

Check
F 2869g
Asaf 'Alī Asghar Fayzī

JOURNAL OF THE ROYAL ASIATIC SOCIETY 1934

PART I.—JANUARY

Qadi an-Nu'man The Fatimid Jurist and Author

By ASAF A. A. FYZEE

- I. INTRODUCTORY: SOURCES
- II. LIFE
- III. WORKS

I. INTRODUCTORY: SOURCES

ANY complete biography of Qāḍī an-Nu'mān, the most illustrious of Ismā'īlī jurists, must necessarily be based on two kinds of sources, *internal* and *external*. He was a very prolific author, and although not all his works which were extant some 400 years ago have come down to us, a good many of his *akhbār* and *fiqh* works are still preserved. It would be necessary to go through all of these and collect all autobiographical information before the definitive biography of the Qāḍī can be attempted. Even purely *fiqh* works like the *Mukhtaṣarū'l-Āthār* contain occasional references to contemporary events. The brief biography given below does not profess to be exhaustive; it is based in the main on three external sources, which seem to contain all that was definitely known of this great lawyer, the founder and the greatest exponent of Ismā'īlī jurisprudence. The difficulty of writing on Ismā'īlī subjects is well known; it is next to impossible to expect any co-operation from the sectarians themselves. I am trying, however, to obtain information from different sources, and if ever I am able to study all

the works extant of the Qāḍī, a more comprehensive biography may be attempted.

The three sources are Ibn Khallikān's *Biographical Dictionary*; Ibn Hajar's *Raf'ul-Isr*; and volumes v and vi of Saiyidnā 'Imādu'd-dīn Idrīs b. Ḥasan's *'Uyūnu'l-Akhhār*. Ibn Khallikān¹ is the earliest in point of time, and too well known to need any introductory remarks. He has a long and interesting account of the Qāḍī Abū Ḥanīfa—to distinguish him from the *Imām* Abū Ḥanīfa—*an-Nu'mān* ibn Muḥammad. His comparatively early age must, however, be offset by his being a Sunnite and by his anti-Fatimid prejudices, which are well known. His account, analysed carefully, does not give many biographical details, as he is content to cite opinions showing the extraordinary merits of the man. In respect of the mention of his works, it is very meagre; for instance, Saiyidnā Idrīs, coming two centuries later, mentions over forty works of our author, while Ibn Khallikān mentions only six, and some of the titles are quite erroneous. Moreover, the *Da'ā'imū'l-Islām*, Qāḍī an-Nu'mān's greatest work, is not mentioned.

Ibn Hajar,² coming two centuries later, is even more meagre than Ibn Khallikān. His account in the *Raf'ul-Isr* of the Qāḍī and his family was edited and translated by R. Gottheil in a long and learned article entitled "A Distinguished Family of Fatimide Cadis (al-Nu'mān) in the Tenth Century" (*Journal of the American Oriental Society*, 1907, vol. xxvii, pp. 217-297). This, as far as I am aware, is the only account of this distinguished qāḍī and his family by any European scholar. It contains some errors, but on the whole is very useful. In 1912 Rhuvon Guest in editing the *Kitābu'l-Wulāt wa Kitābu'l-Qudāt* of al-Kindī (*Governors and Judges of Egypt*, Gibb Memorial Series, vol. xix), edited

¹ Born 608/1211; died 681/1282. See Brockelmann in *EI.* ii, 397. The text of Ibn Khallikān is unfortunately not available to me; I have used and referred to de Slane's translation throughout, vol. iii, 565 et seq.

² Born 773/1372; died 852/1449. *EI.* ii, 379.

27195

TWU

also as appendix a certain number of biographies from different sources and re-edited the biographies of Qāḍī an-Nu'mān and his illustrious sons from Ibn Ḥajar's *Ref'ū'l-Iṣr* and the *Talkhīṣ* of his grandson, Jamālu'd-dīn Yūsuf b. Shāhīn. It is very unfortunate that al-Kindī, who was practically a contemporary of the Qāḍī (died 350/961),¹ does not mention him; nor have any of the earlier accounts mentioned by Ibn Khallikān come down to us.² On comparing the texts of Gottheil,³ based on the Paris MS. 2149, and that of Guest,⁴ based on a comparison of the Paris MS. 2149 with No. 5893, and some British Museum MSS.,⁵ it will be found that Guest's text is far more correct and satisfactory. Ibn Ḥajar's account is also meagre; its meagreness can be judged from the fact that he does not mention any of our author's works.

Both these authors being Sunnite, it is hardly to be expected that they could be in possession of all the relevant facts in the life of one of the foremost of Ismā'īlī authors. For this purpose the most valuable source of information that is still happily preserved is the account of the Qāḍī in the sixth volume of the *'Uyūnu'l-Akhbār wa Funūnu'l-Āthār* by the 19th *dā'ī* of the Yemen, Saiyidnā 'Imādu'd-dīn Idrīs b. Ḥasan (died, Yemen, 872/1468), who was practically a contemporary of Ibn Ḥajar. The *'Uyūn* is a voluminous work on the history of Ismailism in seven volumes preserved in its entirety by the Western Ismā'īlīs in India. The first volume deals with the life of the Prophet; vols. ii and iii with the life of 'Alī; vol. iv with the Imāms from Ḥasan to Mahdī; vol. v with the reigns of the first three Fatimid Caliphs, Mahdī, Qā'im, and Manṣūr; vol. vi with Mu'izz (4th Caliph) down to the first half of the reign of Mustanṣir (8th Caliph); and the seventh and last volume deals with the latter half of

¹ *Kitābu'l-Wulāt*, Introduction, 7.

² See Gottheil's remarks on the historians of *qāḍīs*, op. cit., 224 et seq.

³ *JAOS.* xxvii, 238.

⁴ *Kitābu'l-Wulāt*, 586-7.

⁵ *Kitābu'l-Wulāt*, Introduction, 43.

Mustanṣir's reign, the end of the Fatimid Caliphate, and the establishment of the Yemenite Da'wat. In the sixth volume, dealing with the life and times of the Caliph Mu'izz, Saiyidnā Idrīs gives a very long and the most authoritative account extant of Qāḍī an-Nu'mān's life and works.¹ The *'Uyūnu'l-Akhbār* is a very valuable source for the study of Fatimid history, and so far it has never been edited, translated, or studied in its entirety by any European scholar.² My account is primarily based on it and on some portions of the fifth volume; and as the *'Uyūn* itself cites Qāḍī an-Nu'mān verbatim, we seem to be on safe ground. The account shows how closely the Qāḍī was associated with the first four Fatimid Caliphs, Mahdī, Qā'im, Manṣūr, and Mu'izz; how gradually he rose to power and reached his zenith in the time of Mu'izz, and what a prolific author he was. The *'Uyūn* mentions forty-two of his works and two more are mentioned in the Ismā'īlī bibliography, the *Fihristu'l-Majdū'*.³

¹ Folios 33-41. The references are to a copy of the sixth volume of the *'Uyūn* recently transcribed, dated Rajab, 1351/November, 1932, and consisting of 320 folios.

² This work has recently been mentioned by W. Ivanow in his paper on "An Ismaili Interpretation of *Gulshan-i-Rāz*", *JBRAS.* (1932), 69, 72; by Dr. Hamdānī in his papers on the "History of the Ismā'īlī Da'wat and its Literature", *JRAS.* (1932), 126, and on "The Life and Times of Queen Saiyida Arwā, the Sulāhid of Yemen", *JRCAS.* (1931), xcviii, 505, 506, 508 sqq., and 514 sqq.; and by Dr. Paul Kraus in "Hebräische und syrische Zitate im ismā'ilitischen Schriften", *Der Islam*, xix, Heft 4, 243, 244. Dr. Ḥusain Hamdānī has very kindly drawn my attention to the fact that Ahmad Zaki Pasha, in his foreword to the recent edition of the *Rasā'il Ikhwānu'ṣ-Ṣafā'* (Cairo, 1928, p. 36), doubts the very existence of the *'Uyūn* and its author; and that the *'Uyūn* is also mentioned in a short note in the Bombay edition of the *Rasā'il* (A.H. 1306), iv, 409, by Shaikh Muhammad 'Alī Rāmpūrī. See also W. Ivanow, *Guide to Ismaili Literature*, No. 258, p. 62.

³ Nos. 14 and 44 in the list given below. This *Fihrist* seems to be the work of one Ismā'īl al-Majdū' who lived in central India during A.H. 1150-1168 (about two hundred years ago) and who was a very learned scholar. He later pretended to be the *hujjat* of the occult Imām and thereupon came into the disfavour of the *dā'ī* of the time. It seems that it was not he whose nose was cut, but it was his son, Hibatu'l-Lāh, who paid for the sins of his father; but curiously enough the appellation *majdū'* has stuck to the father. W. Ivanow, *Guide to Ismaili Literature*, Preface and No. 336, 73.

Of these twenty-two are still preserved (eighteen completely and four partially) by the Western Ismā'īlis of India. And it can hardly be doubted that in the Yemen some of his works considered as lost by us are still preserved. Some works, not really his, are occasionally ascribed to him, for instance, *Kitāb Rāḥat wa't-Tasallī*, *Taqwīmu'l-Aḥkām*, and others.¹

In addition to the various sources mentioned above, the Qāḍī is also mentioned and dealt with by some Ithnā 'Asharī authorities, and accounts of him will be found in the *Mustadrak* (iii, 313) and *Rauḍātu'l-Jannāt* (658-9). The account in the *Mustadrak* is most important, as it contains not merely full particulars of what was known about him, but also a discussion of a number of legal views held by Qāḍī an-Nu'mān. The author of the *Mustadrak* explains, for instance, why it was that the Qāḍī differed in many respects from the Shī'ites (Twelvers) and how it is erroneous to think that the *Da'ā'im* was written by the Shaikh Ṣadūq al-Qummī. Qāḍī an-Nu'mān is also mentioned in the following works: *EI.* iv, 355 (sub "Shī'a" by Strothmann); *EI.* i, 739 (sub "Bohoras"); Brockelmann, *Arab. Lit.*, i, 187-8; and Ivanow, *Guide to Ismaili Lit.*, 37-40.

II. LIFE

NAME.—The Qāḍī² Abū Ḥanifa³ an-Nu'mān b. Abī 'Abdī'l-lāh Muḥammad b. Manṣūr b. Aḥmād b. Ḥaiyūn⁴ at-Tamīmī.⁵

¹ See the section "Apocrypha" in the list below.

² To distinguish him from the "Imam" Abū Ḥanifa, for whose account see Ibn Khallikān, iii, 555. Ismā'īlis almost invariably call him "Saiyidnā'l-Qāḍī'n-Nu'mān", and never by the designation Abū Ḥanifa.

He is also referred to as سيدنا الأرحد and القاضي الأجل.

³ Generally designated as "the Abū Ḥanifa of the Shī'ites". Strothmann, *EI.* iv, 355, sub "Shī'a", evidently following *Rauḍātu'l-Jannāt* of Md. Bāqir al-Khwānsārī (Tehran, 1306), p. 658. Massignon is wrong in giving the *kunya* of Nu'mān's father as "Abū Ḥanifa"; he

His pedigree is not a matter of doubt, for all accounts agree concerning it. The pedigree given in the *Uyūn*, vol. vi, agrees with that given by Gottheil in the form of a genealogical tree on p. 238 of his article.

BIRTH.—The exact date of Nu'mān's birth is nowhere mentioned in the authorities consulted by me. Gottheil (p. 227) says: "The father of al-Nu'mān, Abū Ḥanifa, was himself a well-known littérateur, who had died at the advanced age of 104." No authority is cited for this. This is a very curious misstatement: for the father of Nu'mān may have died at the advanced age of 104, but his *kunya* could not be Abū Ḥanifa, which undoubtedly was that of his son Nu'mān. We shall presently see how this confusion has arisen. But this statement has been, it seems to me, the cause of another error. Qāḍī an-Nu'mān died in 363. Some scholars think that the above remark applies to him and mention the date of his birth as 259. Massignon, for instance, following Gottheil, states that Nu'mān was born in 259 and died in 363 at the advanced age of 104.¹

Gottheil's error seems to be based on a sentence from Ibn Khallikān (trans. De Slane, iii, 566, last five lines):

has evidently been misled by the error of Gottheil. L. Massignon, "Esquisse d'une Bibliographie Qarmate" in *Ajābnāma (A Volume of Oriental Studies presented to Edward G. Browne on his 60th Birthday)*, 332.

⁴ "Ḥaiyūn" is correct, as we read in the *Kitābu'l-Wulāt*, 596, in the notice of Qāḍī Ḥusain b. 'Alī b. Nu'mān: حَيُّونَ بِمَهْمَلَةٍ وَيَا أَمْرَ الْحُرُوفِ. Saiyidnā Idrīs and other Ismā'īli authors have generally حيوان. So also Gottheil, op. cit., 238; and on p. 269 (1), he corrects Brockelmann, who has "Ḥaiyān". *Mus.* iii, 313, has حيوان and *Rauḍātu'l-Jannāt*, 658₁₃, has حيوان. Occasionally one also comes across the erroneous حيان.

⁵ *Uyūn*, vi, folio 177. The usual *nisbas* are "al-Ismā'īli" and "al-Maghribī" (*J.AOS.* xxvii, 238; *Kitābu'l-Wulāt*, 596), while his sons are called "al-Qairawānī", Gottheil, op. cit., 240, 243. I have, however, given him only the *nisba* according to the Ismā'īli tradition.

¹ *Ajābnāma*, 332, No. 16. He further mentions that Abū Ḥanifa was the *kunya* of Muḥammad, father of Nu'mān.

“Abū ‘Abdallāh Muḥammad, Abū Ḥanifa’s father, lived to an advanced age. When four years old he could recite many curious pieces which he had learnt by heart. He died in the month of Rajab, 351 (August, A.D. 962) aged one hundred and four years, and was buried near Bāb Salm, one of the gates of Ḳairawān. The funeral service was said over him by his son.”¹ This passage clearly shows that (1) Ibn Khallikān is speaking of Nu‘mān’s father Muḥammad who died at the age of 104, and (2) the *kunya* of Muḥammad was Abū ‘Abdīl-lāh, while that of his son was Abū Ḥanifa.

All that can be said at present with regard to the birth of the Qāḍī is that no known authority mentions it, and that Gottheil’s slip has misled certain scholars.

Now let us see whether any internal evidence can be found to indicate the approximate date of his birth. Qāḍī an-Nu‘mān himself says in his *al-Majālis wa’l-Musāyarāt*² that he served Mahdī for the last nine years, some months and some days of his life. Mahdī died in 322/933, and therefore the Qāḍī served him from 313/920 onwards. Assuming that Nu‘mān was about 20 years old at that time, he may have been born *circa* 293. This is quite in consonance with his death in A.H. 363 at the psalmist’s age of “three score and ten”. Unless definite authority to the contrary can be found, it is safe to ascribe his birth to the last decade of the third century of the Hijra, he himself being a typical product of the fourth.

DEATH.—There is very little uncertainty as regards the date of his death. Ibn Khallikān mentions two dates:

¹ Incidentally this also shows that at the time of his father’s death in 351, Nu‘mān held an important position in life. This is in complete accord with his having been appointed *qāḍī* in the time of Mansūr, as we shall shortly see.

² Vol. i, folio 33. The references are to a recent copy transcribed in 1351/1932. (Vol. i consists of 189, and vol. ii of 337 folios.) Saiyidnā Idris cites this passage verbatim in *‘Uyūn*, v, folio 396. The references to the fifth volume of the *‘Uyūn* are to a copy recently transcribed in 1351/1933 and consisting of 401 folios.

according to Ibn Zūlāq, Nu‘mān died on the last day (the 29th) of Jumādā II, 363/Friday, 27th March, 974; but al-Farghānī in his history of the Qāḍid Jawhar says that he died on the first of Rajab, 363/Saturday, 28th March, 974, and that the Caliph-Imām Mu‘izz led the funeral prayer. Ibn Khallikān mentions “Friday night” as the time, and it is quite probable that some confusion, due to the Muslim fashion of reckoning the day, may have resulted. The MSS. of Ibn Ḥajar do not give the exact date, but Gottheil¹ accepts the first date given by Ibn Khallikān. Saiyidnā Idris (*‘Uyūn*, vi, folio 177) mentions that he died at Cairo on the last day of Jumādā II, 363/Friday, 27th March, 974; and the Ithnā ‘Asharī sources such as *Rauḍātu’l-Jannāt* and the *Mustadrak* accept this date.

MADHHAB.—It is interesting to observe that according to most writers the Qāḍī was at first a Mālikī and later adopted the Ismā‘īlī faith.² Ibn Ḥajar is silent on the point, and merely calls him “al-Ismā‘īlī”. Gottheil, however, points out that some authorities like Abū’l-Maḥāsīn say that he was at first a Ḥanafī.³ The Ithnā ‘Asharī sources sometimes imply that he was first a Mālikī, then he became an Imāmī (Twelver), and later adopted the Ismā‘īlī faith.⁴ The fact of his never citing any Imāms later than Ja‘far aṣ-Ṣādiq is freely discussed, and fear and *taqīya* (permissible dissimulation) are also attributed to him.

The *‘Uyūn* does not discuss the question of his *madhhab*, for according to the Ismā‘īlis the Qāḍī was a pillar of their faith and the founder of their legal system. It seems probable that as he entered the service of Mahdī in his early life, and successively served four Fatimid Caliphs, he was an Ismā‘īlī from the very beginning, or at any rate adopted that religion from his early days. As his sons are given

¹ Op. cit., 228.

² Ibn Khallikān, *Rauḍātu’l-Jannāt*, *Mustadrak*, and others.

³ Op. cit., 227, n. 3.

⁴ *Mustadrak*, iii, 313 et seq.

the *nisba* of "al-Qairawānī" by Ibn Ḥajar, it is quite likely that his family originally came from Qairawān and was of the Mālikī persuasion. And the differing accounts of his being a Mālikī, Ḥanafī, Ithnā 'Asharī, and Ismā'īlī may be due to his practice of *taqīya* in the early days of the Fatimid Caliphate, or misapprehension in the minds of others. How deep this misapprehension was amongst the Ithnā 'Asharīs is shown by the fact that the *Da'ā'im* was by some ascribed to the Imāmī doctor, Shaikh Ṣadūq Ibn Bābūya al-Qummī,¹ and it was thought necessary formally to refute that view.

LIFE.—Qāḍī an-Nu'mān himself relates² that he served the first Fatimid Caliph al-Mahdī bi'l-lāh before his death (A.H. 322) for nine years, some months and some days; that is, from 313/920, and thereafter he served Qā'im (Second Fatimid Caliph) for the whole of his life. Both of them used to be very kind to him. He used to serve Manṣūr (Third Fatimid Caliph) even before he succeeded to the Caliphate, for some time in the reign of Mahdī and throughout the reign of Qā'im. Manṣūr, too, was very good to him. During this time his chief duty was the collection, preservation, and copying of books.

Just prior to Qā'im's death in 335/946, and prior to Manṣūr's reign, he was appointed a *qāḍī*, first at Tripoli and later at Manṣūriya.³ As he was the first of Manṣūr's *qāḍīs*, the Caliph greatly increased his honour and rank, and Nu'mān, too, was so greatly devoted to him that he wished to die in his lifetime.

¹ Ibid.

² See footnote 2 to p. 7 above.

³ *Uyūn*, v, folio 378. The name given to Sabra, a suburb of Qairawān, by Manṣūr, who rebuilt it. It was Mu'izz's capital before he came to Egypt. Ibn Khal., iii, 381, notes 1 and 2. It may here be added that "Mahdiyya" was the name given to a seaport town lying to the south of Tunis founded by Mahdī in 303 (Ibn Khal., i, 231), and Mu'izz called the new capital he built near old Cairo (Miṣr) for his own residence by his own name, "Mu'izziya" (Ibn Khal., iii, 380).

Qāḍī an-Nu'mān describes his first meeting with Mu'izz in very graphic terms.¹ He seems to have been greatly impressed by the Imām's appearance. He says that he was struck by "the refulgence of the *imāmat* from his countenance". He goes on to say that afterwards he came to be on very familiar terms both with Manṣūr and with Mu'izz, and became their confidant.

Manṣūr had ordered him to sit as *qāḍī* within the threshold of his own palace.² But Mu'izz finding that it was an inaccessible place for the poor and the sick and the women, who were frightened to come within the precincts of the palace, ordered a new building to be built, where he was finally accommodated.

When Mu'izz came from the north he brought with him an-Nu'mān as his own *qāḍī*. Mu'izz set out from Manṣūriya on 21st Shawwāl, 361/5th August, 972, and reached Alexandria on 23rd Sha'bān, 362/29th May, 973, where Abū Ṭāhir, the *qāḍī* of Miṣr (Old Cairo), came to receive him. On 2nd Ramaḍān, 362/6th June, 973, he reached Mina, the wharf of Miṣr, opposite Giza, where he was received by the Qā'id Jawhar. Mu'izz reached al-Qāhira (New Cairo), without entering Miṣr, on the 5th, or according to some, the 7th of Ramaḍān, 362/the 9th or 11th June, 973.³

Now when Mu'izz entered Cairo and made that his home and remained there, he allowed Qāḍī Abū Ṭāhir Muḥammad b. Aḥmad b. 'Abdī'l-lāh to remain as *qāḍī* of Cairo,⁴ probably in deference to the wishes of the Qā'id Jawhar. He did not supersede him by appointing Nu'mān, who had come with him as the *qāḍī* of the army,⁵ in his place. Abū Ṭāhir, however, always consulted Nu'mān and asked him to revise his judgments. Thus according to the Ismailitic tradition:

¹ His words are cited verbatim in *Uyūn*, v, folios 378-379.

² *Uyūn*, v, folio 379.

³ See Ibn Khalikān's account of Mu'izz, iii, 377 sqq.

⁴ *Uyūn*, vi, folio 188.

⁵ Gottheil, op. cit., 269.

although Nu'mān was not formally appointed to a higher official position, his real rank, as a judicial officer, was higher than that of Abū Ṭāhir.

At another place in the sixth volume of the *'Uyūnu'l-Akhhbār* it is related that Abū Ṭāhir remained *qāḍī* of Miṣr throughout the reign of Mu'izz, under the general supervision of Qāḍī an-Nu'mān. This continued only for a short time, for Nu'mān died in the following year 363/974, and then the affairs passed into the hands of Abū Ṭāhir and 'Alī b. Nu'mān, who had acquired from his father much of what he had derived from the Pure Imāms, who in turn derived it from the Prophet. It is well to remember here that Mu'izz and Qāḍī an-Nu'mān were practically contemporaries, the Caliph dying two years later than his *qāḍī* in 365/976.

After Nu'mān's death Abū Ṭāhir used to refer to 'Alī b. Nu'mān, just as he used to refer to Nu'mān in his lifetime, and used to have his judgments revised accordingly. This continued till the end of Mu'izz's reign (365/976) and the beginning of the reign of al-'Azīz bi'l-lāh.

Thereafter, when Abū Ṭāhir became old and decrepit, and was unable to carry on the duties of Chief Qāḍī, he rode to 'Azīz and wished to resign from his post, hoping that someone from amongst his sons would be chosen for the post. 'Azīz accepted the resignation, but gave the position of Chief Qāḍī and rank in the Da'wat and in the teaching of the sciences and philosophy to Qāḍī 'Alī b. Nu'mān, just as in the time of Mu'izz that position used to be held by 'Alī's father, Nu'mān. It is further related in the *'Uyūn* (vi, folio 188 sqq.) that when 'Alī took over charge, religion was duly served, justice became widespread in all quarters and injustice disappeared totally. People no longer followed *ra'y* (opinion) or *qiyās* (deduction), but they adhered to the injunctions of the *Qur'ān* and the practice of the progeny of the Prophet, the Imāms of his House, as related by the most trustworthy authorities. 'Alī closely followed the system of law propounded by his father.

This account confirms the view that although outwardly Abū Ṭāhir continued to act even in the time of Mu'izz, the real power as chief judge was in the hands of Nu'mān. This state of affairs is quite in consonance with the general tendency of the Ismā'ilīs, who make a great distinction in the *zāhir* and *bāṭin* ranks.

CHARACTER.—The *'Uyūn* (vol. vi), describing the personality of the Qāḍī, says that Qāḍī an-Nu'mān held a most respected and honoured position with the Imāms who were contemporary with him. How he served Mahdī, Qā'im, and Manṣūr has been mentioned. His position went on increasing in the reign of each successive Imām, the zenith being reached in the time of Mu'izz, when he became "high in rank, great in fame, well-established in position, and near to his heart in affection". Mu'izz continually made mention of him and of his excellence, and made him Qāḍī'l-Quḍāt,¹ Chief Justice, and added to it a high rank in the Da'wat. His regard for the Qāḍī may further be judged from the fact that he himself led the funeral prayer of Nu'mān.² Thus, according to Saiyidnā Idrīs, not only was he a great lawyer, but a pillar of the Ismā'ilī religion. The *'Uyūn* does not mention his exact rank, but he is generally supposed to have attained the rank of *ḥujjat* in the hierarchy of the Ismā'ilī Da'wat. Speaking judicially, Qāḍī an-Nu'mān's orders modified and went further than the orders of any officer; moreover, Mu'izz commanded him to read the books of the Imāms, his ancestors, and to publish the sciences and the philosophy of the Da'wat.

Saiyidnā Idrīs further relates³ that Qāḍī an-Nu'mān was

¹ *'Uyūn*, vi, folio 30. This is a curious statement and inconsistent with the accounts of other authorities, and even with the general account of his life given by Saiyidnā Idrīs. It probably refers not to his official rank, but to his real position. It is generally understood that it was his sons 'Alī and Muḥammad who became Chief Qāḍīs, and had the "official" title of Qāḍī'l-Quḍāt, see *infra*, p. 14, n. 1.

² Ibn Khallikān.

³ *'Uyūn*, vi, folio 33.

a scholar endowed with such all-round learning and excellence that even his opponents had to acknowledge his merits. Whatever he wrote and composed, he wrote because of the knowledge derived from the Imāms, who were his contemporaries. And he wrote nothing without presenting each chapter or section to the Imāms in question, who either corrected what was wrong or confirmed what was correct in them.¹ It is this Ismā'ili tradition, placing Qāḍī an-Nu'mān in such close proximity with the Imāms, that gives him the highest rank and authority. Mu'izz is reported to have said: "He who performs (or possesses) a hundredth part of what Nu'mān performed, to him I guarantee Paradise on behalf of God."²

Ibn Zūlāq, in his *History of Egyptian Qāḍīs*, speaking of his son 'Alī, is reported to have paid him a graceful tribute. "His father, the Qāḍī Nu'mān ibn Muḥammad, was a man of the highest abilities, deeply versed in the Koran, fully acquainted with the meaning of the expressions contained in that book,³ skilled in the systems of jurisprudence, well-informed respecting 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."⁴

SONS AND FAMILY.—Qāḍī an-Nu'mān, the founder of an illustrious family of *qāḍīs*, was the father of two very distinguished sons:

I. ABŪ'L-ḤUSAIN 'ALĪ B. AN-NU'MĀN.

Was a distinguished scholar and jurist. Served as *qāḍī* and later as supreme *qāḍī*, chief preacher and chief *imām* of

¹ *Uyūn*, vi, ff. 33, 35.

² *Uyūn*, vi, folio 41.

³ Is this a reference to his *ta'uīl* books?

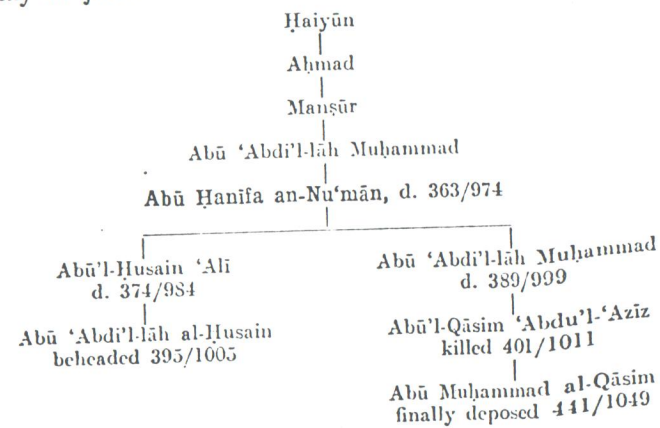
⁴ Ibn Khal., iii, 365-6.

Egypt, Syria, Mecca, and Medina, for nine years under al-'Azīz bi'l-lāh (fifth Fatimid Caliph). He was the first to have the official title of "Qāḍī'l-Qudāt".¹ Born 329/940, died 374/984. (*Kitābu'l-Wulāt*, 589-591, and Gottheil, op. cit., 240 sqq.)

II. ABŪ 'ABDĪ'L-LĀH MUḤAMMAD B. AN-NU'MĀN.

He was first an assistant to his brother 'Alī, then he acted for and finally succeeded him as supreme *qāḍī*. Was greatly respected and became very influential. Born 340/951, died 389/999. (*Kitābu'l-Wulāt*, 592, and Gottheil, op. cit., 243 sqq.)

The following table taken from Gottheil (op. cit., 238), with the addition of dates, gives a clear idea of the Nu'mān family of jurists:



III. WORKS

Despite the fact that Ibn Khallikān says that the Qāḍī wrote thousands of pages and was a very prolific author, he is only able to mention six of his works, Nos. 3, 5, 6, 8, 18, and 37 in our list below. Ibn Ḥajar mentions none of his works; and the Ithnā 'Asharī authorities mention the *Da'ā'im*, *Sharḥu'l-Akḥbār*, *Mukhtaṣaru'l-Āthār*, and one or two others.²

¹ *Kitābu'l-Wulāt*, 590, 2.

² *Mustadrak*, iii, 313 sqq.

Gottheil thinks that only *Sharḥu'l-Akḥbār* "seems to have been spared for us".¹ But Saiyidnā 'Imādu'd-dīn Idrīs b. Ḥasan in his *'Uyūnu'l-Akḥbār*, vol. vi, mentions forty-two of his works and two more are attributed to him in the *Fihristu'l-Majdū'*, viz. Nos. 14 and 44 below.

I am giving below a classified list of the works of Qādī an-Nu'mān, without following the usual order in which they are mentioned in the *'Uyūn*. The works indicated as "lost" or "preserved" represents the generally received opinion of Western Ismā'īli scholars in India to-day. No information from the Yemen is available, and it is possible that by further search works considered as lost by us may be found to be extant. It will be observed that out of the Qādī's forty-four works, twenty-two are considered as completely lost, eighteen are wholly preserved, and four are partially preserved (Nos. 4, 17, 21, and 22). Considering the important position of the author, the loss of half the number of his works during the last five centuries is one the result of which, for Ismailism and Ismailitic studies generally, can hardly be over-emphasized.

Of the Qādī's works, only five are known to be preserved in European libraries; the rest are quite unknown. An incomplete copy of the *Sharḥu'l-Akḥbār* (No. 33) exists in the Staatsbibliothek, Berlin. Parts 13 and 14 of this work, and three others, viz. *Da'ā'imu'l-Islām*, I (No. 9), *Asāsu't-Ta'wīl* (No. 21), and *al-Majālis wa'l-Musāyarāt* (No. 40) have recently been acquired by the School of Oriental Studies, London.²

QĀDĪ AN-NU'MĀN'S WORKS

CLASSIFIED LIST

Preserved	18
Partially preserved	4
Totally lost	22
Total	44

¹ Gottheil, op. cit., 229. The MS. is Berlin, No. 9662.

² (1933) *BSOS.*, vii. 33-9.

A. Fiqh (Canon Law)

- *1. كتاب الايضاح *Kitābu'l-Īḍāḥ*.
2. مختصر الايضاح *Mukhtaṣaru'l-Īḍāḥ*.
3. كتاب الإخبار *Kitābu'l-Ikḥbār*.
- *4. النيبوع *al-Yanbū'*.
5. الاقتصار *al-Iqtisār*.
6. الاتفاق والافتراق *al-Ittifāq wa'l-Istirāq*.
7. الكتاب المقتصر *al-Kitābu'l-Muqtaṣir*.
8. القصيدة المنتخبة *al-Qaṣīdatu'l-Muntakhaba*.
- *9. دعائم الاسلام *Da'ā'imu'l-Islām*.
- *10. مختصر الآثار *Mukhtaṣaru'l-Āthār*.
11. كتاب يوم وليلة *Kitāb Yaum wa Layla*.
- *12. كتاب الطهارة *Kitābu't-Ṭahāra*.
13. كيفية الصلوة *Kaifiyatū's-Ṣalāt*.
14. منهاج الفرائض *Minhājū'l-Farā'id*.

B. Munāzara (Controversy)

15. الرسالة المصرية في الرد على الشافعي
ar-Risālatu'l-Miṣriyya fī'r-Radd 'alā'sh-Shāfi'ī.
16. كتاب فيه الرد على احمد بن شريح البغدادي
Kitāb fīhī'r-Radd 'alā Aḥmad b. Shurayḥ al-Baghdādī.
17. الرسالة ذات البيان في الرد على ابن قتيبة
ar-Risāla Dhātu'l-Bayān fī'r-Radd 'alā ibn Qutaiba.
18. اختلاف اصول المذاهب *Ikhtilāf Uṣūli'l-Madhāhib*.
19. دامنغ الموجز في الرد على العتكي (الفتكي؟)
Dāmighu'l-Mūjiz fī'r-Radd 'alā'l-'Itkī (Fataki?).