Sahl b. al-Faḍl al-Tustarī's *Kitāb al-Īmā'*

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Introduction

Al-Shaykh al-Jalīl, Abū l-Faḍl Sahl b. al-Faḍl b. Sahl (Yāshār b. Ḥesed b. Yāshār) al-Tustarī is the preeminent figure among Karaite intellectuals in the latter third of the 11th century.[1] As a descendent of the Tustarīs (*'al-Dasātira/Tasātira'*), the illustrious family of Karaite notables, merchants, financiers and senior officials in the Fatimid court, his name has been familiar to historians of Jewish thought for more than a century.[2] Yet little attention

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1 In MS London, British Library (hereafter BL), Or. 2572 (Institute of Microfilmed Hebrew Manuscripts at the Jewish National and University Library, Jerusalem, microfilm no. [hereafter "IMHM, F"] 6343), f. 5b (cat. Margoliouth, vol. 3, p. 199, no. 896) 'Alī b. Sulaymān calls al-Tustarī *"al-Shaykh al-Jalīl"*. In other manuscripts the honorific title *"al-Shaykh al-Fāḍil"* is attributed to him [e.g. St. Petersburg, Russian National Library (hereafter RNL), Yevr.-Arab. I 1671 (IMHM, F 55212), f. 1a; St. Petersburg, RNL, Yevr.-Arab. I 1680 (IMHM, F 56257), f. 1a; St. Petersburg, RNL, Firk. Arab. 630, f. 8a]. Isaiah ben 'Uzziyah gives al-Tustarī the honorific title "ha-Sar ha-Gadol Yashar b. Hesed" (see S. Poznański, "Der Karäer al-Mu'allim (oder al-Melammed) Fāḍil und seine Bearbeiter", in *Monatsschrift für Geschichte und Wissenschaft des Judenthums* 65 (1921), pp. 134f.).

2 For the Tustarī family see M. Gil, *The Tustaris: The Family and the Sect*, Tel Aviv 1981 [Hebrew]; idem, *A History of Palestine, 634–1099*, Cambridge 1992, p. 964 (index); idem, *Jews in Islamic Countries in the Middle Ages*, Leiden 2004, pp. 269–271, 663–675; S. D. Goitein, *A Mediterranean Society*, vol. 6, Berkeley, etc., 1993, p. 118 (index). For some additional information about the family's economic and political activities see M. Rustow, *Rabbanite-Karaite Relations in Fatimid Egypt and Syria: A Study Based on Documents from the Cairo Genizah*, unpublished Ph.D. thesis, Columbia University 2004, pp. 337–374. In *A*

has been paid until now to the contents of his works and the contours of his thought,[3] and attempts to study the extant fragments of his literary output have begun only very recently.[4] The absence of previous research was, however, not primarily a result of neglect and inattention, but rather an inevitable consequence of the notorious inaccessibility of the relevant manuscript collections in the former Soviet Union. These circumstances severely restricted serious research for decades.

This article endeavours to reconstruct one of al-Tustarī's major works, *K. al-Īmā' ilā jawāmi' al-taklīf 'ilm^{an} wa-'amal^{an}* ("Book Intimating the Ensemble of Theoretical and Practical Components of the Obligation Imposed by God") and to provide a preliminary exploration of its structure and contents.[5] Before turning to the book itself, it may be convenient to summarize the main points of previous research on al-Tustarī's person and work.

Previous research

Because of the limited quantity of primary source material hitherto available containing information about al-Tustarī's life and works, previous research on

History of Palestine, p. 820, Gil asserts that Sahl b. al-Fadl al-Tustarī was the great-grandson [sic!] of Abū Naṣr al-Fadl (Hesed) al-Tustarī (d. 1049) who was the older brother of the famous Abū Sa'd Ibrāhīm al-Tustarī (d. 1047). For a family tree see Gil, *Tustaris*, p. 116, reproduced in Rustow, *Rabbanite-Karaite Relations*, p. 405.

3   Cf. H. Ben-Shammai, "Major Trends in Karaite Philosophy and Polemics in the Tenth and Eleventh Centuries", in *Karaite Judaism: A Guide to its History and Literary Sources*, ed. M. Polliack, Leiden 2003, p. 357, n. 105.

4   See W. Madelung and S. Schmidtke, *Rational Theology in Interfaith Communication: Abū l-Ḥusayn al-Baṣrī's Mu'tazilī Theology among the Karaites in the Fāṭimid Age* (Jerusalem Studies in Religion and Culture, 5), Leiden 2006. This publication includes an edition and annotated translation of three short texts extracted from al-Tustarī's *K. al-Talwīḥ, K. al-Taḥrīr* and *al-Maqdisīyāt* (see below).

5   This is the title of the book according to MS ד (for details of the MSS of *K. al-Īmā'* see the table below). MS א gives the title as *K. al-Īmā' ilā jawāmi' al-taklīf fī l-'ilm wa-l-'amal*. Gil, *The Tustaris* (n. 2 above), p. 64 and idem, *Jews in Islamic Countries* (ibid.), p. 271, erroneously read כתאב אלאימא as *K. al-A'imma* (and translated accordingly "Book of the leaders").

this Karaite scholar may be summarized rather briefly. The entry *"Abu 'l-Fadhl Sahl b. al-Fadhl b. Sahl al-Dustari"* in M. Steinschneider's *Die arabische Literatur der Juden* is short and riddled with errors.[6] Steinschneider relied exclusively on G. Margoliouth's short description of a manuscript in the M. W. Shapira collection of the British Museum, which comprises — among other texts — excerpts from al-Tustarī's *K. al-Talwīḥ ilā l-tawḥīd wa-l-'adl* ("Book Intimating God's Unity and Justice") and *K. al-Taḥrīr li-kitāb Arisṭū fīmā ba'da l-ṭabī'a* ("Book of Revision of Aristotle's Metaphysics").[7] In an addendum Steinschneider also took note of the relevant information contained in David b. Sa'd'el Ibn al-Hītī's chronicle of Karaite scholars which G. Margoliouth had edited from MS London, British Library, Or. 2402, fols. 188a–190a.[8]

6   M. Steinschneider, *Die arabische Literatur der Juden. Ein Beitrag zur Literaturgeschichte der Araber*, Frankfurt a. M. 1902, p. 113, § 69.

7   MS London, BL (formerly British Museum), Or. 2572, fols. 20a–42b, respectively 43a–67b (IMHM, F 6343). See G. Margoliouth, *Descriptive List of the Hebrew and Samaritan Mss. in the British Museum*, London 1893, p. 67. Margoliouth's more detailed description of this manuscript in the third volume of his *Catalogue of the Hebrew and Samaritan Manuscripts in the British Museum* (London 1909–1915, reprinted 1965), pp. 200f., no. 896/V, was only published after Steinschneider's death. The 'excerpts' (read *"Mawādi' muntaza'a min ..."* instead of Margoliouth's *"M. mutafarra'a min ..."*) were most probably arranged by al-Tustarī's contemporary Abū l-Ḥasan 'Alī b. Sulaymān al-Muqaddasī (see below, notes 20 and 57). Another manuscript containing portions of both texts is St. Petersburg, RNL Firk. Arab. 630, fols. 1–8a (*K. al-Talwīḥ*), respectively 8b–12b (*K. al-Taḥrīr*). Other known MSS of *K. al-Talwīḥ* (also entitled: *K. al-Talwīḥ bi-l-uṣūl fī l-taklīf*) include St. Petersburg, RNL Yevr.-Arab. I 2843, 9 fols. (IMHM, F 55897), St. Petersburg, RNL Yevr.-Arab. I 592, 6 fols. (IMHM, F 54183), and New York, Jewish Theological Seminary (hereafter JTS), ENA 3960, fols. 12–17 (IMHM, F 33240). The latter fragment has recently been identified by Y. Meroz who graciously brought it to my attention.

8   Ed. G. Margoliouth, in *Jewish Quarterly Review* 9 (1897), pp. 432–435. The four lines concerning Sahl b. al-Faḍl al-Tustarī are found on fol. 190a, lines 10–13 = ed. Margoliouth, p. 435, lines 17–20. See Steinschneider (n. 6 above), p. 342 (*'Nachtrag'*). In this addendum Steinschneider also took note of A. E. Harkavy's reference to MS St. Petersburg, RNL Yevr.-Arab. I 3948, 287 fols. (IMHM, F 57949) containing parts of al-Tustarī's commentary on the Torah, in *Zeitschrift für alttestamentliche Wissenschaft* 1 (1881), p. 158. The existence of this commentary was also known due to quotations in later compilations, e.g. MS London, BL, Or. 2498 (cat. Margoliouth, vol. 2, p. 267f., no. 334). Other known manuscripts of this commentary include St. Petersburg, RNL Arab.-Yevr. 21, fols. 104ff.

Besides the above-mentioned *K. al-Talwīh*,[9] Ibn al-Hītī recorded a *Radd 'alā l-Fayyūmī* ("Refutation of Se'adyah Gaon"), a *Kitāb fī l-i'tidāl* ("Book on the Equinox"[?])[10] and introductory works on positive law *(wa-kataba kathīrᵃⁿ min al-fiqh al-madkhal* [sic!]). In 1903, A. E. Harkavy used extracts from al-Tustarī's works for his reconstruction of 'Anan b. David's *Sefer ha-Miṣvot*.[11] S. A. Poznański, first in his review of Steinschneider's book,[12] later in his "The Karaite Literary Opponents of Saadiah Gaon",[13] then in a Festschrift article,[14] and finally in the draft version of his unpublished *Encyclopedia le-toledot beney Miqra*[15] collected some additional data and dated al-Tustarī to the middle of the 11th century.[16] J. Mann, who insisted that the Tustarīs were Rabbanites, rejected the identification of our Karaite author as a member of the renowned family.[17] Mann was the first to record a manuscript of *K. al-Īmā'* in the private collection of A. E. Harkavy[18] and published some key sections from al-Tustarī's *Maqāla fī l-'arayot* ("Treatise on Incest") including a sharp polemic against Yeshu'ah b.

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9   According to the chronicle *K. al-Talwīh* deals with "the science of *Kalām*, their [i.e. the Mutakallimūn's] terminology, and their modes of argumentation" *(fī 'ilm al-kalām, fī alfāẓihim wa-barāhīnihim).*

10   S. Poznański, "Die Anfänge des palästinensischen Gaonats", in *Festschrift, Adolf Schwarz zum siebzigsten Geburtstage*, ed. S. Krauss, Berlin/Wien 1917, p. 477, n. 2, suggested that *K. fī l-i'tidāl* might have treated astronomical issues.

11   Harkavy, *Studien und Mittheilungen aus der Kaiserlichen Oeffentlichen Bibliothek* VIII (Likkute Kadmoniot II: Zur Geschichte des Karaismus und der Karäischen Literatur), Erstes Heft: Aus den ältesten Karäischen Gesetzbüchern (von Anan, Beniamin Nehawendi und Daniel Kummissi), St. Petersburg 1903, pp. IXf.; p. 65, n. ٦; p. 66, n. ת; p. 75, n. א.

12   *Orientalistische Literaturzeitung* 8 (1904), p. 315.

13   *Jewish Quarterly Review* 19 (1907), pp. 63–65 (reprinted London 1908 and in P. Birnbaum [ed.], *Karaite Studies*, New York 1971, pp. 183–185, no. 19). See also Margoliouth's review in *Revue des Études Juives* 57 (1909), pp. 313f.

14   Poznański, *Anfänge* (n. 10 above), pp. 477f., repeated in *Revue des Études Juives* 72 (1921), pp. 204f.

15   MS Jerusalem, The Jewish National and University Library, 4⁰ 760.

16   In his *Anfänge* (n. 10 above), p. 478, Poznański suggested that al-Tustarī's birth date was about 1010.

17   J. Mann, *Texts and Studies in Jewish History and Literature*, vol. 2, Cincinnati 1931, p. 40, n. 78.

18   *Ibid.*, p. 142, n. 27. See below, MS ג.

Yehudah with respect to the alleged illegality of the latter's marriage according to the rules of *rikkūv*.[19] A. J. Borisov, who collected some important information about al-Tustarī's aforementioned contemporary ʿAlī b. Sulaymān, announced his intention to dedicate a separate article to al-Tustarī on the basis of the St. Petersburg manuscripts,[20] but this article was never published.[21] More recently, H. Ben-Shammai called attention to *K. al-Uṣūl al-Muhadhdhabīya* ("Book on the Principles [of Religion] Dedicated to al-Muhadhdhab") by a certain al-Sayyid al-Fāḍil ha-Sar Yashar b. ha-Sar Ḥesed al-Tustarī. Since the latter was still alive in Dhū al-Ḥijja 587/Dec 1191, he cannot be identified with the author of *K. al-Īmā'*.[22] Other extant literary documents by Sahl b. al-Faṣl al-Tustarī include

19 Ibid., p. 40. The edition of some key passages from MS St. Petersburg, RNL Yevr.-Arab. I 3950, fols. 1–10 (IMHM, F 56977) is found on pp. 99f. According to the colophon al-Tustarī completed this treatise in Jerusalem in Muḥarram 489/January 1096. See also Gil, *History* (n. 2 above), p. 802.

20 See А. Я. Борисов, "Муʾтазилитские рукописи Государственной Публиеной библиотеки в Ленинграде" (= "Muʿtazilite manuscripts at the State Public Library in Leningrad"), in *Bibliografiya Vostoka* 8–9 (1935), p. 70, n. 2 [reprinted in Православный палестинский сборник 99 (36) (2002), p. 236, n. 3 and in *The Teachings of the Muʿtazila: Texts and Studies II* (Islamic Philosophy, 116), selected and reprinted by F. Sezgin et al., Frankfurt a. M. 2000, vol. 2, p. 18, n. 2]. On ʿAlī b. Sulaymān see idem, О времени и месте жизни караимского писателя Али ивн Сулеймана, in Палестинский сборник 64–5 (2) (1956), 109–114.

21 Borisov's article would most probably have included descriptions of several manuscripts in the Second Firkovich Collection containing collections of al-Tustarī's responsa, some of which are autographs. See S. Schmidtke, *Manuscripts on Dogmatics (kalām), Legal Methodology (uṣūl al-fiqh), Philosophy and Logic in the Abraham Firkovitch Collection ("Arabski-Arabski"), St. Petersburg: A Catalogue* (in preparation). The edition of a short extract from al-Tustarī's *Maqdisīyāt*, i.e. answers to questions by ʿAlī b. Sulaymān al-Maqdisī/Muqaddasī, is included in Madelung — Schmidtke, (n. 4 above). Besides the manuscripts described in the aforementioned catalogue, the following MSS contain responsa by al-Tustarī: St. Petersburg, RNL Yevr.-Arab. I 10, 3 fols. (IMHM, F 51427); I 1686, fols. 108f. (IMHM, F 55328); I 1789, 5 fols. (IMHM, F 56245); I 3951, fols. 11f. (IMHM, F 60671); Arab.-Yevr. 21, 213 fols. (IMHM, F 63568); Arab.-Yevr. 238, 4 fols. (IMHM, F 63705), and other fragments in the Arab.-Yevr. series which have not yet been properly catalogued.

22 Cf. H. Ben-Shammai (n. 3 above), pp. 358f. including a short description of the fragment found in MS St. Petersburg, RNL Yevr.-Arab. I 3951, fols. 1–10 (IMHM, F 60671).

his paraphrase of an as yet unidentified work, copied by 'Alī b. Sulaymān.[23] Another manuscript contains a *Mukhtaṣar fī ṣinā'at al-kitāba*.[24] No evidence has been adduced to support the claim that al-Tustarī was the author of a work entitled *K. al-Ishāra fī uṣūl al-tawḥīd wa-l-'adl*.[25]

In 1981 M. Gil dedicated a monograph to the Tustarī family, which included a survey of the relevant Genizah documents. These findings were supplemented in subsequent studies by Gil, in which he also assembled the comparably scanty information about the Karaite community in Jerusalem during the last decades preceding the Crusader invasion.[26] The Jewish communities suffered an important blow already with the conquest of Palestine by the Seljuq armies from 1071 onwards. To the Genizah documents referred to by Gil in connection with Sahl b. al-Faḍl al-Tustarī belongs a letter, dated in the summer of 1100 and presumably written by the leaders of the Karaite community in Alexandria or Tyre, inquiring about the fate of the Jerusalem Karaites in the wake of the Crusader invasion. Gil suggested that one of the captives mentioned in the letter, an eight-year-old boy called Abū Sa'd b. Imra'at al-Tustarī, may have

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23 MS London, BL, Or. 2572 (IMHM, F 6343), fols. 1f., respectively 5f. (cat. Margoliouth, vol. 3, p. 199, no. 896/I) includes two paraphrases of the same text arranged by 'Alī b. Sulaymān in 465/1072-3, respectively 486/1093 (*Talkhīṣ fīmā lā yasa'u al-mukallaf tarkuhu min al-'ulūm 'aql^{an}*, respectively *Talkhīṣ fīmā lā yasa'u al-mukallaf tarkuhu min ma'rifati llāh*). The second paraphrase is identical with a text appended to a fragment of *K. al-Talwīḥ* in the JTS manuscript mentioned in n. 7 above, fols. 18f. In BL Or. 2572, fol. 5b 'Alī b. Sulaymān writes that he only realized after completing his paraphrase that al-Tustarī had already prepared his own paraphrase of the same text, and then proceeds by copying from al-Tustarī's paraphrase.

24 St. Petersburg, RNL Firk. Arab. 124, f. 1a.

25 This title is mentioned in an owner's note on the first folio of MS London, BL, Or. 2573 (cat. Margoliouth, vol. 2, p. 180a, no. 589). I do not know on what basis Gil, *The Tustaris* (n. 2 above), p. 63, and idem, *Jews in Islamic Countries* (ibid.), p. 270 attributed this book to al-Tustarī. The manuscripts of *K. al-Ishāra* mentioned by Ben-Shammai (n. 3 above), p. 358, n. 106, are unknown to me. A confusion with the almost synonymous *K. al-Īmā'* and *K. al-Talwīḥ* is likely.

26 See Gil, *The Tustaris* (n. 2 above); idem, *History of Palestine* (n. 2 above), pp. 414–418, 749f., 819f., as well as the relevant chapters in *The History of Jerusalem: The Early Muslim Period, 638–1099*, eds. J. Prawer and H. Ben-Shammai, Jerusalem 1996.

been the son of Sahl b. al-Faḍl al-Tustarī's widow. This would imply that al-Tustarī was already dead at this time.[27]

A public disputation (*majlis*) in Jerusalem

It was J. Drory who first drew Gil's attention to a Muslim source mentioning al-Tustarī.[28] This document deserves a closer look in the context of the present article.

In 485/1092 the sixteen-year-old Abū Bakr Muḥammad b. ʿAbdallāh al-Maʿāfirī Ibn al-ʿArabī (468/1076–543/1148), who later became famous as ʿFakhr al-Maghrib', left al-Andalus to embark with his father on a *riḥla* to the East.[29] Such journeys were encouraged in particular by Abū l-Walīd Sulaymān b. Khalaf al-Bājī (d. 474/1081), the most influential Andalusian theologian

27 See MS Cambridge, University Library, T-S 20.113, ed. in M. Gil, *Palestine During the First Muslim Period (634–1099)* [Hebrew], Tel Aviv 1983, vol. 3, p. 447, lines 30–32. Cf. idem, *History of Palestine* (n. 2 above), p. 820. See also S. D. Goitein, "Contemporary letters on the capture of Jerusalem by the Crusaders", in *Journal of Jewish Studies* 3 (1952) 163–168, 171–175; idem, *Palestinian Jewry in Early Islamic and Crusader Times in the Light of the Genizah Documents*, Jerusalem 1980, p. 234 [Hebrew]; idem, *A Mediterranean Society*, vol. 5, Berkeley, etc. 1988, pp. 373f., 377–379.

28 Gil, *The Tustaris* (n. 2 above), p. 66, n. 95; see Drory's book mentioned in n. 35 below.

29 On Ibn al-ʿArabī see the article "Ibn al-ʿArabī" by J. Robson in *Encyclopaedia of Islam*[2] (hereafter *EI*[2]), vol. 3 (1968), p. 707; C. Brockelmann, *Geschichte der arabischen Litteratur*, erster Supplementband, Leiden 1937, pp. 632f., no. 5a; 732f., no. 10; U. R. Kaḥḥāla, *Muʿjam al-Muʾallifīn*, Beirut 1985, vol. 10, pp. 242f.; ʿA. Ṭālibī, *Ārāʾ Abī Bakr b. al-ʿArabī al-kalāmīya*, Algiers 1974, esp. vol. 1, pp. 89–275; V. Lagardère, "Abū Bakr b. al-ʿArabī, grand cadi de Séville", in *Revue de l'Occident Musulman et de la Méditerranée* 40 (1985), pp. 91–102; C. Adang, "The Spread of Zāhirism in Post-Caliphal al-Andalus: The Evidence from the Biographical Dictionaries", in *Ideas, Images, and Methods of Portrayal: Insights into Classical Arabic Literature and Islam*, ed. S. Günther, Leiden 2005, pp. 297–299 with n. 5; F. Griffel, *Apostasie und Toleranz im Islam. Die Entwicklung zu al-Ġazālīs Urteil gegen die Philosophie und die Reaktionen der Philosophen*, Leiden 2000, pp. 382–385. Aḥmad b. Muḥammad al-Maqqarī (d. 1041/1632) portrays Ibn al-ʿArabī in the section of his *Nafḥ al-ṭīb min ghuṣn al-Andalus al-raṭīb* which is dedicated to Andalusian Muslims who travelled to the East (*al-bāb al-khāmis fī l-taʿrīf bi-baʿḍ man raḥala min al-Andalusīyīn ilā bilād al-mashriq*), Cairo 1936, vol. 6, pp. 58–86 = ed. I. ʿAbbās, Beirut 1968, vol. 2, pp. 25–43, no. 8.

of the 5th/11th century apart from the towering figure of Ibn Ḥazm, who spread the fame of the "glorious sciences of the East" in al-Andalus and advised young Andalusian scholars to travel to the East in their quest for a solid theological education.[30] Adverse political conditions in al-Andalus also facilitated the decision to depart. After a rather adventurous journey along the southern coast of the Mediterranean sea Ibn al-'Arabī and his father arrived in Jerusalem, where the son stayed for more than three years (until autumn 1095). His ultimate goal, however, was to study with a young teacher at the Niẓāmīya *madrasa* in Baghdad whose fame had already reached al-Andalus: Abū Ḥāmid Muḥammad al-Ghazzālī.[31] Jerusalem was the ideal place for him to acquire the theological knowledge that would prepare him for his studies in Baghdad. The account of his journey, included in the introductory section of his *Qānūn al-ta'wīl*, written forty years after his return to Seville in 495/1101, contains valuable information about the curricula of religious studies in al-Andalus and in the East.[32] It presents a particularly vivid portrait of scholarly and social

30   Ibn al-'Arabī mentions a book-seller in al-Andalus who promoted al-Bājī's books with the slogan " '*ulūm jalīla jalabahā al-Bājī min al-mashriq*" (see I. 'Abbās, *"Rihlat Ibn al-'Arabī ilā al-Mashriq kamā ṣawwarahā* 'Qānūn al-ta'wīl'", in *Abhāth* 21 [1968], p. 62). The sciences in question are '*ilm al-kalām* and *uṣūl al-fiqh*. For the famous disputations between al-Bājī and Ibn Ḥazm see A. M. Turkī, *Polémiques entre Ibn Ḥazm et Bājī sur les principes de la loi musulmane. Etudes et documents*, Algiers 1976.

31   Ibn al-'Arabī arrived in Baghdad during the second half of 489/1096. In his *al-'Awāṣim min al-qawāṣim* (ed. 'A. Ṭālibī, Cairo 1417/1997, p. 24) he states that he met al-Ghazzālī in Baghdad in Jumādā II 490/June 1097 after the latter had returned from abroad. If these dates are correct, al-Ghazzālī arrived in Jerusalem only shortly after Ibn al-'Arabī departed for Ashqelon, where he stayed during the first half of 1096. The exact chronology of al-Ghazzālī's journeys during the years 1096–1097 is hard to establish. See G. F. Hourani, "A Revised Chronology of Ghazzālī's Writings", in *Journal of the American Oriental Society* 104 (1984), p. 295 and p. 296 n. 23. All of Ibn al-'Arabī's writings are heavily influenced by al-Ghazzālī's thought. In 503/1109 he was among those who, at the order of the Almoravid rulers, were forced to dispose of their copies of al-Ghazzālī's works. I. 'Abbās, *Rihlat Ibn al-'Arabī*, p. 68, records a manuscript of 27 folios in the Public Library in Rabat entitled: هذه أجوبة أسئلة ابن العربي رضي الله عنه إذ سأل شيخه الإمام
حجة الإسلام أبا حامد الغزالي نفعنا الله بهما

32   The *Qānūn* was composed in 533/1139. It also appears under the title *K. Ma'rifat qānūn al-ta'wīl fī fawā'id al-tanzīl* (see MS Escurial, Arabic, no. 1264, cat. H. Derenbourg, *Les*

life in Palestine on the eve of the first Crusade. The young Ibn al-'Arabī was tremendously impressed by what he encountered and writes with awe about his meetings with illustrious scholars and students from all over the Islamic world who passed through Jerusalem.[33] In connection with his studies under Abū Bakr Muḥammad b. al-Walīd al-Fihrī al-Ṭurṭūshī (born Ṭurṭūsha ca. 451/1059, died Alexandria 520/1126 or 525/1131), a former student of al-Bājī in Saragossa and of Ibn Ḥazm in Seville who had settled in the East,[34] he recounts the following event which apparently still resounded in his memory forty-five years later:[35]

> We[36] used to talk about the Karrāmīya, the Mu'tazila, the Anthropomorphists and the Jews. The Jews had in (Jerusalem) a leading scholar (*ḥabr*) called al-Tustarī who was erudite and well versed in their religion. In (Jerusalem) we had arguments with the Christians, too. The land belongs to them, they cultivate their estates, take care of their monasteries, and build their churches.

manuscrits arabes de l'Escurial, Paris 1928, vol. 3, p. 4). Ibn al-'Arabī's earlier, more detailed account of his journey (*Tartīb al-riḥla lil-targhīb fī l-milla*), in which he had, as he says, omitted the events in Jerusalem, is not extant.

33 See Gil, *History of Palestine* (n. 2 above), pp. 417f. In addition to the scholars mentioned in *Qānūn al-ta'wīl* see al-Maqqarī, *Nafḥ al-ṭīb*, Cairo 1936, vol. 6, pp. 61ff. (= ed. I. 'Abbās, vol. 2, pp. 36f.).

34 On al-Fihrī, who was also known as Ibn Abī Randaqa, see the article "al-Ṭurṭūshī, Abū Bakr Muḥammad" by A. Ben Abdesselem, in *EI²*, vol. 10 (2000), pp. 739f.; Kaḥḥāla, *Mu'jam* (n. 29 above), vol. 12, p. 96; al-Maqqarī, *Nafḥ al-ṭīb*, ed. Cairo, vol. 6, pp. 222–233 (= ed. I. 'Abbās, vol. 2, pp. 85–90, no. 46). Other prominent students of al-Ṭurṭūshī coming from the 'West' were the eminent tradionist Abū 'Alī al-Ṣafadī (d. 514/1120–1), and the future Mahdī of the Almohads, Ibn Tūmart (d. 524/1130).

35 Ed. I. 'Abbās, in *Abḥāth* 21 (1968), pp. 81:13–82:11. See also the editor's introduction, p. 65. The edition of *Qānūn al-ta'wīl* by M. al-Sulaymānī (second edition Beirut 1990), was not available to me. The translated passage has been referred to repeatedly: see e.g. Gil, *The Tustaris* (n. 2 above), pp. 65f.; idem, *History of Palestine* (ibid.), p. 417; 802 n. 15; 820 n. 24; H. Ben-Shammai, "The Karaites", in *The History of Jerusalem* (n. 26 above), p. 221. An annotated Hebrew translation of this text is to be found in J. Drory, *Ibn al-Arabī of Seville: Journey to Palestine (1092–1095)*, Ramat Gan 1993, pp. 96, 138–141 (notes) [Hebrew].

36 I.e. Abū Bakr Ibn al-'Arabī and his teacher, al-Fihrī (see n. 34 above).

One day, we attended a huge public debate (*majlis*) in which the (various) religious denominations participated. Al-Tustarī, the leading Jewish scholar, spoke about his religion and said: "We all agree that Moses is a prophet who was confirmed by miracles and taught the Commandments; whoever thinks that someone else is a prophet must provide evidence for that". As is customary in dialectical disputations, he intended to place the *onus probandi* on our side, so that he would comfortably attain (his) desired goal and continue unremittingly with (his) loquacious speech. But al-Fihrī countered: "If you mean the Moses who was confirmed by miracles, taught the Commandments and announced (the coming of the prophet) Aḥmad [= Muḥammad], we are in total agreement with you about him, believe in him and give credence to him; if, however, you mean another Moses, we do not know what he may be". The audience approved of this argument and cheered him excessively. It was a dialectically clever, very witty remark. The opponent [i.e. al-Tustarī] was left speechless and the verdict (as to who had the upper hand in the debate) was decided.

We remained in this disposition until I came — through God's kindness — to know the objectives of the three sciences: the science of *kalām*, *uṣūl al-fiqh* and *masāʾil al-khilāf*. These three sciences are the backbone of religion and the ideal preparation for getting acquainted with the rules of the legally obligated people.[37]

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37 وكنّا نفاوض الكرامية والمعتزلة والمشبهة واليهود. وكان لليهود بها حبر منهم يقال له التستري لقنا فيهم ذكيًا بطريقهم. وخاصمنا النصارى بها، وكانت البلاد لهم يأكرون ضياعها ويلتزمون أديارها ويعمرون كنائسها. وقد حضرنا يومًا مجلسًا عظيمًا فيه الطوائف، وتكلم التستري الحبر اليهودي على دينه فقال: اتفقنا على أن موسى نبي مؤيّد بالمعجزات معلّم بالكلمات، فمن ادّعى أن غيره نبي، فعليه الدليل. وأراد من طريق الجدال أن يرد الدليل في جهتنا، حتى يطرد له المرام وتمتدّ إطناب الكلام. فقال له الفهري: إنْ أردتَ بموسى الذي أيّد بالمعجزات وعلم الكلمات وبشّر بأحمد، فقد اتفقنا عليه معكم وآمنّا به وصدّقناه، وإنْ أردتَ به موسى آخر، فلا نعلم ما هو. فاستحسن ذلك الحاضرون وأطنبوا في الثناء عليه، وكانت نكتة جدلية عقلية قوية، فبهت الخصم وانقضى الحكم.

ولم نزل على تلك السجية حتى اطّلعت بفضل الله على أغراض العلوم الثلاثة: علم الكلام وأصول الفقه ومسائل الخلاف التي هي عمدة الدين وطريق المهيّأ إلى التدرب في معرفة أحكام المكلفين

Whether or not Ibn al-'Arabī faithfully recounts the course of the *majlis* is of secondary importance for our purposes. What is noteworthy is the existence of such public debates in Jerusalem at the very end of the 5th/11th century.[38] Moreover, it is possible that al-Tustarī's debate with al-Fihrī was not confined to exchanging arguments in a polemical debate and we may speculate whether a fragment of an abridgement of al-Bājī's *K. Iḥkām al-fuṣūl fī aḥkām al-uṣūl* in the Second Firkovich Collection may have had its origin in such an encounter.[39]

K. al-Īmā' ilā jawāmi' al-taklīf 'ilmᵃⁿ wa-'amalᵃⁿ

The manuscripts

So far 22 fragments of *K. al-Īmā'* have been identified.[40] These fragments derive from eight distinct manuscripts [ח–א].[41]

38 For some earlier examples of Jewish scholars participating in public sessions for discussion of religious and theological matters, especially in the context of tenth-century Baghdad, see D. Sklare, "Responses to Islamic Polemics by Jewish Mutakallimūn in the Tenth Century", in *The Majlis: Interreligious Encounters in Medieval Islam*, ed. H. Lazarus-Yafeh et al., Wiesbaden 1999, pp. 137–161. Sklare is currently preparing a monographic survey of related texts. In our context we may once more point to a one-page fragment in the handwriting of al-Tustarī's contemporary 'Alī b. Sulaymān in MS London, BL, Or. 2572, fol. 12b (cat. Margoliouth, vol. 3, pp. 199f., no. 896/II), edited by H. Hirschfeld in *Zeitschrift für Assyriologie* 26 (1912), pp. 111–113. The fragment seems to be an extract from a manual intended to guide a Jewish participant of an interfaith polemical *majlis* [*yuqālu li-man yaqūlu inna l-yahūd* ...]. The extract text addresses the Muslim claim that the Jews have forged the existing text of the Torah (*taḥrīf*).

39 MS St. Petersburg, RNL, Firk. Arab. 93. The fragment bears the title *Bāb aqsām adillat al-shar'* and gives an abridged version of the text (cf. ed. 'A. M. al-Jubbūrī, 2 vols., Beirut 1409/1989, pp. 69ff.). al-Fihrī is indeed known to have written abridgements of some of his teacher's works.

40 Two thirds of the fragments have been identified by the staff of the Russian National Library, the Institute of Microfilmed Hebrew Manuscripts and the Ben Zvi Institute, the rest by myself. Some further fragments may, of course, still be identified in the future. I am grateful to Dr. D. Sklare for providing me with a list of some shorter fragments from the Second Firkovich collection "potentially belonging to *K. al-Īmā'*".

41 MS St. Petersburg, RNL, Yevr.-Arab. I 1272 is evidently not a copy of *K. al-Īmā'* itself, but rather a considerably abridged version of it. Between the first and the last words of fol. 3a

א   Moscow, Russian State Library, Guenzburg 1040, 164 fols. (IMHM, F 47570) [= א];[42] Saint Petersburg, Russian National Library (hereafter RNL), Yevr.-Arab. I 1680, 8 fols. (IMHM, F 56257) [= ¹א]; St. Petersburg, RNL, Yevr.-Arab. II 974, fols. 86–88 (IMHM, F 59367) [= ²א]

ב   St. Petersburg, RNL, Yevr.-Arab. I 1711, 76 fols. (IMHM, F 55045) [= ב]; Yevr.-Arab. I 1716, 9 fols. (IMHM, F 56288) [= ¹ב]; Yevr.-Arab. II 1058, fols. 61f. (IMHM, F 59400) [= ²ב]

ג   Jerusalem, private collection (previously Kiev, Vernadsky Library, Harkavy Ph. no. 3), 51 fols.; date: 1345 (IMHM, F 70551) [= ג][43]

ד   St. Petersburg, RNL, Yevr.-Arab. I 1671, 28 fols. (IMHM, F 55212) [= ד]; Yevr.-Arab. I 1096, 4 fols. (IMHM, F 54967) [= ¹ד]; Yevr.-Arab. I 1299, 1 fol. (IMHM, F 54854) [= ²ד]

ה   St. Petersburg, RNL, Yevr.-Arab. I 1686, fols. 65–70; 78f.; 95; 107; 110–119; 129–133 (IMHM, F 55328) [= ה]; Yevr.-Arab. I 924, 4 fols. (IMHM, F 54446) [= ¹ה]; Yevr.-Arab. II 938, fols. 71f.; 77f. (IMHM, F 59382) [= ²ה].

ו   St. Petersburg, RNL, Yevr.-Arab. II 3331, fols. 6; 53–61; 81–83; 105–108; 111 (fols. 113–118 not on film!); 121–126; 181–184 (IMHM, F 61986) [= ו]; Yevr.-Arab. I 1025, 4 fols. (IMHM, F 54523) [= ¹ו]; RNL Yevr.-Arab. I 4526, fols. 19–25 (IMHM, F 58452) [= ²ו]

ז   St. Petersburg, RNL, Yevr.-Arab. I 1338, fols. 1; 4–36 (IMHM, F 54675) [= ז]; Yevr.-Arab. I 2258, fols. 1–26; 35–40 (IMHM, F 56889) [= ¹ז]; Yevr.-Arab. I 1023, 8 fols. (IMHM, F 54458) [= ²ז]; Yevr.-Arab. I 1184, 1

there are no less than 8 folios in MS א (see table of manuscripts, column VIII, MS א, between fol. 107b and 81b).

42 The following quire numbers (in Arabic script) are visible (see bold subscript numerals in table):   [رون]وعش ، حادية[عشرة]، تاسعة[عشرة]، سابعة عشرة، عاشرة، ثامنة، ثانية

43 Apparently, the manuscript consisted originally of two volumes, whereby the lost second volume would have comprised the third maqāla of K. al-Īmā' [see J. Mann, Texts and Studies (n. 17 above), vol. 2, p. 142, n. 27]. The manuscript was copied in 1345 (see colophon on fol. 1b). It belonged to A. Harkavy. According to the online catalogue of the Jewish National and University Library it is now part of an unspecified private collection in Jerusalem.

fol. (IMHM, F 54657) [= ³ז]; Yevr.-Arab. I 882, 1 fol. (IMHM, F 54615) [= ⁴ז].

ה   St. Petersburg, RNL, Yevr.-Arab. I 1493, 4 fols. (IMHM, F 55302) [= ה].

The following table synoptically describes the reconstruction of *K. al-Īmāʾ* on the basis of the manuscripts listed above [ה–א]. It is to be read from the left to the right (columns I–IX). Each field represents one folio of the respective manuscript. Superscript numbers refer to a specific fragment of a manuscript (e.g. 61² in column ב refers to folio 61 of ms. ²ב). Subscript numbers in MS א refer to quire numbers (bold quire numbers are visible in this manuscript). Quires are separated by a bold horizontal line. Numbers in column C (I.1–III.2.x) refer to chapters or thematic units as explained in the second part of the article (see fig. 1 on the following page).

Date and structure

So far, no definite clue has been found that would enable us to determine the exact date of composition of *K. al-Īmāʾ*,[44] but we may savely class it with al-Tustarī's mature works, written when he was already a well-established scholar (1070s–'90s). When writing *K. al-Īmāʾ*, he had already completed parts of his commentary on the Torah,[45] while he was still expecting to put others into writing.[46] His work on this commentary is known to have extended over more than two decades.[47] Al-Tustarī mentions some details about the circumstances of the book's composition in its introduction [MSS ¹א/ג/ד, fol. 1b]:

44   In addition to its basic, lexical meaning ('hinting', 'intimation'), *"īmāʾ"* has some technical meanings: in *uṣūl al-fiqh* it is used in the expression *'īmāʾ al-taʿlīl/al-ʿillīya'* ('implicit causality') whose complementary expression is *taṣrīḥ al-taʿlīl/al-ʿillīya* ('explicit causality'): cf. al-Ghazzālī's *Shifāʾ al-ghalīl*, ed. Ḥ. al-Kubaysī, Baghdad 1390/1970–1, pp. 102–106; Q. M. Sano, *Muʿjam Muṣṭalaḥāt uṣūl al-fiqh*, Beirut 1420/2000, pp. 98f.

45   See MS ד, fol. 17a (= MS א, fol. 79b), with regard to Leviticus 15(:11).

46   See MS א, fol. 1a (unspecific); fol. 13a with regard to Leviticus 23(:24); fol. 76b with regard to Lev 13; fol. 152b, with regard to Exodus 21f. A reference to *K. al-Īmāʾ* is found in a later, undated responsum, MS St. Petersburg, RNL, Arab.-Yevr. 238, fol. 2a (IMHM, F 63705) (see n. 120 below).

47   See MS St. Petersburg, RNL, Arab.-Yevr. 21, fol. 105a (dated Dhū al-Qaʿda 460/September 1068), respectively fol. 159a (dated [4]77/1084).

Fig. 1 From the manuscripts to the text

[...] אלחמד ללה אלואחד אלעדל אלד�ّי אנעם עלינא בתעריצّנא אלי אלמנזלה אלעליא

אלתי לא יחסן אלתפצّל במתלהא, ואזّאח אלעלّה בחיّת אן חרס פי דלך אלגרץ אלמקצוד

נילנא לה,[48] וّגّעל תכליפנא ינקסם אלי עלם ועמל ליכתّר תّואבנא פי תחציל דלך ולמא

יתבעה מן כתרה[49] אלמשקّה פי מטאועّה דואעי אלתכליף תבעّא למא עّלם אסתדלאלא,

כّלאّפّא ללחّאל פי דלך לו כאן אלעלّם צّרוריא. פלה אלשכר ואלמנّה כّתّירא.

אמّא בעד: פאנّ<י>[50] למא וצל כّתّאב מן אّפّתّרّצّ חّקّה ממّן לה אלדّרّגّה אלרّפּיעّה פי

אלעّלّום, והّו אלשّיّך אלפّאّצّל אבّו אלחّסّין [!] עّלّי בّן סّלّימّאّן[51] אّדّאّם אّללّה תّאّיّידّه,

יّחّ֫תّ עّלּי תّצّנּיّף מّכّתّצّّر יّתّצّّّמּّّّّّّّّّّّّّّّّّ

[text continues]

אّלّّّّّ

Praise be to God, the One, the Just, who bestowed upon us His kindness by offering us the most exalted standing, which lies beyond what can be offered out of graciousness. In order to ensure that we reach the intended goal, He removed deficiencies. He divided our imposed obligation into a theoretical and a practical part, to multiply our reward by achieving these (respective goals) and for the sake of the benefit which follows as a result of the great hardship of acting in compliance with the motives of

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48 [נילנא לה]: ד ליתא.

49 ד תّמרה.

50 א./ג/ד פאן.

51 ג סלימנא.

52 ד אלגמל; ג/א' מגמל.

53 ד אלתّאניה.

54 ד אלתّאלתّה.

55 ז ותחדّידה.

the imposed obligation owing to an acquired knowledge, as opposed to what would be the case if this knowledge were immediate ('necessary'). To him belong abundant thanks and grace.

To the subject of this book: (I)[56] received a letter from someone whose authority is irrevocable, from someone who has a very high rank in the sciences, namely the distinguished scholar Abū l-Ḥusayn [!] ʿAlī b. Sulaymān,[57] may God continue to give him strength. He urged (me) to write a compendium comprising an *aperçu* of the ensemble of theoretical and practical obligations, similar to what al-Sharīf al-Murtaḍā did in his "Companion to the Theoretical and Practical (Religious Obligations)", while adhering to the format of a compendium which should include the (following) three treatises:

The first treatise should treat subjects related to God's unity and justice; the second should discuss the premises and underlying principles of the religious law, thereby following the pattern of *uṣūl al-fiqh* (compositions); the third should deal with the foundations of the (individual) ordinances contained in the Torah in a systematic ('equable') way and specify the evidence for (ordinances) which are based on something more than what is explicitly stated in the scriptural text; it should, moreover, distinguish (ordinances) whose obligation applies to a specific time and to specific people from (ordinances) whose obligation is all-inclusive (= applies to everyone) at all times.

I considered it appropriate to comply with his instructions, even though he, may God guard his lifetime, would have been better qualified than I to write such a book, because of his mastery of the rational and religious

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56 For the sake of clarity, the translation deviates from the lengthy subordinate clause in the sentence [למא וצל כתאב מן אפתרץ חקה... ראית אמתתאל מא חדה]: "When a letter arrived..., urging..., I considered it appropriate to comply with his instructions...".

57 For Abū l-Ḥasan [!] ʿAlī b. Sulaymān see Borisov's article (n. 20 above), which includes references to earlier contributions by S. L. Skoss and D. Z. Baneth. It is not entirely clear who was the older of the two Karaite scholars, but ʿAlī b. Sulaymān outlived al-Tustarī by several years.

sciences and his unrivalled accuracy therein. I ask God to grant me His support and guidance through His kindness.

According to this preamble it was al-Tustarī's contemporary and friend Abū l-Ḥasan ʿAlī b. Sulaymān who sent him a letter urging him to write a compendium (*mukhtaṣar*) comprising a concise synopsis of all theoretical and practical aspects of the divinely imposed obligations according to the view of Karaite Judaism. *Mukhtaṣar* and its related terms *jumal* and *jawāmiʿ* do not stand here for an abridgement of an already existing, more comprehensive work, but rather for the convenient, handy presentation of a very extensive subject matter, written by an acknowledged expert in the field for readers who are themselves on familiar terms with the specific area of knowledge.[58] The structure of the book and its emphasis on legal hermeneutics and juridical issues would suggest that it was mainly meant to serve as a *vademecum* for legal experts and practising jurists. Al-Tustarī's authorial expertise is accentuated by his remark in the closing section of *K. al-Īmā'*, noting that he had no books at his disposal when writing it, "neither his own books nor those of others".[59] It seems that the book was written in a relatively short period of time as a unified whole.

Al-Sharīf al-Murtaḍā in Karaite libraries

The letter cited mentioned al-Sharīf al-Murtaḍā's *K. Jumal al-ʿilm wa-l-ʿamal* as a point of reference for what al-Tustarī was meant to compose.[60] This book,

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58 See on this point the article "*Mukhtaṣar*" by A. Arazi and H. Ben-Shammai, in *EI²*, vol. 7 (1992), pp. 536–540.

59 [ו 82א, ה' נב] "וילם יכן ענדי חין תצניפה שי מן כתבי וכתב גירי לאחאלה אלזמאן ביני ובינהא". "When writing this book, I did not have access to my own books nor the books of anyone else, because the (circumstances of) time separated me from them".

60 For al-Sharīf al-Murtaḍā (d. 436/1044) see the article "'Alam-al-Hodā" by W. Madelung, in *Encyclopaedia Iranica*, vol. 1 (1982), pp. 791–795; Āghā Buzurg al-Ṭihrānī, *Ṭabaqāt aʿlām al-Shīʿa*, vol. 5 (*al-Nābis fī l-qarn al-khāmis*), Beirut 1391/1971, pp. 120f.; A. Muḥyī al-Dīn, *Adab al-Murtaḍā: min sīratihi wa-āthārihi*, Baghdād 1957; W. Akhtar, "An introduction to Imāmiyya-scholars: Al-Sayyid al-Murtaḍā: Life and Works", in *al-Tawḥīd* 4 (1986), pp. 125–152; A. M. al-Maʿtūq, "'Amālī al-Sharīf al-Murtaḍā: dirāsa naqdīya", in: *ʿĀlam*

written at the request of al-Murtaḍā's teacher, al-Shaykh al-Mufīd, was highly
regarded and immensely popular during the 5th/11th century, even outside the
Imāmite Shīʿa. A late source even claims that the great ʿAbd al-Jabbār lauded
the book with the somewhat double-edged remark: "If al-Sharīf al-Murtaḍā
had (written) nothing but this compendium, he would have outclassed all other
writers".[61] al-Sharīf al-Murtaḍā himself later wrote a *Sharḥ* on the theoretical
part of his *Jumal*.[62] Among his many illustrious students, who included most of
the prominent Imāmite scholars of the following generation, at least three are
known to have written commentaries on one or the other part of the *Jumal*.[63]
Al-Murtaḍā's preeminent student 'Shaykh al-Ṭāʾifa' Abū Jaʿfar Muḥammad
b. al-Ḥasan al-Ṭūsī (d. Najaf, 459/1067) wrote an extensive *Sharḥ* on the
theoretical part of the *Jumal*.[64] Al-Qāḍī Abū l-Qāsim Saʿd al-Dīn ʿAbd al-ʿAzīz
b. Naḥrīr b. ʿAbd al-ʿAzīz Ibn al-Barrāj al-Shāmī al-Ṭarābulusī (d. 481/1088)
commented upon the legal part of the *Jumal*.[65] According to some sources Abū
l-Fatḥ Muḥammad b. ʿAlī al-Karājikī (d. Tyre, 449/1057) is also said to have

al-kutub 26, 1–2 (1425/2004), pp. 70–97, with further references to more recent publications.
K. *Jumal al-ʿilm wa-l-ʿamal* (Āghā Buzurg al-Ṭihrānī, *al-Dharīʿa ilā taṣānīf al-Shīʿa*, Beirut
1983, vol. 5, p. 144, no. 609) has been edited many times, e.g. ed. R. al-Ṣaffār, al-Najaf
1378/1967 (all references are to this edition); ed. A. al-Ḥusaynī, al-Najaf 1387/1976; ed.
M. al-Rajāʾī and A. al-Ḥusaynī, in *Rasāʾil al-Sharīf al-Murtaḍā*, Qum 1405/1984–5, vol.
3, pp. 9–81.

61   ʿAbdallāh b. ʿĪsā Afandī al-Iṣbahānī (d. ca. 1718), *Riyāḍ al-ʿulamāʾ wa-ḥiyāḍ al-fuḍalāʾ*,
ed. A. al-Ḥusaynī, Qum 1401/1980, vol. 4, p. 62.

62   Al-Sharīf al-Murtaḍā, *Sharḥ Jumal al-ʿilm wa-l-ʿamal*, ed. Y. al-Jaʿfarī al-Marāghī, Qum
1414/1994.

63   W. Akhtar, "Major Shīʿī Thinkers of the Fifth/Eleventh Century", in *al-Tawḥīd* IV, 4 (1986),
pp. 97–114 [reprinted in *al-Serat* 14 (1988), pp. 28–49].

64   K. *Tamhīd al-uṣūl fī ʿilm al-kalām*, ed. ʿA. M. al-Dīnī, Tehran 1362/1983; Ṭihrānī, *Dharīʿa*
(n. 60 above), vol. 4, p. 433, no. 1922. al-Ṭūsī refers to his *"Sharḥ al-jumal"* at the very
beginning of the introduction to his commentary on the Qurʾān, *al-Tibyān fī tafsīr al-Qurʾān*,
Beirut 1990, I:3, l. 7. For al-Ṭūsī see the article "al-Ṭūsī, Muḥammad b. al-Ḥasan" by M. A.
Amir-Moezzi, in *EI²*, vol. 10 (2000), pp. 745f.; W. Akhtar, "An introduction to Imāmiyyah
scholars: Shaykh al-Ṭāʾifa al-Ṭūsī: Life and Works", in *al-Tawḥīd* 4 (1986–87), pp. 126–167.

65   *Sharḥ Jumal al-ʿilm wa-l-ʿamal*, ed. K. I. Shānehchi, Mashhad 1352/1974; Ṭihrānī, *Dharīʿa*
(n. 60 above), vol. 13, p. 178, no. 599.

written a commentary on the theoretical part of the *Jumal*.[66] Interestingly enough, the Second Firkovich Collection includes at least three fragments of a copy of an anonymous Muslim commentary on the *Jumal* in Hebrew script.[67] They comprise parts from the end of *abwāb al-tawḥīd* as well as from the beginning and from later sections of *abwāb al-ʿadl*.[68] This anonymous commentary is clearly dependent upon al-Murtaḍā's own *Sharḥ*. The possibility that these fragments are part of the lost commentary by al-Karājikī cannot be excluded, but it may equally well be a copy of an otherwise unattested commentary.

This commentary is not, however, the only trace of al-Sharīf al-Murtaḍā's works in Karaite libraries. A copy of his *K. Dhakhīrat al-ʿālim wa-baṣīrat al-mutaʿallim* (= *K. al-Dhakhīra fī ʿilm al-kalām*) in the handwriting of ʿAlī b. Sulaymān is extant in MS St. Petersburg, RNL, Firk. Arab. 111.[69] The

66 Muḥammad b. ʿAlī Ibn Shahrāshūb (d. 588/1192), *Maʿālim al-ʿulamāʾ* (*Tatimmat K. al-Fihrist lil-Ṭūsī*), ed. ʿA. Iqbāl, Tehran 1353/1934–5, p. 106, lines 2f. mentions al-Karājikī's "*Sharḥ Jumal al-ʿilm lil-Murtaḍā*". Ibn Shahrāshūb's entry is quoted by Muḥammad b. al-Ḥasan al-Ḥurr al-ʿĀmilī (d. 1693), *Amal al-Āmil*, Baghdād 1385/1965, vol. 2, p. 287, no. 857. The commentary is, however, not recorded in Ṭihrānī, *Dharīʿa*.

67 MSS St. Petersburg, RNL, Yevr.-Arab. II 198, 8 fols. (IMHM, F 58944) [= א]; Yevr.-Arab II 940, 10 fols. (IMHM, F 59329) [= ב]; Yevr.-Arab II 1042/V, 4 fols. (IMHM, F 59491) [= ג]. I owe these references to the kindness of Dr. A. Zysow and Dr. D. Sklare. I have prepared an edition of these three fragments.

68 The 22 folios comprise parts of the following chapters (numbers in square brackets refer to the *Jumal*, ed. al-Ṣaffār, those in parentheses to al-Murtaḍā's *Sharḥ*): [...], [אבואב אלתוחיד]
פצל פי אנה תע' ליס בגסם [31] (73), פצל פי אסתחאלה רויתה תע' באלאבצאר [31] (76), פצל פי אנה תע' ואחד לא תֿאני לה [31] (78) [אבואב אלעדל]: פצל פי כונה תע' קאדרא עלי אלקביח [32] (83), פצל פי אנה תע' לא יפעל אלקביח [32] (85), פצל פי אנה תע' לא יריד אלקביח [32] (87), פצל פי כונה תע' מתכלמא [32] (89), פצל פי אסתנאד אלאפעאל אלי אלעבאד [33] (92), [...] [33] (95), פצל פי אן אלקדרה מתעלקה באלצֿדין [33] (96), [...], פצל פי גֿואז עפו אללה תע' ען אלעקאב [39] (144), פצל פי נפי אלתחאבט בין אלטאעה ואלמעציה [39] (146), פצל פי סקוט אלעקאב ענד אלתובה תפצֿלא [39] (148), פצל פי אלשפאעה (155) [41].

The correct order of the folios is as follows: ב/א3, א /א2, [...], א/א5 ב, [...], א/א3 א, א/א4 א
[...] ב א1–22, [...], א 6א–7ב, [...], ב /א4ב, ג 1א–34, [...], ב א1/ב, ב 5א–10א

69 The manuscript was copied in Fusṭāṭ during Rajab 472/Dec. 1079–Jan. 1080. For further details see S. Schmidtke, "II Firk. Arab. 111 — A copy of al-Sharīf al-Murtaḍā's *Kitāb al-Dhakhīra*, completed in 472/1079–80 in the Firkovich-Collection, St. Petersburg" [Persian], in *Maʿārif* 20 (1382/2003), pp. 68–84. This article includes on pp. 75–77 an edition of sections not included in the edition of A. al-Ḥusaynī, Qum 1411/1990–1. A commentary on

Dhakhīra and the more comprehensive but unfinished *Mulakhkhaṣ fī uṣūl al-dīn*[70] were both written before the *Jumal*.[71] A one-leaf fragment from the Cairo Genizah contains a section of al-Sharīf al-Murtaḍā's *Inqādh al-bashar min al-jabr wa-l-qadar* in a paraphrased version by Abū Jaʿfar al-Ṭūsī.[72]

Bearing in mind that al-Murtaḍā was one of the most acclaimed theologians in Baghdad during the late 4th/10th and early 5th/11th centuries, the familiarity of Karaite savants with his works is not in itself astonishing. Moreover, the main points of his theological doctrine concurred with the teachings of the Bahshamīya, i.e. the branch of the Baṣran Muʿtazila following the doctrine of Abū Hāshim al-Jubbāʾī, and hence with the mainstream of Karaite theological thought during the first half of the 11th century. But al-Murtaḍā was also among the eminent dignitaries to sign in 402/1011–2 the Caliph al-Qādir bi-llāh's document charging the Fāṭimid caliphs with having forged their ʿAlid genealogy. This only added to the continuous tensions between Imāmī Shīʿites and Ismāʿīlites. Al-Murtaḍā was hardly among the more widely read authors in the Fāṭimid empire.[73] There were, however, a few Imāmī Shīʿite communities in Egypt and Palestine, and we may speculate whether the Karaites' familiarity with some of al-Murtaḍā's writings could have been mediated by contacts between Karaite and Imāmī scholars, especially in Ramla, where both movements

K. al-Dhakhīra (Sharḥ al-Dhakhīra fī l-kalām) was written by one of al-Murtaḍā's students, Abū Ṣalāḥ Taqī al-Dīn b. Najm al-Ḥalabī, mentioned by Ibn Shahrāshūb, *Maʿālim al-ʿulamāʾ* [see Ṭihrānī, *Dharīʿa* (n. 60 above), vol. 13, p. 277, no. 1011 and vol. 10, pp. 11f.].

70   *K. al-Mulakhkhaṣ fī uṣūl al-dīn*, ed. M. R. A. Qummī, Tehran 1381/2002. My thanks are due to S. Schmidtke for providing me with a copy of this edition.

71   In the epilogue *(khātima)* of the *Jumal* (ed. al-Ṣaffār, p. 130) al-Murtaḍā refers those readers who would like to acquire a more profound understanding of *uṣūl al-dīn* issues to the *Dhakhīra* and the *Mulakhkhaṣ*.

72   See MS Cambridge University, T-S NS 223.088, 1 folio (IMHM, F 32293); A. Shivtiel and F. Niessen, *Arabic and Judaeo-Arabic Manuscripts in the Cambridge Genizah Collections: Taylor-Schechter New Series*, Cambridge 2006, p. 244. The text is based on al-Sharīf al-Murtaḍā's *K. Inqādh al-bashar min al-jabr wa-l-qadar*, ed. A. al-Ḥusaynī, in *Rasāʾil al-Sharīf al-Murtaḍā* (n. 60 above), vol. 2, pp. 178f.

73   It was only later that his *K. Ghurar al-fawāʾid wa-durar al-qalāʾid (Amālī al-Murtaḍā)* became very popular among Ismāʿīlī scholars, too.

had important communities.[74] Al-Sharīf al-Murtaḍā wrote seven responsa to questions from the Ramla community (*al-Ramlīyāt*)[75] and his aforementioned student al-Karājikī is known to have spent several years in Ramla.[76]

With all that being said, al-Tustarī's *K. al-Īmā'* is by no means meant to be a mere imitation of al-Murtaḍā's *Jumal*. It seems that the *Jumal* is referred to as a model first and foremost because it succeeded in exemplary fashion in covering a very comprehensive subject matter within the handy format of a *Mukhtaṣar*. Already in its basic tripartite structure *K. al-Īmā'* differs from the *Jumal*, which does not comprise anything corresponding to the second treatise of *K. al-Īmā'*.

In the remainder of this article each of the three treatises will be considered separately. A detailed analysis of this very condensed composition would obviously exceed the format of the present article. We shall therefore confine ourselves to pinpointing some distinctive facets of the book's structure

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74 On the Imāmī community in Ramla see Gil, *History of Palestine* (n. 2 above), p. 426 with n. 94 and p. 312 with n. 80. For some additional names see n. 76 below. Abū 'Alī al-Hasan b. Mu'ammar al-Raqqī taught *ḥadīth* in Ramla on the authority of al-Shaykh al-Mufīd in Shawwāl 423/Sept. 1032 [see Ṭihrānī, *Ṭabaqāt* (n. 60 above), vol. 5, p. 56].

75 The seven responsa to Ramla (*al-Masā'il al-Ramlīya, al-Ramlīyāt*) are mentioned in an *ijāza* issued by al-Sharīf al-Murtaḍā to his student Abū l-Hasan Muhammad b. Muhammad al-Buṣrawī al-Faqīh in Sha'bān 417/Sept.–Oct. 1026 [see Ṭihrānī, *Dharī'a* (n. 60 above), vol. 20, p. 350; Muḥyī al-Dīn, *Adab al-Murtaḍā* (ibid.), pp. 130f.; 164–167]. The *ijāza* is quoted in *Riyāḍ al-'ulamā'* (see n. 61 above), vol. 4, pp. 34–38 (for the *Ramlīyāt*, see p. 37), allegedly relying on a copy in the handwriting of al-Buṣrawī. Al-Murtaḍā writes "*qad ajaztu li-Abī l-Hasan Muhammad b. Muhammad al-Buṣrawī jamī' kutubī wa-taṣānīfī wa-amālīyya*": 1) *Mas'ala fī l-ṣan'a wa-l-ṣāni'*; 2) *Mas'ala fī l-jawhar wa-tasmiyatihi jawhar^(an) fī l-'adam*; 3) *Mas'ala fī 'iṣmat al-rasūl 'alayhi al-salām min al-sahw*; 4) *Mas'ala fī l-insān*; 5) *Mas'ala fī l-mutawātirīn*; 6) *Mas'ala fī ru'yat al-hilāl* (published in *Masā'il al-Murtaḍā*, ed. W. Kh. Muḥsin al-Ka'bī, Beirut 2001, pp. 37–39); 7) *Mas'ala fī l-ṭalāq wa-l-īlā'* (published in ibid., pp. 35f.).

76 Al-Karājikī was certainly in Ramla in 410/1019–20, 412/1021–2, 416/1025–6. According to Ṭihrānī, *Ṭabaqāt* (n. 60 above), vol. 5, p. 177 al-Karājikī studied *ḥadīth* in Ramla with al-Sharīf Abū Manṣūr Ahmad b. Hamza al-'Uraydī (ibid., p. 16), in 410/1019–20 with al-Qāḍī Abū l-Hasan Asad b. Ibrāhīm b. Kulayb al-Sulamī al-Harrānī who was also a teacher of al-Najāshī (see ibid., p. 29), in Shawwāl 410/Feb. 1020 with Abū Sa'īd Ahmad b. Muhammad b. Ahmad al-Mālīnī al-Harawī [see Kaḥḥāla, *Mu'jam* (n. 29 above), vol. 11, p. 27; *A'yān al-Shī'a*, Beirut 1960, vol. 9, p. 400].

and contents. A comprehensive assessment of al-Tustarī's theological and
philosophical thought will have to wait until critical editions of *K. al-Īmā'* and
his other writings have been published.

The first treatise

The first treatise, the shortest of the three, is meant to be a concise digest of
Mu'tazilite *uṣūl al-dīn*. Accordingly, it includes a discussion of God's unity
and justice (*al-Maqāla al-ūlā fīmā yata'allaqu bi-l-tawḥīd wa-l-'adl*). It opens
with the following lines [MSS 'א, fol. 2a; ב, fol. 2a]:

[...] אעלם אן גרצנא פי הדה אלמקאלה אתבאת אללה סבח' ואוצאפה, פיגב אן נדל
אולא עלי וגוב אלעלם בה. ודלילה [א' 2ב] הו אן אלעקלא יעלמון צרורה אסתחקאק
אלדם עלי בעץ אלאפעאל ואלמדח ואלתעטים עלי בעצֹהא ותפאות מקאדיר מא
יסתחק מן דלך ועֹרי בעצֹהא מן אסתחקאק שי מן דלך עליה. ולו כאנת אלאמור
כלהא מתסאויה פי אן לא עאקבה להא ולא דרך פי בעצֹהא, למה אכֹתלפת אחכאמהא
הֹדא אלאכֹתלאף, ואלדרך ואלעאקבה אנמא יבינא מן קבל פאעל להמא. פקד וגב עלי
אלמכלף אלנֹטר ליעלם אלחאל פי דלך ליכון אלי אלנגֹאה אקרב ועֹן אלמהאלך אבעד.

Take note that in this treatise we intend to establish the existence of
God and His attributes. But first of all we have to give evidence that it
is obligatory to know Him. The evidence for that is that rational beings
immediately ('necessarily') know that certain actions deserve blame,
whereas others deserve praise and exaltation, that there is a gradation
with respect to the extent of what one deserves of these things, and that
some (actions) are not subject to deservingness at all. If all things were
equivalent, inasmuch as they would not entail any evil consequence
and in some instances involve attainment, this difference between their
judgements would not exist. The attainment and evil consequences (of
actions) are distinct only on account of an agent who effects them. That
is why the legally obligated person must engage in rational investigation
in order to gain knowledge about these things, and in order to get closer
to salvation and farther away from the causes of perdition.

After establishing the obligation to know God as a postulate of practical reason, al-Tustarī goes on to give a condensed summary of the principles of religion (*uṣūl al-dīn*). The extant manuscripts (see table above) include three chapter headings for the first treatise (see below 1.2.6; 1.2.7; 1.3.4). They do not reflect the structure of the treatise and seem altogether fortuitous. It seems very likely, indeed, that initially the treatise was written as one unit and that the chapter headings are a later addition. The structure of the treatise may be described as follows:

A.   Unity (*Abwāb al-tawḥīd*)

    I.1   Evidence for the necessity/obligation to know God (*al-dalīl ʿalā wujūbi l-ʿilm bihi taʿālā*) [א2 ז]

    I.2   Proving the existence of God and His attributes (*ithbātu llāh subḥānahu wa-awṣāfihi*) [ז7ז–א2 ז]

        I.2.1   The necessity of His being eternal (*wujūb kawnihi taʿālā qadīm^{an}*) [א4ז–א2 ז]

            I.2.1.1   The origination of temporals (*ḥidath al-ḥawādith*) [א2 ז]

            I.2.1.2   The origination of bodies (*ḥidath al-ajsām*) [ז3/א2 ז]

            I.2.1.3   God is the originator of the world (*kawnuhu taʿālā muḥdith al-ʿālam*) [א4/ז3 ז]

        I.2.2   The necessity of His being one (*wujūb kawnihi taʿālā wāḥid^{an}, lā thānī lahu*) [ז/א4 ז]

        I.2.3   The inconceivability of God's being seen (*istiḥālat al-ru'ya ʿalayhi taʿālā*) [ז4 ז]

        I.2.4   The necessity of His being powerful/omnipotent (*wujūb kawnihi taʿālā qādir^{an}*) [ז5–ז4 ז]

        I.2.5   The necessity of His being knowing/omniscient (*wujūb kawnihi taʿālā ʿālim^{an}*) [א6–ז5 ז]

        I.2.6   [The necessity] of His being living (*[wujūb] kawnihi taʿālā ḥayy^{an}*) [א6 ז]

        I.2.7   The necessity of His being self-sufficient (*wujūb kawnihi taʿālā ghanīy^{an}*) [ז6 ז]

B.   Justice (*abwāb al-ʿadl*)

I.2.8   His being willing and loathing (*kawnuhu taʿālā murīd^{an} wa-kārih^{an}*) [א7/26 ג]

I.2.9   His being wise (*kawnuhu taʿālā ḥakīm^{an}*) [ב/א7 ג]

I.2.9.1   God does not do evil (*innahu taʿālā lā yafʿalu l-qabīḥ*) [א7 ג]

I.2.9.2   God does not fail to do what is necessary (*innahu taʿālā lā yukhillu bi-wājib*) [ב/ה7 ג]

I.3   The imposition of obligation (*al-taklīf*) [א14–ב7 ג]

I.3.1   Deserving reward and punishment / praise and blame (*istiḥqāq al-thawāb wa-l-ʿiqāb / al-madḥ wa-l-dhamm*) [א12–א8 ג]

I.3.1.1   That it is good to impose obligation on the disobedient and the unbeliever (*ḥusn taklīf al-ʿāṣī wa-l-kāfir*) [א8 ג]

I.3.2   Suffering ('Pains') (*al-ālām*) [א10/29 ג]

I.3.3   The soul: The obligated person must be a stable, unchanging and inseparable entity: (*al-nafs: wujūb kawn al-mukallaf amr thābit lā mutaghayyir wa-lā mutafarriq*) [ב13–א12 ג]

I.3.4   Repentance (*al-tawba*) [א14 ג]

I.4   Prophecy (*al-nubūwa*) [א16–ב14]

I.4.1   The soundness of the transmitted reports and the Law; the veracity of the prophet (*ṣiḥḥat al-akhbār wa-l-sharʿ; ṣidq al-nabī*) [א16–ב14 ג]

I.4.2   Abrogation; the permanence of the Law of Moses (*naskh; taʾbīd sharīʿat Mūsā*) [א16–א15 ג]

The topics addressed in this first treatise are found in similar arrangements and with various degrees of elaboration in Muʿtazilite compositions on *uṣūl al-dīn* written during the tenth and eleventh centuries.[77] This affinity with

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77   The most important extant *uṣūl al-dīn* works of the Bahshāmī branch of the Muʿtazila written before *K. al-Īmāʾ* include Abū l-Ḥasan ʿAbd al-Jabbār b. Aḥmad al-Hamadhānī al-Asadābādī (d. 415/1024–5), *al-Mughnī fī abwāb al-tawḥīd wa-l-ʿadl, al-Muḥīṭ bi-l-taklīf, al-Uṣūl al-khamsa, Sharḥ al-Uṣūl al-khamsa*; Abū Muḥammad Ḥasan b. Aḥmad Ibn Mattawayh,

contemporaneous Muʿtazilite works does not imply that al-Tustarī confined himself to giving a digest of the doctrine of his Karaite teachers. Recent studies have substantiated the significant impact of the 'philosophized' theology of Abū l-Ḥusayn Muḥammad b. ʿAlī b. al-Ṭayyib al-Baṣrī (d. Baghdād, 436/1044) on al-Tustarī's theological thought.[78] Abū l-Ḥusayn al-Baṣrī — a contemporary of al-Sharīf al-Murtaḍā in Baghdad — acquired his philosophical education under the guidance of two prominent scholars of the Christian Aristotelian school of Baghdād, Abū ʿAlī b. al-Samḥ (d. 418/1027) and Abū l-Faraj ʿAbdallāh b. al-Ṭayyib (d. 435/1043).[79] An important testimony to this education is the famous

al-Majmūʿ fī l-Muḥīṭ bi-l-taklīf; al-Sharīf al-Murtaḍā, *Jumal al-ʿilm wa-l-ʿamal, Sharḥ Jumal al-ʿilm wa-l-ʿamal, al-Dhakhīra, al-Mulakhkhaṣ* (see nn. 60, 62, 69, 70 above); Abū Jaʿfar al-Ṭūsī, *Tamhīd al-uṣūl fī ʿilm al-kalām* (see n. 64 above); al-Imām al-Muʾayyad bi-llāh Abū l-Ḥusayn Aḥmad b. al-Ḥusayn b. Hārūn al-Buṭḥānī (d. 411/1020), *al-Tabṣira fī uṣūl al-dīn*; al-Imām al-Nāṭiq bi-l-Ḥaqq Abū Ṭālib Yaḥyā b. al-Ḥusayn b. Hārūn al-Buṭḥānī (d. ca. 424/1033), *Mabādiʾ al-adilla fī uṣūl al-dīn, Ziyādāt Sharḥ al-Uṣūl*; al-Imām al-Mustazhir bi-llāh, al-Sharīf Abū l-Ḥusayn Aḥmad b. Abī l-Ḥusayn al-Qazwīnī, Mān(e)kdīm Sheshdīv (d. ca. 425/1034), *Taʿlīq ʿalā Sharḥ al-Uṣūl al-khamsa*; al-Ḥākim al-Jishumī, Abū Saʿd al-Muḥassin b. Muḥammad b. Karāma (or: Kurrāma) al-Bayhaqī al-Barawghanī (d. 494/1101), *Sharḥ ʿUyūn al-masāʾil fī ʿilm al-uṣūl, Taḥkīm al-ʿuqūl fī tashīḥ al-uṣūl*; earlier Karaite compositions of this type include Levi b. Yefet, *K. al-Niʿma* and Yūsuf al-Baṣīr, *K. al-Tamyīz, al-K. al-Muḥtawī*.

78 See the article "Abū l-Ḥusayn al-Baṣrī" by W. Madelung, in *EI²* Suppl. (1980), pp. 25f.; the article "Abū l-Ḥusayn al-Baṣrī" by D. Gimaret, in *Encyclopaedia Iranica*, vol. 1 (1985), pp. 322–324; Madelung/Schmidtke, *Rational Theology* (n. 4 above); S. Schmidtke, "The Karaites' Encounter with the Thought of Abū l-Ḥusayn al-Baṣrī (d. 436/1044): A Survey of the Relevant Materials in the Firkovitch-Collection, St. Petersburg", in *Arabica* 53,1 (2006), pp. 108–142, esp. 112f., 117f. For an edition of the extant fragments of Abū l-Ḥusayn al-Baṣrī's *K. Taṣaffuḥ al-adilla* ("Scrutiny of the Proofs") in the Firkovitch collections see W. Madelung and S. Schmidtke (eds.), *Abū l-Ḥusayn al-Baṣrī: Taṣaffuḥ al-adilla*, Wiesbaden 2006. In addition to these, the most important sources for our knowledge of Abū l-Ḥusayn al-Baṣrī's theological thought are the works of Rukn al-Dīn Maḥmūd b. Muḥammad al-Malāḥimī al-Khuwārazmī (d. 536/1141): *al-Muʿtamad fī uṣūl al-dīn*, eds. W. Madelung and M. McDermott, London 1991; *al-Fāʾiq fī uṣūl al-dīn*, eds. W. Madelung and M. McDermott (forthcoming).

79 Ibn Abī Uṣaybiʿa, *ʿUyūn al-anbāʾ fī ṭabaqāt al-aṭibbāʾ*, ed. A. Müller, Königsberg 1884, vol. 1, p. 240, lines 25–27. Abū l-Faraj ʿAbdallāh b. al-Ṭayyib was a student of ʿĪsā b. Isḥāq Ibn Zurʿa (d. 398/1008) and al-Ḥasan b. Suwār b. al-Khammār (d. 407/1017) who in turn were

codex Leiden, UB, Or. 583, entitled *Sharḥ al-samā' al-ṭabī'ī* ("Commentary on the *Auscultatio Physica*") which contains, besides the Arabic translation of Aristotle's *Physics*, commentaries and glosses by several scholars of the Christian Aristotelian school of Baghdad.[80] It derives not directly, but at one remove from a copy in the handwriting of Abū l-Ḥusayn al-Baṣrī, which was written in twenty-four quires and collated with a copy of Yaḥyā b. 'Adī.[81] A close study of this codex has shown that the comments of Abū Bishr Mattā b. Yūnus al-Qunnā'ī (d. 320/940), Yaḥyā Ibn 'Adī, Abū 'Alī b. al-Samḥ and Abū l-Faraj b. al-Ṭayyib largely depend on Philoponus' (Yaḥyā al-Naḥwī's) commentary on the Physics.[82] As has been stated repeatedly by a number of

students of Yaḥyā b. 'Adī (for additional references see C. Ferrari, *Der Kategorienkommentar von Abū l-Farağ 'Abdallāh ibn aṭ-Ṭayyib. Text und Untersuchungen*, Leiden 2006). While Abū l-Ḥusayn al-Baṣrī received his philosophical education at the Christian Aristotelian school of Baghdad, al-Sharīf al-Murtaḍā polemicized against this very same school. He wrote, for instance, *al-Radd 'alā Yaḥyā b. 'Adī al-naṣrānī fīmā yatanāhā wa-mā lā yatanāhā* (see Ṭihrānī, *Dharī'a* [n. 60 above], vol. 10, p. 237, no. 748); *al-Radd 'alā Yaḥyā b. 'Adī fī i'tirāḍihi 'alā dalīl al-mawjūdayn fī ḥudūth al-ajsām* (ibid., no. 749); *al-Radd 'alā Yaḥyā b. 'Adī fī mas'ala sammāhā "ṭabī'at al-muslimīn"* (ibid., no. 750); *al-Radd 'alā man athbata ḥudūth al-ajsām min al-jawhar* [ed. in *Rasā'il al-Murtaḍā* (n. 60 above), vol. 3, pp. 331–334]. Abū l-Ḥusayn al-Baṣrī wrote refutations of al-Sharīf al-Murtaḍā's *K. al-Shāfī* on the imāmate and of *K. al-Muqni'* on the *Ghayba* doctrine. With regard to the relationship between these two eminent scholars see also the testimony in Abū l-'Alā' al-Ma'arrī's *Luzūmīyāt* as quoted in S. M. Stern, "Ibn al-Samḥ", in *The Journal of the Royal Asiatic Society* (1956), p. 32.

80 A. Badawī's edition of the Arabic translation of the *Physics* and the glosses is based on this MS: *Arisṭūṭālīs: al-Ṭabī'a*, 2 vols., Cairo 1964–1965. For a detailed description of the codex see E. Giannakis, *Philoponus in the Arabic Tradition of Aristotle's Physics*, unpublished Ph.D. thesis, University of Oxford, 1992; P. Lettinck, "Introduction", in *Philoponus On Aristotle's Physics 5–8 from the Arabic Summary*, Ithaca 1994, pp. 3–18.

81 The scribe of the manuscript, Abū l-Ḥakam al-Ma'arrī al-Maghribī, copied it in 1129–1130. He states that he copied faithfully from an exemplar (*al-umm*) which was copied from the original (*al-aṣl*) in al-Karb in Jumāda II 470/1077. The copyist of the *umm* is not identified. The *aṣl* was in the handwriting of Abū l-Ḥusayn al-Baṣrī who wrote it in Ṣafar 395/1004. The fullest form of his name is given in the colophon of Book Four by the anonymous scribe of the *umm* copy: *Tamma ta'līqu l-maqālati l-rābi'ati min al-samā'ī l-ṭabī'ī lil-Shaykh al-Imām al-'Ālim Abī l-Ḥusayn Muḥammad b. 'Alī al-Baṣrī* (see Giannakis, *Philoponus*, p. 23).

82 Giannakis, *Philoponus*; Lettinck, *Introduction* (n. 80 above). An aspect of Giannakis' thesis

scholars, Philoponus' objections against the doctrines of the eternity of the world and of eternal motion underwent reformulations of various kinds in the *Kalām* treatises in order to establish the contingency of the created world, the finiteness of the body of the universe, and the impossibility of infinite time, infinite motion, and infinite series of accidents.[83] Al-Baṣrī's argument is decisively influenced by the teachings of the Aristotelian school of Baghdād and their critical rephrasing of some of Philoponus' proofs. To a certain extent, al-Tustarī's indebtedness to Abū l-Ḥusayn al-Baṣrī's thought may be described as a legacy of the Christian Aristotelian school of Baghdād.[84] The nuances of such an indebtedness can only be determined after a close reading of all of al-Tustarī's extant works and their comparison with the relevant texts of this school.[85]

is summarized in idem, "The structure of Abū l-Ḥusayn al-Baṣrī's copy of Aristotle's Physics", in *Zeitschrift für Geschichte der Arabisch-Islamischen Wissenschaften* 8 (1993), pp. 251–258. On Philoponus' objections against the doctrines of the eternity of the world see M. Share, *Philoponus Against Proclus' "On the eternity of the World 1–5"*, Ithaca 2005; H. S. Lang and A. D. Macro (eds.), *Proclus, On the Eternity of the World, De Aeternitate Mundi, Greek text with Introduction, Translation, and Commentary*, Berkeley 2002; Ch. Wildberg, *Philoponus Against Aristotle, on the Eternity of the World*, London 1987, pp. 18–31; idem, "Prolegomena to the study of Philoponus' contra Aristotelem" in *Philoponus and the Rejection of Aristotelian Science*, ed. R. Sorabji, London 1987, pp. 197–209.

83   The problem of 'infinity' is treated in Physics III:4–8, ed. Badawī, vol. 1, pp. 202–270. See M. J. Edwards (tr.), *Philoponus on Aristotle's Physics 3*, Ithaca 1994. Among several other articles we may mention H. A. Davidson, "John Philoponus as a Source of Medieval Muslim and Jewish Proofs of Creation", in *Journal of the American Oriental Society* 89 (1969), pp. 357–391, reprinted with minor modifications in idem, *Proofs for Eternity, Creation and the Existence of God in Medieval Islamic and Jewish Philosophy*, New York and Oxford 1987, pp. 86–153; S. Pines, "An Arabic summary of a lost work of John Philoponus", in *Israel Oriental Studies* 2 (1972), pp. 320–352. See also the article "Yaḥyā al-Naḥwī" by R. Wisnovsky, in *EI²*, vol. 11 (2002), pp. 251–253. A concise account of Philoponus' arguments is found in R. Sorabji, "Infinity and the Creation", in *Philoponus and the Rejection of Aristotelian Science*, ed. R. Sorabji, London 1987, pp. 164–178.

84   See W. Madelung, "Abu l-Ḥusayn al-Baṣrī's Proof for the Existence of God", in *Festschrift Richard M. Frank*, ed. J. Montgomery, Cambridge (forthcoming).

85   With regard to al-Tustarī's *K. al-Taḥrīr* see A. Martin, "La Métaphysique. Tradition syriaque et arabe", in *Dictionnaire des philosophes antiques*, ed. R. Goulet, vol. 1, pp. 528–534 (Paris 1989); C. Martini Bonadeo, "La Métaphysique. Tradition syriaque et arabe: Mise à jour bibliographique", in ibid. Supplément, pp. 259–264 (Paris 2003); A. Bertolacci, *The*

In *K. al-Īmā'* al-Tustarī presents the arguments for the createdness of the world in a rather truncated, or — in keeping with the book's title — 'allusive' form. His main argument concurs with an argument which Yūsuf al-Baṣīr had attempted to refute half a century earlier in his *K. al-Naqḍ* [*'alā Abī l-Ḥusayn al-Baṣrī*], a sweeping attack against those who deny the existence of accidents (*nuffāt al-a'rāḍ*).[86] Al-Tustarī writes [MSS 'א, fol. 2b; ג, fol. 2b]:

ולואזם אלגסם הי אלחצול פי אלגהה [...]. ואמא אן חצולה פי אלגהה מתגדד פהו אן
לא יכלו תבותה פי אלגהה אלואחדה אמא אן יכון תבותא לא [א' 3א] אול לה ואמא
אן יתואלא עליה אלחצול פי אלגהאת אלי מא לא אול לה, ואמא אן יכון תבותה פי
כל אלגהאת מתגדד בחית אן לא יתואלא עליה אלחצול פיהא אלי מא לא אול לה.
ולא יגוז אן יתבת פי אלגהה אלואחדה תבותא לא אול לה לאן כאן ילזם דלך[87]
אסתחאלה כרוגה מנהא לאן[88] אלתבות אלדי לא אול לה תבות ואחד לאנה לו כאן
אכתר מן תבות ואחד למא כאן תבות לא אול לה ודלך אלתבות ואגב גיר צחיח לאן
אלצחה תתנאול אלמסתאנף דון אלמאצֵי ומא לא אסתינאף פיה לא צחה פיה ואלאזלי
לא אסתינאף פיה ולו בטל אלתבות לכאן אלדי בטל הו אלתבות אלאזלי לאן קד ביינא
אן לא תגאיר פיה. פאן כאן אלבטלאן ואגבא כאן אלתבות אלאזלי ואגב אלתבות
ואלבטלאן והו מחאל אן יתנאול אלוגוב אלשי ונקיצה, ואן כאן גאיז אלבטלאן כאן
אלתבות אלאזלי גאיז.[89] לאן אלצחה תתנאול אלטרפין וקד ביינא אן אלתבות אלאזלי
ואגב לא גאיז, ומא כאן ליס בואגב ולא גאיז הו מסתחיל פבטלאן אלאזלי מסתחיל
פיסתחיל אן יכרג [א'3ב] אלגסם מן גהתה וקד עלם תבות כרוגה מן גהתה.
ולא [ג 3א] ימכן אן יתואלא עליה אלחצול פי אלגהאת אלי מא לא אול לה לאן אדא
כאן לא חצול פי גהה פיהא אלא מתגדד פלא יגוז אתצאלהא אלי מא לא אול לה לאן

Reception of Aristotle's Metaphysics in Avicenna's Kitāb al-Šifā': *A Milestone of Western Metaphysical Thought*, Leiden 2006. Regarding the concept of contingency within Abū l-Ḥusayn's and al-Tustarī's proof for the createdness of the world see C.-R. Ehrig-Eggert, *Die Abhandlung über den Nachweis der Natur des Möglichen von Yaḥyā b. 'Adī*, Frankfurt a. M. 1990, with an edition of the Arabic text by idem, in *Zeitschrift für Geschichte der Arabisch-Islamischen Wissenschaften* 5 (1989), pp. 63–97 (Arabic part).

86   See MS St. Petersburg, RNL, Yevr.-Arab. I 3100, fol. 6b–7a (IMHM, F 56533).

87   ז. ליתא

88   ג ליתא.

89   ז. ואגב, ובשוליים נכתב "נס' גאיז"

לא שי מנהא אלא וקד כאן מסתקבלא מתואליא פכמא לא ימכן פי אלמסתקבל אן
תתבת אלחואדת ותתצל אתצאלא גיר מתנאהי ויגי מן דלך אתצאלא לא אול לה לאן
אלמסתקבל מתל אלמאצֹי למא כאן כל מאצֹי קד כאן מסתקבלא ואלגמלה מסתקבלה
לאן ליס אלגמלה גיר אלאחאד ולא להא חכם תנפרד בה דון חכם אלאחאד לאן
ליס להא בכונהא גמלה תֹבות ולא חקיקה תחצל להא לאגלה מן אלחכם מא ינאפי
חכם אגֹזאיהא //ולו חצל להא חכם ינאפי חכם אגֹזאיהא//יٰ מע אן לא תֹבות להא
גיר תֹבות אגֹזאיהא לכאן קד תֹבת ללאגֹזא אלחכם ומא ינאפיה והו מחאל. ואיצֹא
אן גמלה אלחואדת אלמתואליה עלי אלגֹסם ליס פיהא שי יתֹבת מע נטٰירה פיהא
לאנהא תנפי בעצֹהא בעץֹ ותתעאקב פמא כאן ללגֹמלה פי וקת מן אלאוקאת תֹבות
יגֹמעהא לא בזמאן ולא [אֹי 4א] עלי מוצֹוע לאנהא מנצרפה מנקצֹיה ומא כאן הדֹא
חכמה פלא תֹבות ללגֹמלתה גיר תٰבות אגٰזאיה פלא ימכן אן יכון ללגٰמלתה חכם מנאפי
לחכם אגٰזאיה פיגٰב אן יכון ללגٰמלה אול לאנהא הי אלאחאד פיגٰב אן יכון תٰבותٰה פי
אלגֹהאת [גֹ 3ב] מתגٰדד ואלגٰסם מן חית חקיקתה לא ינפך מן אלכון פי[90] אלגٰהאת
פיגٰב אן יכון מתגٰדד.

The inherent quality of the body is its occurring in a position in space. [...]
The occurrence (of the body) in a position in space is innovated, because
its stable existence[91] in space must be in accordance with one of the
following possibilities: either it is a stable existence without a beginning,
or it occurs in (multiple) positions in space in continuous succession
without a beginning, or it is a stable existence which is innovated in
each position in space, so that its occurrence in them is not a continuous
succession without a beginning.

It is inconceivable that it is stable in one position in space without having
a beginning, since this would imply the impossibility of its departing
from (this position). This is because stable existence without a beginning
is one single stable existence, for if it were more than one stable existence,
it would not be a stable existence without a beginning. Such a stable
existence is necessary, not possible, since possibility extends to the

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90 ג מן.
91 or: 'being stable', 'stability', 'reality'.

future, not to the past. Things which do not entail a beginning in the future have no possibility, and whatever is eternal *a parte ante* entails no beginning in the future. Were (its) stable existence discontinued, the stable existence *a parte ante* would be discontinued, for we have already made clear that it does not entail change. If (its) discontinuation were necessary, (its) stable existence a parte ante would (at the same time) be necessary with regard to stability and discontinuation. It is, however, absurd that necessity would extend (simultaneously) to something and its opposite. If, on the other hand, its discontinuation was possible, its stable existence *a parte ante* would be possible, too, since possibility comprises both sides. We have already explained that stable existence *a parte ante* is necessary, not possible, and what is neither necessary nor possible is impossible. Therefore it is impossible that something which is eternal *a parte ante* would be discontinued, and it is impossible that the body (which is eternal *a parte ante*) departs from its position in space. It is, however, known that (the body) *does* depart from its position in space.

It is also not possible that (the body) occurs in (multiple) positions in space in continuous succession without a beginning, because if only what is innovated can occur in a position in space, it is inconceivable for them to be continuous, for everything of them would be preceded in a continuous succession, just as it is not possible that temporals occur in an infinite continuity in the future, from which one could infer a continuity without a beginning, because the future is analogous to the past insofar as every past thing was (once) a future thing. The whole (the totality) is preceded, because the whole is nothing but (its) components and it has no qualification by which it is set apart from the qualification of (its) components. On account of its being a whole it has neither a stable existence nor a reality because of which it would acquire a qualification contradicting the qualification of its parts. If it had a qualification contradicting the qualification of its parts, even though it

has no stable existence other than the stable existence of its parts, its parts would have (simultaneously) a qualification and its contrary, and this is absurd. Moreover, among the totality of temporals which affect the body successively, nothing is stable in it together with its counterpart, because they exclude each other and follow one after the other. At no point in time does the whole have a stable existence which includes (all of) them, not at a time and not in a subject, because they pass away and elapse. Whatever has this qualification has no stable existence as a whole except the stable existence of its parts, and since it is not possible for the whole to have a qualification contradicting the qualification of its parts, the whole must have a beginning, because it is (its) components. (The body's) stable existence in positions in space is innovated, and the body, by its reality, cannot be separated from being in positions in space. Hence, it must be innovated.

The second treatise

The second treatise discusses "the premises and underlying principles of the religious law, thereby following the pattern of *uṣūl al-fiqh* (compositions)". It includes the following chapter headings:[92]

II.1. Exposition of the (methodological) procedures common to (all) sciences (*bayān al-ṭuruq al-mushtaraka lil-ʿulūm*);[93]

II.2. Chapter on the conversion of statements/propositions (*faṣl fī ʿaks al-qaḍāyā*);

II.3. Chapter on the imperative/command (*faṣl fī l-amr*);

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92 As noted with regard to the first treatise, the discrepancy between the structure as reflected by the chapter headings and the actual arrangement of the contents suggests that the treatise did not originally include chapter headings.

93 The opening section of the second treatise is not given a chapter heading. The first sentence reads: אעלם אנה יגב אן נקדם אולא ביאן אלטרק אלמשתרכّה ללעלום, לידכّל פיהא טרק אלעלם באלשריעה [MSS ג, fol. 16b; ב, fol. 2a].

II.4. Chapter on prohibitions *(faṣl fī l-nawāhī)*;

II.5. Chapter on generality and particularity *(faṣl fī l-'umūm wa-l-khuṣūṣ)*;

II.6. Chapter which discusses specifically the particular term *(faṣl fī dhikr al-khāṣṣ)*;

II.7. Chapter on the clarifying statement *(faṣl fī l-bayān)*;

II.8. Chapter regarding the fact that whatever is not explicitly stated must not be applied to the legal judgement nor its contrary without demonstrative evidence *(faṣl fī anna mā siwā l-madhkūr lā yajibu ḥamluhu 'alā ḥukmihi wa-lā 'alā khilāfihi bi-ghayri dalāla)*;

II.9. Chapter on abrogation and related issues *(faṣl fī l-naskh wa-mā yattaṣilu bihi)*;

II.10. Chapter on the juridical (inductive) syllogism *(faṣl fī l-qiyās)*.[94]

With the exception of the sections II.1–2 all chapter headings concur with major topics discussed in Islamic *uṣūl al-fiqh* compositions predating *K. al-Īmā'*. Since a detailed analysis of the latter subjects is given elsewhere, we propose to focus here on the two introductory sections which comprise a digest of Aristotelian syllogistics.[95]

The introduction of Aristotelian syllogistics into *uṣūl al-fiqh*

It has recently been suggested that the development of *Kalām* might be roughly described as reflecting the various stages of the philosophic reception of the

94 The common translation of the term *qiyās* as 'analogy'/'analogical reasoning' does not adequately reflect the logical procedures designated by it.

95 A survey of the reception of *uṣūl al-fiqh* in Jewish *Kalām* is found in G. Schwarb, "'*Uṣūl al-fiqh* im jüdischen *Kalām* des 10. und 11. Jahrhunderts: Ein Überblick", in *Die Rezeption des Orients in der Wissenschaft des Judentums. Akten des 29. Deutschen Orientalistentages, Halle, 20.–24. September 2004* (Abhandlungen für die Kunde des Morgenlandes), ed. A. Kuyt et al., Wiesbaden 2006 (forthcoming). A detailed discussion of the classical *uṣūl al-fiqh* topics included in the second treatise of *K. al-Īmā'* is part of my doctoral dissertation which includes the edition and an annotated translation of Yeshu'ah ben Yehudah's *K. at-Tawriya* which mainly follows the pattern of Mu'tazilite *uṣūl al-fiqh* compositions.

Aristotelian *Organon*.[96] In a first phase, which would include approximately the 2nd/8th and 3rd/9th centuries, the *Mutakallimūn* operated with a variety of terms and concepts, including basic terms and preliminary rules of Aristotelian logic, borrowed from surrounding religious communities and from the various intellectual traditions of Late Antiquity. Generally speaking, this period is characterized by a complex form of reception and by diffuse channels of transmission. A second phase, stretching from the early 4th/10th to the late 5th/11th century, coincides with the comprehensive reception of the late antique *Organon* traditions by the *falāsifa* who tended to regard themselves as exclusive guardians of the true demonstrative method as exposed in the *Analytica Posteriora*. Most Mutakallimūn reacted to this attitude by decisively rejecting the *Organon* and other philosophical models. The third phase begins with the late 5th/11th century. Its distincive trait is a continuously growing reception of the philosophical system of Ibn Sīnā among the *Mutakallimūn*.

This description of the reception of the Aristotelian *Organon* by Muslim theologians suffers from the shortcomings of most schematic models proposed to describe historical processes. It disregards many data which would contradict or at least modify the account given of the *Mutakallimūn*'s acquaintance with Peripatetic logic.[97] Nevertheless, even if we adopt the proposed schema with the appropriate caution and reservation, it is obvious that the massive introduction of Aristotelian logic into *'ilm al-kalām* and *uṣūl al-fiqh* was a very new phenomenon in the 11th century. It is commonly associated

96   U. Rudolph and D. Perler, "Einleitung", in *Logik und Theologie. Das* Organon *im arabischen und im lateinischen Mittelalter*, ed. eidem, Leiden 2005, p. 6, cautiously suggest that there may be a fundamental link between the development of Islamic theology and the philosophic reception of the *Organon*: "Denn es scheint so, als könne man jedem Stadium der philosophischen Auseinandersetzung [...] eine Etappe in der theologischen Entwicklung zuordnen".

97   A detailed diachronical study of the integration of *falsafa*-concepts and *falsafa*-terminology into the different *Kalām* schools during the tenth and eleventh centuries still needs to be written. See for now C. Schöck, *Koranexegese, Grammatik und Logik. Zum Verhältnis von arabischer und aristotelischer Urteils-, Konsequenz- und Schlusslehre*, Leiden 2006 (this study focuses on universal quantifiers and indefinite nouns) and some articles in *Logik*

with the person of al-Ghazzālī (d. 1111).[98] Indeed, the distinct presence
of logical terminology and arguments in his writings had a profound impact
on the subsequent development of Islamic theology and jurisprudence and
contributed to the integration of Aristotelian logic into the *madrasa* curriculum
from the twelfth century onwards.[99] It would, however, be misleading to depict
al-hazzālī as a pioneer or a harbinger of this development. He was one of
several Muslim theologians of the eleventh century who — more or less
independently — sought to incorporate at least parts of Aristotelian syllogistics
into their works.[100] Besides al-Ghazzālī's teacher al-Juwaynī (d. 478/1085), we
may recall the name of Abū l-Ḥusayn al-Baṣrī (d. 436/1044) who studied the
Organon with his Christian teachers in Baghdad; we may also mention Ibn
Ḥazm (d. 456/1064) who stressed the usefulness of logic for interpreting the
canon of religious texts and for deriving legal ordinances, and himself wrote
several treatises on logic.[101]

und Theologie (n. 96 above). For the impact of Avicennian thought on the development of
Ash'arite and Māturīdite *kalām* during the eleventh and twelfth centuries see R. Wisnovsky,
"One Aspect of the Avicennian Turn in Sunnī Theology", in *Arabic Sciences and Philosophy*
14 (2004), pp. 65–100; F. Griffel, "Al-Ġazālī's Concept of Prophecy: The Introduction
of Avicennan Psychology into Aš'arite Theology", in *Arabic Sciences and Philosophy* 14
(2004), pp. 101–144, with references to previous research.

98   See J. Van Ess, *Die Erkenntnislehre des 'Aḍudaddin al-Īcī. Übersetzung und Kommentar
des 1. Buches seiner* Mawāqif, Wiesbaden 1966, p. 286; U. Rudolph, "Die Neubewertung
der Logik durch al-Ġazālī", in *Logik und Theologie* (n. 96 above), pp. 73–97. According
to W. B. Hallaq, "Logic, Formal Arguments and Formalization of Arguments in Sunnī
Jurisprudence", in *Arabica* 37 (1990), p. 318, al-Ghazzālī was "the first jurist in Sunnī Islam
to have integrated logic into legal theory to a large extent". See also Ibn Khaldūn's account
on the integration of logic into Islamic theology in his *Muqaddima*, vol. 3, pp. 113–116, tr. F.
Rosenthal, *The Muqaddima: An introduction to history*, vol. 3, London 1958, pp. 143–147.

99   See e.g. R. M. Frank, *Al-Ghazzālī and the Ash'arite school*, London 1994. The significant
impact of Avicennian philosophy on Ash'arite *kalām* is already reflected in the curriculum
of the Niẓāmīya during the second half of the 11th century.

100   W. B. Hallaq, *Logic* (n. 98 above); I. Madkour, "La logique d'Aristote chez les
Motakallimin", in *Collected Texts and Papers on Logic and Language*, eds. M. Mohaghegh
and T. Izutsu, Tehran 1974, pp. 29–46.

101   A. G. Chejne, "Ibn Hazm of Cordova on Logic", in *Journal of the American Oriental
Society* 104 (1984), pp. 57–72; R. Brunschvig, "Pour ou contre la logique grecque chez les

Sahl b. al-Faḍl al-Tustarī may thus be described as the Jewish counterpart of this new development. Even if he was by no means the first Jewish theologian to operate with Aristotelian logical terminology, his attempt is distinctly more systematic and more organically integrated in his system of thought than those of his predecessors, and the textual sources at his disposal are significantly more comprehensive.[102] He is the first Jewish *Mutakallim* to include a concise summary of Aristotelian syllogistics within the framework of legal hermeneutics *(uṣūl al-fiqh)*.[103] In this point al-Tustarī also anticipated al-Ghazzālī of whom he must have been aware during the last decade of the 11th century.[104] Of al-Ghazzālī's two works which are of relevance in this context, *al-Mustaṣfā min 'ilm al-uṣūl* was only completed in 1109, while

théologiens-juristes de l'Islam: Ibn Ḥazm, al-Ghazzālī, Ibn Taimiyya", in *Oriente e occidente nel medioevo. Filosofia e scienze* (Atti dei convegni de l'Accademia Nazionale dei Lincei, 13), Roma 1971, pp. 185–209, reprinted in idem, *Études d'Islamologie*, vol. 1, Paris 1976, pp. 303–327.

102   The acquaintance of earlier Jewish authors with Peripatetic logic is almost certainly mediated by doxicographical works circulating in the contemporary Christian milieu. See Dāwūd b. Marwān al-Muqammas, *'Ishrūn Maqāla*, ed. S. Stroumsa, Leiden 1989, pp. 44/45ff. and the editor's introduction, p. 24 with notes 67f. An important attempt to introduce Aristotelian logical terminology into the juridical field is found in al-Qirqisānī's *K. al-Anwār wa-l-marāqib*, IV.5, ed. Nemoy, vol. 2, New York 1940, pp. 354–358. According to al-Qirqisānī the Mutakallimūn made use of the Aristotelian syllogism, e.g. to prove the world's createdness and to deal with other delicate theological subjects. He also writes that some Karaites *(qawm min ahl al-naẓar min aṣḥābinā)*, for instance Benyamīn al-Nihāwandī, have employed Aristotelian syllogistics to derive legal regulations. Cf. also G. Vajda, "Études sur Qirqisani", in *Revue des Études Juives* 108 (1948), p. 69.

103   Almost a century later, Yashar b. Ha-Sar Hesed al-Tustarī, another scion of the Tustarī family, refers in *K. al-Uṣūl al-Muhadhdhabīya* (cf. n. 22 above) to his "books on logic" *(kutubunā fī l-manṭiq)*; see MS St. Petersburg, RNL, Yevr.-Arab. I 3951, fol. 4a, line 21. For other later examples in Jewish literature see A. Ravitzky, *The Influence of Aristotelian Logic on the Understanding of Legal Hermeneutics in the Middle Ages*, Ph.D. thesis, The Hebrew University, Jerusalem 2005 [Hebrew].

104   Al-Tustarī was most probably in Jerusalem, when al-Ghazzālī spent some months in the town in 1096 or 1097 (cf. n. 31 above). It is much less probable that al-Tustarī was familiar with al-Ghazzālī's work, particularly at the time when he wrote *K. al-Īmā'* and *K. al-Talwīḥ*.

the earlier *Mankhūl fī 'ilm al-uṣūl*, written shortly before 1085 under the instruction of his teacher al-Juwaynī, does not include an introduction to Aristotelian syllogistics. On the other hand, it seems very likely that the background for al-Tustarī's effort to render the theology of his Karaite teachers more "philosophical" and "logical", owes — like al-Ghazzālī — much to the philosophical challenge which the Avicennan system presented to all branches of *Kalām*, and Abū l-Ḥusayn al-Baṣrī's philosophized theology to the Bahshāmī Muʿtazila.[105] Aristotelian syllogistics were thus no longer regarded as the exclusive domain of the philosophers, but as an epistemic tool which was applicable to all branches of science and accessible to anyone who mastered it. According to this view Aristotelian syllogistics are constitutive to any science, and consequently the discipline of legal hermeneutics (*uṣūl al-fiqh*) cannot dispense with them either.[106]

Before introducing Aristotelian syllogistics in the second treatise of *K. al-Īmā'*, al-Tustarī maps out the foundations of epistemic processes in general [MSS ב, fol. 2a; ג, fol. 16b]:

אעלם אנה יגב אן נקדם אולא ביאן אלטרק אלמשתרכה ללעלום [107] לידׄכל פיהא טרק אלעלם באלשריעה. ואלטרק אלי אלמעלומאת הי אלאמור אלתי בהא יתוֹצׁל אלעאקל אלי עלם מא לם יעלמה והׄה אלאמור הי תסתנד אלי עלום צׁרוריה מן פעל אללה סבחאנה לאן אלעאקל לא יקדר אן יפעל לנפסה אלעלום אבתדא[108] ויגב אן תסתנד אלי פאעל לחדותהא. וגירה סבחאנה לא יקדר עלי פעל דׄלך פי סואה. ואסתקרא אלמחסוסאת לא ימכן אסתיעאבהא[109] פינעקד מן דׄלך קצׁיה כליה ובעצׁהא לא יכפי פי אלעלם באלכל.

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105 With regard to Ibn Sīnā see D. Gutas, "The Logic of Theology (*kalām*) in Avicenna", in *Logik und Theologie* (n. 96 above), pp. 59–72, with further bibliographical references; with regard to Abū l-Ḥusayn al-Baṣrī see Madelung and Schmidtke (n. 4 above).

106 Cf. in this regard al-Ghazzālī's statement at the very beginning of the *Mustaṣfā*, ed. M. Abū l-ʿIlā, Cairo n.d., p. 16: *wa-ḥājat jamīʿ al-ʿulūm al-naẓariyya ilā hādhihi l-muqaddima ka-ḥājat uṣūl al-fiqh.*

107 ב. ללמעלום.

108 ב. אבתדאא

109 ג. אסתיעאבה

Take note that first of all we have to clarify the methods which are common to (all) sciences, since there are methods for gaining knowledge of the religious law which belong to this category. The methods which lead to objects of knowledge are matters by means of which the rational being gains knowledge of what he did not know. These matters are based on immediate ('necessary') knowledge produced by God, since a rational being by himself does not have the capacity to produce knowledge from nothing (*ab initio*). Since (this knowledge) is originated, it must depend on an agent. No one except God is able to produce such knowledge in someone else. The thorough investigation of sensual objects does not render it possible to understand them comprehensively/completely, so that this would constitute a universal statement, and (the understanding of) parts of (the sensual objects) is not a sufficient basis to gain knowledge of the totality.

Ultimately, all knowledge is anchored in a constitutional knowledge produced by God. Without this divine foundation all epistemic processes would be infinite chains of rational operations. Beyond this foundation, the production of new knowledge is classified according to its various sources, the methods employed, and the epistemic status of the newly acquired knowledge.

The epistemic data which constitute the normative practical knowledge of the religious law are derived from revelational and non-revelational sources. Hence, the second treatise of *K. al-Īmā'* is divided into two parts, the first dealing with the principles of non-revelational sources of normative knowledge which lead to probable particular or certain universal knowledge, the second with the sources of normative knowledge contained in the revealed texts. Aristotelian syllogistics are introduced as the key method of the first part, whereas in the second part they appear as a subtype of the juridical (inductive) syllogism (*qiyās*).

The compendium character of *K. al-Īmā'* did not allow for a detailed exposition of Aristotelian syllogistics. The second treatise merely recalls the

constitutive elements of a propositional statement and the conditions of a sound syllogism and obviously assumes the reader's familiarity with those parts of the *Organon* which are known as "the prolegomena to the demonstrative syllogism, respectively to the 'Analytica Posteriora'" (*Muqaddimāt al-burhān*) up to the assertoric syllogism (*APr* I.1–2 & 4–7).[110] Al-Tustarī first mentions the composition of a single proposition consisting of subject and predicate terms (*al-ṭarafayn*) and then goes on to explain the basic paradigms of the predicative relations between subject and predicate of propositional statements. In terms of quality, the predicate may be said to apply or not to apply to the subject (*mūjib — sālib*); in terms of quantity, the predicate may be said to apply or not to apply universally (*kullī*) or particularly/partially (*juz'ī*) to the subject. He then discusses the valid syllogistical moods and hints at the concept of modality (possibility, necessity) in propositions and syllogisms. In a few sentences he explains the rules for the conversion of propositions used in the assertoric syllogism according to the four possible relations between subject and predicate: universal & affirmative, particular & affirmative, universal & negative, particular & negative, and some rules concerning conflicting (either-or) statements (*'inād*) and rules of preponderance (*tarjīḥ*).

Future research will have to establish whether al-Tustarī's acquaintance with the *Organon* tradition was based on one of the numerous compendia composed in the Baghdadian or Avicennan traditions, or if he had at his disposal a translation of the integral text, as was the case with the *Metaphysics*.[111]

The greater part of the "chapter on the conversion of statements/propositions" (*faṣl fī 'aks al-qaḍāyā*), however, already deals with the juridical signs of the revealed text (*adillat al-shar'*): *akhbār*, *qiyās*, and *ijtihād*. This latter section

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110 Cf. J. Lameer, *Al-Fārābī and Aristotelian Syllogistics: Greek Theory and Islamic Practice*, Leiden 1994, pp. 99–108.

111 For a partial list of these texts and compendia see "L'Organon, Tradition syriaque et arabe", in *Dictionnaire des philosophes antiques* (n. 85 above), pp. 502ff.; H. Hugonnard-Roche, "Remarques sur la tradition arabe de l'*Organon* d'après le manuscrit Paris, Bibliothèque nationale, ar. 2346", in *Glosses and Commentaries on Aristotelian Logical Texts: The Syriac, Arabic and Medieval Latin Traditions*, ed. C. Burnett, London 1993, pp. 19–28.

includes a rejection of the jurisprudential validity (*laysa bi-ḥujja*) of unit-reports (*akhbār al-āḥād*)[112] and of consensus (*ijmā'*), in both cases directed against the Rabbanite Jews.

Revelation is mediated through language. Its meaning is bound to the various relations between the linguistic signs and the signified objects (*al-dalāla*) which are based on convention (*al-wad' al-lughawī, al-muwāḍa'a*) as well as on the intention of the speaker to use the language in conformity with these conventional rules (*al-dalāla tadullu bi-ḥasabi ḥāl al-fā'il lahā wa-hiya qaṣduhu*). Here again, al-Tustarī confines himself to briefly mentioning some basic features of linguistic semantics such as synonyms (*alfāẓ mushtaraka*), antonymy (*ma'ānī mutaḍādda*), normal ('real') and deviative ('metaphorical') meanings (*ḥaqīqa-majāz*).

The third treatise

As mentioned in the preamble of *K. al-Īmā'*, it is the objective of the third treatise "to deal with the foundations of the (individual) ordinances contained in the Torah in a systematic ('equable') way and to specify the evidence for (ordinances) which are based on something more than what is explicitly stated in the scriptural text; it should, moreover, distinguish (ordinances) whose obligation applies to a specific time and to specific people from (ordinances) whose obligation is all-inclusive (= applies to everyone) at all times."

The structure of the third treatise is outlined at the very end of *K. al-Īmā'* [MSS 'ה, fol. 3b; ו, fol. 82a]:

ותרתיב הדה אלמקאלה:

אנני אבתדית פיהא אלתכאליף אלעקליה ואתבעתהא אלסמעיה, ואבתדית פיהא
בפרוץ אלעבאדה, פאבתדית באלצלוה, תם אוקאת אלעבאדה מן אלסבת, תם דוס
אלשהור לוקוף אוקאת אלעבאדאת עליהא, תם אלאביב כדלך איצא, תם אלמועדים
עלי [ה' 4א] תרתיבהא, תם באקי אוקאת אלעבאדאת מן אלשמטה ואליוּבל, תם באקי

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112   *naḥnu ghanīyūn 'an al-kalām fīhā li-annahā mafqūda fī uṣūl sharī'atinā wa-furū'ihā* (MS א, fol. 70b = MS ג, fol. 23a).

אלקראבין לאנהא מן אלעבאדאת, תֹם תכאליף אלכהנים באלקראבין, תֹם חקוקהם,
תֹם אללוים לאכֹתצאצהם בכֹדמתהם, תֹם [ו 182] מא יקבח פעלה פי חק אללה סבח' והי
עבדה זרה ומא י�גב מן עבאדאתה ואכראמה[113] ומא י�גב פעלה פי אלמעבודאת סואה,
תֹם אלכֹתאנה למא כאנת אﬞצל כביר מן אלעבאדאת ואלתכאליף, תֹם כראﬞמה אלואלדין
וחקוקהם עלי תדתיב אלעשר כלמאת, ואלנהי ען אלקתל ומא יﬞגב פיה, תֹם אלכלאם פי
אלניאﬞוף ואדכֹלת פיה אלעדﬞוזת לשבההא בה, תֹם אלסרק ואדכֹלת פיה אחכאם **ואלה
המשפטים** ומא גֹרי מﬞגראהא מן באקי אלתֹורה, תֹם אלכלאם פי אלמאאכלﬞות עלי תדתיב
אלשריﬞעה, תֹם אלטמאות עלי תרתיבהא כﬞדלך, תֹם אל[ז 28א]**ירושות** עלי אלתרתיב
ולאנהא חקוק ענד אלמות, תֹם אלנﬞדור ואלאימאן בתרתיב אלשריﬞעה ולאנהא ואﬞגב
משרוט ואלואﬞגב [ו' זא] אלמשרוט יתאﬞכﬞר ען אלמטלק, תֹם אלﬞציצית לאנהא מﬞדכרﬞה
בﬞגמיﬞע דלך, תֹם מא יﬞלך אלﬞגלות מן אלתחﬞזﬞן עלי אלחואﬞדﬞ אלמכﬞתﬞצﬞה בה, תֹם מא יﬞלﬞך
אלזﬞמאן אלמנﬞתﬞﬞﬞר ממא יﬞזﬞד ﬞען אלחﬞקﬞﬞוק אלמﬞקﬞדﬞם בﬞﬞﬞעﬞﬞﬞﬞﬞﬞﬞﬞ בﬞﬞﬞﬞﬞﬞﬞﬞﬞﬞﬞﬞﬞﬞﬞﬞﬞﬞﬞﬞﬞﬞﬞﬞ [ה' 34]
וﬞﬞ'
יﬞﬞﬞ.

The structure of this treatise (is as follows):

I started in it with the rational obligations [III.1] and let them be followed
by the revealed obligations [III.2].[114] (Within the revealed obligations) I
started with the regulations concerning the religious services [III.2.1]: In
the first place I mentioned prayer [III.2.1.1]; then (follow) the fixed times of
the religious service(s) [III.2.1.2], beginning with the Sabbath [III.2.1.2.1]
and followed by the first days of the month (new moon) [III.2.1.2.2],
since the fixed times of the religious services depend upon them; then
(follows) the Aviv for the same reason [III.2.1.2.3]; then (follow) the
feasts according to their chronological order [III.2.1.2.4]; then (follow)
the remaining fixed times of the religious services, such as the Sabbatical
year and the Jubilee year [III.2.1.2.5]; then (follow) the sacrifices, because
they are part of the religious services [III.2.1.3]; then (follow) the religious
obligations of the priests concerning sacrifices [III.2.1.4.1]; then (follow)

113	[...]ו וכרא].

114	or: " ... and I subordinated to them the revealed obligations".

their (other) duties [III.2.1.4.2]; then (follow the regulations regarding) the Levites, due to the exclusivity of their service [III.2.1.5]; then (follow) evil actions with regard to God, praised be He, namely idolatry, and obligatory acts of worship and reverence, and obligatory acts with regard to objects of worship other than Him [III.2.1.6]; then (follow the regulations regarding) circumcision, because it is an important principle amongst the religious services and obligations [III.2.1.7]; then (follow the regulations regarding) the respect of parents and their rights in keeping with the structure of the Ten Commandments [III.2.2.1], the prohibition to kill and related obligations [III.2.2.2]; then (follows) the discussion of adultery [III.2.2.3]; in it I included the laws of incest because they deal with a similar subject [III.2.2.4]; then (follow the regulations regarding) robbery/theft [III.2.2.5]. I included in it the regulations of "these are the judgements" (Exodus 21:1ff.) and related issues from the rest of the Torah [III.2.2.6]; then (follows) the discussion regarding food regulations in keeping with the order of the Torah [III.2.2.7]; then (follow) the laws of impurity, likewise in keeping with the order of the Torah [III.2.2.8]; then follow the laws of inheritance according to order and because they are regulations (which apply) at the time of death [III.2.2.9]; then (follow the regulations about) vows and oaths in keeping with the order of the Torah and because they are conditional obligations, and conditional obligations come after unconditional obligations [III.2.2.10]; then (follow the regulations regarding the) fringed garment, because it reminds (us) of all this [III.2.2.11]; then (follow the regulations regarding) mourning about events which have to do with the exile [III.2.3]; then (follow the regulations regarding) the time to come (=the Messianic time) which go beyond the previously mentioned ones [III.2.4].

I noted down the structure (of this treatise) so that anyone who wants to study something of it will look for it at the right place. May God help all of us to achieve what gratifies Him through His graciousness and benevolence, if He so wills.

The structure of the third treatise partly reflects the structure of earlier Karaite books of precepts (*kutub al-farā'iḍ*), but deviates from them in other respects.[115] The guiding principle of the structure established by al-Tustarī organizes the precepts from the general and unconditional to the particular and conditional, and from the rational to the revelational. This explains, for instance, why the precepts concerning prayer follow immediately after the rational commandments. Religious services (*'ibādat Allāh*) are rooted in a purely rational imperative, namely the gratitude one owes to the benefactor (*shukr al-mun'im*), and since God is the benefactor *par excellence*, He deserves gratitude beyond comparison. In principle, all religious services are expression of this gratitude, within which "acts of the heart" precede "acts of the limbs", and acts of unrestricted validity precede acts which are limited to specific times, places, circumstances and people.

The understanding of the Ten Commandments as an umbrella of some or all precepts is well-rooted in the Karaite tradition. A similar concept is already implied in the subtitle of Philo's *De Decalogo* and repeated in § 154 of the same treatise (οἱ δέκα λόγοι κεφάλαια νόμων εἰσὶ τῶν ἐν εἴδει παρ' ὅλην τὴν νομοθεσίαν). Philo's viewpoint is reiterated by al-Qirqisānī at the beginning of the sixth book of his *K. al-Anwār wa-l-marāqib* where he mentions it as the last item in a list of twelve statements by Philo concerning the Decalogue: "These Ten (Commandments) are the foundation and the constitutive element of all ordinances. All precepts of the Torah depend upon them and are subsumed within them, just as all individuals and accidents which are originated in the world are subsumed within what was created during the six days of creation".[116]

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115 Of course, al-Tustarī was well acquainted with the Karaite legal literature (*kutub al-farā'iḍ*) written by his predecessors. A large fragment of his personal copy of Yūsuf al-Baṣīr's *K. al-Istibṣār* is extant in MS St. Petersburg, RNL, Yevr.-Arab. I 1794, 114 fols. (IMHM, F 55442).

116 MS St. Petersburg, RNL, Yevr.-Arab. I 933, fol. 4a, lines 9–13 = Yevr.-Arab. I 1812, fol. 21a, lines 3–7: אן הדֿה אלעשׁרה אצל וענצר לגֿמיע אלפראיץֿ, וכצֿאיא אלתוראהֿ באסרהא מתעלקה בהא ותחתהא דאכֿלה כמא אן גֿמיע מא יחדֿ פי אלעאלם מן אלאשכֿאץ ואלאעראץֿ דאכֿל תחת מא כֿלק פי ו' איאם אלכֿליקה. The complete list is only extant in an abridged version of *K. al-Anwār*: see B. Chiesa, "Dāwūd al-Muqammiṣ e la sua opera", in *Henoch* 18 (1996), p. 132 n. 58.

It is in keeping with this view that al-Qirqisānī occasionally characterized his *K. al-Anwār* as a "Commentary on the Ten Commandments".[117] Analogously to al-Tustarī's category of unconditional obligation (*al-wājib al-muṭlaq*), the ninth statement in the same list declares the validity of the Ten Commandments to be unconditioned by time and place (*wājiba fī kulli zamān wa-makān*).[118]

The third treatise is not exclusively concerned with matters of positive law. It also includes several short disgressions into questions of legal hermeneutics, and it opens — like the first and the second treatises — with a propositional, systematic introduction which provides a categorical framework for the ensuing overview of the Law [MSS א, fol. 66b; ב, fol. 1a]:

למא כאן גרצנא פי הדה אלמקאלאת דכר מא ידכל תחת אלתכליף וכאן אלתכליף יתעלק
באלאפעאל מן חית אחכאם מכֿצוצֿה וגֿב אן נביין מעני[119] תלך אלאחכאם אלמכֿצוצֿה.
ואלאחכאם תאבעה ללאפעאל ותרוכהא, והי תנקסם בחסב דֿלך. ואלאחכאם קד
תחנאפי וקד לא תתנאפי ויעלם תנאפיהא בנואפי לואזמהא והי אלמסתחקֿאת עליהא.
ואלאחכאם פי אלאפעאל תתבע וגֿוה חסב מא ביינאה. פקד צאר ישתמל [ב 1ב] דֿלך
עלי אפעאל ותרוך וגֿוה ואחכאם ומסתחקֿאת.

Since our objective in these treatises is to specify what is part of the imposed obligation, and taking into account that the imposed obligation depends upon actions insofar as they have specific values, we have to explain the notion of these specific values. The values depend upon actions, respectively their absence (i.e. non-actions), and are categorized accordingly. Values (of actions) may be compatible or incompatible with one another. They are known to be incompatible because of the incompatibility of their inherent qualities, namely what one deserves for doing them (= their deservingness). With respect to actions values are concomitant to types, as we explained. (This entire complex) consists therefore of actions, non-actions, types, values and deservingness.

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117 Ibid., pp. 130f. n. 45.
118 MS St. Petersburg, RNL, Yevr.-Arab. I 933, fol. 4a, line 1.
119 א ליתא.

The third treatise is by far the most comprehensive of the three treatises of *K. al-Īmā'*: in MS א it occupies 14 of 22 quires. This proportion gives weight to our earlier assumption that the compendium was first and foremost designed for practising jurists. Despite its relative length, al-Tustarī asserts towards the end of the book that the third treatise is no more than an incomplete summary of the entire legal complex [MS 'ה, fol. 3a]:

וקד אגׄתהדת פי דׄכר מא קדרת עלי דׄכרה מן גׄמלה אלמצות ולסת [ה' 3ב] אקדר עלי חצרהא לאן תרכיבאתההא לא תנחצר ולא טרק אלאסתכׄראג תנצׄבט ותנחד, ואנא מעתרף בתקצׄירי ען דׄלך, ובחסבה קאל אלמשכׄיל: **רחבה מצותך מאוד.**

Of the entire complex of precepts I endeavoured to take into account whatever I could. However, I cannot be exhaustive, because it is impossible to encompass (all of) its structural components and to give a precise and definitive description of (all) the inferential procedures. I admit that I am unable to achieve that (= exhaustiveness). It is in this respect that the savant said: "Your precepts are very comprehensive indeed" (Psalms 119:96).

A more detailed discussion of specific legal questions is to be found in al-Tustarī's commentary on the Torah and in his numerous responsa to questions addressed to him by various Karaite scholars and communities. In one question, submitted to al-Tustarī by Abū l-Ḥasan ʿAlī b. Sulaymān, the latter refers to a specific passage in the third treatise of *K. al-Īmā'* and to another responsum which al-Tustarī had previously dedicated to the same issue:[120]

السؤال [...] إنّي وقفتُ في المقالة الثالثة من كتاب الإيماء على ما يتعلّق بماحراث هׁשׁباث

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120   MS St. Petersburg, RNL, Arab.-Yevr. 238, fol. 2a (IMHM, F 63705). The passage referred to is found in section III.2.1.2.4 of *K. al-Īmā'*, MS א, fol. 109 – fol. 9 (for the correct order of the folios see column V in the table of manuscripts above). For the halakhic problem addressed in this question and the points of controversy with the Rabbanite interpretation of the underlying biblical text see e.g. Y. Erder, *The Karaite Mourners of Zion and the Qumran Scrolls: On the History of an Alternative to Rabbinic Judaism*, Tel Aviv 2004, pp. 132–135, 184–187 [Hebrew].

الٳ[...] **لسفيرث هاعومر**، فرأيتُ المسلك الذي ذكره أدام الله علاه، هو جمل ما كان ذكره
في المسألة المفردة في ذلك، [...]

Question:

From the third treatise of *K. al-Īmā'* I read the section regarding "the day after the Sabbath" (Lev 23:15) which determines "the Counting of the Sheaf", and I saw that the procedure you ('he') mentioned, may God make your ('his') greatness lasting, is a summary of what you ('he') mentioned in a separate responsum on that subject.

Conclusion

K. al-Īmā' is a most important source for our understanding of the development of Karaite theology and jurisprudence during the latter half of the eleventh century. It evinces the dynamic creativity of religious thought among the generation of Karaite scholars that witnessed the destruction of the Jewish communities and centres of learning in Palestine.

The preliminary findings of this article have shown that Sahl b. al-Faḍl al-Tustarī did not hesitate to challenge major elements of his teachers' theological doctrine and drew upon new sources to buttress his own contested positions. A critical edition of his book will lay the necessary foundations for a more nuanced appreciation of al-Tustarī's contribution to the enhancement of Karaite religious thought.