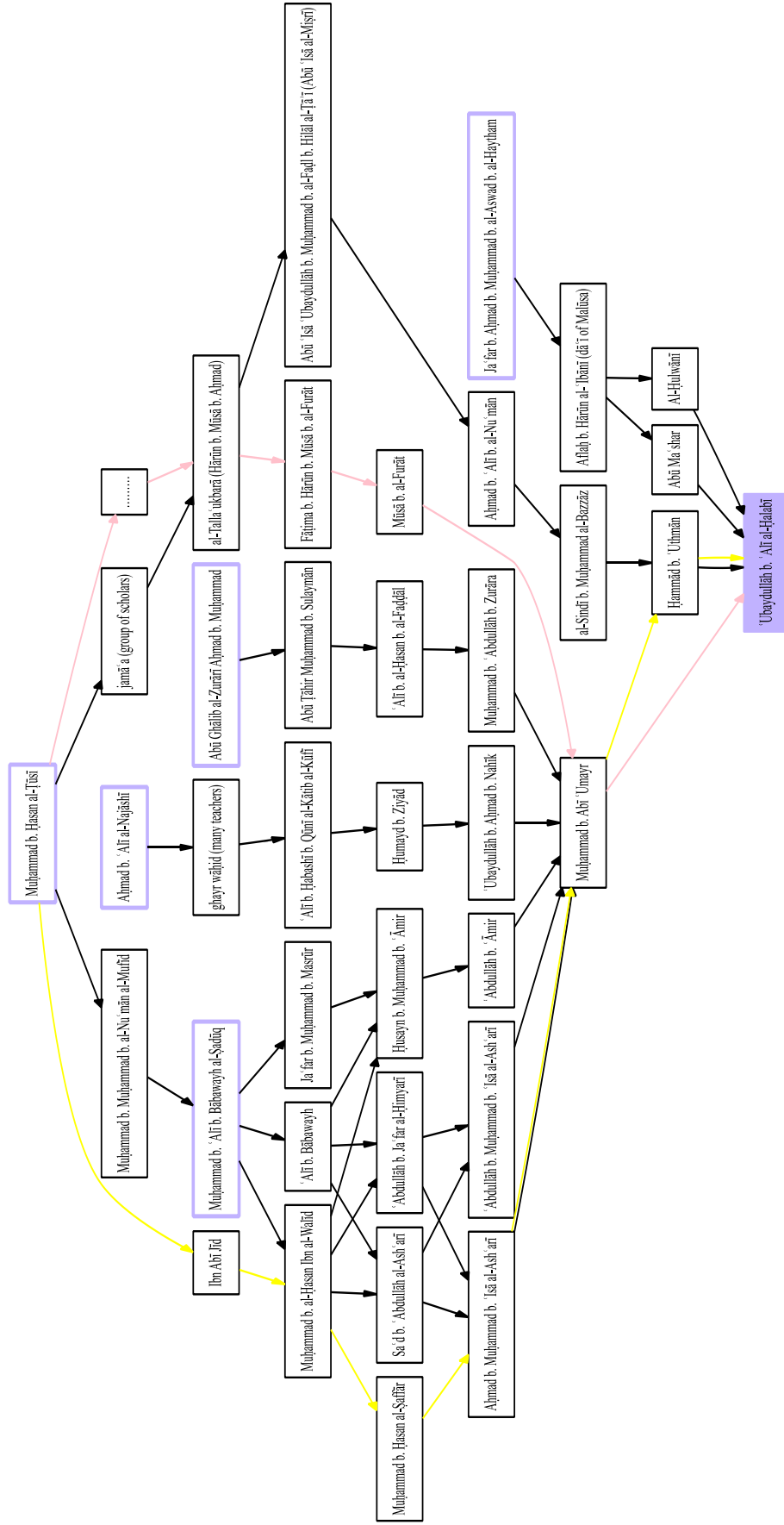


Figure 6.2: Multiple *isnād* bundles for ‘Ubaydullāh b. ‘Alī al-Halabī’ shadhith collection. ‘...’ in the figure represents the phrase *ghayr wāhid* in the *isnād*.



‘Ubaydullāh al-Ḥalabī’s work was known to Ibn al-Nadīm (d. 385/990) and Ibn Shahrāshūb (d. 588/1192), as attested by their enumeration of various earlier hadith collections.<sup>35</sup> However, they fail to offer any details about the content and arrangement of the work. As indicated earlier, Ibn Shahrāshūb’s attestation should not be considered an independent assessment of the work, given the considerable evidence that he simply extracted the titles from secondary sources without having access to the original source.<sup>36</sup> Interestingly, the full name of al-Ḥalabī appears once in the *isnād* of *Kitāb uṣūl madhāhib al-Shī‘a min riwāyat Muḥammad b. al-Ṣalt*, a source of *al-Īḍāḥ*.<sup>37</sup> The source is cited twice in other instances, but without mentioning the full name of al-Ḥalabī.<sup>38</sup> It appears that the chief authority in these instances is ‘Ubaydullāh b. ‘Alī al-Ḥalabī, given the consistent nature of the chain of transmission across the three instances. Muḥammad b. al-Ṣalt narrates from his uncle Muḥammad b. Abī ‘Umayr, who reports on the authority of Ḥammād b. ‘Uthmān, the chief informant of the reports of ‘Ubaydullāh.<sup>39</sup> Interestingly, the *isnād* resonates with the popular *isnād* of ‘Ubaydullāh’s hadith collection. It appears that the author of *Kitāb uṣūl madhāhib al-Shī‘a min riwāyat Muḥammad b. al-Ṣalt* took these three hadith from the famous hadith collection of ‘Ubaydullāh. Does this example denote a pattern of Qāḍī Nu‘mān’s writings, where he offers the full name of the chief authority in the first instance and later gives only the title of the authority? Until this is corroborated by substantial evidence, this hypothesis remains, at best, tentative. Perhaps the first non-extant part of *al-Īḍāḥ* might have provided some clues to the methodology of rendering *isnād* adopted by the author.

## Muḥammad b. ‘Alī al-Ḥalabī and His Hadith Collection

<sup>35</sup> Ibn al-Nadīm, *Kitāb al-fihrist*, 3: 70. It should be noted that *Kitāb ‘Abdullāh al-Ḥalabī* should be read as *Kitāb ‘Ubaydullāh al-Ḥalabī*. Ibn Shahrāshūb, *Ma‘ālim al-‘ulamā’*, 77 (no. 523).

<sup>36</sup> For instance, see Ibn Shahrāshūb, *Ma‘ālim al-‘ulamā’*, 118 (no. 785). The book entitled *Kitāb uṣūl madhāhib al-Shī‘a* is not mentioned in any of the Imami biographical or biobibliographical works.

<sup>37</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 37.

<sup>38</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 139, 163.

<sup>39</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 37, 139, 163. The *isnād* of *al-Īḍāḥ* reveals that the author of the text, Muḥammad b. al-Ṣalt, was a nephew of Ibn Abī ‘Umayr (from Baghdad). The title *Kitāb uṣūl madhāhib al-Shī‘a* and the identity of its author both remain unidentified in Imami biographical and biobibliographical works except Ibn Shahrāshūb, *Ma‘ālim al-‘ulamā’*, 118 (no. 785).

Muḥammad b. ‘Alī al-Ḥalabī is, arguably, the more famous of the two prominent figures of the Kūfan family of al-Ḥalabī. He transmitted various hadith on the authority of al-Bāqir and al-Ṣādiq.<sup>40</sup> Al-Najāshī, using laudatory terms, ascribes two different works with separate *isnāds* to Muḥammad al-Ḥalabī: *Kitāb al-tafsīr* and *Kitāb mubawwab fī al-ḥalāl wa al-ḥarām*.<sup>41</sup> Without specifying its title, al-Ṭūsī states, in contrast, that Muḥammad compiled one *kitāb* (collection).<sup>42</sup> However, in his *Rijāl*, he introduces him with a rather ambiguous phrase ‘*asnada ‘anhu* (the transmitter narrated prophetic traditions through the Imams)’.<sup>43</sup> While *Kitāb al-tafsīr* (The Book on Commentary) of Muḥammad al-Ḥalabī may have not been of much interest for Qāḍī Nu‘mān in *al-Īdāh*, *Kitāb mubawwab fī al-ḥalāl wa al-ḥarām* (An Organised Book of Lawful and Unlawful Acts) seems to have appealed to him more because of its legal content. It is believed that one of the two common links, ‘Abdullāh b. Muskān, largely incorporated most of Muḥammad al-Ḥalabī’s collection into his own work, *Kitāb fī al-ḥalāl wa al-ḥarām* (see Table 6.2).<sup>44</sup> Modarressi argues that the material that Ibn Muskān has added to Ḥalabī’s work is identifiable by a thorough investigation of the chains of transmission attached to the hadith attributed to him. He is believed to have transmitted close to one thousand hadith in Shi‘i hadith literature.<sup>45</sup>

Of 490 hadith attributed to Muḥammad b. ‘Alī al-Ḥalabī in the four Imami canonical texts, 266 are reported through ‘Abdullāh b. Muskān. Al-Ṭūsī asserts that Muḥammad al-Ḥalabī’s hadith collection was accessible to him through another common link, Abū Jamīla Mufaḍḍal b. Ṣāliḥ, a colleague of Ibn Muskān. However, Ibn Muskān is preferred over Abū Jamīla in quoting Muḥammad al-Ḥalabī’s

<sup>40</sup> al-Ṭūsī, *Fihrist*, 130 (no. 575); al-Najāshī, *Rijāl al-Najāshī*, 325 (no. 885, Muḥammad b. ‘Alī b. Abī Shu‘ba al-Ḥalabī Abū Ja‘far); Hossein Modarressi, *Tradition and Survival: A Bibliographical Survey of Early Shi‘ite Literature*, 337 (no. 147).

<sup>41</sup> al-Najāshī, *Rijāl al-Najāshī*, 325 (no. 885).

<sup>42</sup> al-Ṭūsī, *Fihrist*, 130 (no. 575).

<sup>43</sup> al-Ṭūsī, *Rijāl al-Shaykh al-Ṭūsī*, 290. For a detailed study of the phrase ‘*asnada ‘anhu*’, see Sayyid Muḥammad Riḍā al-Ḥusaynī, “al-Muṣṭalaḥa al-rijālī: *asnada ‘anhu*,” *Turāthunā*, 3 (1406/1985), 98-154; After a succinct deliberation, al-Khū‘ī concludes that the phrase is obscure and its meaning remain vague and ambiguous, see Abū al-Qāsim al-Khū‘ī, *Mu‘jam rijāl al-ḥadīth*, 1: 99-101.

<sup>44</sup> al-Najāshī, *Rijāl al-Najāshī*, 214.

<sup>45</sup> Hossein Modarressi, *Tradition and Survival: A Bibliographical Survey of Early Shi‘ite Literature*, 154 (no. 150).

collection.<sup>46</sup>

Imami hadith compendia	From Muḥammad b. ‘Alī al-Ḥalabī	‘Abdullāh b. Muskān on the authority of Muḥammad b. ‘Alī al-Ḥalabī	Abū Jamīla Mufaḍḍal b. Ṣāliḥ on the authority of Muḥammad b. ‘Alī al-Ḥalabī
<i>al-Kāfī</i>	146	70	20
<i>al-Faqīh</i>	65	15	1
<i>Tahdhīb al-ahkām</i>	206	133	8
<i>al-Istibṣār</i>	73	48	-
<b>TOTAL</b>	490	266	29

Table 6.2: Reports attributed to Muḥammad b. ‘Alī al-Ḥalabī in Imami canonical collections.

### ***Isnāds* of Muḥammad al-Ḥalabī’s Hadith Collection**

The work of Muḥammad al-Ḥalabī appears to have been disseminated less widely than that of his brother ‘Ubaydallāh. However, unlike ‘Ubaydullāh’s collection, its *isnād* has more than one common link: its links were both ‘Abdullāh b. Muskān and Abū Jamīla al-Mufaḍḍal b. Ṣāliḥ (see Figure 6.3).<sup>47</sup> The *isnāds* of Abū Ghālib al-Zurārī, al-Najāshī and Ibn Bābawayh end with Ibn Muskān, whereas al-Ṭūsī’s *isnād* ends with Abū Jamīla al-Mufaḍḍal b. Ṣāliḥ.<sup>48</sup> The nature of all its *isnāds* indicates

<sup>46</sup> al-Ṭūsī, *Fihrist*, 130 (no. 575).

<sup>47</sup> al-Najāshī, *Rījal al-Najāshī*, 215; al-Ṭūsī, *Fihrist*, 130 (no. 575).

<sup>48</sup> al-Najāshī, *Rījal al-Najāshī*, 215; al-Ṭūsī, *Fihrist*, 130 (no. 575); Abū Ghālib al-Zurārī, *Risāla Abī Ghālib al-Zurārī*, 161; Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 4: 427. Al-Najāshī refers to the work as *Kitāb mubawwab fī al-ḥalāl wa al-ḥarām*. Al-Ṭūsī simply identifies it as *Kitāb*, whereas Abū Ghālib’s

that the book was compiled in Kūfa and was later transmitted to the scholars of Baghdad and Qum. Unlike ‘Ubaydullāh’s work, there is no evidence to suggest that this work may have transmitted via non-Imami *isnāds*.

The four *isnād* bundles of Muḥammad’s work are as follows:

1. Abū Ghālib al-Zurārī (d. 368/978), one *isnād*
2. Ibn Bābawayh (d. 380/991), three *isnāds*
3. al-Najāshī (d. 450/1058), one *isnād*
4. al-Ṭūsī (d. 460/1067), four *isnāds*

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*Risāla* cites it as *Kitāb Muḥammad al-Ḥalabī*. Ibn Bābwayh, does not assign any specific title to this work. It appears that the earlier texts hardly had any dedicated title and usually, were referred to by the name of their authors.



## ***Al-Īdāh* and al-Ḥalabī's Hadith Collection**

This third case study, after cross-examining the reports of al-Ḥalabī(s), as cited by *al-Īdāh*, with *al-Kāfi* and other Imami hadith compendia, demonstrates that their sources have a common provenance in Kūfa. The identical nature of the reports cited on the authority of al-Ḥalabī(s) in these secondary texts support the fact that they originated in Kūfa around second/eighth century. As discussed earlier, Qāḍī Nu'mān assumes that a certain author named al-Ḥalabī produced two separate texts: *Jāmi' al-Ḥalabī* and *Kitāb al-Ḥalabī al-ma'rūf bi kitāb al-masā'il*. Therefore, both the works are analysed separately in the following section.

### ***Jāmi' al-Ḥalabī***

All the fifty-two hadith from *Jāmi' al-Ḥalabī* in *al-Īdāh* are transmitted on the final authority of al-Ṣādiq. Except for one instance in which the title appears with an adjective, *wa kitābuhu al-ma'rūf bi al-jāmi'* (and his collection which is known as *al-Jāmi'*), *al-Īdāh* is consistent in rendering its title as *Jāmi' al-Ḥalabī*. Qāḍī Nu'mān does not provide his *isnād* for this collection, only mentioning the name of the Imam on whose authority the hadith is reported in thirty-one instances. The remaining twenty-one hadith should be registered on the authority of al-Ṣādiq, given that the Shi'i hadith collections have not recorded a single instance in which Ḥalabī brothers narrated a single hadith on the authority of al-Bāqir.<sup>49</sup>

My findings support 'Ubaydullāh b. 'Alī al-Ḥalabī as being the compiler of *Jāmi' al-Ḥalabī*, based on the citations of Imami canonical authors who record eleven hadith identical to *al-Īdāh*'s reports through the most famous *isnād* of 'Ibn Abī 'Umayr 'an Ḥammād b. 'Uthmān 'an 'Ubaydullāh b. 'Alī al-Ḥalabī'. The identical content of the reports indicates that Qāḍī Nu'mān had access to 'Ubaydullāh's work, although most likely with a different *isnād* to that of al-Kulaynī. The variety of *isnāds* in the Imami canonical collections suggests that their authors had access to the Kūfan

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<sup>49</sup> The single instance in which it appears that 'Ubaydullāh has transmitted hadith from al-Bāqir does not substantiate the claim, especially the given *isnād* faces the challenge of discrepancy of the *ṭabaqāt* of its transmitters. See al-Kulaynī, *al-Kāfi*, 3: 185.

foundational texts, at least the more popular ones, through multiple chains of transmission. This explains both why Imami authors opted to cite identical *matn* through a non-al-Ḥalabī route and why twenty-eight reports cited from al-Ḥalabī in *al-Ṭḡāh* remain untraceable via al-Ḥalabī's route in Imami collections. One such example is the reliance of Imami authors on the hadith reported on the authority of earlier Imams where available; for instance, the reports transmitted on the authority of al-Bāqir are preferred over the reports transmitted on the authority of al-Ṣādiq.<sup>50</sup> I could not trace six reports of al-Ḥalabī cited by *al-Ṭḡāh* in any Shi'i hadith collection. However, their content, with different wordings and *isnāds*, is found in some later hadith collections.

### ***Jāmi' al-Ḥalabī and Imami Canonical Hadith Collections***

Table 6.3 illustrates the areas of similarities between the hadith cited by *al-Ṭḡāh* and the Imami canonical hadith collections, thereby supporting the hypothesis of the common provenance of their primary sources. It is divided into six columns. The first column denotes the hadith which remain untraceable in the Imami canonical hadith collections. The reports which are identical in content and *isnāds* are represented by the second column. The third column highlights the reports which resemble other Imami hadith, but have different *isnāds*. The reports which are, in my view, mistakenly, attributed to *Jāmi' al-Ḥalabī*, given their *isnād* indicate were narrated by Muḥammad b. 'Alī al-Ḥalabī are listed in the fourth column. The fifth column identifies the hadith transmitted through Ibn Abī 'Umayr, but not on the authority of 'Ubaydullāh al-Ḥalabī. The last column highlights a report which remains obscure in its content and structure. Each row represents the number of the page where a particular hadith of *al-Ṭḡāh* is found, and the footnote provides the references from various Imami sources.

<sup>50</sup> The references of these hadith could be traced in the table below. See al-Qādī al-Nu'mān, *al-Ṭḡāh*, 45, 52.2, 54.2, 80, 84, 109.1, 109.2, 138.2 and few other instances in the table below. A cursory glance at al-Najāshī and al-Ṭūsī's biobibliographical works suggests that the companions of the Imams composed titles with similar topic, for instance *Kitāb al-ṣalāt*. See al-Najāshī, *Riḡal al-Najāshī*, 26, 31, 58, 65, 80, 89 and passim; al-Ṭūsī, *Fihrist*, 10, 12, 24, 41 et al

Unfounded	Ibn Abī 'Umayr via Ḥammād via 'Ubaydullāh al-Ḥalabī	Identical content with different <i>isnāds</i>	Ibn Muskān via al-Ḥalabī	Hadith with Ibn Abī 'Umayr in <i>isnād</i>
24 <sup>51</sup>	54.3 <sup>52</sup>	45 <sup>53</sup>	40 <sup>54</sup>	34.1 <sup>55</sup>
71 <sup>56</sup>	56 <sup>57</sup>	52.1 <sup>58</sup>	55.1 <sup>59</sup>	34.2 <sup>60</sup>
75 <sup>61</sup>	69 <sup>62</sup>	53.1 <sup>63</sup>	119 <sup>64</sup>	53.2 <sup>65</sup>

<sup>51</sup> The report does not contain any significant legal ruling. However, the report could not be traced in any collections.

<sup>52</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 198, 269.

<sup>53</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 3: 13. For similar content see, al-Kulaynī, *al-Kāfī*, 3: 274; Muḥammad b. Ḥasan al-Ṣaffār, *Baṣā'ir al-darajāt fī faḍā'il Āl Muḥammad*, ed. Muḥsin b. 'Abbās 'Alī Kuchebaghī (Qum: Maktabat Āyatullāh al-Mar'ashī al-Najafī, 1404/1983), 328.

<sup>54</sup> This hadith is cited through the *isnād* of Muḥammad al-Ḥalabī in *al-Istibṣār*. See al-Ṭūsī, *al-Istibṣār fī mā ukhtulifa min al-akhbār*, 1: 290. Al-Kulaynī cites a similar hadith with a complete different *isnād*. See al-Kulaynī, *al-Kāfī*, 3: 180, 290.

<sup>55</sup> al-Kulaynī, *al-Kāfī*, 3: 448.

<sup>56</sup> The content is related to *adhān* (call for the prayers) and that it should be recited before the *nāfila* (recommended prayers) followed by *iqāma* (second call for the prayer) and the *farḍ ṣalā* (obligatory prayers). This is an interesting report which makes a clear distinction between both the calls of prayers. However, it remains untraced in any other Shi'i hadith collections.

<sup>57</sup> al-Kulaynī, *al-Kāfī*, 3: 452. For other *isnāds*, see al-Kulaynī, *al-Kāfī*, 3: 451; Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 496.

<sup>58</sup> This text is identical to *Fiqh al-Riḍā*. See 'Alī b. Mūsā al-Riḍā, *al-Fiqh al-mansūb ilā al-Imām al-Riḍā* (Mashhad: Mu'assasat Āl al-Bayt, 1406/1985), 122-3.

<sup>59</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 269-70; 'Alī b. Mūsā al-Riḍā, *al-Fiqh al-mansūb ilā al-Imām al-Riḍā*, 122. The chief narrator is most likely to be Muḥammad al-Ḥalabī, for Ibn Muskān is the main informant for his hadith collection. Moreover, Ibn Muskān has not transmitted any hadith on the authority of 'Ubaydullāh.

<sup>60</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 134.

<sup>61</sup> Though the content could be traced in other *isnāds*, it is not narrated on the authority of al-Ḥalabī. The hadith is in relation to the prohibition of the phrase '*al-Ṣalā khayr min al-nawm*' (The prayer is more rewarding than sleeping) in the *adhān* (first call for the prayer).

<sup>62</sup> al-Kulaynī, *al-Kāfī*, 3: 303. The first part of the hadith with a variant *isnād* is traced in al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 50, 52.

<sup>63</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 271. al-Ṭūsī, *al-Istibṣār fī mā ukhtulifa min al-akhbār*, 1: 289.

<sup>64</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 3: 268. Similar report is found in al-Kulaynī, *al-Kāfī*, 3: 376. The chief narrator is most likely to be Muḥammad al-Ḥalabī, for Ibn Muskān is the chief narrator of Muḥammad's hadith collection. Moreover, Ibn Muskān is not reported to have transmitted any hadith on the authority of 'Ubaydullāh.

<sup>65</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 338.



Unfounded	Ibn Abī 'Umayr via Ḥammād via 'Ubaydullāh al-Ḥalabī	Identical content with different <i>isnāds</i>	Ibn Muskān via al-Ḥalabī	Hadith with Ibn Abī 'Umayr in <i>isnād</i>
103 <sup>66</sup>	72.1 <sup>67</sup>	53.2 <sup>68</sup>		84 <sup>69</sup>
104 <sup>70</sup>	79 <sup>71</sup>	54.1 <sup>72</sup>		
164.1 <sup>73</sup>	137 <sup>74</sup>	54.2 <sup>75</sup>		
	141 <sup>76</sup>	55.2 <sup>77</sup>		
	142 <sup>78</sup>	57 <sup>79</sup>		
	146 <sup>80</sup>	67 <sup>81</sup>		
	151 <sup>82</sup>	72.2 <sup>83</sup>		

<sup>66</sup> The hadith is about a person who has no clothes at the time of prayers.

<sup>67</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 278.

<sup>68</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 340.

<sup>69</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 57. Similar content also traced in Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faḳīh*, 1: 298.

<sup>70</sup> The hadith enumerates the people who should not be followed in prayers, i.e., they cannot lead and conduct the prayers.

<sup>71</sup> Surprisingly *al-Kāfī* and *Tahdhīb* both cite the same hadith but with different *isnāds*. *Al-Kāfī* narrates from 'Ubaydullāh al-Ḥalabī whereas *Tahdhīb* reports on the authority of Muḥammad al-Ḥalabī. See al-Kulaynī, *al-Kāfī*, 3: 304; al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 53.

<sup>72</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 270.

<sup>73</sup> The report consists of a generic topic, and its content is also transmitted via other *isnāds*.

<sup>74</sup> al-Kulaynī, *al-Kāfī*, 3: 310.

<sup>75</sup> al-Kulaynī, *al-Kāfī*, 3: 363.

<sup>76</sup> al-Kulaynī, *al-Kāfī*, 3: 310. Most likely, this is just a segment of a larger hadith. Al-Kulaynī cites the entire hadith at one place, whereas Qāḍī Nu'mān dissected it and extracted relevant segments in relevant chapters.

<sup>77</sup> al-Kulaynī, *al-Kāfī*, 3: 488; Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faḳīh*, 1: 498.

<sup>78</sup> al-Kulaynī, *al-Kāfī*, 3: 310.

<sup>79</sup> The hadith is related to the time of *qaḍā* (lapsed) prayers. A similar hadith in regard to the number of *qaḍā* (lapsed) prayers are found in Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faḳīh*, 1: 499; al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 165. For the timings of *qaḍā* (lapsed) prayers, see 'Alī b. Ja'far, *Masā'il 'Alī b. Ja'far*, 180; al-Kulaynī, *al-Kāfī*, 3: 453.

<sup>80</sup> al-Kulaynī, *al-Kāfī*, 3: 310.

<sup>81</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 49; al-Ḥimyarī, *Qurb al-isnād*, 360.

<sup>82</sup> al-Kulaynī, *al-Kāfī*, 3: 330.

<sup>83</sup> al-Ḥimyarī, *Qurb al-isnād*, 183; 'Alī b. Ja'far, *Masā'il 'Alī b. Ja'far*, 232.

Unfounded	Ibn Abī 'Umayr via Ḥammād via 'Ubaydullāh al-Ḥalabī	Identical content with different <i>isnāds</i>	Ibn Muskān via al-Ḥalabī	Hadith with Ibn Abī 'Umayr in <i>isnād</i>
	164.2 <sup>84</sup>	76 <sup>85</sup>		
		80 <sup>86</sup>		
		81 <sup>87</sup>		
		83 <sup>88</sup>		
		84 <sup>89</sup>		
		85 <sup>90</sup>		
		109.1 <sup>91</sup>		
		109.2 <sup>92</sup>		
		113 <sup>93</sup>		
		116 <sup>94</sup>		
		118 <sup>95</sup>		
		138.1 <sup>96</sup>		

<sup>84</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 71.

<sup>85</sup> This is reported from Ibn Muskān on the authority of Ibn Abī 'Umayr. See al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 55. A similar report is found in al-Kulaynī, *al-Kāfī*, 3: 304.

<sup>86</sup> al-Kulaynī, *al-Kāfī*, 3: 306; al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 57.

<sup>87</sup> al-Kulaynī, *al-Kāfī*, 3: 305; 'Abdullāh b. Ja'far al-Ḥimyarī, *Qurb al-isnād*, 360.

<sup>88</sup> al-Kulaynī, *al-Kāfī*, 3: 306; Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 291.

<sup>89</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 298.

<sup>90</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 289; al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 53.

<sup>91</sup> al-Kulaynī, *al-Kāfī*, 3: 375; Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 378.

<sup>92</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 3: 27, 278.

<sup>93</sup> al-Kulaynī, *al-Kāfī*, 3: 66.

<sup>94</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 385; 'Alī b. Mūsā al-Riḍā, *al-Fiqh al-mansūb ilā al-Imām al-Riḍā*, 124.

<sup>95</sup> 'Alī b. Mūsā al-Riḍā, *al-Fiqh al-mansūb ilā al-Imām al-Riḍā*, 143.

<sup>96</sup> al-Kulaynī, *al-Kāfī*, 3: 69; 'Alī b. Mūsā al-Riḍā, *al-Fiqh al-mansūb ilā al-Imām al-Riḍā*, 105; Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 33.

Unfounded	Ibn Abī ‘Umayr via Ḥammād via ‘Ubaydullāh al-Ḥalabī	Identical content with different <i>isnāds</i>	Ibn Muskān via al-Ḥalabī	Hadith with Ibn Abī ‘Umayr in <i>isnād</i>
		138.2 <sup>97</sup>		
		148 <sup>98</sup>		
		150 <sup>99</sup>		
		157 <sup>100</sup>		
		159 <sup>101</sup>		

Table 6.3: Cross-examining *Jāmi‘ al-Ḥalabī*’s citations of *al-Ṭḍāḥ* with Imami hadith collections.

### ***Kitāb al-Ḥalabī al-ma‘rūf bi kitāb al-masā’il***

Fifty-three reports cited from *Kitāb al-Ḥalabī al-ma‘rūf bi kitāb al-masā’il* are attributed to al-Ḥalabī from a total of 649 hadith in *al-Ṭḍāḥ*. The title is consistently cited in this form, with the exception of a few editorial discrepancies.<sup>102</sup> The word *ma‘rūf* (known) in the title suggests that the work was popular and accessible to many scholars. Generally, the reports are transmitted on the authority of al-Ṣādiq, which is further explicitly clarified in one instance. Therefore, it could be argued that

<sup>97</sup> al-Kulaynī, *al-Kāfī*, 3: 310.

<sup>98</sup> al-Ḥimyarī, *Qurb al-isnād*, 191.

<sup>99</sup> The wordings of the hadith denote its later compilation. The words ‘*bi al-kulliyā*’ and ‘*fāḥisha*’ are generally used in the legal codified texts and does not resonate with the language of hadith. This is corroborated by the phrase ‘*qad jā’ fī Jāmi‘ al-Ḥalabī*’ which indicates that the content is copied from the hadith and the text is not precisely a hadith in its technical sense. Nonetheless, the content is traced via the most popular *isnād* of ‘Ubaydullāh’s work. See al-Kulaynī, *al-Kāfī*, 3: 365.

<sup>100</sup> al-Kulaynī, *al-Kāfī*, 3: 315; al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 68.

<sup>101</sup> al-Kulaynī, *al-Kāfī*, 3: 312.

<sup>102</sup> For instance, the edited volume of *al-Ṭḍāḥ* reads ‘*Kitāb al-Ḥalabī ‘anhu*’. See al-Qāḍī al-Nu‘mān, *al-Ṭḍāḥ*, 74. This could be read as *Jāmi‘ al-Ḥalabī* as well. Another example of such discrepancy is the title ‘*Kitāb masā’il al-Ḥalabī*’. See al-Qāḍī al-Nu‘mān, *al-Ṭḍāḥ*, 100.

the pronouns of the unspecified instances (*‘anhū*) should refer to al-Ṣādiq.<sup>103</sup> However, in two instances the hadith are reported on the authority of al-Bāqir (d. 114/732). In the first case, the Imam’s name appears in an unusual *isnād* transmitting on the authority of Jābir b. ‘Abdullāh al-Anṣārī (d. 77–78/696–697).<sup>104</sup> The other instance specifies the names of two transmitters between al-Ḥalabī and Imam. The *isnād* reads, ‘*wa fī Kitāb al-masā’il ‘an al-Ḥalabī ‘an al-‘Alā’ (b. Razīn) ‘an Muḥammad b. Muslim ‘an Abī Ja‘far*’.<sup>105</sup> This particular *isnād* raises several questions regarding the *ṭabaqā* (chronological order of the transmitters) of the transmitters, given that Muḥammad b. Muslim happened to be a colleague of both Ḥalabī brothers. Furthermore, there is no evidence suggesting that al-Ḥalabī had transmitted hadith on the authority of ‘Alā’. Therefore, the report most likely is taken from *Kitāb al-masā’il* of Abī ‘Abdillāh al-Ḥusayn b. ‘Alī, which is transmitted through ‘Alā’ b. Razīn al-Qallā’ on the authority of Muḥammad b. Muslim.<sup>106</sup> Again, this *Kitāb al-masā’il* is one of the sources of *al-Ṭdāh*, and therefore, one could conclude that the hadith is mistakenly attributed to *Kitāb al-Ḥalabī*. As indicated earlier, such discrepancies are not uncommon in the extant fragment of *al-Ṭdāh*.

My findings of the reports attributed to *Kitāb al-Ḥalabī* suggest that its author is Muḥammad b. ‘Alī al-Ḥalabī. Al-Ṭūsī offers six reports of Muḥammad al-Ḥalabī via Ibn Muskān that are identical to *al-Ṭdāh*’s citations. Another twenty reports are identical in *matn*, but contain different *isnāds*. Although they are not helpful in determining authorship of the text, they do contribute to establishing the credibility of the reports cited in *al-Ṭdāh*, by offering independent attestation from Kūfan and Baghdadī Imami sources.

From my cross-examination of *al-Ṭdāh*’s citations of *Kitāb al-Ḥalabī* with *al-*

<sup>103</sup> al-Qāḍī al-Nu‘mān, *al-Ṭdāh*, 68. For the unspecified instances, see al-Qāḍī al-Nu‘mān, *al-Ṭdāh*, 56, 63, 143, 152, 159.

<sup>104</sup> al-Qāḍī al-Nu‘mān, *al-Ṭdāh*, 46. It reads ‘*wa fīhi ‘anhu ‘an abīhi ‘an Jābir b. ‘Abdullāh al-Anṣārī*’. The term ‘unusual *isnād*’ is borrowed from the title of Etan Kohlberg’s article, “An unusual Shi‘i *isnād*,” 142-9.

<sup>105</sup> al-Qāḍī al-Nu‘mān, *al-Ṭdāh*, 55.

<sup>106</sup> al-Qāḍī al-Nu‘mān, *al-Ṭdāh*, 43, 71, 78 (two instances), 80, 95, 105. It is worth noting that ‘Alā’ from Muḥammad b. Muslim also appears in the *isnād* of *Kitāb al-ṣalāt* of Abū Dharr Aḥmad b. al-Ḥusayn b. Asbāṭ but the nature of the dialogue makes it more likely to be cited from *Kitāb al-masā’il*. For *isnād* of *Kitāb al-ṣalāt*, see al-Qāḍī al-Nu‘mān, *al-Ṭdāh*, 37, 44, 67, 78, 81, 161.

*Kāfī*, I identified fifteen identical reports that are narrated on the authority of ‘Ubaydullāh via the famous *isnād* of *Ibn Abī ‘Umayr ‘an Ḥammād b. ‘Uthmān ‘an ‘Ubaydullāh b. ‘Alī al-Ḥalabī* and not on the authority of his brother. However, al-Ṭūsī agrees with *al-Ṭāh*’s report in attributing these reports to Muḥammad al-Ḥalabī. One may then surmise that al-Kulaynī was mistaken in attributing these reports to ‘Ubaydullāh, especially when al-Ṭūsī and Qāḍī Nu‘mān evidently relied on textual sources, rather than oral transmission which is more prone to errors, to attribute their authorship to Muḥammad.

Nine citations of *al-Ṭāh* from *Kitāb al-Ḥalabī* are identical to *Fiqh al-Riḍā*, a legal text ascribed to ‘Alī b. Mūsā al-Riḍā (d. 203/818). Although this text is not a hadith collection, its language conforms to that of the hadith. Largely derived from the verbatim wordings of hadith, this text is, allegedly, the first Imami *fiqh* manual. These nine instances seem to come from the same or similar sources, strengthening the hypothesis of their common provenance. There are about five instances identical to the hadith on the authority of a certain al-Ḥalabī in Ibn Bābawayh’s *al-Faqīh*. Lastly, seven hadith comprising generic moral content remain obscure and hence untraceable.

### ***Kitāb al-Ḥalabī al-ma‘rūf bi kitāb al-masā’il and Imami Canonical Hadith Collections***

Table 6.4 describes in detail the hadith reported in *al-Ṭāh* and those in Imami hadith collections. The untraceable reports of *Kitāb al-Ḥalabī* are listed in the first column. The second column enumerates the hadith identical to that in *al-Kāfī*, noting that al-Kulaynī reports them on the authority of ‘Ubaydullāh. The third column records hadith that are identical to *al-Ṭāh*, but have completely different *isnād*. The reports of Ibn Muskān, one of the two chief reporters of Muḥammad al-Ḥalabī’s hadith collection, are listed in the fourth column. The fifth column represents hadith ascribed to certain al-Ḥalabī without any mention of his first name and the last column exhibits the hadith that are identical to the legal text of *Fiqh al-Riḍā*. Each row represents the number of the page where a particular hadith of *al-Ṭāh* is located, and the footnote provides the reference from an Imami source.

Unfounded	Ibn Abī ‘Umayr via Ḥammād via ‘Ubaydullāh al- Ḥalabī	Identical content with different <i>isnād</i>	Ibn Muskān via al- Ḥalabī	Certain al- Ḥalabī	Identical to <i>Fiqh al-Riḍā</i>
36.2 <sup>107</sup>	28 <sup>108</sup>	30 <sup>109</sup>	40.1 <sup>110</sup>	46.1 <sup>111</sup>	52.2 <sup>112</sup>
44.2 <sup>113</sup>	36.1 <sup>114</sup>	40.2 <sup>115</sup>	52.1 <sup>116</sup>	100 <sup>117</sup>	55.1 <sup>118</sup>
46.2 <sup>119</sup>	49.1 <sup>120</sup>	44.1 <sup>121</sup>	55.1 <sup>122</sup>	106 <sup>123</sup>	99.2 <sup>124</sup>
63 <sup>125</sup>	56 <sup>126</sup>	47 <sup>127</sup>	55.2 <sup>128</sup>	118 <sup>129</sup>	115 <sup>130</sup>

<sup>107</sup> This hadith with its generic devotional content remains untraceable.

<sup>108</sup> al-Kulaynī, *al-Kāfī*, 3: 431.

<sup>109</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 477; al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 337.

<sup>110</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 174. The content with a variant *isnād* is traced in al-Kulaynī, *al-Kāfī*, 3: 180.

<sup>111</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 416.

<sup>112</sup> ‘Alī b. Mūsā al-Riḍā, *al-Fiqh al-mansūb ilā al-Imām al-Riḍā*, 122.

<sup>113</sup> The generic content of this hadith remains untraceable.

<sup>114</sup> al-Kulaynī, *al-Kāfī*, 3: 283.

<sup>115</sup> al-Kulaynī, *al-Kāfī*, 3: 289; al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 262.

<sup>116</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 174.

<sup>117</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 236. Qāḍī Nu‘mān has split the hadith into two parts. See al-Qāḍī al-Nu‘mān, *al-Īdāh*, 100, 106. However, Ibn Bābawayh has also narrated a segment of this hadith separately. See Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 236.

<sup>118</sup> ‘Alī b. Mūsā al-Riḍā, *al-Fiqh al-mansūb ilā al-Imām al-Riḍā*, 122.

<sup>119</sup> This hadith with an unusual *isnād* remains untraceable.

<sup>120</sup> al-Kulaynī, *al-Kāfī*, 3: 431.

<sup>121</sup> al-Kulaynī, *al-Kāfī*, 3: 289; al-Ṭūsī, *al-Istibṣār fī mā ukhtulifa min al-akhbār*, 1: 292.

<sup>122</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 269.

<sup>123</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 236. Qāḍī Nu‘mān has split the hadith into two reports. See al-Qāḍī al-Nu‘mān, *al-Īdāh*, 100, 106.

<sup>124</sup> ‘Alī b. Mūsā al-Riḍā, *al-Fiqh al-mansūb ilā al-Imām al-Riḍā*, 123. This report appears to be a mixture of more than one hadith. See al-Kulaynī, *al-Kāfī*, 2: 485; al-Ḥimyarī, *Qurb al-isnād*, 94; Ibn Ṭāwūs, *Falāḥ al-sā’il wa najāḥ al-masā’il*, 35.

<sup>125</sup> A hadith with an important content on one of the contentious phrases of *adhān* (first call for the prayer) between Shi‘a and Sunni remains untraceable.

<sup>126</sup> al-Kulaynī, *al-Kāfī*, 3: 452.

<sup>127</sup> al-Kulaynī, *al-Kāfī*, 3: 286.

<sup>128</sup> al-Ṭūsī, *al-Istibṣār fī mā ukhtulifa min al-akhbār*, 1: 287.

<sup>129</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 397.

<sup>130</sup> ‘Alī b. Mūsā al-Riḍā, *al-Fiqh al-mansūb ilā al-Imām al-Riḍā*, 124.

Unfounded	Ibn Abī 'Umayr via Ḥammād via 'Ubaydullāh al- Ḥalabī	Identical content with different <i>isnād</i>	Ibn Muskān via al- Ḥalabī	Certain al- Ḥalabī	Identical to <i>Fiqh al-Riḍā</i>
99.1 <sup>131</sup>	68 <sup>132</sup>	49.2 <sup>133</sup>	77 <sup>134</sup>	146 <sup>135</sup>	116 <sup>136</sup>
155 <sup>137</sup>	69 <sup>138</sup>	50 <sup>139</sup>	79 <sup>140</sup>		123 <sup>141</sup>
163 <sup>142</sup>	79 <sup>143</sup>	52.1 <sup>144</sup>			129 <sup>145</sup>
	95 <sup>146</sup>	74 <sup>147</sup>			131 <sup>148</sup>
	121.1 <sup>149</sup>	80 <sup>150</sup>			134 <sup>151</sup>
	121.2 <sup>152</sup>	84 <sup>153</sup>			

<sup>131</sup> A hadith report on the general etiquettes of entering a mosque. This report remains untraceable.

<sup>132</sup> al-Kulaynī, *al-Kāfī*, 3: 305.

<sup>133</sup> al-Kulaynī, *al-Kāfī*, 3: 286.

<sup>134</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 54.

<sup>135</sup> al-'Ayyāshī, *Tafsīr al-'Ayyāshī*, 2: 270.

<sup>136</sup> 'Alī b. Mūsā al-Riḍā, *al-Fiqh al-mansūb ilā al-Imām al-Riḍā*, 124.

<sup>137</sup> A hadith related to etiquettes of daily prayers remains untraceable.

<sup>138</sup> al-Kulaynī, *al-Kāfī*, 3: 303; al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 51-2.

<sup>139</sup> al-Kulaynī, *al-Kāfī*, 3: 294.

<sup>140</sup> The same hadith appears in *al-Kāfī* on the authority of 'Ubaydullāh al-Ḥalabī. See al-Kulaynī, *al-Kāfī*, 3: 304.

<sup>141</sup> 'Alī b. Mūsā al-Riḍā, *al-Fiqh al-mansūb ilā al-Imām al-Riḍā*, 124.

<sup>142</sup> This hadith, reporting the sequences of the acts of daily prayers, could not be traced in major hadith collections.

<sup>143</sup> al-Kulaynī, *al-Kāfī*, 3: 304. Interestingly, an identical hadith is transmitted on the authority of Muḥammad al-Ḥalabī via Ibn Muskān. See al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 53.

<sup>144</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 256.

<sup>145</sup> 'Alī b. Mūsā al-Riḍā, *al-Fiqh al-mansūb ilā al-Imām al-Riḍā*, 123. Also, in al-Ṭūsī, *Tahdhīb al-aḥkām*, 3: 280.

<sup>146</sup> al-Kulaynī, *al-Kāfī*, 3: 368.

<sup>147</sup> al-Kulaynī, *al-Kāfī*, 3: 306; al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 53.

<sup>148</sup> 'Alī b. Mūsā al-Riḍā, *al-Fiqh al-mansūb ilā al-Imām al-Riḍā*, 123. Also, in Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 385; Muḥammad b. 'Alī b. Bābawayh al-Ṣadūq, *Thawāb al-a'māl wa 'iqāb al-a'māl* (Qum: Dār al-Sharīf al-Raḍī li al-Nashr, 1406/1985), 230; Aḥmad b. Muḥammad b. Khālid al-Barqī, *al-Maḥāsīn*, ed. Jalāl al-Dīn Muḥaddith (Qum: Dār al-Kutub al-Islāmiyya, 1371/1951), 1: 80.

<sup>149</sup> al-Kulaynī, *al-Kāfī*, 3: 383.

<sup>150</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 56.

<sup>151</sup> 'Alī b. Mūsā al-Riḍā, *al-Fiqh al-mansūb ilā al-Imām al-Riḍā*, 125.

<sup>152</sup> al-Kulaynī, *al-Kāfī*, 3: 341.

<sup>153</sup> al-Kulaynī, *al-Kāfī*, 3: 305.

Unfounded	Ibn Abī ‘Umayr via Ḥammād via ‘Ubaydullāh al- Ḥalabī	Identical content with different <i>isnād</i>	Ibn Muskān via al- Ḥalabī	Certain al- Ḥalabī	Identical to <i>Fiqh al-Riḍā</i>
	131 <sup>154</sup>	87 <sup>155</sup>			
	134 <sup>156</sup>	99.2 <sup>157</sup>			
	136 <sup>158</sup>	109 <sup>159</sup>			
	143 <sup>160</sup>	116 <sup>161</sup>			
	152 <sup>162</sup>	123 <sup>163</sup>			
		129 <sup>164</sup>			
		154 <sup>165</sup>			
		159.1 <sup>166</sup>			
		159.2 <sup>167</sup>			
		159.3 <sup>168</sup>			

Table 6.4: Cross-examining *Kitāb al-Ḥalabī*'s citations of *al-Ṭīḍāh* with Imami hadith collections.

<sup>154</sup> al-Ṣaffār, *Baṣā'ir al-darajāt fī faḍā'il Āl Muḥammad*, 420.

<sup>155</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 3: 33.

<sup>156</sup> al-Kulaynī, *al-Kāfī*, 3: 386.

<sup>157</sup> This report appears to be a combination of more than one hadith. See al-Kulaynī, *al-Kāfī*, 2: 485; al-Ḥimyarī, *Qurb al-isnād*, 94; Ibn Ṭāwūs, *Falāḥ al-sā'il wa najāḥ al-masā'il*, 35.

<sup>158</sup> al-Kulaynī, *al-Kāfī*, 3: 310.

<sup>159</sup> al-Kulaynī, *al-Kāfī*, 3: 375.

<sup>160</sup> al-Kulaynī, *al-Kāfī*, 3: 310.

<sup>161</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 3: 26; Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 385.

<sup>162</sup> al-Kulaynī, *al-Kāfī*, 3: 300.

<sup>163</sup> al-Kulaynī, *al-Kāfī*, 3: 371.

<sup>164</sup> al-Ṭūsī, *Tahdhīb al-aḥkām*, 3: 280.

<sup>165</sup> Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 303.

<sup>166</sup> al-Kulaynī, *al-Kāfī*, 3: 315; al-Ṭūsī, *Tahdhīb al-aḥkām*, 2: 68.

<sup>167</sup> al-Kulaynī, *al-Kāfī*, 3: 313. The contradictory reports in this chapter are reconciled by dismissing pro-Sunni narrations to have been issued on the grounds of *taqiyya* (precautionary dissimulation).

<sup>168</sup> al-Kulaynī, *al-Kāfī*, 3: 315.



## Conclusion

While Imami authors had access to both oral and written traditions, as attested by explicit *isnād* and *mashyakha* (compendium of transmission lines of the teachers of a certain scholar) lists, there is no evidence whatsoever to suggest that Qāḍī Nuʿmān, despite his generic claim in *al-Iqtīṣār*, had access to oral transmissions. However, *al-Ṭḍāḥ* consistently provides the source of every single hadith that it consults to construct or support a legal argument. Determining the historicity of these sources was the fundamental aim of the second section of this thesis. The third case study examined two early foundational texts believed to have been composed around the mid-second/eighth century whose content was incorporated into later Shiʿi hadith and legal compositions. Unlike *al-Jaʿfariyyāt*, for which a copy has arguably survived, the collections of the two Ḥalabī brothers can only be traced through their handful of citations in later Shiʿi hadith works. That is why the question of the historicity of the sources *al-Ṭḍāḥ* is so relevant.

This chapter, through cross-regional textual analysis of the hadith reported in the secondary sources, demonstrated that a significant number of the citations of *al-Ṭḍāḥ* from *Jāmiʿ al-Ḥalabī* and *Kitāb al-Ḥalabī* are identical to those found in *al-Kāfi* and other Shiʿi hadith collections—secondary sources that claim to have drawn their reports from those early foundational texts. Although the historicity of these texts may be challenged, the striking similarity between the secondary sources composed in different geographical locations by contemporary authors with uneven, and often hostile, doctrinal affiliations with different chains of transmission suggests their common provenance. This study proposes that the secondary collections are largely drawn from earlier works of Kūfan origins, whose layers could be unearthed by cross-regional textual analysis.

My cross-examination of *al-Ṭḍāḥ*'s reports with the Imami hadith collections reveals that *Jāmiʿ al-Ḥalabī* is composed by ʿUbaydullāh, whereas *Kitāb al-Ḥalabī* is compiled by his brother, Muḥammad b. ʿAlī al-Ḥalabī. Moreover, the ambiguity in the *isnāds* of *al-Ṭḍāḥ* suggests that, contrary to the Imami traditionists of Baghdad and

Qum, Qāḍī Nu‘mān was not entirely acquainted with the sources and their authors. Nonetheless, the fact that Ibn al-Haytham, a senior colleague of Nu‘mān, reports that his *shaykh* was familiar with the hadith of al-Ḥalabī attest not only to the existence of this work in North Africa but also to the engagement of North African scholars with different hadith collections. My investigation also concludes that Qāḍī Nu‘mān had access to this collection through, Aflaḥ b. Hārūn al-‘Ibānī, the chief *dā‘ī* of Malūsa in the pre- and early Fatimid era.

**Part III**  
**Qāḍī Nu‘mān’s Hadith-Theory**

Parts I and II of this thesis have studied the emergence of Ismaili hadith in North Africa and the historicity of the sources they consulted to produce a legal *madhhab*. We have demonstrated that nascent Fatimid Empire needed literary contributions to showcase its intellectual hegemony within an already existing vibrant Ḥanafī and Mālikī scholarly traditions. Qāḍī Nu‘mān was commissioned to compile hadith and *fiqh* works based on the teachings of Ahl al-Bayt. In the face of these established Sunni legal schools, how did Nu‘mān manage to formulate a new school with a Shi‘i appeal? How did he contextualise the hadith produced in Medina and Kūfa to meet the need of the North African Fatimid state? What role did hadith play in delineating the contours of an Ismaili legal system? Which factors dictated his selection, interpretation and appropriation of the hadith material at his disposal?

Part III attempts to outline Qāḍī Nu‘mān’s hadith-theory which promises to address the above-mentioned questions. Hadith-theory is essentially the world-view of an author which dictates his engagement with hadith. Though tracing origins and developments of Ismaili hadith is important to our study, but it would be incomplete without deliberating on the nuances of the interpretive methods used to construct a legal framework. An examination of Nu‘mān’s hadith-theory is, therefore, important for three reasons. First, it allows us to conceptualise the role and function of hadith in the presence of a living Ismaili Fatimid Imam-Caliph. Second, it delineates Nu‘mān’s tensions in giving precedence or reconciling the conflicting and contradicting hadith. Lastly, our knowledge of the procedural techniques of interpreting hadith employed by a North African Ismaili author will allow us to compare those with other interpretive approaches used by Qummī- Baghdadī Imami scholars while encountering the same hadith.

Part III is divided into two chapters, Chapters 7 and 8. Chapter 7 focuses on examining how hadith was used to formulate the Fatimid *fiqh*. It was due to Nu‘mān’s theoretical position in respect to hadith as the only source of law, coupled with rejecting subjective and arbitrary hermeneutical techniques used by Sunni jurists, his *fiqh* remained consistent. Though his legal positions did not change throughout

his intellectual career, but they displayed signs of a shift of tone from conciliatory approach of *al-Īdāh* to decisive proclamation of *Da‘ā’im al-Islām*. This chapter undertakes a detailed examination of the reasons of this subtle, yet momentous change in the Fatimid *fiqh*. It also challenges the characterisation of *Da‘ā’im al-Islām* as a ‘legal code’ of the Fatimid Empire and ‘*magnum opus*’ of Qāḍī Nu‘mān, arguing that the work is effectively another by-product of *al-Īdāh*. Chapter 8 deconstructs Qāḍī Nu‘mān’s methodology of reconciling conflicting hadith and the factors that lead to give precedence to one set of hadith over the other. This chapter also delves into the analysis of Nu‘mān’s denunciation of Sunni hermeneutical techniques of interpreting hadith. The only source of religious guidance for him is the hadith of the Imams. Nu‘mān wants us to believe that the Fatimid Imams supervised the compilation of his collections by highlighting the errors, amending the mistakes, removing fabricated reports from the earlier drafts and thus assuring the soundness of the content he is delivering.

It is the aim of these two chapters to capture the theoretical underpinnings of Nu‘mān that dictated his engagement with hadith. In this sense, he was not only an illustrious traditionist but also an accomplished jurist.

## Chapter 7

### From Collection to Codification: Hadith in the Service of *Fiqh*

In the year 349/960 Abū Tamīm al-Mu‘izz li Dīn Allāh dispatched a *qāḍī* to the imams and muezzins of the mosques ordering them that the call to prayer should not be given without reciting “Come to the best of deeds,” that the *basma* should be read out loud at the beginning of every sura [in the obligatory prayers], that they should pronounce “the two-fold final salutations” [at the end of each prayer], and five-fold *tabkīr* in funeral prayers, that they should not delay the afternoon prayer [until the sun had declined] and should not offer the evening prayer in the early hours [of the night], that women should not wail while accompanying funeral processions, and that the blind should not recite the Qur’ān over graves, except during the actual interment. (*al-Bayān al-mughrib*, 1: 223)<sup>1</sup>

In the scholarship on the literary origins of hadith and the development of Islamic law, it remains unresolved as to which of these two areas preceded the other. However, it is widely accepted that the hadith, after the Qur’an, is the second-most important source of early Islamic law. In the context of Imami jurisprudence, but equally applicable to any form of Islamic law, Gleave correctly observes that ‘the boundaries between *fiqh* and hadith’ appear to be ‘quite porous’.<sup>2</sup> The focus of this chapter is on the relationship between hadith and *fiqh* in an Ismaili context. How did Qāḍī Nu‘mān engage with hadith in constructing the Ismaili *fiqh*? What is the function of hadith in his legal framework? What adjustments and appropriations were made for the hadith, before they were used to formulate the legal *madhhab* for the Fatimid state? Why and how was the scholarly aspiration of *al-Īqāh* to elucidate the legal doctrines of Ahl al-Bayt altered to create a succinct composition of a legal hadith compendium entitled *Da‘ā’im al-Islām*? What are the results of the distinct analytical

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<sup>1</sup> Ibn ‘Idhārī al-Marrākushī, *al-Bayān al-mughrib*, 1: 223. The translation is extracted from Ismail K. Poonawala, “The Evolution of al-Qāḍī al-Nu‘mān’s Theory of Ismaili Jurisprudence as Reflected in the Chronology of his Works on Jurisprudence,” 140-1.

<sup>2</sup> Robert Gleave, “Between *Ḥadīth* and *Fiqh*: The “Canonical” Imāmī Collections of *Akhbār*,” 350.

and descriptive approaches of *al-Īḍāḥ* and *Da‘ā’im al-Islām*, respectively? This chapter aims to address these pertinent questions as it investigates how Qāḍī Nu‘mān used hadith to construct the Ismaili *fiqh*.

The fact that Nu‘mān did not produce any detailed analytical work after *al-Īḍāḥ* suggests that the state’s immediate need for practical applications of the law superseded, and probably suspended, the earlier requirement for an analytical legal hadith work to demonstrate the hegemony of the Fatimids over Ḥanafī and Mālikī legal schools. As the state expanded, the need for law manuals tailored to meet the requirements of judges, governors and bureaucrats became more evident. As a result, a variety of specialised manuals were composed for particular audiences, and the discursive analytical legal hadith collection, *al-Īḍāḥ*, fell into disuse—which may further explain why it did not survive. Nonetheless, one can still discern Nu‘mān’s methodology of selecting and interpreting hadith from his later works that attempt to delineate the legal derivations of *al-Īḍāḥ*, often in the words reported in the hadith.

Broadly, Nu‘mān’s legal works can be classified into three categories: analytical legal hadith collections, law manuals, and non-analytical legal hadith collections. *Al-Īḍāḥ* represents the first category in which the aim is not only to cite a list of hadith from various sources on a given topic but also to defuse possible conflicts between them before arriving at a legal conclusion. The second category includes his legal compositions written between *al-Īḍāḥ* and *Da‘ā’im al-Islām* that expound the conclusions reached by *al-Īḍāḥ*. They were designed to provide legal instructions and guidance in plain language; therefore, all the technical analytical material is eliminated in the interest of brevity and simplicity. The non-analytical legal hadith collection is represented by *Da‘ā’im al-Islām*, which offers the hadith verbatim, but includes no exegetical or editorial comments.

*Da‘ā’im* is claimed to be the official law code for the Fatimids and Qāḍī Nu‘mān’s *magnum opus*. This chapter contests this idea by showing that the collection is just another by-product of *al-Īḍāḥ*. The significance attributed to this work and its wider recognition is not merited for its content, but to the favourable

geopolitical circumstances in which it was produced.

## Hadith as Understood by Qāḍī Nu‘mān

Al-Shāfi‘ī (d. 204/820) is rightly credited with promoting the status of hadith so that it came to be seen as second only to the Qur’an. His genius paved the path for Ahl al-hadith and the later traditionists to interpret hadith as a source of divine guidance. The *fuqahā’* started to use the reports pertaining to the *Sunna* of the Prophet and the established practices of the Companions, in the absence of the former, as prooftexts to argue in favour of their legal opinions. However, their use by the Shi‘ites, in general, and by Qāḍī Nu‘mān, in particular, differed for two reasons. First, a significant majority of the Companions were neither regarded as a trustworthy community to represent the Prophetic *Sunna* nor reliable enough to conduct a genuine transmission of his sayings and deeds. Second, the rightly guided representative of the Prophet is the living Imam who is not only a reservoir of Prophetic knowledge but also an authority capable of presenting an alternative interpretation of the *sharī‘a* based on the demands of a given time and place. Lokhandwalla aptly concludes that the ‘attitude of the Ismā‘īlis towards the *Sunna* of the Prophet spared them from the laborious preoccupations of working out the methods and manners of determining the credibility of the narrations or listing their own separate authorities for such narrations as the Sunnī and other Shī‘ī schools had done’.<sup>3</sup> That is because the Imam takes over the burden of explaining the historical and philological understanding of the *sharī‘a* and explicating its allegorical interpretations (*ta’wīl*). Seeking Qur’anic justification for this doctrine, Nu‘mān construes the phrases *ulū al-amr* (the Ones in Authority) and *ahl al-dhikr* (the People of Knowledge) as unambiguous references to Ahl al-Bayt.<sup>4</sup> The Imams are the only authorities from whom one should seek religious guidance. Therefore, the sources of Ismaili law are limited to the Qur’an, the extended understanding of the hadith (i.e., *Sunna* of the Prophet as reported by the Imams) and the Imams’ own

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<sup>3</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S. T. Lokhandwalla, 91 (introduction).

<sup>4</sup> For the reference of *ulū al-amr*, see Qur’an, 16: 43, 21: 76; For *ahl al-dhikr*, see Qur’an, 4: 59. For Qāḍī Nu‘mān’s interpretation of these phrases, see al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 39, 45-9, 75, 79 and *passim*.



independent pronouncements. The *ijmā'* referred to by Nu'mān is the consensus of *ruwāt* (transmitters) on the sayings of the earlier Imams and not the one to which the Companions, *fuqahā'*, or *umma* have agreed.<sup>5</sup> As attested by all his legal works, Nu'mān remained consistently committed to this legal framework.

Knowing that the legitimacy of his *fiqh* is tied to the hadith of Imams, Nu'mān assures his readers that whatever he transmits in his legal works is based on the reports of Ahl al-Bayt and that he obtained them through the conventional methods of transmitting the hadith collections, such as *samā'* (hearing), *munāwala* (handing over) and *ijāza* (license). Although these claims remain unsubstantiated, the fact that he is cognizant of these conventions suggests that hadith, for him, can only be productive if they are compliant with the standards of transmission. In *Sharḥ al-akhbār*, a non-legal hadith collection on the distinguished status and merits of Ahl al-Bayt, Nu'mān defends his method of rendering truncated hadith by stating that he consulted the Imam of the Time and verified their contents.<sup>6</sup> Interestingly, every chapter of his succinct legal compendium, *al-Iqtisār*, begins with the phrase '*ruwwinā 'an Ahl al-Bayt*' (It has been reported to us on the authority of the progeny of the Prophet) to highlight that his legal conclusions are fundamentally derived from the hadith of Ahl al-Bayt. Having denounced Sunni hermeneutical techniques for legal interpretation, such as analogy (*qiyās*), preference (*istiḥsān*), speculative reasoning (*naẓar*), opinion (*ra'y*), inference (*istidlāl*), and imitation (*taqlid*), Nu'mān had no other option but to confine his *fiqh* within the ambit of laws espoused in the reports of Ahl al-Bayt. In this respect, borrowing Zysow's terms, Qāḍī Nu'mān is a materialist: a legal interpreter who relies only on authoritative pronouncements to determine the certainty of the law, as opposed to a formalist who consciously embraces uncertainty, but promises to be consistent with a set of legal hermeneutics.<sup>7</sup> Nu'mān restricts his juristic excursion to the reports transmitted on the authority of Ahl al-

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<sup>5</sup> al-Qāḍī al-Nu'mān, *al-Īdāh*, 57, 73, 146, 147, 156 and passim. This will be further studied in the next chapter.

<sup>6</sup> al-Qāḍī al-Nu'mān, *Sharḥ al-akhbār*, ed. al-Sayyid Muḥammad al-Ḥusaynī al-Jalālī, 1: 88, 126; 3: 355. Also see al-Qāḍī al-Nu'mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 9 and 17.

<sup>7</sup> Aron Zysow, *The Economy of Certainty: An Introduction to the Typology of Islamic Legal Theory* (Atlanta: Lockwood Press, 2013), 2-3. This idea is borrowed from al-Qāḍī al-Nu'mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, xxvi (introduction).

Bayt and, by so doing, defines the contours of an emerging Shi'i legal *madhhab* in North Africa that subscribed to the belief that only a divine Imam can pronounce and interpret the *sharī'a*.

### **Nu'mān's Compositions between *Fiqh* and Hadith: *al-Īdāh* to *Da'ā'im al-Islām***

As discussed in Chapter 2, *al-Īdāh* was followed by several abridgments that bear a closer resemblance to *fiqh* manuals than to hadith collections. Though lacking the nuances of hadith collections, they are shaped by the phrases used in the hadith. In other words, they structurally resonate with *fiqh* manuals while using language identical to that in the hadith. In these works, Nu'mān pioneered a new genre of Shi'i legal writing that catered to the nontechnical needs of the laity, departing from the conventional style of composing hadith works.

However, Nu'mān had to make concessions in formulating legal dicta. He uses different techniques of citing hadith, such as fragmentation (*taqṭī'a*: to dissect a report by citing the relevant fragment supporting the dictum), combination (*talfīq*: to combine two or more reports sharing a similar structure) and nonverbatim reporting (*naql bi al-ma'nā*: to report the hadith in words that had not been audited). The following examples illustrate how committed he remains to cite the hadith verbatim and how he uses the techniques of transmitting the hadith in different law manuals. The citations are arranged as per the chronological order of his compositions as discussed in Chapter 2.

The first example discusses the permissibility of extending the house by relocating its mosque (designated prayer area in the house) to another place.

#### **First example:**

*al-Īdāh*: It is reported that he [Ja'far b. Muḥammad] was asked concerning a mosque situated in a house whether it would be proper for the owners of the house to

incorporate a part of it [the designated area of the mosque] in the house or relocate it [the mosque] from its place? Imam replied that there was no harm in it.<sup>8</sup>

*al-Akḥbār fī al-fiqh*: They [Imams] said: One who designate an area as a mosque in the house and later plans to relocate it or incorporate the entire or part of the mosque into the house, there is no harm for him in doing so.<sup>9</sup>

*Kitāb al-ṭahāra*: It is permissible for an individual who has dedicated a place of worship in a house to relocate it to another place and extend the house. This is only permitted if the prayer area was not made accessible for the public use and as a result, non-residents were refrained from entering it.<sup>10</sup>

*Mukhtaṣar al-āthār*: Concerning a mosque in the house of an individual that was not accessible to anyone except the owner who now plans to extend the house, so he can benefit from the extended area. Imam replied that there was no harm in it.<sup>11</sup>

*Daʿāʾim al-Islām*: Jaʿfar b. Muḥammad was asked concerning a mosque situated in a house whether it would be proper for the owners of the house to relocate it [the mosque] from its place or to extend a part of it [mosque] and incorporate in the house? He replied that there was no harm in it.<sup>12</sup>

A comparative examination of these passages shows that their material differs in some important ways. *Al-Īḍāḥ* and *Daʿāʾim* are the only two texts that not only offer the name of the Imam on whose authority the hadith is transmitted but also provide verbatim report from the text he consulted: *Kitāb al-Ḥalabī al-maʿrūf bi al-masāʾil*. In contrast, the three legal manuals merely render the gist of the report in a nonverbatim transcription. Only *Kitāb al-ṭahāra* mentions the condition that the space should have not been accessible to the general public in granting permission for the extension. This work often provides details that do not exist in any other works, and thus, as well as for several other reasons, its ascription to Qāḍī Nuʿmān remains

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<sup>8</sup> al-Qāḍī al-Nuʿmān, *al-Īḍāḥ*, 106.

<sup>9</sup> al-Qāḍī al-Nuʿmān, *al-Akḥbār fī al-fiqh*, 44-5.

<sup>10</sup> al-Qāḍī al-Nuʿmān, *Kitāb al-ṭahāra*, MS 1263, 61v-62r; al-Qāḍī al-Nuʿmān, *Kitāb al-ṭahāra*, 107-8.

<sup>11</sup> al-Qāḍī al-Nuʿmān, *Mukhtaṣar al-āthār*, 24v, MS 1185 (Arl, ZA); al-Qāḍī al-Nuʿmān, *Mukhtaṣar al-āthār*, 1: 64.

<sup>12</sup> al-Qāḍī al-Nuʿmān, *Daʿāʾim al-Islām*, 1:150.

questionable. This ruling is not mentioned in the two succinct legal manuals, *al-Iqtisār* and *al-Muntakhaba*.

The second example deals with the utterance of *āmīn* after reciting *Fātiḥa* in prayers that are offered aloud.

### **Second example:**

*al-Īḍāḥ*: Concerning the utterance of *āmīn* in the prayer, Aḥmad b. ʿĪsā is reported to have said that it is left upon the choice of the individuals. He can either utter it or abandon it... Jaʿfar b. Muḥammad is reported to have been asked about an individual who utters *āmīn* after reciting *Fātiḥat al-kitāb* in the prayer. Imam replied, ‘We do not recognise this practice.’ This report is most authentic [*aṣaḥḥ*] and most confirmed [*athbat*]. It is not appropriate for an individual to utter [audibly] anything except Qurʿan and *takbir* in the daily prayers. However, he is permitted to praise God and make supplication in a silent mode. Therefore, if he recites *āmīn* silently or the phrase crosses his mind, it does not invalidate the *ṣalāt*. This is because if a thought crosses his mind which is more of a sentence compared to a simple phrase such as *āmīn*, even then the *ṣalāt* is not invalidated. The only restriction is laid upon speaking in a loud voice or audible enough so he can hear his own voice. That is disapproved. Allah knows the best.<sup>13</sup>

*al-Ikḥbār*: They [reporters] have disagreed on the utterance of *āmīn* after *Fātiḥat al-kitāb*. Some of them have approved and others have disapproved. Jaʿfar b. Muḥammad has said, ‘Only the Jews utter it.’ They have also reported that, describing the events occurring nearer to the Day of Judgment, the Prophet has said, ‘They [Jews] will utter *āmīn*.’ Ostensibly, this refers to uttering it loudly and therefore, one who utters in the mind, there is no harm associated with it.<sup>14</sup>

*Kitāb al-ṭahāra*: When the person completes the recitation of *Fātiḥat al-kitāb* in the

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<sup>13</sup> al-Qāḍī al-Nuʿmān, *al-Īḍāḥ*, 161-3.

<sup>14</sup> al-Qāḍī al-Nuʿmān, *al-Akḥbār fī al-fiqh*, 49-50.

prayer, he should not utter *āmīn* like the practice of the ignorant among the commonalty (or Sunnis), rather join the phrase *wa al-ḍḍālīn* of the first *sūra* with the *basmala* of the second *sūra*.<sup>15</sup>

*Mukhtaṣar al-āthār*: He should not utter *āmīn* after *Fātiḥat al-kitāb* imitating the practice of the Sunnis [*āmmā*]. The one following the imam in prayers should not utter it, for the Prophet and his progeny have forbade it and he has said, 'My community will persistently stay on *sharī'a* as long as they do not indulge in clamorous noise in uttering *āmīn* in their prayers.'<sup>16</sup>

*Da'ā'im al-Islām*: They [the Imams] disapproved of the practice of uttering *āmīn* after *Fātiḥa* [aloud] as the commonalty do. [Imam] Ja'far b. Muḥammad said, 'Only the Christians utter it [*amen*].' Ja'far b. Muḥammad—his father—his ancestors—The Messenger of God: He said, 'My community will never fail to be on the path of righteousness and the excellent and beautiful law [*sharī'a*] of their religion so long as they do not trample upon the *qibla*, or turn away whilst praying, and do the People of the Book, or make a clamorous noise in uttering *āmīn*.'<sup>17</sup>

Once again, *al-Īdāḥ* and *Da'ā'im* offer the names of the authorities from whom the reports are transmitted. Though Qāḍī Nu'mān cites reports supporting both the opinions that permit and restrict the practice, he appears to be reluctant in rejecting the reports advocating the permissibility of the utterance and suggests some leeway so that is not construed as an invalid utterance that renders the prayer null and void. On the other hand, *Da'ā'im* only cites those reports which disapproved of the practice.<sup>18</sup> In contrast, *al-Ikḥbār*, *Kitāb al-ṭahāra* and *Mukhtaṣar al-āthār* neither describe the discussion in detail nor report verbatim from *al-Īdāḥ*. Thus, the Jews are replaced by Christians in the citation of *al-Ikḥbār*. Again, *al-Iqtiṣār* and *al-Muntakhaba* do not discuss this issue in the relevant sub-sections of *kitāb al-ṣalāt*.

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<sup>15</sup> al-Qāḍī al-Nu'mān, *Kitāb al-ṭahāra*, 74v, MS 1263 (Arl, ZA); al-Qāḍī al-Nu'mān, *Kitāb al-ṭahāra*, 128.

<sup>16</sup> al-Qāḍī al-Nu'mān, *Mukhtaṣar al-āthār*, 28v-29r, MS 1185 (Arl, ZA); al-Qāḍī al-Nu'mān, *Mukhtaṣar al-āthār*, 1: 75.

<sup>17</sup> al-Qāḍī al-Nu'mān, *Da'ā'im al-Islām*, 1: 160; al-Qāḍī al-Nu'mān, *The Pillars of Islam*, tr. Asaf Ali Asghar Fyze, 1: 201-2. The translation 'or turn away whilst praying, and do the People of the Book' should be corrected to 'or turn away whilst praying as the People of the Book do'.

<sup>18</sup> al-Qāḍī al-Nu'mān, *al-Īdāḥ*, 161-2; al-Qāḍī al-Nu'mān, *Da'ā'im al-Islām*, 1: 160.

These two representative examples support my argument that *al-Īdāḥ* and *Da‘ā’im*, because of their commitment to report the hadith verbatim, differ from Nu‘mān’s other compositions, which use the technique of *naql bi al-ma‘nā*. This difference, I argue, steams from the diversity of the readership he intended to address, as attested by the introductions to these works. The brevity of the law manuals demanded not only the truncation of the *isnāds* and *matn* but also reporting the gist of the report in a format accessible to the readership. Therefore, *al-Iqtiṣār*, a manual composed for the laity, contains a simplified version of the law compared to the detailed legal descriptions of *Mukhtaṣar al-āthār*, which was produced to address the needs of the Fatimid governors, judges and bureaucrats. The rulings discussed in these works also reflect an evolution from relatively compromised adjustments of *al-Īdāḥ* to the intransigent legal positions of *Da‘ā’im*. The intermediary law manuals style themselves as authoritative texts that provide strict religious instructions without any authorial comments or exegetical explanations. Despite the disparate structures and aims of these works, hadith remains the cornerstone of Nu‘mān’s legal framework. In this respect, it resembles the Imami *Akhbārī* law system that refused to take into account the role of reason (*‘aql*), hermeneutical interpretations and procedural principles in the formulation and interpretation of the law. Nu‘mān remains committed to rejecting all the rational exegetical techniques, whilst solely relying on the reports of the earlier Imams in constructing the Ismaili *fiqh*.

### **Conciliatory Tone of *al-Īdāḥ* to the Decisive Proclamations of *Da‘ā’im al-Islām***

After the defeat of Aghlabids in 296/909, Abū ‘Abdallāh al-Shī‘ī and al-Marwadhī attempted to impose Shi‘i *fiqh* in Qayrawān; this effort, however, was severely criticised by both the Fatimid Imam-Caliph and the Ḥanafī and Mālikī jurists. At that time the circumstances were not favourable for the Fatimids to promote a radical shift in religious policies. Moreover, Sunni jurists perceived it as a serious threat to their *madhhabs*.<sup>19</sup> But a half-century later, largely because of the expulsion of the

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<sup>19</sup> Ibn ‘Idhārī al-Marrākushī, *al-Bayān al-mughrib*, 1: 151-2.

Mālikī jurists, the defeat of the Khārijite political rivals, and expansion of Fatimid territory to the East, the Fatimids were able to enforce Shi‘i religious practices in the region. In 349/960, al-Mu‘izz dispatched a *qāḍī* to the imams and *muezzins* of the mosques and decreed that the Shi‘i *fiqh* should be implemented in his jurisdiction. He instructed that the *adhān* should contain the phrase *ḥayyā ‘alā khayr al-‘amal* and that *basmala* should be read out loud at the beginning of every *sūra* in the daily prayers, amongst many other distinct Shi‘i practices.<sup>20</sup>

This change of policy mirrors the apologetic and unapologetic approaches adopted by *al-Īḍāḥ* and *Da‘ā‘im*, respectively. Interestingly, each represented the era and its policies in which it was composed. *Al-Īḍāḥ* was written during the second decade of the fourth/tenth century when the nascent Fatimid state was still grappling with internal and external political and religious challenges, whereas *Da‘ā‘im* was compiled in a relatively stable period, around the second half of the fourth/tenth century. In what follows, I cite three examples to demonstrate this evolutionary trajectory from *al-Īḍāḥ*’s conciliatory tone to *Da‘ā‘im*’s decisive expositions.

### **First Example: Audible *Basmala***

*Al-Īḍāḥ* offers two sets of reports that require utterance of the *basmala*, audibly or silently, and concludes that the ones suggesting the permissibility of uttering silently are issued in the context of *taqiyya* (precautionary dissimulation). On the contrary, *Da‘ā‘im* rejects the idea of abandoning the audible *basmala* even in the context of *taqiyya*. Highlighting this unapologetic stance, Nu‘mān quotes a report of Ja‘far b. Muḥammad who is believed to have said, ‘*Taqiyya* is my religion and the religion of my fathers, except in three matters: the drinking of intoxicants; the rubbing of water over the foot covering (in ablution); and avoiding the utterance of the *basmala* audibly.’<sup>21</sup>

### **Second Example: *Tathwīb***

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<sup>20</sup> Ibn ‘Idhārī al-Marrākushī, *al-Bayān al-mughrib*, 1: 223.

<sup>21</sup> al-Qāḍī al-Nu‘mān, *Da‘ā‘im al-Islām*, 1:159, al-Qāḍī al-Nu‘mān, *The Pillars of Islam*, tr. Asaf Ali Asghar Fyzee, 1: 201

*Al-Īdāh* appears to take an apologetic approach to the issue of *tathwīb* (uttering ‘*al-ṣalātu khayr min al-nawm* (Prayer is better than sleeping)’)) in the *adhān* of morning prayers. After having acknowledged that the phrase is not the part of the original *adhān* one is still permitted to utter, as long as the intention is clear, i.e., the phrase is not one of the components of the *adhān*. *Da‘ā‘im* refrains from making any mention of *tathwīb* while introducing the phrases of *adhān* and thus, rejecting even the adjusted explanation of uttering it.<sup>22</sup>

### Third Example: Utterance of *āmīn*

*Al-Īdāh* suggests that the utterance of *āmīn* after the *Fātiḥa* does not necessarily invalidate the prayer. In contrast, *Da‘ā‘im* implies that the practice is a deviation from the *sharī‘a* and was borrowed from the practices of the Jews and Christians.<sup>23</sup>

These examples amongst several others illustrate the evolution of Nu‘mān’s legal thinking, moving from earlier position of compromise to the decisive tone of legal dicta.<sup>24</sup> This assessment challenges Poonawala’s assertion that ‘Nu‘mān in the *Da‘ā‘im* was moving towards a moderate and reconciliatory position compared to his earlier works’. He argues that *Da‘ā‘im*, unlike *Kitāb al-ṭahāra*, contains censored hadith that are hostile to proto-Sunni doctrines.<sup>25</sup> The examples cited above clearly demonstrate positions of *Da‘ā‘im* that were not conciliatory, contrary to what Poonawala suggests.<sup>26</sup> His assertion, I argue, is based on the assumption that the

<sup>22</sup> al-Qāḍī al-Nu‘mān, *al-Īdāh*, 75; al-Qāḍī al-Nu‘mān, *al-Akḥbār fī al-fiqh*, 41; al-Qāḍī al-Nu‘mān, *Mukhtaṣar al-āthār*, 22r, MS 1185 (Arl, ZA); al-Qāḍī al-Nu‘mān, *Mukhtaṣar al-āthār*, 1: 57; al-Qāḍī al-Nu‘mān, *Da‘ā‘im al-Islām*, 1: 145.

<sup>23</sup> al-Qāḍī al-Nu‘mān, *al-Īdāh*, 161-3; al-Qāḍī al-Nu‘mān, *Da‘ā‘im al-Islām*, 1: 160; al-Qāḍī al-Nu‘mān, *The Pillars of Islam*, tr. Asaf Ali Asghar Fyzee, 1: 201-2.

<sup>24</sup> For one such example concerning ritual purity and what has to be done with legs in regard to washing (*ghasl*) or wiping (*mash*), see al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S.T. Lokhandwalla, 24.

<sup>25</sup> Ismail K. Poonawala, “Al-Qāḍī al-Nu‘mān and Isma‘ili jurisprudence,” 137 (footnote 23). The footnote cites three reports that are omitted in *Da‘ā‘im* but traced in *Kitāb al-ṭahāra*. He also postulates that gradually the authority of the Fatimid caliphs was diminished by the time Nu‘mān composed *Da‘ā‘im*. See Ismail K. Poonawala, “Al-Qāḍī al-Nu‘mān and Isma‘ili jurisprudence,” 139 (footnote 48).

<sup>26</sup> For other instances, see al-Qāḍī al-Nu‘mān, *al-Īdāh*, 74, 79-80, 98 and passim.



text was a legal code for all the Fatimid subjects, including Sunnis. Yet, *Da‘ā‘im* contains several reports suggesting that some of the Sunni practices have their roots in the innovations (*bid‘a*) of ‘Umar b. al-Khaṭṭāb, which undermines its proposed inclusivity.<sup>27</sup> Moreover, Poonawala’s argument is based on the supposition that the extant copy of *Kitāb al-ṭahāra* is Nu‘mān’s work. As studied earlier, this legal work, though largely derived from *al-Īdāh*, contains reports that are unfounded in any of Nu‘mān’s works. Moreover, the editorial comments in and between the reports suggest that the text is heavily interpolated and therefore, should not be relied upon.<sup>28</sup>

As seen, promotion of the distinct Shi‘i practices of the Fatimids was facilitated by the intellectual contribution of Qāḍī Nu‘mān. He furnished the state with interpretations of the hadith that enabled it to fulfil its pledge of establishing a juridical system based on the doctrines of Ahl al-Bayt. Interestingly, Nu‘mān held consistently, both in theory and practice, to the idea that only the hadith of Imams hold probative force (*ḥujjiya*), but that they were selected, arranged and interpreted to meet the needs of the state.<sup>29</sup>

## **Towards an Independent Ismaili legal Orthodoxy**

*Da‘ā‘im* is composed around the time of the effort to institutionalise Shi‘i legal practices in North Africa, which occurred in the second half of the fourth/tenth century. This work is a condensed version of *al-Īdāh* that contains legal conclusions in the form of hadith. In this respect, it resembles an anthology of legal hadith. Unlike *al-Īdāh*, it is not an *ijtihādī* work that reconciles contradictory hadith and interprets law through a hermeneutical framework. Hadith containing several ideas that could be used as proof texts for different topics appear throughout the work, and

<sup>27</sup> al-Qāḍī al-Nu‘mān, *Da‘ā‘im al-Islām*, 1: 142-4, 213; 2: 382, 453 and passim.

<sup>28</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-ṭahāra*, 47v, 51r, 62r, 63r-63v, 65v, 71v-72r, 72v, 74v, MS 1263 (Arl, ZA); al-Qāḍī al-Nu‘mān, *Kitāb al-ṭahāra*, 84, 90, 108, 110, 113-4, 123, 126, 128 and passim.

<sup>29</sup> The original idea of the selection, arrangement and interpretation is borrowed from Robert Gleave, “Between *Ḥadīth* and *Fiqh*: The “Canonical” Imāmī Collections of *Akhbār*,” 350-82 and Mohammad Fadel, “Ibn Hajar’s *Hady al-sārī*: A Medieval Interpretation of the Structure of al-Bukhārī’s *al-Jāmi‘ al-ṣaḥīḥ*: Introduction and Translation,” *JNES*, 54 (1995), 161-97.

consequently, only the part of the *matn* that is relevant to a current topic is cited. Contrary to *al-Ṭḍāḥ* which dissects and crystallises the main topic (*jimā' abwāb*) into several sections (*bābs*) followed by subsections (*dhikrs*), *Da'ā'im* assembles several, often dissimilar subsections (*dhikrs*) into one *kitāb* (chapter). Every *dhikr* of *al-Ṭḍāḥ* is represented by one or two hadith of *Da'ā'im*. Given that *Da'ā'im* has summarised the content of *al-Ṭḍāḥ*, the pertinent question to address is why has *Da'ā'im* received more attention and acceptance among the Fatimids than any of Nu'mān's earlier legal works? Why has it earned the status of being Nu'mān's *magnum opus*? To answer these questions, it is important for us to scrutinise the structure and content of all his legal works to identify the areas, if any, *Da'ā'im* has covered that have not been covered in earlier works.

Table 7.1 depicts the relationship among Nu'mān's legal literary works from *al-Ṭḍāḥ* to *Da'ā'im al-Islām*, highlighting their structure and the number of the hadith they cite. *Al-Ṭḍāḥ* is the base text to which his later works are compared; the table demonstrates the extent to which each of his intermediary works extracted legal content from it. The column heads list the titles arranged in the chronological order of their compilation, while the body of the table represents the arrangement of the chapters within each work.

<i>al-Īdāh</i>	<i>al-Ikhhār fī al-fiqh</i>	<i>al-Iqtīṣār</i>	<i>al-Muntakhaba fī al-fiqh</i>	<i>Kitāb al-ṭahāra</i>	<i>Mukhtaṣar al-āthār</i>	<i>Da'ā'im al-Islām</i>
Missing	<i>kitāb al-ṣalāt</i>	<i>dhikr al-ṣalāt</i>	<i>kitāb al-ṣalāt</i>	<i>jīmā' abwāb al-ṣalāt</i>	<i>jīmā' abwāb al-ṣalāt</i>	<i>kitāb al-ṣalāt</i>
incomplete chapter	.....	.....	.....	.....	.....	<i>dhikr ṭjāb al-ṣalāt</i>
<i>jīmā' abwāb al-raghā'ib fī al-ṣalāt</i> Mostly missing 155 hadith	.....	.....	.....	.....	<i>dhikr al-raghā'ib fī al-ṣalāt</i>	<i>dhikr al-raghā'ib fī al-ṣalāt wa al-ḥaḍḍ' alayhā wa al-amr bi itmāmihā wa mā yurjā min thawābihā</i>
Missing	<i>dhikr al-mawāqīt</i>	.....	<i>bāb mawāqīt al-ṣalāt</i>	<i>dhikr mawāqīt al-ṣalāt</i>	<i>dhikr mawāqīt al-ṣalāt</i>	<i>dhikr mawāqīt al-ṣalāt</i> 23 hadith
<i>jīmā' abwāb al-adhān wa al-iqāma</i> (23 dhikrs) <sup>30</sup> 134 hadith	<i>dhikr al-adhān</i>	.....	<i>bāb al-adhān</i>	<i>dhikr al-adhān wa al-iqāma</i>	<i>dhikr al-adhān</i>	<i>dhikr al-adhān wa al-iqāma</i> 38 hadith
<i>jīmā' abwāb al-masājid</i> (16 dhikrs) <sup>31</sup> 72 hadith	<i>dhikr al-masājid</i>	.....	<i>bāb al-masājid</i>	<i>dhikr al-masājid</i>	<i>dhikr al-masājid</i>	<i>dhikr al-masājid</i> 23 hadith
<i>jīmā' abwāb al-imāma</i> (11 dhikrs) <sup>32</sup> 75 hadith	<i>dhikr al-imāma</i>	.....	<i>bāb al-imāma</i>	<i>dhikr al-imāma fī al-ṣalā</i>	<i>dhikr al-imāma</i>	<i>dhikr al-imāma</i> 15 hadith
<i>jīmā' abwāb al-ṣalāt al-jamā'a</i> (13 dhikrs) <sup>33</sup> 51 hadith	<i>dhikr al-jamā'a wa al-ṣufūf</i>	.....	<i>bāb ṣalāt al-jamā'a wa al-ṣufūf</i>	<i>dhikr al-jamā'a wa al-ṣufūf</i>	<i>dhikr al-jamā'a wa al-ṣufūf</i>	<i>dhikr al-jamā'a wa al-ṣufūf</i> 21 hadith
<i>jīmā' abwāb al-ṣifāt al-ṣalāt wa sunnatihā</i> (15 dhikrs) <sup>34</sup> 158 hadith	<i>dhikr ṣifāt al-ṣalāt wa sunnatihā</i>	.....	<i>bāb ṣifāt al-ṣalāt</i>	<i>dhikr ṣifāt al-ṣalāt</i>	<i>dhikr ṣifāt al-ṣalāt</i>	<i>dhikr ṣifāt al-ṣalāt</i> 25 hadith

<sup>30</sup> The 23 subsections are as follows:

1. *dhikr bad' al-adhān*
2. *dhikr al-adhān bi ḥayya 'alā khayr al-'amal*
3. *dhikr faḍl al-adhān wa thawābihi*
4. *dhikr kayfiyat al-adhān*
5. *dhikr mā 'alā al-mu'adhdhin an yaf'alahū idhā qāma fī al-adhān wa al-iqāma*

6. *dhikr man nasiya al-adhān wa al-iqāma*
7. *dhikr man shakka fī al-adhān aw fī al-iqāma aw akhta' fihimā*
8. *dhikr al-adhān qabl al-waqt*
9. *dhikr al-tathwīb*
10. *dhikr al-kalām fī al-adhān*
11. *dhikr al-adhān wa al-iqāma 'alā ghayr ṭahāra*
12. *dhikr man adhdhana jālisān aw rākiban aw māshiyān*
13. *dhikr al-mu'adhdhin yu'adhdhinu wa yuqīumu ghayruhū*
14. *dhikr adhān al-nisā' wa iqāmatihinna*
15. *dhikr akhz al-mu'adhdhin al-ajr 'alā adhānihi*
16. *dhikr al-mu'adhdhin yuqīmu wa lam yaji' al-imām*
17. *dhikr al-nahy 'an al-khurūj min al-masjid ba'd al-adhān*
18. *dhikr man yastaḥiqqu al-adhān*
19. *dhikr adhān al-a'mā*
20. *dhikr tark al-adhān li al-nāfila*
21. *dhikr qadr al-ma'dhana*
22. *dhikr al-adhān fī waqt al-mawlūd ḥin yūlad*
23. *dhikr al-adhān 'ind al-faza'*

<sup>31</sup> The 16 subsections are as follows:

1. *dhikr wujūb al-ṣalāt fī al-masjid*
2. *dhikr faḍl al-masājid wa taq'īf al-ṣalāt fihā*
3. *dhikr faḍl al-julūs fī al-masjid wa mā yudāfa'ū 'an ahl al-masjid*
4. *Bāb dhikr mā nuhiya 'an fi'lihi fī al-masjid*
5. *dhikr mā yumna'u min dukhul al-masājid*
6. *dhikr man' al-junub ('an) al-julūs fī al-masjid*
7. *dhikr al-rukḥṣa li ākil al-thūm fī al-takhalluf 'an al-masjid*
8. *dhikr mā yaqūluhu wa yaf'aluhu man dakhala al-masjid*
9. *dhikr binā' al-masjid*
10. *dhikr sadd al-nabī al-abwāb allati kānat tushra' ilā masjidihī*
11. *dhikr istiḡbāl al-qibla wa badw al-tawajjuh ilā al-Ka'ba*
12. *dhikr istiḡbāb al-ṣalā ilā sutra*
13. *dhikr mā yukrahu al-tasatturu bihi*
14. *dhikr al-dunuww min al-sutra*
15. *dhikr al-taṣāwīr yuṣallī al-muṣṣalī ilā nāḥiyatihā*
16. *dhikr al-masjid yakunu fī al-dār*

<sup>32</sup> The 11 subsections are as follows:

1. *dhikr ikhtiyār al-a'imma*
2. *dhikr man yukrahu an yu'tammu bihi*
3. *dhikr al-ṣalā khalf al-mukhālif*
4. *dhikr imāmat al-mutayyamim li al-mutawaḍḍi'n*
5. *dhikr man huwa aḥaqqu bi al-imāma*
6. *dhikr imāmat al-rajul al-wāḥid al-rajulayn*
7. *dhikr i'itimām man huwa fī ghayr al-masjid bi al-imām*
8. *dhikr karāhiyat taṭwīl al-imām*
9. *dhikr imāmat al-nisā'*
10. *dhikr talqīn al-a'imma al-qur'an fī al-ṣalāt*
11. *dhikr masā'il min abwāb al-imāma*

<sup>33</sup> The 13 subsections are as follows:

1. *dhikr faḍl al-jamā'*
2. *dhikr faḍl ṣalā al-'ishā' wa ṣalāt al-fajr fī jamā'*
3. *dhikr mā yaqa'u 'alayhi ism al-jamā'*
4. *dhikr thawab al-mashy ilā al-jama'āt*
5. *dhikr faḍl al-ṣaff al-awwal*
6. *dhikr faḍl mayāmin al-ṣufūf*
7. *dhikr al-amr bi sadd al-furaj wa itmām al-ṣufūf*
8. *dhikr al-amr bi taswiyat al-ṣufūf*

Table 7.1: Arrangement of the chapters and number of hadith cited in Qādī Nu‘mān’s legal works from *al-Īdāh* to *Da‘ā’im al-Islām*.

The data in Table 7.1 illustrates that *al-Īdāh* is a very large hadith collection that comprises several subsections (*dhikrs*) under an encompassing chapter (*jimā‘ abwāb*).<sup>35</sup> In contrast, his later legal manuals and *Da‘ā’im* are arranged in *dhikrs* under the rubric of the chapter (*kitāb*); the only exception is his *rajaz* poem, *al-Muntakhaba*, which is divided into *bābs*. The table also indicates that *al-Īdāh* and *Da‘ā’im al-Islām* are the only two titles that cite hadith in support of his legal opinions. However, they differ in the number of *dhikrs* and hadith cited in each section. The comparison of five sections (see the last five rows of the table) reveals that *al-Īdāh* contains an extremely high number of 490 hadith compared to the modest 122 hadith cited in *Da‘ā’im*. Similarly, *Da‘ā’im* comprises far fewer *dhikrs* (five) than does *al-Īdāh* (seventy-eight). In terms of the content of these two works, *Da‘ā’im* is essentially a condensed version of *al-Īdāh* that does not add to the richness of the earlier work by citing new sources or different hadith.<sup>36</sup> Therefore, one may conclude

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9. *dhikr al-ṣalā khalf al-ṣufūf*
  10. *dhikr man lam yastaṭi‘ an yaqūm fī al-ṣaff*
  11. *dhikr miqdār mā yakūnu bayn al-ṣufūf wa man yajibu an yalī al-imām*
  12. *dhikr al-iṣṭifāf bayn al-sawāri*
  13. *dhikr ṣalāt ma al-rijāl*

<sup>34</sup> The 15 sub-sections are as follows:

1. *dhikr aḥdāth al-niyya ‘ind al-dukhūl fī al-ṣalāt*
2. *dhikr raf‘ al-yadayn fī bad‘ al-ṣalāt wa al-ḥadd alladhī turfa‘u bihimā*
3. *dhikr wujūb al-takbīr li iftitāh al-ṣalāt*
4. *dhikr iftitāh al-ṣalāt ba‘d takbīr al-iftitāh bi al-tawajjuh wa al-du‘ā’*
5. *dhikr al-isti‘ādha ba‘d al-istiftāh wa qabl al-qirā‘a*
6. *dhikr qawl man qāl al-tawajjuh wa al-istiftāh bi al-du‘ā’ qabl takbīr al-iḥrām*
7. *dhikr al-nahy ‘an al-iltifāt wa raf‘ al-baṣar fī al-ṣalāt*
8. *dhikr al-amr bi al-iqbāl ‘alā al-ṣalāt wa al-ḥaḍḍ ‘alā al-khūshū‘ wa al-tafarrugh li al-ṣalā*
9. *dhikr ṣifat al-qiyām fī al-ṣalāt*
10. *dhikr waḍ‘ iḥdā al-yadayn ‘alā al-ukhrā*
11. *dhikr al-bad‘ bi Bismillāh al-Raḥmān al-Raḥīm*
12. *dhikr al-bad‘ ba‘d Bismillāh al-Raḥmān al-Raḥīm bi sūra*
13. *dhikr qawl al-muṣallī āmin ba‘d farāghihi min qirā‘ Fātiḥat al-kitāb*
14. *dhikr qirā‘t al-muṣallī ba‘d Fātiḥat al-kitāb bi sūra fī kullī rak‘a min al-rak‘atayn al-awwalatayn min al-ṣalā*
15. *dhikr mā yuqra‘ fī al-ṣalāt min al-suwar...missing*

<sup>35</sup> Occasionally, *jimā‘ abwāb* are fragmented into *bābs* before categorised as *dhikrs*. See al-Qādī al-Nu‘mān, *al-Īdāh*, 25-6, 93.

<sup>36</sup> The six hadith in the sub-section of *adhān* of *Da‘ā’im* that remain untraced in *al-Īdāh* suggest that the former, occasionally, provides new material. However, the other four sub-sections do not offer a single instance of any additional material apart from what had already been cited in *al-Īdāh*. See al-Qādī al-Nu‘mān, *Da‘ā’im al-Islām*, 1: 144-6.

that *Da‘ā‘im* has reproduced *al-Īḍāḥ* through a process of the rigorous selection of hadith. What were Nu‘mān’s criteria for this selection? Which hadith secured their place in *Da‘ā‘im*, and can we deduce a pattern or guidelines for their inclusion? The answers to these questions lie in the selective approach of the author in consulting the sources he used for both these works.

Table 7.2 compares 122 hadith from the five *dhikrs* of *Da‘ā‘im* and *al-Īḍāḥ*, revealing a disparity in the sources for each book. Almost half of the hadith that Nu‘mān extracted from *al-Ja‘fariyyāt* and included in *al-Īḍāḥ* are cited in *Da‘ā‘im*. In contrast, the hadith of *Kutub Ibn Sallām*, which are cited 126 times in *al-Īḍāḥ*, are only cited in 25 instances in *Da‘ā‘im*.

	<i>al-Ja‘fariyyāt</i>	<i>Kutub Ibn Sallām</i>
<i>al-Īḍāḥ</i>	78	126
<i>Da‘ā‘im al-Islām</i>	34	25

Table 7.2: Comparison between the proportion of hadith cited in the five subsections of *al-Īḍāḥ* and *Da‘ā‘im al-Islām* from *al-Ja‘fariyyāt* and *Kutub Ibn Sallām*.

This change in the proportion of sources consulted in *al-Īḍāḥ* and *Da‘ā‘im al-Islām* reflects a change of attitude towards them. That *Kutub Ibn Sallām* is a Zaydi source is a strong reason why it received unfavourable treatment in *Da‘ā‘im*. This is corroborated by the fact that none of its twenty-five citations bears the name of the Zaydi Imams and jurists, yet all end on the authority of the Prophet, ‘Alī or al-Bāqir.<sup>37</sup>

<sup>37</sup> al-Qāḍī al-Nu‘mān, *Da‘ā‘im al-Islām*, 1: 146.1, 146.2, 148, 149.1, 150.2-4, 152.1-3, 155.1 (These reports correspond to the hadith cited on the authority of the Prophet via Ḍumayra in *al-Īḍāḥ*. See al-Qāḍī al-Nu‘mān, *al-Īḍāḥ* in respective order 74, 77, 92, 97, 98, 104.1-2, 115, 117, 119, 128), 147.2 (Prophet via Abū Rāfi‘. See al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 89); 1: 152.4 (‘Alī via Abū Rāfi‘. See al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 120), 156 (‘Alī via *isnād* of Ibn Sallām. See al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 136); 1: 144, 149.2, 150.1, 153, 154, 155.2, 157 (These reports correspond to the hadith cited on the authority of the ‘Alī via Zayd in *al-Īḍāḥ*. See al-Qāḍī al-Nu‘mān, *al-Īḍāḥ* in respective order, 64, 97-8, 98, 125, 127, 128, 140); 1: 142, 151 (al-Bāqir via Abū al-Jārūd. See al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 62, 110), 1: 150.5 (al-Bāqir via Ghiyāth b. Ibrāhīm. See al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 105). There is just one instance where the report is believed to have been cited on the authority of Qāsim al-Rassī. However,

This selection and arrangement, I argue, indicates that Nu‘mān in *Da‘ā‘im* was moving toward an entrenched Ismaili legal orthodoxy. In the process, he eliminated Zaydi sources that had been frequently cited and employed as prooftexts for his legal positions, thereby supporting the formulation of a *fiqh* on a narrower definition of Ahl al-Bayt that precluded the Zaydi Imams. The sources citing the hadith of al-Bāqir and al-Şādiq were not subject to this purge because they were rightly perceived as a shared heritage of both the Imamis and Ismailis. The hadith transmitted via Zayd b. ‘Alī and Mūsā al-Kāzim are incorporated in *Da‘ā‘im*, because they are treated as trustworthy transmitters as opposed to the possessors of legislative authority. Because the sole right to report and interpret the *sharī‘a* lies with the divinely appointed Imams, the hadith reporting the sayings and practices of Qāsim al-Rassī, Aḥmad b. ‘Īsā b. Zayd, ‘Abdullāh b. Mūsā, and a few others were omitted in *Da‘ā‘im*. The law that was once defined as a ‘compromise between Imāmī and Zaydi law’ in *al-Īdāh* is introduced in *Da‘ā‘im* as a distinct Ismaili law.<sup>38</sup>

### **Was *Da‘ā‘im al-Islām* a Legal Code of the Fatimids?**

The analysis of the relation between *al-Īdāh* and *Da‘ā‘im al-Islām* has led us to conclude that though the latter is, effectively, only a condensed version of the former and does not offer any new content, it is considered a critically important manual and code of Ismaili law because of its appropriate selection of the hadith and decisive tone. I suggest otherwise, that its broad appeal is due to the favourable geopolitical considerations at the time it was composed. This section examines the reasons why *Da‘ā‘im* received more recognition than did the rigorous analytical endeavour of *al-Īdāh*.

As per the attestation of Idrīs ‘Imād al-Dīn, it was al-Mu‘izz who commissioned Nu‘mān to compile *Da‘ā‘im*, giving him the mandate to eliminate the

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*Da‘ā‘im* does not record the name of the authority of the report, nor indicates that it is a hadith. See al-Qāḍī al-Nu‘mān, *Da‘ā‘im al-Islām*, 1:147.

<sup>38</sup> Madelung referred to the early Ismaili law as a ‘compromise between Imāmī and Zaydi law’. See, Wilferd Madelung, “The Sources of Ismā‘īlī Law,” 32.

corrupt doctrines (*madhāhib*) and distorted opinions from the *sharī'a*. Interpreting the prophetic hadith, 'If deviation occurs in my community (*umma*), the scholar should manifest his knowledge, or else God's curse be upon him', the Imam-Caliph decreed that Nu'mān was the intended recipient of this commission.<sup>39</sup> The Imam is also believed to have urged his associates to copy and study the text. Reporting the events of 416/1025, al-Maqrīzī (d. 845/1442) states that al-Zāhir (d. 427/1036) encouraged his followers to memorise its content and pledged to reward a monetary gift for it.<sup>40</sup>

In reference to the collection's authoritativeness, Idrīs 'Imād al-Dīn asserts that, in the cases of disagreement between *Da'ā'im* and *Mukhtaṣar al-Wazīr*, a legal treatise of the Fatimid vizier Ibn Killis (d. 380/991), the former takes precedence over the latter.<sup>41</sup> It is for this reason that Husain Qutbuddin has rightly asserted that *Da'ā'im* is a 'central text' that 'came to occupy a cardinal position in Fatimid law and pedagogy' and became 'the reference text for *qāḍīs*'.<sup>42</sup> However, the narrative of Idrīs 'Imād al-Dīn stating that Nu'mān composed this collection at the behest of al-Mu'izz and that the Imam 'expounded the principles (*aṣṣala lahu uṣūlahu*), deduced the branches (*farra'a lahu furū'ahu*), related to him the authentic hadith of the Prophet on the authority of his forefathers, and commissioned his compositions' is clearly hagiographical. Further research is required to determine what was the exact role of al-Mu'izz, if any, in shaping this book, given that *Da'ā'im*'s content had already been expounded and deduced in *al-Īdāh*, which was compiled during the reign of al-Mahdī.<sup>43</sup>

Nonetheless, the critical acclamation of *Da'ā'im* has led some scholars to

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<sup>39</sup> Idrīs 'Imād al-Dīn al-Qurashī, *Uyūn al-akhbār wa-funūn al-āthār*, 6: 42-4. It should be noted that Nu'mān does not make any mention of al-Mu'izz and it appears that Idrīs 'Imād al-Dīn has interpolated the name of the Imam-Caliph in the story. See al-Qāḍī al-Nu'mān, *Da'ā'im al-Islām*, 1: 1-2.

<sup>40</sup> al-Maqrīzī, *al-Mawā'iz wa al-i'tibār fī dhikr al-khiṭaṭ wa al-āthār*, 1: 355.

<sup>41</sup> al-Qāḍī al-Nu'mān, *Kitāb al-majālis wa al-musāyarāt*, 306; Idrīs 'Imād al-Dīn al-Qurashī, *Uyūn al-akhbār wa-funūn al-āthār*, 6: 232; al-Majdū', *Fihrist al-kutub wa al-rasā'il*, 34.

<sup>42</sup> Husain K. B. Qutbuddin, "Fāṭimid Legal Exegesis of the Qur'an: The Interpretive Strategies Used by al-Qāḍī al-Nu'mān (d. 363/974) in His "Da'ā'im al-Islām", *JQS*, 12 (2010), 110-2.

<sup>43</sup> Idrīs 'Imād al-Dīn al-Qurashī, *Uyūn al-akhbār wa-funūn al-āthār*, 6: 42-4. The translation is extracted from Ismail K. Poonawala, "The Evolution of al-Qāḍī al-Nu'mān's Theory of Ismaili Jurisprudence as Reflected in the Chronology of his Works on Jurisprudence," 126.



describe it as ‘*the official code*’ of the Fatimids. This characterisation, I argue, is inaccurate not only because the work is essentially a hadith collection and is not organised like a codified law work but also because it simply repeats, though more decisively, the legal conclusions reached in *al-Īdāh*. Lokhandwalla describes *Da‘ā‘im* as ‘an official authoritative code’ and rationalises why it was not composed until fifty years after the advent of the Fatimids in North Africa by asserting that their earlier preoccupation with fighting the rebels did not allow them ‘to institute [an] authoritative independent legal system to exist concomitantly with their political regime’. He adds that *Ikhtishār (Mukhtaṣar al-āthār)* received ‘semi-official recognition’, but it was not yet ‘the official code’, ‘officially promulgated system’, or ‘the official Fatimid version of law’.<sup>44</sup> Concurring with Lokhandwalla’s findings, Poonawala suggests that *Da‘ā‘im* was ‘the official legal code of the Fatimid Empire’ and met the state’s ‘official recognition as the legal code’.<sup>45</sup> Both Lokhandwalla and Poonawala do not explain what they mean by the phrase ‘official code’, nor is a similar expression found in any of the earlier works of Ismaili law. Describing *Da‘ā‘im* as ‘the Fatimid Code’, Fierro suggests that it was ‘a legal code inspired by a divinely appointed imam even if written down by one of his servants, the aim of which was to put an end to differences of opinion’.<sup>46</sup> Offering even higher praise to *Da‘ā‘im*, Wadād al-Qāḍī describes it as the ‘divine’ and ‘civil’ constitution of the Fatimid state.<sup>47</sup>

Such descriptions of *Da‘ā‘im* imply that a monolithic legal system prevailed in the entire Fatimid jurisdiction. While this may have been true of state-run affairs, it was certainly not true for the devotional practices and independent contractual affairs of the Fatimid subjects. On the contrary, there are evidence to suggest that the Fatimids adopted a pluralistic approach by integrating Sunni judges into the judiciary hierarchy.<sup>48</sup> This approach is reflected in the peace proclamation (*Amān*)

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<sup>44</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S. T. Lokhandwalla, 26-30 (introduction).

<sup>45</sup> Ismail K. Poonawala, “The Evolution of al-Qāḍī al-Nu‘mān’s Theory of Ismaili Jurisprudence as Reflected in the Chronology of his Works on Jurisprudence,” 137, 141.

<sup>46</sup> Maribel Fierro, “Codifying the law: the case of the Medieval Islamic West,” 112.

<sup>47</sup> Wadād al-Qāḍī, “An Early Fāṭimid Political Document,” 104.

<sup>48</sup> For further details, see Shainool Jiwa, “Governance and Pluralism under the Fatimids (909-996 CE),” in *The Shi‘i World: Pathways in Tradition and Modernity* (London: I. B. Tauris, 2015), 111-30.

issued by Jawhar al-Siqilli (d. 381/992), the Fatimid general commander responsible for the conquest of Egypt, which aimed to foster plurality and inclusivity. One of the passages of the *Amān* reads:

You shall continue in your *madhhab* [school]. You shall be permitted to perform your obligations according to religious scholarship, and to gather for it in your congregational and other mosques, and to remain steadfast in the beliefs of the worthy ancestors from the Companions of the Prophet, may God be pleased with them, and those who succeeded them, the jurists of the cities who have pronounced judgements according to their *madhhabs* and *fatwas* [formal legal opinions]. The call to prayer and its performance, the fasting in the month of Ramadan, the breaking of the fast and the celebration of its nights, the [payment of] the alms tax, [the performance of the] pilgrimage and the undertaking of jihad will be maintained according to the command of God and His Book and in accordance with the instruction of His Prophet . . . in his sunna, and the *dhimmi*s will be treated according to previous custom.<sup>49</sup>

To sum up, there is no internal or external evidence to suggest that *Da‘ā‘im* was an official legal code in the sense that its laws applied to every Fatimid subject. The state instead adopted a pluralistic approach in executing its affairs, while occasionally expressing hostility, largely caused by political reasons, towards the Mālikīs. Therefore, in this context, *Da‘ā‘im* became *a*, not *the*, source of an Ismaili legal system amongst the already existing schools of Ḥanafīs and Mālikīs.

Several other factors contributed to the wider recognition of the text. Firstly, the Fatimids had defeated the Khārijite revolt and expelled key Mālikī scholars, which set the ground for introducing an authoritative text based on the hadith of Ahl al-Bayt. Secondly, Nu‘mān composed *Da‘ā‘im* at an advanced stage of his career after having worked for the Fatimids for almost half a century, gaining all the experience needed to produce a nuanced legal collection. Thirdly, unlike *al-Idāh*, the content is

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For religious policy of the Fatimids, see Wilferd Madelung, “The Religious Policy of the Fatimids toward Their Sunni Subject in the Maghrib,” *L’Égypte Fatimide: son art et son histoire; acts du colloque organisé à Paris les 28, 29, et 30 mai 1998*, (1999), 97–104; Wilferd Madelung, “A Treatise of the Imamate of the Fatimid Caliph al-Manṣūr bi-Allāh,” in *Texts, Documents and Artefacts: Islamic Studies in Honour of D.S. Richards*, ed. C. F. Robinson (Leiden: Brill, 2003), 69–77.

<sup>49</sup> al-Maqrīzī, *Itti‘āz al-ḥunafā’ bi akhbār al-a‘imma al-Fāṭimiyyīn al-khulafā’*, 1: 105. The translation is extracted from Shainool Jiwa, “Inclusive Governance: A Fatimid Illustration,” in *A Companion to the Muslim World* (London: I. B. Tauris, 2009), 166.

precise without delving into extensive technical discussions of reconciling between contradictory reports. Fourthly, Nu‘mān committed himself to citing the hadith of Ahl al-Bayt, and therefore, he omitted the sayings reported on the authority of Zaydi Imams. Lastly, the text takes the devotional aspects of the believer into consideration, offering hadith pertaining to daily supplications and other religious rituals, thereby popularising it among the laity. It is due to these geopolitical considerations and the distinct features of the content that contributed to the centrality of *Da‘ā’im*. Although its status as an official legal code of the Fatimids remains untenable, it has all the necessary requirements to represent the Ismaili *fiqh*.

## Conclusion

Qāḍī Nu‘mān began producing legal material for the Fatimid state with the aim of elucidating (*al-Īḍāḥ*) the legal doctrines of Ahl al-Bayt, and his work culminated in defining the pillars of Islam (*Da‘ā’im al-Islām*). In between he wrote several law manuals that addressed the needs of judges, governors and bureaucrats. Though his works differed stylistically and structurally, his legal conclusions remained consistent. The only difference one can glean from his works is that his opinions became increasingly decisive in *Da‘ā’im*, moving away from the apologetic tone of compromise found in the legal recommendations of *al-Īḍāḥ*. Therefore, I argue that Wadād al-Qāḍī’s assessment of the legal compositions of Qāḍī Nu‘mān is inaccurate. She describes *Da‘ā’im* as ‘the last in a series of more controversial, more rudimentary legal works composed by al-Nu‘mān from the time of the first Fāṭimid Caliph al-Mahdī bi Allāh (297–322/909–933) onwards; this book represents a clear, neat and well-organised dogmatic exposition of the tenets of Ismā‘ili positive Law’.<sup>50</sup> If only *al-Īḍāḥ* was accessible to her and had she studied all the legal works of Nu‘mān, comparatively and chronologically, her conclusions would have been dramatically different. Nu‘mān’s first legal work, *al-Īḍāḥ*, was neither controversial nor rudimentary, but the most sophisticated analytical legal work he produced in his

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<sup>50</sup> Wadād al-Qāḍī, “An Early Fāṭimid Political Document,” 71.

entire scholarly career. As examined in this chapter, Nu'mān's legal conclusions remained the same from *al-ḥāḍi* to *Da'ā'im al-Islām*, and therefore to treat his earlier works as controversial and rudimentary is a mere oversimplification.

## Chapter 8

### Deconstructing Qāḍī Nu‘mān’s Hadith-Theory: Methodology and Views

In all your decisions and judgments, you should follow the Book of God...If you neither find in the Qur’ān any text [concerning a problem] nor any decision in the *Sunna*...search it in the creeds of the pious, pure and well guided Imāms...If something appears obscure and hence confusing or if dubious and hence baffling, refer it to Amīru’l-Mu‘minīn so that he may guide you to the proper decision on it. (*Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S. T. Lokhandwalla, 22)<sup>1</sup>

After having examined Qāḍī Nu‘mān’s sources of hadith and their relation to Ismaili law, this chapter deconstructs his theory of hadith by studying the theoretical underpinnings that dictate his engagement with them: it investigates his world-view with respect to hadith. Reliable methods of transmission, criteria of authentication, methods of reconciliation between conflicting reports, and factors that lead one hadith to take precedence over the other are some pertinent areas of interest of hadith-theory. Few of these topics overlap with the issues discussed in the sciences of hadith (*‘ulūm al-ḥadīth*) and hadith criticism (*dirāyat al-ḥadīth*), which focus on the explanation of the complex technical terminology, gradation of reports, and several other external features and characteristics of the hadith. Hadith-theory is fundamentally different because it focuses on the principles of hadith (*uṣūl al-ḥadīth*) that dictate the modality of the author’s encounter, engagement, and interpretation of the hadith. It is also different from legal theory (*uṣūl al-fiqh*), which investigates exegetical and hermeneutical methodologies through which *fiqh* is interpreted. Hadith-theory is essentially the philosophy that drives one’s interaction with hadith.

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<sup>1</sup> The translation is borrowed from al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S. T. Lokhandwalla, 55-6 (introduction). For a different edition, see al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 36-7.

This chapter addresses the following questions: What are Nu‘mān’s criteria for the authentication of hadith? Which methods of transmission did he rely upon? What is his understanding about the causes of the prevalent conflicting reports in hadith literature, and upon what grounds does he reconcile them? Given that Nu‘mān has not produced any independent work explaining his views on hadith, this chapter investigates the above-mentioned questions based on his analysis of hadith in *al-Īdāh* and other hadith-based works.<sup>2</sup> It focuses on the *modus operandi* of Qāḍī Nu‘mān’s engagement with hadith.

Much of the scholarship on *al-Īdāh* has been limited to the historical credibility of its sources, ignoring the detailed analyses and interpretations of its hadith. There are other sources, however, of information about Nu‘mān’s hadith-theory. Although *Kitāb ikhtilāf uṣūl al-madhāhib* is essentially a polemical work written to refute the legal hermeneutics of various non-Shi‘i schools of jurisprudence, it offers valuable information on the underpinnings of Nu‘mān’s views on hadith. Furthermore, *Sharḥ al-akhbār*, a non-legal hadith collection, remains an indispensable source for the construction of his hadith-theory, especially on his encounter with Sunni hadith sources. These three works, which have significantly engaged in authentication, interpretation and reconciliation of hadith, form the basis of my study in this chapter. The analyses of the conventions adopted by Nu‘mān in citing hadith and how they guide him in his derivations of law is the primary focus of this chapter. It also outlines his method of resolving conflicting hadith and how they could use to guide legal thinking after being strengthened with certain hermeneutical procedures. Finally, this chapter examines the reasons for his vehement rejection of the hermeneutical techniques adopted by the Sunnis for the interpretation of hadith.

## Hadith in Qāḍī Nu‘mān’s Non-Legal Works

As demonstrated in Part II of this thesis, Qāḍī Nu‘mān extensively consulted legal

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<sup>2</sup> Ismā‘īl Bāshā assigns a hadith work entitled ‘*Uṣūl al-ḥadīth*’ to Nu‘mān. This work is not mentioned in any of Nu‘mān’s works, nor is listed in any biobibliographical work. See Ismā‘īl Bāshā al-Baghdādī, *Īdāh al-maknūn fī al-dhayl ‘alā kashf al-zunūn ‘an asāmī al-kutub wa al-funūn*, ed. Muḥammad Sharaf al-Dīn (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, undated), 92.

hadith sources to resolve issues pertaining to jurisprudence. In fact, one could say that hadith is *the* only source on which his entire *fiqh* is constructed. In theory, Qur'an and the *Sunna* of the Prophet take precedence over the hadith attributed to the Imams, but in practice, the former do not serve as proof texts for his legal opinions. Instead, they are subsumed under the wider functionality of the hadith, which promises to offer authentic interpretations of the verses of Qur'an and reliable reporting of the *Sunna* of the Prophet. In addition to using hadith for legal purposes, Nu'mān also consults them to construct theological arguments, report historical events and highlight the virtues of the Imams. Thematically, his works that contain hadith are divided into these disciplines: legal, doctrinal, refutation, esoteric and history. Though his non-legal compositions, unlike his legal works, are not entirely drawn from hadith, they play an important role in constructing Nu'mān's hadith-theory.

*Kitāb al-himma fī ādāb atbā' al-a'imma*, a doctrinal work outlining the code of conduct for the followers of the Imams, for instance, is made up of non-legal hadith reported on the authority of the earlier Imams. Nu'mān does not provide *isnāds* or make reference to his sources in this succinct work. These hadith primarily portray the Imams as divinely appointed individuals who deserve glorification, veneration and total submission.<sup>3</sup> However, there are some references to legal hadith that are associated with the rights of Imams. The extension of *Khums*, for instance, to any acquired profit, as opposed to the spoils of war, is highly emphasised as a right of Imam. Here, Nu'mān engages in a detailed interpretation of the hadith through other Qur'anic verses and lexical explanations.<sup>4</sup>

*Kitāb ikhtilāf uṣūl al-madhāhib*, a work of refutation that negates the hermeneutical principles adopted by different Islamic legal schools, is another composition of Nu'mān that cites several non-legal reports. The fundamental cause of disagreement among the schools, he argues, is their abandonment of the true interpretation of the Qur'an and the *Sunna*, which is embodied in the teachings of

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<sup>3</sup> al-Qāḍī al-Nu'mān, *Kitāb al-himma fī ādāb atbā' al-a'imma*, 44 (Ḥusayn b. 'Alī), 34, 55, 68, 69, 93, 122, 128 (Ja'far b. Muḥammad), 60, 83 (Muḥammad b. 'Alī) and passim.

<sup>4</sup> al-Qāḍī al-Nu'mān, *Kitāb al-himma fī ādāb atbā' al-a'imma*, 69.

the Imams. Fyzee observes that *Ikhtilāf* extensively quotes hadith ‘to support the doctrine of one central authority for all true believers in the matters of religion and law’.<sup>5</sup> These hadith are mostly exegetical in the sense that they claim to offer authentic interpretations of the verses of the Qur’an. This polemical work also engages with and refutes the hadith cited in Sunni sources.<sup>6</sup> In this work, Nu‘mān chooses to follow the path of concision, omitting *isnāds* and citing only those widely accepted and reliably transmitted hadith.<sup>7</sup>

In *al-Manāqib wa al-mathālib*, Nu‘mān promises to offer reliable reports (*al-akhbār al-ṣaḥīḥa*) pertaining to the excellence of Ahl al-Bayt and the damnation of Umayyads.<sup>8</sup> The title is misleading because the work does not describe the virtues of the Imams, but rather presents the biographies of the Prophet, Ahl al-Bayt, and their adversaries, making it akin to a *sīra* work. Nonetheless, it contains several hadith on the authority of al-Ṣādiq, especially those pertaining to the discussion of the advent of al-Mahdī.<sup>9</sup>

*Kitāb al-tawḥīd* is a collection of eight sermons of ‘Alī relating to the belief in the oneness of God (*al-tawḥīd*).<sup>10</sup> Each sermon is commented upon and glossed,

<sup>5</sup> Asaf Ali Asghar Fyzee, “Shī‘ī Legal Theories,” in *Law in the Middle East*, eds. Majid Khadduri and Herbert J. Liebesny (Washington: The Middle East Institute, 1955), 1: 127.

<sup>6</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 57-60, 247 and passim.

<sup>7</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 9.

<sup>8</sup> al-Qāḍī al-Nu‘mān, *al-Manāqib wa al-mathālib*, ed. Mājīd b. Aḥmad al-‘Aṭīyya (Beirut: Mu‘assasat al-‘Ilm li al-Maṭbū‘āt, 1423/2002), 23.

<sup>9</sup> al-Qāḍī al-Nu‘mān, *al-Manāqib wa al-mathālib*, 201, 392.

<sup>10</sup> It appears that Poonawala missed the remaining sermons of the collection, when he states that Nu‘mān ‘has reproduced two of ‘Alī’s long sermons’. Again, contrary to his assessment that both the sermons are longer, the second sermon is relatively shorter. See Ismail K. Poonawala, “The Chronology of al-Qāḍī al-Nu‘mān’s Works,” 153-4. al-Qāḍī al-Nu‘mān, *Kitāb al-tawḥīd*, MS Ma VI 303. This manuscript contains eight sermons. The assigned titles of the sermons of this collection with the folio numbers of text, commentaries, and gloss are as follows:

1. *al-Waḥīda*, The Unique (text: 7r -14r, commentary: 14r-26r, gloss: 26r-79v). It should be noted that the first sermon is extensively commented. The remaining sermons are directed to the commentary of this sermon.
2. *al-Durra al-yatīma*. The Isolated Pearl (text: 79v-81r, gloss: 81r-96v).
3. untitled sermon (text: 96v -103v, gloss: 103v -108r).
4. untitled sermon (text: 108r -112v, gloss: 112v -116r). This sermon describes the creation of bat and its distinct characteristics to encourage the believers to reflect on the marvel of God’s creation. A section of this sermon is identical to a sermon that al-Sharīf al-Raḍī has cited in



elucidating obscure (*gharīb*) phrases with linguistic and theological explanations. He assigns titles to some sermons, whereas others are left with the generic label of ‘Oneness as Described by the Commander of the Believers (*tawḥīd li Amīr al-Mu‘minīn*)’. Nu‘mān neither reveals his *isnāds* nor refers to his sources in this compilation. Interestingly, some of these sermons are similar to those collected in *Nahj al-balāgha* by the Baghdadī Imami scholar, al-Sharīf al-Raḍī (d. 406/1015). Contrary to Poonawala’s assessment, the content does not reflect Ismaili neoplatonic theology, but rather aims to encourage believers to ponder on the vastness of the creation of God and, consequently, submit to his oneness.<sup>11</sup> Nu‘mān does not display any interest in intervening in the Mu‘tazalite–Ash‘arite theological debates on transcendence (*tanzīh*) and anthropomorphism (*tashbīh*), despite the explicit mention of these doctrines in the sermons. This implies that Nu‘mān’s primary objective in assembling this compilation is to elucidate its obscure phrases from a linguistic and semantic perspective, rather than refuting Sunni doctrinal beliefs. In so doing, he cites some hadith containing exegetical comments on the authority of al-Sajjād and al-Ṣādiq and dismisses the explanations provided in Sunni hadith.<sup>12</sup>

Among all his non-legal hadith-based works, *Sharḥ al-akhbār* is unique for its extensive citations of hadith. This work describes the biography and the distinct status of the Prophet and his Ahl al-Bayt in 1460 hadith. The editor, Muḥammad Ḥusayn Ḥusaynī Jalālī, has not only assigned numbers to each hadith but also extracted (*takhrīj*) identical hadith from other sources, mainly non-Shi‘i sources. Poonawala, in his excellent book review on this edition, classifies its hadith into the

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*Nahj al-balāgha*. See Muḥammad b. Ḥasan al-Sharīf al-Raḍī, *Nahj al-balāgha*, ed. al-Ṣubḥī Ṣāliḥ (Qum: Hijrat, 1414/1993), 216-7 (sermon 155).

5. *fi al-tahmīd wa al-tawḥīd* (in relation to the glorification and oneness of God), (text: 116r - 120r, gloss: 120r -127v). A segment of this sermon is identical to a sermon of *Nahj al-balāgha*. See al-Sharīf al-Raḍī, *Nahj al-balāgha*, 40 (sermon 1).
6. untitled sermon (text: 127v -129v, gloss: 129v -134v). An extract of this sermon is identical to a sermon of *Nahj al-balāgha*. See al-Sharīf al-Raḍī, *Nahj al-balāgha*, 96 (sermon 65).
7. untitled sermon (text: 134v -136v, gloss: 136v -139v).
8. untitled sermon (text: 139v -141r, gloss: 141r -143r).

<sup>11</sup> Ismail K. Poonawala, “The Chronology of al-Qāḍī al-Nu‘mān’s Works,” 154.

<sup>12</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-tawḥīd*, 34v (from al-Ṣādiq), 40r (from al-Ṣādiq), 74r (from al-Sajjād). For his rejection of Sunni hadith, see 25r, 26v.

following categories: *mashhūr* (with more than two transmitters), *ma'rūf* (acceptable but weak and confirmed by another weak tradition), *ma'thūr* (handed down from one to another, from generation to generation), *ṣaḥīḥ* (sound, utterly faultless, in whose *isnād* there is no weakness, and that does not contradict prevalent belief) and *thābit* (established, standing as good).<sup>13</sup> These hadith are assembled from a variety of hadith, *maghāzī*, and *siyar* sources. Occasionally, Nu'mān refers to the sources of the accounts, some of which are no longer extant. Except for the last section which offers hadith on the characteristics, merits and distinct status of Shi'ites and is narrated on the authority of the Imams, the content of the other fifteen parts is culled from non-Shi'i sources.

Hadith serve a significantly different function in Qāḍī Nu'mān's legal works than in his non-legal compositions. Whereas hadith is *the* source for all his legal compositions, they are cited in his other works to support, rather than to construct, a theological argument or a historical account. The application of any hermeneutical principle is redundant, for the function of a hadith is restricted to supplementing an already well-grounded argument and not to serve as a proof-text. As a result, Nu'mān does not see value in sharing his sources, merely quoting the immediate authority of the reports. Therefore, *isnāds*, *matn*, harmonising the content of hadith with Qur'an, and reconciling conflicting reports are not found in his non-legal works.

## **Do the Statements of Fatimid Imam-Caliphs Qualify as Hadith?**

Qāḍī Nu'mān makes a considerable effort to justify the authority of the Fatimid Imam-Caliphs and to show that it is a continuation of the authority of the pre-Fatimid Imams. Theoretically, there is no difference between the merit and status of the Imams, but in practice he only cites, quotes, and refers to the pre-Fatimid Imams in issues pertaining to law. The contribution of Fatimid Imam-Caliphs to the legal discourses of that period remains insignificant; they neither interpret, validate, or reconcile the reports attributed to the earlier Imams. It appears that the role of the

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<sup>13</sup> Ismail K. Poonawala, "Book review of *Sharḥ al-akhbār fī faḍā'il al-a'imma al-aṭḥār*," *JAOS*, 118 (1998), 103.

Fatimid Imam-Caliph was reduced to political administration, thereby ensuring the smooth execution of the law as defined and interpreted by the earlier Imams.

However, a new genre of literature emerges in the North African Ismaili context which documented the pronouncements of the Fatimid Imam-Caliph. By virtue of their central position in Ismaili doctrines, their sermons, letters, decrees and conversations convey divine guidance and so deserve to be recorded. Though not formally known as hadith, they meet all the needed criteria to be classified as such. The content of these pronouncements focuses on the virtues of the earlier Imams, encourages followers to adopt piety in their private and public affairs, condemns the atrocities committed by the adversaries of the Imams, and warns of God's wrath in cases of disobedience.

There is no evidence to suggest that the first Fatimid Imam, al-Mahdī, addressed his followers in any religious festivities. Nu'mān, however, reports that Abū 'Abdallāh al-Shī'ī was instructed by the Imam to read out his message.<sup>14</sup> The Andalusian historian 'Arīb b. Sa'd al-Qurṭubī (d. c. 370/980) records that al-Qā'im, during the reign of al-Mahdī, delivered sermons on Fridays and 'īd festivals, and he continued to do so after assuming the position of the imamate.<sup>15</sup> Nu'mān reports that al-Manṣūr and al-Mu'izz continued the practice of their predecessors, but delivered a far greater number of sermons with richer content.<sup>16</sup> However, neither Nu'mān nor later Ismaili scholars systematically collected and preserved these sermons in an independent collection. What few statements we have are scattered in various Shī'i and non-Shī'i works of history and biographical dictionaries.

In what follows, I present a summary of Nu'mān's endeavour of collecting the statements of the Imams that were delivered in the forms of sermons (*khuṭbas*),

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<sup>14</sup> al-Qāḍī al-Nu'mān, *Founding the Fatimid State*, ed. and tr. Hamid Haji, 178-8; al-Qāḍī al-Nu'mān, *Iftitāḥ al-da'wa*, ed. Farḥāt al-Dashrāwī, 293-4.

<sup>15</sup> 'Arīb b. Sa'd al-Qurṭubī, *Ṣilat tārikh al-Ṭabarī*, ed. M. J. DeGoeje (Leiden: Brill, 1897), 52; Ibn 'Idhārī al-Marrākushī, *al-Bayān al-mughrib*, 1: 160-1, 208. For a detailed study on the oration the Imams, see Paul E. Walker, *Orations of the Fatimid Caliphs: Festival Sermons of the Ismaili Imams*, ed. and tr. Paul E. Walker (London: I. B. Tauris, 2009).

<sup>16</sup> Paul E. Walker, *Orations of the Fatimid Caliphs*, 18-9.

decrees (*'ahd*), and successive and peripatetic sessions (*al-majālis wa al-musāyarāt*). Qāḍī Nu'mān, in his *Ikhtilāf*, records al-Mu'izz's decree written to him when he was entrusted with the office of judge. He asserts that the Imam himself composed it, an action that was unprecedented in the Fatimid judicial appointment process. The content of this decree, Nu'mān states, makes it 'the firmest evidence' and 'soundest argument' after Qur'an and the *Sunna*.<sup>17</sup> This description, I argue, demonstrates very well how Nu'mān equalises the statements of the Fatimid Imams and the hadith of early Imams. In the same work, he also records the decree of his appointment by al-Manṣūr in which he is instructed to seek guidance from the Imams for cases that were unclear to him and to refrain from resorting to analogy (*qiyās*), speculative reasoning (*naẓar*), preference (*istiḥsān*), personal judgment (*ra'y*), legal interpretation (*ijtihād*) or anything that Sunni scholars have professed, commanded and adopted.<sup>18</sup>

The most comprehensive collection of the sayings of the Fatimid Imams is preserved in Qāḍī Nu'mān's *Kitāb al-majālis wa al-musāyarāt* (The Book of Successive and Peripatetic Sessions). The book has recorded his intimate conversations with al-Mu'izz. The title of the work suggests that these conversations took place in informal settings and when they were strolling together. It appears that the idea for writing this book emanates from the Fatimid tradition of learning, which includes learning while walking or moving about. For example, the first composition on the code of conduct for followers of the Imams describes the etiquette to be observed while travelling with the Imam (*al-adab fī musāyar al-a'imma*).<sup>19</sup>

The stylistic features of this composition bear no resemblance to any Shi'i or non-Shi'i hadith collections. The content of these conversations is neither structurally

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<sup>17</sup> al-Qāḍī al-Nu'mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 32-41, 224-9. For another such instance, see al-Qāḍī al-Nu'mān, *Kitāb al-majālis wa al-musāyarāt*, 359-60. Here, the audition from al-Mu'izz is considered *ma'thūr* (the report handed over from a credible source).

<sup>18</sup> al-Qāḍī al-Nu'mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 42-3.

<sup>19</sup> The title of the chapter reads '*Dhikr al-adab fī musāyar al-a'imma ṣalwātullāh 'alayhim wa mā yanbaghī 'an yaf'alahū man sāyarahum* (Discussion on the etiquettes of accompanying Imams -may God's blessings be upon them- and the manners one must observe while accompanying them)'. See al-Qāḍī al-Nu'mān, *Kitāb al-himma fī ādāb atbā' al-a'imma*, 116.

organised nor thematically arranged; the book seems more like a collection of anecdotes on various subjects. The primary aim of this collection, Nu‘mān states, is to record, preserve and make the teachings of the Imams accessible for posterity. To justify the work’s importance, he quotes hadith of the Prophet and Ja‘far b. Muḥammad that encourage followers to record and spread the hadith of the Imams.<sup>20</sup> Thus, according to these quotations, the statements, pronouncements, decrees, and sermons of the Fatimid Imam-Caliphs were venerated as hadith in an Ismaili context.

It should be noted that, contrary to Qutbuddin’s contention, there is no evidence to suggest that the allegorical interpretations of *Asās al-ta‘wīl* and *Ta‘wīl al-Da‘ā‘im* are related on the authority of the living Fatimid Imam-Caliphs.<sup>21</sup> Nor does Nu‘mān attribute his interpretations to the Imams in the body of these two texts or in their introductions. Therefore, these works do not reflect the contribution of the Fatimid Imams to the hadith.

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<sup>20</sup> Nu‘mān reports on the authority of the Prophet, ‘May God have mercy upon any servant of His who listens to my discourse, retains it in his memory, and conveys it to one who did not hear it. For many a bearer of knowledge [or its transmitter, *rubba ḥāmili ‘ilmīn*] is not [really himself] a *faqīh* [well versed in it] and many a bearer of knowledge [or its transmitter] conveys it to one who is a better *faqīh* [well versed] than he.’ al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 45-6. The translation, with slight modification, is extracted from al-Qāḍī al-Nu‘mān, *The Pillars of Islam*, tr. Asaf Ali Asghar Fyzee, completely revised and annotated by Ismail K. Poonawala, 1: 99. The second hadith is reported on the authority of the Prophet, ‘This knowledge will be carried by the most upright (*‘udūl*) [the Imams] in every successive generation, who will expose the distortion made by the ignorant, the plagiarisms of those who make false claims for themselves, and the falseness of the interpretations of the extremists.’ al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 46. The translation is extracted from al-Qāḍī al-Nu‘mān, *The Pillars of Islam*, tr. Asaf Ali Asghar Fyzee, completely revised and annotated by Ismail K. Poonawala, 1: 101. The third report is narrated on the authority of Ja‘far b. Muḥammad who is believed to have said, ‘May God have mercy upon one who enlivens our affairs.’ Someone asked: O Son of the Prophet, what does enlivening your affairs entail? He replied, ‘remembering, preaching and promulgating our affairs among those who have no access to them.’ al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 46.

<sup>21</sup> Husain K. B. Qutbuddin, “Fātimid Legal Exegesis of the Qur’an: The Interpretive Strategies Used by al-Qāḍī al-Nu‘mān (d. 363/974) in His “*Da‘ā‘im al-Islām*,” 127. Occasionally, the reports of the earlier Imams are cited. See al-Qāḍī al-Nu‘mān, *Kitāb asās al-ta‘wīl*, ed. ‘Ārif Tāmīr (Beirut: Manshūrāt Dār al-Thaqāfa, 1960), 56, 65, 108. Both the works, *Asās al-ta‘wīl* and *Ta‘wīl al-Da‘ā‘im*, are focused on esoteric and symbolic intellectual meanings of the rulings described in *Da‘ā‘im*. See al-Qāḍī al-Nu‘mān, *Kitāb asās al-ta‘wīl*, 50, 214 and passim. *Ta‘wīl al-Da‘ā‘im* dissects every single issue discussed in *Da‘ā‘im*, therefore, the title appears in almost every page. See al-Qāḍī al-Nu‘mān, *Ta‘wīl al-Da‘ā‘im*, (Beirut: Mu‘assasat al-A‘lamī li al-Maṭbū‘āt, 1426/2006), 9, 10 and passim. Poonawala observes that *Ta‘wīl al-Da‘ā‘im* was delivered in lecture format in *majālis al-ḥikma* (sessions of wisdom). See Ismail K. Poonawala, “The Chronology of al-Qāḍī al-Nu‘mān’s Works,” 147.

To sum up, Qāḍī Nu‘mān attempts to justify the authority of the Fatimid Imams by linking it to that of the earlier Imams and asserting that their statements therefore deserves to be treated as hadith; he also undertakes a project of compiling a collection of their pronouncements and thus situating them within the broader hadith literature. The hadith cited on the authority of the Fatimid Imams differed, both in content and structure, from those of the pre-Fatimid Imams. It seems that some genres of hadith compositions, prevalent in the fourth/tenth century, such as the anthology of forty hadith (*arba‘ūn ḥadīth*), dictation compositions (*amālī*) and thematic collections did not interest Qāḍī Nu‘mān.

### **Qāḍī Nu‘mān as a *Muḥaddith***

This section examines Qāḍī Nu‘mān’s knowledge of and engagement with the hadith. Though we know little to nothing about his early education, his works display signs of a profound familiarity with the sciences related to hadith. He appears to be an accomplished traditionist (*muḥaddith*) who engaged in the assessment, gradation, authentication, rejection and reconciliation of various hadith. However, given that he did not compose any independent work on hadith and its related sciences, it is extremely difficult to discern the meaning of the terms he used for assessing various hadith: *aṣaḥḥ* (most authentic)<sup>22</sup>, *athbat* (most confirmed)<sup>23</sup>, *aslam* (most unadulterated), *ashhar* (widely popular),<sup>24</sup> *akthar* (widely quoted),<sup>25</sup>

<sup>22</sup> al-Qāḍī al-Nu‘mān, *al-Akḥbār fī al-fiqh*, MS Sulaymani Bohra, 1: 15, 46; 2: 251, al-Qāḍī al-Nu‘mān, *Sharḥ al-akḥbār*, ed. al-Sayyid Muḥammad al-Ḥusaynī al-Jalālī, 1: 164 (*al-ṣaḥīḥ*); al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 52 (*al-riwāya al-ṣaḥīḥa*); al-Qāḍī al-Nu‘mān, *al-Manāqib wa al-mathālib*, 85; al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 122.

<sup>23</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 114; al-Qāḍī al-Nu‘mān, *al-Akḥbār fī al-fiqh*, MS Sulaymani Bohra, 1: 14-5, 26, 35, 37, 39, 46, 61, 68; 2: 197; al-Qāḍī al-Nu‘mān, al-Qāḍī al-Nu‘mān, *Sharḥ al-akḥbār*, ed. al-Sayyid Muḥammad al-Ḥusaynī al-Jalālī, 1: 164 (*al-thābit*); al-Qāḍī al-Nu‘mān, *Kitāb al-tawḥīd*, 62r (*thābit*); al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 228 (*al-thābit*).

<sup>24</sup> al-Qāḍī al-Nu‘mān, *al-Akḥbār fī al-fiqh*, MS Sulaymani Bohra, 1: 15, 26, 35; 2: 219, 251; al-Qāḍī al-Nu‘mān, *Kitāb al-tawḥīd*, 62r (*mashhūr*).

<sup>25</sup> al-Qāḍī al-Nu‘mān, *al-Akḥbār fī al-fiqh*, MS Sulaymani Bohra, 1: 15, 35; 2: 251.

*shādhah* (rare),<sup>26</sup> *abyan* (explicit),<sup>27</sup> *afsar* (interpretive),<sup>28</sup> *mujmal* (concise),<sup>29</sup> and *ashbah* (identical).<sup>30</sup> None of these technical terms are defined in his extant works. However, from the way he applies them, it appears that some are used interchangeably, whereas others are situated next to each other to emphasise the credibility of a given report.<sup>31</sup> In one instance, it is evident that *shādhah* is used in contrast to *ashhar* to rule out an unreliable hadith.<sup>32</sup> Nonetheless, he repeatedly assures the reader that the reports he cites are well known, widely accepted and reliably transmitted.<sup>33</sup> It should be noted that Nu‘mān also uses the terms *ḥadīth*,<sup>34</sup> *riwāya*<sup>35</sup> and *khbar*<sup>36</sup> interchangeably to describe a report attributed to the Imams.

Based on his doctrinal beliefs, Nu‘mān reports only on the authority of the Prophet and his Ahl al-Bayt. This is explicitly demonstrated in number of instances when a report is described as *al-ḥadīth al-mā‘thūr* (handed over) followed by the name of authority who is credited for it (for instance, *al-ḥadīth al-mā‘thūr ‘an Rasūlillāh*).<sup>37</sup> In other cases, certain reports are considered sound, only on the basis that they resonate with the doctrines and practices of Ahl al-Bayt (*ashbah bi madhāhib Ahl al-Bayt*).<sup>38</sup>

Though Nu‘mān does not engage in evaluating the trustworthiness and reliability of the transmitters, he casts doubt on some of the content being transmitted

<sup>26</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāh*, 28; al-Qāḍī al-Nu‘mān, *al-Akhhbār fī al-fiqh*, MS Sulaymani Bohra, 2: 219 (in comparison to *ashhar*), 244 (*shādhah ghayr thābita*).

<sup>27</sup> al-Qāḍī al-Nu‘mān, *al-Akhhbār fī al-fiqh*, MS Sulaymani Bohra, 1: 19.

<sup>28</sup> al-Qāḍī al-Nu‘mān, *al-Akhhbār fī al-fiqh*, MS Sulaymani Bohra, 1: 19, 2: 197.

<sup>29</sup> al-Qāḍī al-Nu‘mān, *al-Akhhbār fī al-fiqh*, MS Sulaymani Bohra, 1: 19.

<sup>30</sup> al-Qāḍī al-Nu‘mān, *al-Akhhbār fī al-fiqh*, MS Sulaymani Bohra, 1: 14, 26, 46, 68; 2: 251.

<sup>31</sup> *Al-riwāya al-ūlā athbat ‘an Ahl al-Bayt wa akhthar wa ashhar wa aṣaḥḥ* (the first report is most confirmed, most transmitted and widely popular). al-Qāḍī al-Nu‘mān, *al-Akhhbār fī al-fiqh*, MS Sulaymani Bohra, 1: 15, 73, 145; 2: 251, 306, 371 and passim.

<sup>32</sup> al-Qāḍī al-Nu‘mān, *al-Akhhbār fī al-fiqh*, MS Sulaymani Bohra, 2: 219, 244.

<sup>33</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 9.

<sup>34</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāh*, 25, 27, 30.

<sup>35</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāh*, 27.

<sup>36</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāh*, 28, al-Qāḍī al-Nu‘mān, *Kitāb al-himma fī ādāb atbā‘ al-a‘imma*, 129.

<sup>37</sup> al-Qāḍī al-Nu‘mān, *Kitāb al-himma fī ādāb atbā‘ al-a‘imma*, 46; al-Qāḍī al-Nu‘mān, *Sharḥ al-akhhbār*, ed. al-Sayyid Muḥammad al-Ḥusaynī al-Jalālī, 1: 89, 91, 112, 113, 164; 2: 293, 295; 3: 355 (*al-ḥadīth al-mā‘thūr*); al-Qāḍī al-Nu‘mān, *Da‘ā‘im al-Islām*, 1: 34; al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 8, 11.

<sup>38</sup> al-Qāḍī al-Nu‘mān, *al-Akhhbār fī al-fiqh*, MS Sulaymani Bohra, 1: 14, 26, 46, 68; 2: 251; al-Qāḍī al-Nu‘mān, *Kitāb al-majālis wa al-musāyarāt*, 359-60.

in the hadith.<sup>39</sup> Occasionally, he explains the meaning of some obscure words, thereby revealing the context of the hadith. For instance, he suggests that the hadith reporting the Prophet's encounter with his predecessors alludes to the events during the night in which he was ascended to the heavens (*ya 'nī laylatan usriya bihi*).<sup>40</sup> He also uses the technique of citing the relevant segment from a long hadith (*taqṭī'*)<sup>41</sup> and summarising the content of several hadith in one redacted paragraph,<sup>42</sup> which are among the many techniques used by traditionists in their hadith collections. His *al-Iqtiṣār* demonstrates his familiarity with the conventional methods of receiving hadith and that he has received them through popular means of *samā'*, *munāwala* and *ijāza*.<sup>43</sup>

### ***Isnād***

Perhaps, the most outstanding feature of Nu'mān's hadith-theory is his assiduous attention to the importance of *isnād*. As shown throughout this thesis, *al-Ṭdāh* is the only legal hadith collection that records the sources consulted along with their relevant *isnāds*. His other works omit *isnāds* in the interest of brevity. The very fact that, on a number of occasions, he reminds the readers that *isnāds* are omitted because of their length and that he does not want to bore lay readers with them, suggests the significance of *isnād* in his world-view concerning hadith.<sup>44</sup> He addresses the critical challenge of ensuring the contiguity of transmission (*al-ittiṣāl*) from him to the Imams and from Imams to the Prophet. In his *al-Manāqib wa al-mathālib*, while describing the merits of Muḥammad b. 'Alī al-Bāqir, Nu'mān asserts that the *maqṭū'* hadith—those reports attributed to the Companions or Successors

<sup>39</sup> al-Qāḍī al-Nu'mān, *al-Ṭdāh*, 31, 35, 39, 57 (in this particular case, Nu'mān does not raise doubt on the trustworthiness of the transmitter but accuses him of a faulty memory), 88.

<sup>40</sup> al-Qāḍī al-Nu'mān, *al-Ṭdāh*, 22, 100, 121.

<sup>41</sup> al-Qāḍī al-Nu'mān, *al-Ṭdāh*, 25, 61, 101.

<sup>42</sup> al-Qāḍī al-Nu'mān, *al-Ṭdāh*, 24-5, 50, 75.

<sup>43</sup> al-Qāḍī al-Nu'mān, *al-Iqtiṣār*, 9-10.

<sup>44</sup> al-Qāḍī al-Nu'mān, al-Qāḍī al-Nu'mān, *Sharḥ al-akhbār*, ed. al-Sayyid Muḥammad al-Ḥusaynī al-Jalālī, 1: 87-8, 1: 126, 3: 355; al-Qāḍī al-Nu'mān, *al-Manāqib wa al-mathālib*, 23; al-Qāḍī al-Nu'mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 8-9, 224-5; al-Qāḍī al-Nu'mān, *al-Akḥbār fī al-fiqh*, 2; al-Qāḍī al-Nu'mān, *al-Iqtiṣār*, 10; al-Qāḍī al-Nu'mān, *Mukhtaṣar al-āthār*, 3v, MS 1185 (Arl, ZA); al-Qāḍī al-Nu'mān, *Mukhtaṣar al-āthār*, 1: 6-7; al-Qāḍī al-Nu'mān, *al-Urjūza al-mukhtāra*, ed. Ismail K. Poonawala, 202.



in which their *isnād* have not been confirmed to extend to the Prophet—of the Imams are regarded as *marfūʿ* (those reports transmitted on the authority of the Prophet), thereby showing that the Imams will not attribute anything to the Prophet unless they had evidence for it, while not offering their *isnād*. Referring to the Imam’s *maqṭūʿ* accounts on the farewell pilgrimage (*ḥajjat al-widāʿ*) of the Prophet, he postulates that they were widely accepted among the jurists of Medina.<sup>45</sup> In another such instance, refuting the argument of the proponents of analogy in support of a *maqṭūʿ* hadith from al-Bāqir, Nuʿmān states:

If they claim that this report is truncated and that one should not adhere to it, because Muḥammad b. ʿAlī, God bless him, did not meet the Messenger of God so that he could have heard from him that report that he related, then it should be likened to their transmitted texts from those whom they consider experts on oral traditions of the Prophet, even though many of them have validated similar reports from many of their prominent figures, and did not consider them truncated, in their view, because of the trustworthiness of the reporter and his statement that it came from the Messenger of God. They argued that a transmitter of the caliber of So-and-so should not be impugned and accused of lying against the Messenger of God, nor would he have said, “The Messenger of God said” unless the report were established as deriving from the Messenger, in his view, by sound transmission, while he merely abridged the chain of authority.

They stated that Abū Jaʿfar Muḥammad b. ʿAlī, God’s blessings be on him, was one such person, and they included him among the scholars whom they considered as being characterized by sound transmission of oral reports and an exalted status with regard to learning.<sup>46</sup>

Based on the Ismaili doctrines of imamate, the Imams inherited the knowledge of their ancestors, one after the other, reaching back to the Prophet, and thus, there is an unbroken chain (*ittiṣāl*) between the Prophet and the Imams.<sup>47</sup> Citing the verses of Qurʾān, Nuʿmān further argues that God has commanded him to consult and obey

<sup>45</sup> al-Qāḍī al-Nuʿmān, *al-Manāqib wa al-mathālib*, 327. Otherwise, *maqṭūʿ* hadith are rejected. See al-Qāḍī al-Nuʿmān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 300.

<sup>46</sup> al-Qāḍī al-Nuʿmān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 227-9.

<sup>47</sup> al-Qāḍī al-Nuʿmān, *Kitāb al-Tawḥīd*, 4v; al-Qāḍī al-Nuʿmān, *al-Qāḍī al-Nuʿmān, Sharḥ al-akḥbār*, ed. al-Sayyid Muḥammad al-Ḥusaynī al-Jalālī, 1: 88.

the Imams, and therefore, their opinions, in themselves, hold probative force (*hujjiya*), even if they are not attributed to the Prophet.<sup>48</sup>

To assure readers of the unbroken chain of transmission (*al-ittiṣāl*) between him and the Imams on whose authority these hadith were cited, he circumvents the *isnād* by noting that he has either conducted audition (*samāʿ*) or the content has been presented and verified by the Imams.<sup>49</sup> As stated earlier, he testifies in *al-Iqtisār* that he received the hadith of Imams through popular means of *samāʿ*, *munāwala* and *ijāza*.<sup>50</sup> In *Mukhtaṣar al-āthār*, Nuʿmān asks al-Muʿizz to conduct a session of audition (*samāʿ*) so that the work will be elevated to the position of being handed over through a credible source (*maʿthūr*).<sup>51</sup> In his polemical arguments against the Sunnis, he concludes that the hadith of the Imams are reported via unbroken transmission (*naql mawṣūl*) and direct audition (*samāʿ manqūl*) which in turn, distinguish them from *taqlīd* (i.e., following a jurist who relies on hermeneutical principles such as *raʿy*, *qiyās*, *istiḥsān*, *ijtihād*, *istidlāl*, and so on). He argues that *taqlīd* is an arbitrary submission to illegitimate authorities and hence should be censured, whereas *taṣdīq*—assenting to legitimate authorities—is an obligation, especially when their hadith are transmitted via truthful and reliable reporters.<sup>52</sup>

## Probative Force of Hadith

Instead of engaging in the extensive deliberation conducted by Imami and Sunni

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<sup>48</sup> al-Qāḍī al-Nuʿmān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 227. Also see Chapter 7 of this study, footnote 4.

<sup>49</sup> al-Qāḍī al-Nuʿmān, al-Qāḍī al-Nuʿmān, *Sharḥ al-akhbār*, ed. al-Sayyid Muḥammad al-Ḥusaynī al-Jalālī, 1: 88, al-Qāḍī al-Nuʿmān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 228-9; al-Qāḍī al-Nuʿmān, *Kitāb al-Tawḥīd*, 4v; al-Qāḍī al-Nuʿmān, *Kitāb al-majālis wa al-musāyārāt*, 359-60; al-Qāḍī al-Nuʿmān, *Mukhtaṣar al-āthār*, 3v, MS 1185 (Arl, ZA); al-Qāḍī al-Nuʿmān, *Mukhtaṣar al-āthār*, 1: 6-7. The same applies to his grandson who conduct audition (*samāʿ*) with al-Ḥākīm. See al-Qāḍī al-Nuʿmān, *Mukhtaṣar al-āthār*, 2r, MS 1185 (Arl, ZA); al-Qāḍī al-Nuʿmān, *Mukhtaṣar al-āthār*, 1: 2-3.

<sup>50</sup> al-Qāḍī al-Nuʿmān, *al-Iqtisār*, 9-10.

<sup>51</sup> al-Qāḍī al-Nuʿmān, *Kitāb al-majālis wa al-musāyārāt*, 359-60. Kohlberg, in probable terms, argues that due to the Imam's all-embracing authority, there is no requirement for further validation in the form of a chain of transmission. See Etan Kohlberg, "Introduction," in *The Study of Shi'i Islam: History, Theology and Law*, eds. Farhad Daftary and Gurdofarid Miskinzoda, 179.

<sup>52</sup> al-Qāḍī al-Nuʿmān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 74-98, 86-8.

jurists of the third–fourth/ninth–tenth centuries, Qāḍī Nu‘mān does not delve into the discussion of the probative force of the solitary reports (*ḥujjiyat al-akhbār al-āḥād*). The presence of a living Imam who verifies the content for him removes his obligation to demonstrate their veracity. He formulates his claim to the authoritativeness of the hadith on three premises. First, the Qur’an and *Sunna* did not leave anything unmentioned. He cites three verses suggesting that the Qur’an is an explanation for everything and has considered all facets of human life, thereby completing religion.<sup>53</sup> The all-encompassing nature of the *Sunna* is attested by the statement of Abū Dharr who is believed to have said, ‘Ever since the Messenger of God left us, no bird flaps its wings in the sky but that we have knowledge about it from him.’<sup>54</sup> Second, Imams are the repository of the authentic interpretations of the Qur’an and are reliable transmitters of the *Sunna*. This is corroborated, he argues, by the saying of Ja‘far b. Muḥammad: ‘What we consider lawful derives from the Book of God, and what we consider unlawful derives from it as well.’<sup>55</sup> Nu‘mān further asserts that God has commanded obedience to the Imams (*al-radd ilā al-Imām*) and that such obedience is linked to obedience to God and the Prophet.<sup>56</sup> Finally, their reports are transmitted to us through reliable means and trustworthy transmitters and above all, are approved by the Imams. In abandoning them, one is, in fact, abandoning the *sharī‘a*. Nu‘mān asserts that it is through acceptance of these reports that ‘the transmission is established, transmitted versions are considered sound, reports are delivered properly, and testimony is recognized as valid’.<sup>57</sup>

One may observe that this argument is flawed because of the circular nature of its reasoning, for one cannot establish the authority of a report through another report facing the same challenge. Nu‘mān appears to be reluctant to advance his claim by a simpler, yet concrete, argument that the authorisation of the living Imam spares him from the need to argue for the probative force of the hadith. The answer

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<sup>53</sup> The verse of the Qur’an are as follows: ‘We have neglected nothing in the Book’, Qur’an 6: 38; ‘An explanation of everything’, Qur’an 16: 89; ‘Today I have perfected for you your religion, and I have completed for you My blessing, and I have approved Islam as a faith for you’, Qur’an 5: 3. See al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 182-3.

<sup>54</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 182-3.

<sup>55</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 78-9.

<sup>56</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 288-93.

<sup>57</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 86-7, 190-1.

to why he does not make that statement may lie in the polemical nature of his claim in which he is conditioned to argue as per the norms and forms of his interlocutors.

This section has illustrated Nu‘mān’s profound familiarity with the discourses on hadith in the fourth/tenth century. He appears to be an accomplished *muḥaddith*, who is knowledgeable not only about the technical vocabulary of the discipline but also makes extensive use of them in his compositions. It is also evident that *isnād*, in his theoretical framework, plays a pivotal role in determining the authenticity or weakness of a given report. However, in practice, given the alleged supervision of the Imams, the investigation and analysis of *isnād* becomes redundant.

### **Qāḍī Nu‘mān’s Strategies for Reconciling and Giving Precedence for Conflicting Hadith**

As indicated earlier, *al-Ṭḍāḥ* is the only legal hadith collection that provides an exhaustive list of hadith, from various sources, on a given topic. Qāḍī Nu‘mān’s ability to deduce legal opinions from hadith demonstrates that he was not only an accomplished *muḥaddith* but also an erudite *faqīh*. In this section, I illustrate his method of harmonising (*al-jam‘*) or giving precedence (*al-tarjīḥ*) to one set of hadith over the other. I only examine the hadith of *al-Ṭḍāḥ* simply because it is the only text which offers conflicting reports and engages in resolving their contradictions. The entire exercise is based on the premise that Imams cannot produce mutually incompatible hadith, and therefore, they should either be reconciled through linguistic and hermeneutical procedures. or when the incompatible nature of their content makes reconciliation impossible, the most authentic one should be selected. It should be noted that Nu‘mān primarily adopts the strategy of giving precedence to one set of hadith over the other, rather than reconciling them through linguistic and hermeneutical procedures.<sup>58</sup>

A section of *al-Ṭḍāḥ* typically begins with a brief summary of the areas of

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<sup>58</sup> For the instances of reconciliation and harmonising the reports, see al-Qāḍī al-Nu‘mān, *al-Ṭḍāḥ*, 83, 88, 113-4, 120.

agreement and disagreement among the transmitters on a given topic, followed by citing a cluster (*riwāya*) of reports in support of each opinion. I examine five examples from *al-Īdāh* that not only illustrate Nu‘mān’s systematic classification of the clusters of hadith but also highlight the factors that determine the precedence of a specific cluster over the other. My interest here is to analyse not his legal derivations, rather the process of interpreting the hadith he used in the course of legal deduction. In other words, I am interested in his interpretive strategy of hadith, rather than his legal conclusions.<sup>59</sup>

### **First Example: The Ruling on Combining Two Prayers**

Discussing the permissibility of combining two prayers in one time, Nu‘mān summarises various opinions in the following introduction:

Based on what I know and what I have seen from the books attributed to Ahl al-Bayt that have reached to me, there is a consensus of the transmitters on the permissibility of combining the *ẓuhr* and *aṣr* prayers in one time. The same applies to the prayers of *maghrib* and *‘ishā’*. However, some of them have narrated that the permissibility is restricted to the case of a valid excuse, whereas others opined for an unconditional permissibility. They have also disagreed on the timings of the combined prayers. Some of them reported that they should be offered in the earliest time of the first prayer [i.e. *ẓuhr* and *aṣr* should be offered in the first hours of the *ẓuhr* and *maghrib* and *‘ishā’* should be offered in the first hours of the *maghrib*].<sup>60</sup>

Following this introduction, Nu‘mān cites four reports suggesting the permissibility of combining the prayers in the earliest time for the *ẓuhr* and *maghrib* prayers. All the four reports, unequivocally, suggest that this practice was adopted by Ahl al-Bayt only in certain circumstances such as while travelling or during rainy, stormy or extremely dark nights. He then alludes to the second opinion (*riwāya thāniya*) that suggests the permissibility of combining *ẓuhr* and *aṣr* in the earliest hour of the *ẓuhr*

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<sup>59</sup> For the theory of Ismaili jurisprudence, see Ismail K. Poonawala, “The Evolution of al-Qāḍī al-Nu‘mān’s Theory of Ismaili Jurisprudence as Reflected in the Chronology of his Works on Jurisprudence,” 295-349; al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart.

<sup>60</sup> al-Qāḍī al-Nu‘mān, *al-Īdāh*, 46.

and *maghrib* and *'ishā'* in the last hour of the *'ishā'*. Nu'mān deduces this opinion by juxtaposing two reports from *Kutub Ibn Sallām* which advocate this distinction between *zuhr-aṣr* and *maghrib-'ishā'*. He then introduces the third opinion (*riwāya thālitha*), which claims that the prayers can be combined at any time between the prescribed timings of the two prayers. Nu'mān cites four reports in favour of this opinion, of which two confine the permissibility to instances of travelling. The fourth opinion (*riwāya rābi'a*) suggests that one can delay *maghrib* until the end of twilight (*shafaq*), and therefore, practically, it is offered in its last time, followed by *'ishā'* in its first time.

In conclusion, Nu'mān states that the fourth opinion (*riwāya rābi'a*) takes precedence over others. Justifying his position, he asserts that firstly, this opinion resonates with the practices (*madhāhib*) of Ahl al-Bayt, and secondly, it allows the prayers to be offered in their prescribed timings.<sup>61</sup>

## **Second Example: The Ruling on Various Obligations Concerning *Adhān***

Nu'mān lists seven opinions on various obligations related to the *adhān*. Each opinion is supported with a cluster of reports. The first and second opinions are omitted in the extant fragment of *al-Īḍāḥ*. The third opinion (*riwāya thālitha*) suggests that the obligation of reciting *adhān* is lifted from the entire congregation (*al-jamā'a*) if an individual has discharged this duty. The fourth view (*riwāya rābi'a*) opines that the recitation of *iqāma* will spare one from the obligation of reciting *adhān*, although it is highly recommended to recite both. The fifth opinion (*riwāya khāmisa*) distinguishes between *maghrib* and *fajr*, before which *adhān* and *iqāma* must be recited, and other prayers which are exempted from this obligation. The sixth opinion (*riwāya sādisa*) restricts the permissibility of omitting *adhān* while travelling. The last view (*riwāya sābi'a*) asserts that *adhān* and *iqāma* must be recited before every obligatory prayer (*ṣalāt mafrūḍa*).

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<sup>61</sup> al-Qāḍī al-Nu'mān, *al-Īḍāḥ*, 48.

After having deliberated on all the seven opinions with their relevant clusters of reports, Nu‘mān settles on the last opinion. He corroborates his finding with six forms of external evidence: the practice of the Imams, the apparent affairs of the people (*ẓāhir umūr al-nās*), explicit mention in the Qur’an (*naṣṣ*), the praxis (*‘amal*) in past and contemporary period, the instruction of the one whose decree must be accepted, and the decisive and unambiguous reports (*riwāya muḥkama*) of Ahl al-Bayt.<sup>62</sup>

### **Third Example: The Ruling about One Who Forgot to Recite *Adhān* and *Iqāma***

After alluding to the consensus of the transmitters on the obligation to recite *adhān* for one who initially forgets but then remembers to do so before the commencement of prayers, Nu‘mān highlights the area of their disagreement: the obligation to recite it when the worshipper recalls the omission after prayer has begun. He quotes three opinions on this issue along with their supporting clusters of report. The first cluster (*riwāya ūlā*) suggests that if the worshipper recalls this obligation only after the completion of the *qirā’a* (recitation of the *Fātiḥa*), he shall continue with the prayers. The second opinion (*riwāya thāniya*) relates that as long as the individual did not begin the recitation of the *qirā’a*, he can discontinue the prayer and resume it after having recited *adhān* and *iqāma*. The third opinion (*riwāya thālitha*) states that after beginning the prayer, the individual is not permitted to interrupt it in any circumstances.

Giving precedence to the third opinion over the other two, Nu‘mān cites a juristic principle established in several hadith that *farā’id* (acts ordained by God) should not be interrupted in the favour of *sunan* (acts ordained by the Prophet based on his legislative authority). In this case, *adhān* and *iqāma* are *sunan* acts, whereas the prayer is a *farīḍa* act, and therefore, the latter must not be interrupted in the interest of the former.<sup>63</sup>

<sup>62</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāh*, 67-71.

<sup>63</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāh*, 71-2, 124.

## **Fourth Example: The Ruling on Reciting *Adhān* and *Iqāma* While Not Being in a State of Purity**

On the issue of validity of reciting *adhān* and *iqāma* while not being in a state of ritual purity (*al-ṭahāra*), Nu‘mān begins by highlighting the areas of disagreement among the transmitters. Each of the two opinions expressed is supported by a relevant cluster of reports. The first opinion asserts that the *adhān* and *iqāma* recited without being in a state of ritual purity is still valid. However, the second opinion differentiates between *adhān*, in which ritual purity is not essential, and *iqāma*, which is treated as invalid when recited without the required purity.

Referring to some Qur’anic verses, Nu‘mān concludes that one who engages in the recitation of the *adhān* is effectively engaged in the preliminary acts of the prayer. Therefore, he is required to attain the state of ritual purity. However, the failure to meet this obligation should not bother the worshipper, even though he has seriously abused this concession and has been extremely negligent towards the (recommended) requirements of the prayer.<sup>64</sup>

## **Fifth Example: The Ruling on Uttering Words between the Phrases of *Adhān* or *Iqāma***

In reference to uttering words between the phrases of *adhān* or *iqāma*, Nu‘mān examines four different opinions. The first opinion (*riwāya ūlā*) states that uttering words between *adhān* and *iqāma* is discouraged (*makrūh*), unless there is a compelling reason to do so. The second view (*riwāya thāniya*) differentiates between *adhān*, which enjoys a concession related to such utterances, and *iqāma*, which is nullified due to an utterance. The third view (*riwāya thālitha*) only nullifies *adhān* and *iqāma* if there are any utterances after the reciter reaches the phrase ‘*qad qāmat al-ṣalā* (the prayer has convened)’. The fourth opinion (*riwāya rābi‘a*) does not restrict utterances either in *adhān* or in *iqāma*.

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<sup>64</sup> al-Qāḍī al-Nu‘mān, *al-Īqāh*, 78-80.



Taking a discretionary position by not giving precedence to any of these clusters of hadith, Nu‘mān concludes:

*Adhān* is one of the Gates of Righteousness. It is inappropriate for an individual who has commenced a good deed to cease or abandon it except to perform an equally meritorious or a superior act. Likewise, it is inappropriate for the person who calls to prayer (by reciting *adhān* or *iqāma*) to cease it by a deliberate speech or by a similar thing. However, if he is compelled to utter, or is unaware or forgets the ruling, there is no sin associated with it. Even if he deliberately indulges in it, yet I hope that is not counted as sin. This has been forgiven, if God wills. Nonetheless, avoiding deliberate speech is more desirable and that is [exactly] what has been instructed [to us].<sup>65</sup>

The study of these five examples reveals that Qāḍī Nu‘mān uses a wide range of techniques in interpreting various clusters of hadith before arriving at a conclusion. In handling areas of disagreements among the transmitters, he is more inclined to give precedence to one set of hadith over other than to choose the path of reconciliation. *Al-Īḍāḥ* provides an impressive list of the standards used to treating the conflicting reports. The first example demonstrates that hadith which are akin to the practice of Ahl al-Bayt are given precedence over the others. However, Nu‘mān fails to define or, at least, allude to these practices and, therefore, appears to leave them to the arbitrary interpretation of the jurist. In the second example, Nu‘mān lists six factors that contribute to the precedence of one cluster of hadith over the other; in one instance, he makes an opaque reference to the Imam of his time.<sup>66</sup> The third example uses a jurisprudential principle, derived from the hadith, in giving precedence to one hadith over the other.<sup>67</sup> In the fourth and fifth examples, Nu‘mān professes not to be interested in siding with any of the clusters of hadith. In these

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<sup>65</sup> al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 76-7.

<sup>66</sup> It reads, ‘*bihī amara man yajibū qabūlu qawlihi* (This ruling is instructed by the one [Imam] whose statements must be accepted).’ See al-Qāḍī al-Nu‘mān, *al-Īḍāḥ*, 71. For similar expressions, see Chapter 2 of this study, footnotes 55-8.

<sup>67</sup> This principle is widely quoted in Imami references. For instance, see al-Kulaynī, *al-Kāfī*, 4: 379; Ibn Bābawayh, *Man lā yaḥḍuruḥu al-faqīh*, 1: 339.

two cases, Nu‘mān encourages worshippers to follow generic Qur’anic guidelines and seek the path of discretion. I presented these two examples to demonstrate that Nu‘mān does not always provide a decisive conclusion for conflicting traditions.<sup>68</sup>

In the process of reconciling or giving precedence to an opinion, Qāḍī Nu‘mān does not engage in *isnād* criticism. Subsequently, the science of evaluation of the transmitters (*‘ilm al-rijāl*) and hadith criticism did not develop in the Ismaili milieu of North Africa. However, in no certain terms, he casts doubt on certain reports without eliminating them from discussion.<sup>69</sup> Interestingly, he cites the Zaydi sources and the statements and practices of the Zaydi Imams on a par with the reports transmitted on the authority of Ja‘far b. Muḥammad. However, as discussed in the previous chapter, exclusively Zaydi material was eliminated in his last legal composition, *Da‘ā‘im al-Islām*.

Moreover, Nu‘mān does not reconcile between seemingly conflicting hadith through linguistic and hermeneutical techniques of interpretations, such as general (*‘āmm*) and specific (*khāṣṣ*), implicit (*jumla*) and explicit (*naṣṣ*), abrogating (*nāsikh*) and abrogated (*mansūkh*), implications of imperative (*amr*), and extending the unrestricted subject to its restricted subject (*ḥaml al-muṭlaq ‘alā al-muqayyad*), amongst many other techniques which had already been introduced by traditionists, jurists and legal theorists. For instance, al-Shāfi‘ī (d. 204/820), with whose works Nu‘mān engages extensively in his *Ikhtilāf*, had already deliberated on the importance of using *‘āmm-khāṣṣ*, *nāsikh-mansūkh*, and *jumla-naṣṣ* in resolving seemingly conflicting reports.<sup>70</sup> The instances which evidently fall into the categories of *muṭlaq* and *muqayyad*, which demand restricting the comprehensiveness (*iṭlāq*) of the ruling mentioned in one hadith by the qualification (*taqyyīd*) described in the other, are treated as mutually incompatible reports in *al-Īdāh*.<sup>71</sup> Therefore, while

<sup>68</sup> Another such example could be traced in al-Qāḍī al-Nu‘mān, *al-Īdāh*, 131.

<sup>69</sup> al-Qāḍī al-Nu‘mān, *al-Īdāh*, 35, 39, 88.

<sup>70</sup> Muḥammad b. Idrīs al-Shāfi‘ī, *The Epistle on Legal Theory*, tr. Joseph E. Lowry (New York: New York University Press, 2015), 29-38 (*‘āmm-khāṣṣ*), 50-68 (*nāsikh-mansūkh*), 68-91 (*jumla-naṣṣ*). It should be noted that Qāḍī Nu‘mān, occasionally, refers to a linguistic principle in interpreting a certain hadith. For instance, he suggests that a particular imperative may suggest choice (*ikhtiyār*) as opposed to obligation (*tjāb*). See al-Qāḍī al-Nu‘mān, *al-Īdāh*, 114.

<sup>71</sup> al-Qāḍī al-Nu‘mān, *al-Īdāh*, 30-2, 78-80.

encountering conflicting hadith, his *de facto* position is to give precedence to one hadith over the other, as opposed to reconciling them through linguistic techniques. This raises the question of why he chooses to give precedence to certain reports, thereby effectively eliminating the counter-reports. The answer lies in examining the reasons for his denunciation of the hermeneutical techniques adopted by non-Shi'i scholars and in investigating his theory on the existence of conflicting reports in Shi'i hadith literature. The following subsections examine these factors in greater depth.

### ***Taqiyya*: The Reason behind Contradiction within the Hadith**

The doctrine of precautionary dissimulation (*taqiyya*) has come to refer to a strategy adopted and advocated by the Shi'i Imams to safeguard themselves and their associates from the persecution of anti-Shi'i cohorts. While this doctrine is largely explained in terms of concealing and even denying one's beliefs, its major implications are found in legal matters.<sup>72</sup> Practicing *taqiyya* under duress, the Imams concealed their legal positions and exhorted their followers to follow non-Shi'i practices. Therefore, not all the hadith necessarily reflect the genuine expression of an Imam's opinions. This practice, according to Nu'mān, is the leading cause of the widespread occurrence of conflicting hadith in the Shi'i hadith collections. Later generations of traditionists and jurists may not realise that certain hadith reported content that was produced in the context of *taqiyya* and may consequently, consider them legally effective.

Qāḍī Nu'mān devotes significant attention to the factors, including *taqiyya*, which contributed to disagreements amongst the transmitters (*al-wujūh allatī min ajlihā ikhtalaf al-ruwāt 'an Ahl al-Bayt*).<sup>73</sup> These factors are examined in the chapter of ritual purity (*Kitāb al-ṭahāra*) of *al-Ḍāḥ* which has not survived in its entirety. However, Nu'mān refers to this discussion in two instances by stating that the

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<sup>72</sup> Etan Kohlberg, "Some Imāmī-shī'ī Views on Taqiyya," *JAOS*, 95 (1975), 395-402. In this article, Kohlberg does not engage in discussing the implications of *taqiyya* in legal matters.

<sup>73</sup> al-Qāḍī al-Nu'mān, *al-Ḍāḥ*, 62, 111-2. In one instance, Nu'mān reports the practice of *taqiyya* being adopted by the Zaydi Imams. See al-Qāḍī al-Nu'mān, *al-Ḍāḥ*, 63. For other instances, see al-Qāḍī al-Nu'mān, *Da'ā'im al-Islām*, 1: 59, 110, 160 (same as 110), 132 (same as above).

contradiction is the direct result of the issuance of some of these hadith in the state of *taqiyya*.<sup>74</sup> Justifying the strategic decision of the Imams to practice *taqiyya*, Nu‘mān explains:

In the chapter of ritual purity [*Kitāb al-ṭahāra*], I have discussed how and why Imams practiced *taqiyya* during the rule of the tyrant caliphs. Their attendance in congregational prayers along with the [unjust] caliphs should be understood in the light of that strategy. Had there been an obligation to abandon their company in daily congregational prayers, *jihād*, and *ḥajj*, the *sharī‘a* would have been suspended. But now, when God has established the knowledge of the righteous Imams, and the truth has been restored in the favour of the descendants of the prophets and the inheritors of the knowledge of the true guardians, the obligation of practicing *taqiyya* has been lifted. And all praise belongs to God, Lord of the worlds.<sup>75</sup>

Though he alludes to why the Imams adopted the strategy of *taqiyya*, Nu‘mān does not provide any solution for distinguishing hadith containing authentic opinions of the Imams from those issued under the circumstances that demanded dissimulation. Unlike Imami scholars, he does not advocate giving precedence to the hadith that contradicts Sunni practices.<sup>76</sup> He gives us the impression that the Fatimid Imams have taken responsibility for sifting out the hadith and determining the sound ones. This is explicitly highlighted in his *Ikhtilāf* where he mentions:

God, by His grace, has honored us with that acquaintance and favored us by letting us live during the time of their [Imams’] manifestation, when dissimulation has fallen away from them, and they declared sound to us the reports that were sound and removed those that were not.<sup>77</sup>

Given that a significant number of hadith are generated in the state of *taqiyya*, there is no reason to treat them with hermeneutical tools and techniques: they were never

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<sup>74</sup> al-Qāḍī al-Nu‘mān, *al-Īqāh*, 62, 111.

<sup>75</sup> al-Qāḍī al-Nu‘mān, *al-Īqāh*, 111.

<sup>76</sup> For Imami reports, see al-Kulaynī, *al-Kāfī*, 1: 68. Interestingly, one chapter of *al-Kāfī* entitled *ikhtilāf al-ḥadīth* is devoted to the discussion of the causes and the remedy of conflicting reports. See, al-Kulaynī, *al-Kāfī*, 1: 62-8.

<sup>77</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 228-9. A similar content is also found in al-Qāḍī al-Nu‘mān, *Da‘ā‘im al-Islām*, 1: 152.

meant to be an authentic expression of the Imams' opinions in the first place, and therefore, they do not qualify to stand as sound and authentic hadith. Consequently, they should be suspended after having confirmed this with the living Imam.<sup>78</sup> Interestingly, the Imami Akhbārī school led by Muḥammad Amīn al-Astarābādī (d. 1036/1626) asserts that since there is no distinct scale by which the hadith generated in the state of *taqiyya* could be assessed and identified, they continue enjoying probative force (i.e. they remain legally effective). However, this conclusion is based on his doctrinal belief that the Twelfth Imam is in occultation and, after his reappearance, he will confirm which ones of the contradictory hadith reflect the authentic expression of the Imam.<sup>79</sup>

Qāḍī Nu'mān's denunciation of Sunni hermeneutical procedures and his position on *taqiyya* reveal the centrality of the doctrine of the imamate in his hadith-theory. The Imam is an authority not only in pronouncing the divine law but also in interpreting it, reconciling seemingly contradictory hadith and assigning the precedence of one hadith over the other in case of mutually incompatible hadith. The Sunnis resorted to hermeneutical procedures, Nu'mān argues, because they refused to submit to the divine authority of the Imams.<sup>80</sup>

## Consensus of the Transmitters

To understand Nu'mān's hadith-theory, it is important to examine the meaning of consensus (*ijmā'*) as used extensively in *al-Īdāh*. Though the doctrine of *ijmā'* is generally discussed in Islamic legal theory (*uṣūl al-fiqh*), Nu'mān uses this term somewhat differently in the context of the transmitters of hadith. Consensus, he

<sup>78</sup> For a detailed discussion on the role of *taqiyya* in the spread of conflicting reports in Imami hadith, see al-Baḥrānī, *al-Ḥadā'iq al-nāḍira fī aḥkām al-'itra al-ḫāhira*, 1: 8. *Mukhtaṣar al-baṣā'ir* offers an impressive list of 23 Imami reports in Ḥasan b. Sulaymān al-Ḥillī, *Mukhtaṣar al-baṣā'ir*, ed. Mushtāq Muẓẓafar (Qum: Mu'assasat al-Nashr al-Islāmī, 1421/2000), 263-78.

<sup>79</sup> Muḥammad Amīn al-Astarābādī, *al-Fawā'id al-madaniyya*, ed. Raḥmatullāh Reḥmatī al-Arākī (Qum: Mu'assasat al-Nashr al-Islāmī, 1424/2003), 96, 390. For further details on Imami Akhbārī views on *taqiyya*, see Robert Gleave, *Scripturalist Islam* (Leiden: Brill, 2007), 84-6.

<sup>80</sup> In support of this argument, Nu'mān cites a report on the authority of Ja'far b. Muḥammad which indicates that the disagreement is the result of their denouncement of the true authority. See al-Qāḍī al-Nu'mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 10-11.

suggests, is the agreement of the ‘transmitters (*al-ruwāt*)’ on a legal ruling. A typical section of a legal discussion of *al-Īdāh* begins with the phrase, ‘There is a consensus of the transmitters of (the hadith of) Ahl al-Bayt from what I have learnt and observed from the works attributed to them (*ajma‘ al-ruwāt ‘an ahl al-bayt fī mā ‘alimtu wa ra’aytuhu fī mā jumi‘at ‘anhum fī al-kutub al-mansūb ilayhim*).’<sup>81</sup> Thus, for Nu‘mān, the fact that a number of transmitters narrate identical content, effectively, illustrates their consensus. *Ijmā‘*, according to him, is not the consensus of the Muslim community (*umma*) or the jurists (*fuqahā*). He rejects the idea that the *umma* is incapable of agreeing on error, and hence, it enjoys a collective endorsement.<sup>82</sup> Contrary to the *ijmā‘* advocated by Sunni jurists, *ijmā‘* of the transmitters has no intrinsic value and does not guarantee any probative force (*ḥujjiya*). Nu‘mān unapologetically rejects the Sunni doctrine of *ijmā‘* in a lengthy chapter in his *Ikhtilāf*.<sup>83</sup> Why then did Nu‘mān choose to refer to the agreement of the transmitters on a given topic as *ijmā‘*?

The answer lies in the polemical nature of his writings. He wants to remind his opponents that their opinion on the authoritativeness of *ijmā‘* was misguided. If *ijmā‘* was supposed to guarantee probative force, it should reflect the opinion of the Imams, for no other authority can validate the laws of *sharī‘a* except the Imams. The *ijmā‘* that can ascertain the opinion of the Imams is the one acquired by consulting their hadith. Therefore, the only *ijmā‘* which is valid is the *ijmā‘* of the transmitters of the hadith. Asserting that those who deviate from obedience to the Imams are not entitled to be called *al-jamā‘a*, he states:

After his [prophet’s] lifetime, the title of “the Majority”—as he, peace be upon him, defined it, likening it to what he and his Companions followed—may only apply to those who are united in obedience to the Imam. The title of the Majority of Muslims may not apply to any such group that deviates from obedience to the Imam and his rule. This being the case, it is obligatory for the majority of Muslims, who are united around their Imam, to adopt his

<sup>81</sup> al-Qāḍī al-Nu‘mān, *al-Īdāh*, 24-5, 28, 36, 39, 44, 45-6, 49, 57, 65, 73, 75, 120, 146, 147 (*ka al-ijmā‘*), 156 (*ka al-ijmā‘*), 159.

<sup>82</sup> al-Shāfi‘ī, *The Epistle on Legal Theory*, tr. Joseph E. Lowry, 197-9.

<sup>83</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 90-180.

opinions and to refer matters to him, according to the Messenger of God's characterization of the Majority.<sup>84</sup>

Though Qāḍī Nu'mān rejects the doctrine of *ijmā'* in its Sunni sense, it is worth noting that he occasionally cites *ijmā' al-Muslimīn* (consensus of the Muslim Community)—not as an independent proof (*dalīl*), but rather as a supportive argument for a given ruling. In all those instances, however, hadith of the Imams preceded *ijmā'* as the actual proof text for his argument.<sup>85</sup> Another *ijmā'* recorded by Nu'mān, which occurs in the *matn* of the hadith, is the *ijmā'* of the Children of Fāṭima. He cites three reports which contain '*ijtima'nā wuldu Fāṭima 'alā...*' (We, the Children of Fāṭima, have arrived at a consensus on...').<sup>86</sup> Clearly, as discussed earlier, such phrases were employed to invoke religious support of the Shi'i laity for advancing the cause of the Fatimids who traced their ancestry through Fāṭima, daughter of the Prophet.

Thus, Qāḍī Nu'mān's discourse on the consensus of the transmitters of Ahl al-Bayt (*ijmā' al-ruwāt 'an Ahl al-Bayt*) is shaped by the requirements of a polemical work. Clearly, he needs to clarify the doctrine of *ijmā'* in his juristic framework. Therefore, he develops its meaning in a way that links the legitimacy of any consensus to the doctrine of the imamate. He remains committed to this idea that only the Imam can interpret the *sharī'a* and his very presence—manifested in the Fatimid Imam—makes any independent hermeneutical technique redundant. Therefore, the only *ijmā'* which would conceptually make sense, in Qāḍī Nu'mān's framework, is the one obtained through consulting the hadith of Ahl al-Bayt.

## **The Praxis (*al-'amal*)**

Though Qāḍī Nu'mān vehemently rejects every hermeneutical technique of interpreting law used by the Sunni traditionists and jurists, he does not allude to the

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<sup>84</sup> al-Qāḍī al-Nu'mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 167.

<sup>85</sup> al-Qāḍī al-Nu'mān, *Da'ā'im al-Islām*, 1: 113, 125, 257; 2: 66; al-Qāḍī al-Nu'mān, al-Qāḍī al-Nu'mān, *Sharḥ al-akhbār*, ed. al-Sayyid Muḥammad al-Ḥusaynī al-Jalālī, 2: 78; al-Qāḍī al-Nu'mān, *al-Ṭāh*, 24; al-Qāḍī al-Nu'mān, *Kitāb al-himma fī ādāb atbā' al-'imma*, 68.

<sup>86</sup> al-Qāḍī al-Nu'mān, *al-Ṭāh*, 56, 65, 156.

doctrine of the praxis (*‘amal*) in his *Ikhtilāf*, a work composed purposefully to refute the efficacy of human schemes for interpreting divine laws.<sup>87</sup> On the contrary, in his *al-Īdāh*, he widely refers to *‘amal* as a supportive argument in suggesting the precedence of one hadith over the other.<sup>88</sup> It is extremely difficult to ascertain what exactly he is referring to, but the fact that his ideas were shaped by the intellectual milieu of North Africa, where Mālikīsm was prevalent, makes it likely that he borrowed the thought from the legal school of Mālik (d. 179/795). Whereas Mālik focuses on the praxis of Medina, Nu‘mān appears to have appropriated and naturalised the term for the Ismaili Shi‘i audience. The praxis, Nu‘mān argues, that has legal effect is ‘the praxis of those to whom submission is obligated (*wa alladhī ‘alayhī al-‘amal ‘inda man yajibu al-taslīm li qawlihi*)’.<sup>89</sup> Again, the focus is on the sayings and actions of the Imams: the *‘amal*, differing from the Mālikīs’ use of the doctrine as a source of law, is just another tool to ascertain the practice of the Imam. It is for this reason that Nu‘mān, in instances of contradiction, gives precedence to those reports corroborated by the praxis (of the Imams).

## Denouncing Sunni Hermeneutical Tools of Interpretations

In *Ikhtilāf*, Qāḍī Nu‘mān denounces the role of hermeneutical tools in interpreting divine law on linguistic, epistemological and theological grounds. Firstly, he asserts that the application of exegetical and linguistic hermeneutical tools can lead only to subjective and arbitrary reconciliation, which may differ from the original law ordained by God. Secondly, on an epistemological ground, Nu‘mān sees those tools as probabilistic methods that do not yield certainty, which is required in the matters of *shar‘a*. Lastly, he argues that believers are instructed to refer to the Imams to

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<sup>87</sup> For a detailed study of the origins of this doctrine, see Yasin Dutton, *The Origins of Islamic Law: The Qur‘an, the Muwaṭṭa‘ and Madinan ‘Amal* (New Delhi: Lawman (India) Private Limited, 1999), Chapter 3; Umar F. Abd-Allah Wymann-Landgraf, *Mālik and Medina: Islamic Legal Reasoning in the Formative Period* (Leiden: Brill, 2013), Chapters 3 and 4.

<sup>88</sup> al-Qāḍī al-Nu‘mān, *al-Īdāh*, 42 (*wa alladhī ‘alayhī al-‘amal ‘inda man yajibu al-taslīm li qawlihi*), 64 (*wa ‘alayhi al-‘amal*), 75 (*fa al-‘amal ‘alā tarkihi*), 86 (*mā ‘alayhi al-‘amal*), 88 (*wa al-‘amal ‘alā ghayri hādihā*), 122 (*wa ‘alayhi al-‘amal*), 138 (*wa alladhī ‘alayhī al-‘amal*), 148 (*wa ‘alayhi al-‘amal*), 159 (*wa ‘alayhi al-‘amal*), 161 (*wa ‘alā hādihā al-‘amal*).

<sup>89</sup> al-Qāḍī al-Nu‘mān, *al-Īdāh*, 42.



ascertain the actual law, therefore the treatment of conflicting reports by derivative techniques is tantamount to rejecting their authority established by the Qur'an.<sup>90</sup> Sunnis feel the need to use hermeneutical procedures to resolve contradictory hadith because they reject the doctrine of the existence of a living Imam in every age. Yet, an Imam's opinion is an objective explanation of God's law that guarantees certainty. Therefore, contrary to the Sunni approach of employing hermeneutical tools to resolve contradictory hadith, one must consult the Imam and submit to his authority in resolving the contradiction. In short, Nu'mān's strategy of giving precedence to one opinion, as opposed to reconciling various ones, is dictated by his doctrinal position.

In Nu'mān's legal framework, the pronouncements and the praxis of the Imams, which are available through hadith, constitute the third major source, after Qur'an and hadith, of divine guidance. Stewart rightly observes that Nu'mān uses the same argument to establish the authority of the hadith of the Imams that was earlier employed by al-Shāfi'ī to determine the authority of the *Sunna*, to which the Qur'an makes several unambiguous references.<sup>91</sup> The Qur'an, in several instances, instructs believers to follow the *Sunna* of the Prophet and the practices of the Imams.<sup>92</sup> The religious authority of the Imams, Nu'mān argues, is also established through the authentic reports from the Prophet. The need to consult the Imams is precisely amplified in the following decree of al-Mu'izz on Nu'mān's being entrusted with the office and the responsibilities of judgeship. The Imam wrote:

In all your decisions and judgments, you should follow the Book of God...If you neither find in the Qur'ān any text [concerning a problem] nor any decision in the *Sunna*...search it in the creeds of the pious, pure and well guided Imāms...If something appears obscure and hence confusing or if dubious and hence baffling, refer it to Amīru'l-Mu'minīn so that he may guide

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<sup>90</sup> al-Qāḍī al-Nu'mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 30-1, 44-5, 290-1, 298-9, 350-1.

<sup>91</sup> al-Qāḍī al-Nu'mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, xvii (introduction).

<sup>92</sup> al-Qāḍī al-Nu'mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 44-5, 74-5 and passim.

you to the proper decision on it.<sup>93</sup>

The Imam has to be consulted, Nu‘mān asserts, if one is to obtain the authentic interpretation of the Qur’an and the genuine transmission of the *Sunna*.<sup>94</sup> This approach restricts the usage of hermeneutical tools for the interpretation of hadith and therefore, leaves the *muḥaddith* or *faqīh* with no choice but to consult the reports of the Imams. Conversely, adoption of these counterfeit techniques is tantamount to undermining the authority of the Imams bestowed by God. Rejecting Sunni hermeneutical techniques, Nu‘mān states:

Other jurists disagreed with them, and rejected arbitrary submission to authority. Concerning matters of which they were ignorant, they adopted the doctrine of those whom the others accepted as authorities with respect to the derivation of legal rulings. They said: “We can derive rulings just as they did, and we do not accept their opinions merely on authority.” Some of them espoused analogy. Others espoused personal judgment and individual legal interpretation, others espoused preference, others espoused speculative reasoning, and others espoused inference. These are all labels that they applied to their opinions in order to claim that their methods formed part of what they alleged was the true doctrine. All of these methods revert to one fundamental idea, and they are all encompassed by one invalid concept, which is the adoption of whim and surmise, when God warned against both and criticized those who followed them.<sup>95</sup>

To counter the widespread adoption of Sunni hermeneutical techniques is precisely why Nu‘mān composed *Ikhtilāf uṣūl al-madhāhib*. Its principal aim is to expose the corrupt nature of the techniques used by Sunni traditionists and jurists. In contrast to the current studies on this topic, I argue that this composition was not written to outline Ismaili legal theory.<sup>96</sup> Firstly, neither the title of the work nor the objectives

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<sup>93</sup> The translation is extracted from al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S.T. Lokhandwalla, 22 (Arabic text), 55-6 (introduction). In Stewart’s edition, see al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 36-7. Also see, 42-3, 346-7.

<sup>94</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 72-89.

<sup>95</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 21

<sup>96</sup> Asaf Ali Asghar Fyzee, “Shī‘ī Legal Theories,” in *Law in the Middle East*, eds. Majid Khadduri and Herbert J. Liebesny, 1: 113-31; Asaf Ali Asghar Fyzee, *Compendium of Fatimid Law*, x (introduction); al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. S.T. Lokhandwalla, 50-101; Ismail K. Poonawala, “The Evolution of al-Qāḍī al-Nu‘mān’s Theory of Ismaili Jurisprudence as Reflected in

defined in the introduction and epilogue imply that Nu‘mān intended to produce a work on legal theory. They instead focus on the divergences between the legal schools and ‘the causes of their disagreement, what led and compelled them to differ, and what paved their way to discord’.<sup>97</sup> The work is a sustained refutation of the principles advocated by Sunni legal schools. Secondly, the polemical nature of the entire composition implies there may not be a consistent thought process concerning the derivation of rulings, the principal focus of any work related to legal theory. Lastly, a cursory look on the content produced by his predecessors—for instance, al-Shāfi‘ī in his *al-Risāla*—indicates that *Ikhtilāf* does not cover the topics typically discussed in that discipline.<sup>98</sup> A bona fide work on legal theory would include topics such as modalities of legislative statements, abrogation and probative force of the solitary report (*ḥujjiyat al-khabar al-wāḥid*), which are strikingly absent from *Ikhtilāf*. His indirect and cursory description of legal thinking does not substantiate the characterisation of the text as a work of legal theory.

Despite the polemical nature of this work, it is evident that Nu‘mān, in his attempt to refute the Sunni legal framework, consulted a wide range of legal theory sources. In a critical study, Stewart shows how Nu‘mān’s *Ikhtilāf* drew its major arguments from *al-Wuṣūl ilā ma‘rifat al-uṣūl*, a Ṣāḥirī text on jurisprudence. The Ṣāḥirī Sunnis rejected ‘methodological principles that the Sunni jurists had adopted as fundamental elements of their theories of legal interpretation’. The polemical nature of Nu‘mān’s work demanded that he critiqued Sunni principles by engaging with a Sunni scholar, especially when he found himself aligned with him in his rejection of *qiyās*, *istiḥsān* and *ijtihād*. In doing so, Nu‘mān preserved ‘a comprehensive survey of Sunni theories of jurisprudence as they existed in the mid-

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the Chronology of his Works on Jurisprudence,” 295-349; al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, xxvii (introduction).

<sup>97</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 6-7.

<sup>98</sup> For the historical development of the genre of *uṣūl al-fiqh* and Hallaq and Stewart’s critique on remembering al-Shāfi‘ī as the founder of this genre, see Wael Hallaq, “Was al-Shafi‘i the Master Architect of Islamic Jurisprudence?,” *IJMES*, 25 (1993), 587-605; Devin J. Stewart, “Muḥammad b. Dā‘ūd al-Ṣāḥirī’s Manual of Jurisprudence, *al-Wuṣūl ilā ma‘rifat al-uṣūl*,” in *Studies in Islamic Legal Theory*, ed. Bernard Weiss (Salt Lake City: University of Utah Press, 2002), 99-158; Stewart, Devin J. *Islamic Legal Orthodoxy: Twelver Shiite Responses to the Sunni Legal System* (Salt Lake City: University of Utah Press, 1998), 177-9.

tenth century'.<sup>99</sup>

## Conclusion

In this chapter, I outlined the hadith-theory of Qādī Nu'mān by examining the principles that shaped his engagements with hadith. The role of the living Imam, in Nu'mān's world-view, is indispensable. Only an Imam can interpret, validate, assign precedency and reconcile the conflicting hadith. As a result, he vehemently rejects the exegetical and hermeneutical techniques of interpretation used by Sunni traditionists and jurists. Nu'mān's argument is unmistakably clear: the presence of a living Imam renders these interpretive tools redundant. The adherence to Sunni methods of interpreting hadith is not only akin to adopting whim and surmise but it is also tantamount to rejecting the Imam's authority bestowed by God. His position is summarised towards the end of *Ikhtilāf* where he concludes:

A comprehensive summary of our doctrine is the following: Neither we nor others have the right to declare something lawful or unlawful or to rule on it except on the basis of what has come down in the text of the Book, the Practice of the Messenger, or what has been passed down from the Imams. Whatever we have learned of that we profess; whatever we have not learned, we ask those persons whom God commanded be consulted and adopted as references about it. We do not give a view on such things on the basis of personal judgment, legal interpretation, preference, analogy, inference, speculation, or anything else that comes from ourselves, since God did not make us arbiters over His religion; nor did He permit us to give rulings by anything other than His Book and the Practice of His Messenger; nor did he permit us to declare lawful or unlawful that about the licit or forbidden status of which we have no knowledge.<sup>100</sup>

Nu'mān's systematic rejection of Sunni hadith principles stems from the core Shi'i belief in the doctrine of imamate. The existence of an Imam, in each age and time, does not permit one to engage in an arbitrary interpretation of the divine scriptures.

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<sup>99</sup> Devin J. Stewart, "Muḥammad b. Dā'ūd al-Zāhirī's Manual of Jurisprudence, al-Wuṣūl ilā ma'rifat al-uṣūl," 131; Stewart has listed all the source which Nu'mān engaged with in his *Ikhtilāf*. See al-Qādī al-Nu'mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, xxiv-viii, xxiii (introduction),

<sup>100</sup> al-Qādī al-Nu'mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 350-1.

For this reason, it is not just Ismailis who critiqued Sunni interpretations; the Imamis, too, found them incompatible with Shi'i beliefs. For instance, Nu'mān's senior contemporary, Abū Sahl al-Nawbakhtī (d. 311/924), an Imami theologian, wrote a refutation of al-Shāfi'i's *al-Risāla* entitled *Kitāb naqd risālat al-Shāfi'i*.<sup>101</sup> In this respect, the movement of denouncing Sunni hermeneutics resonates with the proto-Akhbārī tendencies of the Qummī traditionists such as Ibn Bābawayh.<sup>102</sup> They converge upon rejecting *ijmā'*, *ijtihād*, *taqlīd* and several other probabilistic methods of interpreting law—which the Sunnis used because they did not subscribe to the doctrine of imamate.

Clearly, Nu'mān, with his distinct Shi'i legal framework, contributed to the emergence of a new genre of literature derived from the hadith of the rightly guided Imams. It is aligned with the recurring theme postulated by the Qur'an that a believer, in all his religious matters, is instructed to resort to the Ones in authority (*al-radd ilā ulī al-amr*).<sup>103</sup>

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<sup>101</sup> Ibn al-Nadīm, *Kitāb al-fihrist*, 2: 636.

<sup>102</sup> Muḥammad b. 'Alī b. Bābawayh, *ʿIlal al-sharā'i* (Qum: Dāwarī, 1385 Sh/1966), 2: 531.

<sup>103</sup> For the reference of 'resorting to the Ones in authority', see al-Qāḍī al-Nu'mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 24-5, 38-9, 46-7, 48-9, 84-5, 88-9, 182-3, 234-5, 240-1, 246-7, 268-9, 288-9, 298-9.

# Conclusion

## Limitations of this Study

This thesis has addressed general and specific problems in our understanding of Ismaili hadith tradition, thereby filling the gap within the often-underappreciated exoteric disciplines of Ismaili studies. To date, there had been no systematic examination of the sources, function, arrangement and presentation and the controversies surrounding Ismaili hadith. While investigating these areas of research, my study has re-examined the hypotheses currently held in the secondary literature around these questions.

My research has several limitations that I hope future scholarship will address. The most obvious one is that its conclusions are drawn from examining a small fragment of *al-Īḍāḥ*, the only extant portion of the text; an examination of other sections may either confirm or reduce the force of my conclusions. There is evidence to suggest that the entire collection was in circulation until the early seventeenth century, and I can only hope that its manuscript is somewhere held in the inaccessible Bohra *da'wa* collections and one day may see the light of day. I also restricted my investigation to the three most-cited sources of *al-Īḍāḥ*, primarily because of practical reasons. Examining other sources may have enhanced the richness of my study. *Kitāb masā'il 'Alī b. Ja'far*, for instance, is an excellent case study to substantiate Qāḍī Nu'mān's preference for consulting hadith collections transmitted through familial *isnād* of Ahl al-Bayt. I hope to examine this case study later in an independent article.

I also did not outline a methodology for reconstructing the non-extant parts of *al-Īḍāḥ*. Such a reconstruction is possible because most of its abridgments have survived, and *al-Ḥawāshī* of Amīnī b. Jalāl cites *al-Īḍāḥ* and *Mukhtaṣar al-Īḍāḥ* in a number of instances, which appear to have been direct quotations from the original text. My thesis will prove to be an excellent source for understanding the relation

between *al-Ṭḍāḥ* and its various abridgments for someone undertaking this project. While the reconstruction of *al-Ṭḍāḥ* is possible, however, it will be Nu‘mān’s *fiqh* which will be reconstructed and not his hadith, because the later abridgments did not extract the sources and the *isnāds* of the base text.

The impact of Qāḍī Nu‘mān’s writings on later Fatimid jurists, such as Ibn Killis, certainly requires further investigation. Contrary to the current consensus, I argue that Ismaili law continued flourishing after Qāḍī Nu‘mān. I am not entirely satisfied by my own preliminary findings on this issue, however, and I hope a future doctoral student focusing on the study of Fatimid law could shed more light on this issue. However, in reference to Ismaili hadith, I feel confident about my findings and conclusions.

## **Findings and Conclusions**

I began this study by examining the historicity of the sources consulted by Qāḍī Nu‘mān in his large legal hadith collection, *al-Ṭḍāḥ*. I did not engage, however, in the never-ending debates between Orientalists and Muslim hadith scholars on the historical reliability and authenticity of those sources. These concerns are doctrinal and not historical, and my aim was to show that Qāḍī Nu‘mān consulted sources that could be traced back as early as the third quarter of the second/eighth century Kūfa and Medina. These sources are credible enough to qualify as being part of history and deserve the careful attention of scholars examining the religion, history and society of the Shi‘i community of that time. As I noted, I was not concerned with whether a particular report is a genuine transmission of what the Prophet or an Imam said or was a later fabrication. In this respect, my findings confirm Motzki’s conclusion that an earlier credible layer of hadith material can be excavated from the later hadith collections of the fourth/tenth century.

The most significant contribution of this thesis is the introduction of a robust methodology of examining the historicity of the sources consulted by the early fourth/tenth century Shi‘ite scholars. These sources purport to represent the writings

of the companions of the Imams around the mid-second/eighth century. This gap of more than a century and a half has raised several questions on their credibility, given their susceptibility to tampering and interpolations. I argued that the cross-regional textual analysis of the secondary sources composed in different regions, by authors with dissimilar religious persuasions, through distinct *isnāds*, yet transmitting identical material, enhances the credibility of the sources in question. I compared *al-Ṭḍāḥ* with contemporaneous hadith collections of the Zaydī and Imami scholars of the early fourth/tenth century. The comparison of their *isnād* and *matn* indicates the common provenance of their sources in Kūfa and Medina in the second half of the second/eighth century. Though I focused on Ismaili hadith, the scope of this analysis is broader than its intended outcome, because it not only establishes the credibility of the sources consulted by Qāḍī Nu‘mān but also unearths an earlier layer of Shi‘i hadith sources in general.

In addition to introducing the method of cross-regional textual analysis that examines the historicity of the earlier source of Shi‘i hadith, my study also reached two major conclusions regarding Qāḍī Nu‘mān’s intellectual life and works. My findings suggest that the foundation of Nu‘mān’s intellectual activities was laid by pre-Fatimid and early-Fatimid *dā‘īs*. It was due to their pivotal contributions that Nu‘mān was able to accomplish what he accomplished. Largely for political reasons, the *da‘wa* adopted the policy of censoring the names and contributions of pre- and early Fatimid *dā‘īs*. It is not surprising, therefore, that we do not see any reference to the intellectual activities of the likes of al-Malūsī, Ibn al-Haytham, or al-Marwadhī, the founding members of the *da‘wa*, in any of Nu‘mān’s legal or doctrinal works.

The second major finding of this thesis is that *al-Ṭḍāḥ* remained central to all of Nu‘mān’s later legal works including *Da‘ā’im al-Islām*. In fact, I demonstrated how *Da‘ā’im* simply summarises the conclusions worked out in *al-Ṭḍāḥ*. In doing so, I challenged the *magnum opus* status of *Da‘ā’im*, asserting that it was mainly due to political considerations that the work gained fame and popularity. I proposed that *al-Ṭḍāḥ* remains *the* only highly sophisticated analytical legal work of Nu‘mān in which he appears as both an accomplished *muḥaddith* and a distinguished *faqīh*.



The title and subtitles of the thesis, respectively, reflect my central question—the historicity of Qāḍī Nu‘mān’s hadith sources—and of my two subordinate questions regarding the considerations that dictated his selection of sources and how they were used to construct a Shi‘i legal *madhhab*. To examine these questions, the nucleus of the study analysed the nuances of Ismaili hadith tradition. Because Ismaili hadith literature is exclusively indebted to Qāḍī Nu‘mān, Part I of this thesis studied his life and the contextual factors that dictated and shaped his intellectual activities. Part II addressed the historicity of the sources consulted by Qāḍī Nu‘mān for his *al-Ṭḍāḥ*, whereas Part III analysed the *modus operandi* of Qāḍī Nu‘mān’s engagement with hadith.

Chapter 1 furnished a history of the emergence of *‘ulūm Ahl al-Bayt* in North Africa before the end of the third/ninth century. After having failed to establish a coherent *da‘wa* network in Iraq and Yemen, Ismailis found the political environment of North Africa favourable for launching an organised mission to establish a *dawla* in the name of Ahl al-Bayt. To participate and claim hegemony over the existing Ḥanafī and Mālikī scholarly discourses, the state sponsored scholars with a mandate to produce intellectual materials that defined the contours of an Ismaili *madhhab*. Qāḍī Nu‘mān, the architect of Ismaili law, is duly credited for synthesising the earlier hadith sources and producing analytical law material which would then meet the imprimatur of the Imam-Caliphs. This chapter also highlighted the presence of Shi‘i groups before the advent of the Fatimids and their potential role in disseminating the tenets of Shi‘ism in the region. Chapter 2 examined the sources used by Qāḍī Nu‘mān and demonstrated *al-Ṭḍāḥ*’s critical role in the preservation of early Shi‘i hadith material of Medina and Kūfa. I argued that Shi‘ites, mostly on the grounds of secrecy and survival, relied more on the written transmission of religious knowledge than on oral transmission. Textual materials tend to travel, as did Shi‘ites to escape persecution, which explains how the texts reached North Africa. This chapter demonstrated that *al-Ṭḍāḥ* is rightfully regarded as a repository of those early hadith sources and how this legal hadith collection remained central for all his later legal compositions. Chapter 3 scrutinised the contextual factors that contributed to

Nu‘mān’s intellectual development. I argued that the pre-Fatimid and early-Fatimid *dā‘īs* played a pivotal role in delineating Ismaili doctrine and law, which greatly benefitted Nu‘mān in his analysis of legal hadith. This chapter also analysed the political upheavals that led to the marginalisation of his predecessors, leaving him *the* only champion of the Fatimid intellectual legacy. This undermined the narrative that there was a radical shift in the pre- and post-Fatimid period, for Nu‘mān continued to draw his writings based on the material received from the earlier *dā‘īs*. These factors were instrumental to the production of monolithic state-sponsored materials, which remained uncontested throughout the Fatimid caliphate. I also examined the reports pertaining to the royal libraries (*khizānat al-kutub*) of the Fatimids and how Nu‘mān selected, presented, arranged and appropriated the material at his disposal.

The question of the historicity of the sources consulted by Qāḍī Nu‘mān in formulating an Ismaili legal system is not a simple one. To examine this central question, Part II investigated three case studies: these showed that hadith quoted from these sources are identical to other hadith found in Zaydi and Imami collections, suggesting their common provenance. This method of cross-regional textual analysis is particularly important when *al-Īḍāḥ* fails to meet the standards of conventional methods of transmitting hadith. The few citations which *al-Īḍāḥ* has provided made a huge difference in our understanding of the early Shi‘i hadith in general. Chapter 4 examined an early Shi‘i hadith collection with the familial *isnād* of Ahl al-Bayt leading back to the Prophet or ‘Alī. I investigated this most-cited source, *Kutub al-Ja‘fariyya*, in two ways. Firstly, I compared *al-Īḍāḥ*’s citations with the surviving copy of *al-Ja‘fariyyāt*. Secondly, I cross-examined those identical hadith transmitted in *al-Kāfi* on the authority of al-Sakūnī, observing how this collection travelled from Medina to Egypt and Kūfa before it reached Qayrawān and Qum. The identical nature of these hadith with two different *isnāds*, cited by two different scholars adhering to dissimilar doctrines, in two different regions with no possibility of collusion, suggests their common provenance. Chapter 5 investigated Kutub Muḥammad b. Sallām b. Sayyār al-Kūfī, a Zaydi source of *al-Īḍāḥ*. The cross-examination of *al-Īḍāḥ*’s citations with the existing Zaydi hadith collections revealed

profound similarities between them: their nearly identical nature suggested the common provenance of their sources. I also claimed that Zaydi sources were available to Nu‘mān through early Zaydi convert *dā‘īs* such as Ibn al-Haytham. These Zaydi sources received an inferior treatment in *al-Īdāh* before they were fully censored in his later legal compositions. In Chapter 6, I cross-examined *al-Īdāh*'s citations with two early Shi‘i foundational texts attributed to the Ḥalabī brothers. The identical nature of the hadith reported on the authorities of the Ḥalabīs in early the fourth/tenth century by Imami traditionists of Qum and Baghdad, on the one hand, and Qāḍī Nu‘mān of North Africa, on the other, suggested not only the popularity of their collections but also their widespread appeal. Finding similar content in other contemporary collections enhanced the credibility of the sources consulted by Qāḍī Nu‘mān. These three case studies contributed to our understanding of the early Shi‘i hadith tradition. They also highlighted ways of unearthing the ‘travel history’ of hadith collections and determining the places of their origins. Whereas Motzki’s *isnād cum matn* analysis attempts to explore the common links responsible for the first circulation of a given hadith, cross-regional textual analysis investigates the earliest textual source from which later collections are believed to have been drawing their content. The distinct features of Shi‘i hadith which circulated in different regions enhance our understanding of the tradition of transmitting written hadith in Shi‘i context more generally.

Part III focused on Qāḍī Nu‘mān’s encounter with hadith. The method of using hadith to construct an Ismaili legal system is studied in Chapter 7. I argued that Nu‘mān’s legal compositions are mostly identical to the language expressed in the hadith. Although his legal positions did not change in a career that spanned around fifty years, the conciliatory tone of *al-Īdāh* shifted to the decisive proclamation in *Da‘ā’im al-Islām* as the Fatimids consolidated their power in the entire region. This chapter also disputed the current scholarship’s inferior treatment of *al-Īdāh* in comparison to *Da‘ā’im* and demonstrated that the latter is yet another abridgment of the former which gained its fame and popularity due to political considerations of the Fatimid state. Chapter 8 outlined theoretical underpinnings of Nu‘mān that dictated his engagement with hadith. By examining the internal coherence and

structure of his works, our understanding of his world-view of hadith has enhanced. This chapter emphasised that his theological position on the unrestricted authority of the Imams in religious affairs led him to reject the unrestrained use of *qiyās* and other hermeneutical techniques employed by the Sunni jurists. By examining various examples, this chapter analysed the reconciling and preferring strategies of Nu‘mān in resolving conflicting hadith. Nu‘mān’s fundamental reservation in accepting Sunni exegetical and hermeneutical techniques was that they promise a subjective and arbitrary reconciliation which might differ from the original law ordained by God. Lastly, the summary draws together the various findings of this thesis and highlights its contributions to the current scholarship.

## **Final Words**

Let me turn now to some of the broader arguments this study has made and their implications for the study of Shi‘i history and Shi‘ite sects. Ismaili studies, until recently, was neglected both by Western scholars because of the lack of sources and resources and by Muslim scholars on the grounds of their being heretical doctrines. This study has demonstrated the significance of examining a peripheral Shi‘i tradition of North Africa—outside the Shi‘ite intellectual activities in the heartlands of Medina, Baghdad, Kūfa and Qum—and it contributes to filling the gaps in our understanding of Shi‘i tradition in general. All the arguments put forth to advocate the decolonisation of Islamic history through the inclusion of Shi‘i thoughts are equally applicable for the inclusion of Ismaili traditions. If Shi‘i history, is to include a holistic appreciation of the tradition, it must move from its current dominant master narrative of Imami tradition to a more inclusive approach encompassing Zaydi, Ismaili and other early Shi‘i thinkers. The study of Qāḍī Nu‘mān’s works has revealed some early Shi‘i sources hitherto thought to have been lost. This thesis has shown the importance of these sources in constructing a holistic narrative of the early Shi‘i intellectual activities of Kūfa. Najam Haider’s doctoral thesis is an excellent example of investigating early Zaydi material in an exploration of the origins of Shi‘ism. His findings demonstrate how Zaydi material is valuable in enhancing our

understanding of the early Shi'i tradition.<sup>1</sup> Likewise, this thesis highlighted the significance of the study of Ismaili hadith material and how it has contributed to our overall understanding of the Shi'i hadith tradition.

The Shi'i tradition of the late third/ninth and early fourth/tenth century of North Africa is extremely important along three dimensions: time, place and the author. Fatimids established their *da'wa* and *dawla* in a critical juncture of Shi'i history. At that time, the Zaydis had left Kūfa for Yemen and the south of the Caspian Sea, increasingly embracing proto-Sunni doctrines and legal practices, whereas Imamis were exploring a theological solution to the problem of occultation. The circumstances were extremely favourable for the Fatimids to launch a mission with a general Shi'i appeal. It is, therefore, not surprising that the first Fatimid Imam-Caliph claimed the messianic title al-Mahdī, the promised saviour. Ismaili intellectual activities, therefore, should be examined considering this political upheaval.

In reference to place, Ismaili *dā'īs* launched their mission in a region distant from other Shi'i theological and legal influences. Unlike Zaydis, who originated and developed in Kūfa amongst proto-Imami competitors, Ismailis flourished in isolation. There were obvious drawbacks to this seclusion and remoteness, but they were compensated for by the Ismailis' engagement in Ḥanafī and Mālikī discourses of the region. The extensive use of *'amal*, for example, reveals the influence of Mālikī hermeneutical methodology on Qāḍī Nu'mān. Ismaili hadith and legal writings, though drawing on Shi'i sources, evince clear similarities, stylistic and structural, to North African Sunni writings.

Perhaps the most critical dimension in the study of North African Shi'i tradition is the monolithic nature of the material produced by the Fatimids. Qāḍī Nu'mān was the only scholar who enjoyed the patronage of the Fatimid Imam-Caliphs, and his state-funded compositions provided homogeneous content that refused the plurality of interpretations and scholarly debates. When *fiqh* tradition allies with political

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<sup>1</sup> Najam Iftikhar Haider, *The birth of sectarian identity in 2nd/8th century Kufa: Zaydism and the politics of perpetual revolution* (Ph.D. thesis, Princeton University, 2007).

administrations, it is expected to produce consistent, functional and authoritative texts for its subjects, and thus Nu‘mān’s works embody the characteristics required from a state-sponsored work. Readers are expected to believe that his content is verified by the Imam of his time, the rightly divine authority for religious guidance. Not only was there no scholarly rivalry, and hence intellectual vibrancy under the Fatimid state but there was also no encouragement for the next generations of scholars to produce commentaries, annotations and glosses on Nu‘mān’s works. The reading of sources in the light of these three dimensions helps the historian discern the preoccupations that dictated Fatimid writings and appreciate the process of appropriation of Ismaili thoughts and practices in the North African intellectual milieu.

When I first began researching this doctoral thesis, I assumed on the basis of my initial reading about the history of the Fatimids that Ismaili hadith is effectively a collection of hadith from sundry Medinese and Kūfan sources. In the course of my research, however, I found Qāḍī Nu‘mān to be an accomplished traditionist who not only cites hadith but also selects, interprets and contextualises them in the process of deriving law. In doing so, he laid the foundation of an Ismaili legal madhhab in North Africa with a Shi‘i appeal. However, certain questions remain unanswered. The meaningful absence of the Fatimid Imams in Nu‘mān’s works is striking. I have demonstrated that the legal material incorporated into Qāḍī Nu‘mān’s works is based on the hadith reported from the pre-Fatimid Imams (i.e. ‘Alī to Ja‘far b. Muḥammad). Though his theoretical framework is based on the need of an Imam to authenticate, interpret, reconcile and resolve conflicts between the hadith, but the Fatimid Imam-Caliph is hardly mentioned in his legal works. The oblique reference to someone ‘whose statements must be accepted’ adds further mystery to why he hid the identity of his benefactor—particularly after learning that Nu‘mān, in multiple instances, affirms that the truth had been restored by the advent of the Fatimids, the descendants of the prophets and the inheritors of the knowledge of the true guardians, and thus, the obligation of practicing *taqiyya* has been lifted. Even the works related to the allegorical interpretations of the *sharī‘a* fail to record any contribution of the Fatimid Imams.

It appears that Qāḍī Nu‘mān envisaged the potential challenge that this absence would bring to the credibility of his work:

The same [obligation to accept] goes for the Imams' legal opinions and pronouncements. Even when they do not attribute them to a specific source, they are to be believed and trusted with regard to them. We have presented what has been transmitted to us on their authority, and over which the transmitters have differed, to those Imams whom we have met. God, by His grace, has honored us with that acquaintance and favored us by letting us live during the time of their manifestation, when dissimulation has fallen away from them, and they declared sound to us the reports that were sound and removed those that were not. Regarding that about which we consulted them and referred to them, as God commanded us to do, they taught us what we did not know and did not transmit...Praise be to God, Who has favored us with this, guided us to it, and bestowed it upon us as a gift.<sup>2</sup>

This style of writing demonstrates Qāḍī Nu‘mān's acumen and profound familiarity with the intellectual discourses of the time. In this respect, no one has since matched his stature in the intellectual Ismaili milieu of North Africa. His legacy continued to be passed on to the generations. In a study of his works, it seems fitting that the last word be given to a report which highlights how his works enticed believers into learning *'ulūm Āl al-Bayt*. Al-Maqrīzī (d. 845/1442) reports:

In Rabī' I of the year 385/April-May 995, the Qāḍī Muḥammad b. al-Nu‘mān was sitting on a seat in the palace, about to read out the sciences of the progeny of the Prophet [*'ulūm Āl al-Bayt*], as he and his brother had already been doing in Egypt and his father in the Maghrib. In the crush eleven people were killed; al-‘Azīz bi’llāh had them wrapped in shrouds [at his own expense].<sup>3</sup>

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<sup>2</sup> al-Qāḍī al-Nu‘mān, *Kitāb ikhtilāf uṣūl al-madhāhib*, ed. and tr. Devin J. Stewart, 228-9.

<sup>3</sup> al-Maqrīzī, *Iṭṭi'āz al-ḥunafā' bi akhbār al-a'imma al-Fāṭimiyyīn al-khulafā'*, 1: 285. The translation of this passage is extracted from Heinz Halm, "The Isma'ili oath of allegiance (*'ahd*) and the 'session of wisdom' (*majālis al-ḥikma*) in Fatimid times," 102.

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