ORDER AND RIGHTEOUSNESS:
Muḥammad ‘Alī al-Shawkānī and the Nature of the Islamic State in Yemen

BERNARD A. HAYKEL

Thesis submitted to the University of Oxford in Fulfilment of the Requirements for the Degree of Doctor of Philosophy (D.Phil.), Faculty of Oriental Studies
To my Mother and Father
ABSTRACT

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Magdalen College

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This thesis is about the life and thought of the scholar Muhammad b. ‘Ali al-Shawkānī (d. 1250 / 1834) and his continuing influence on Yemeni law and society. It is argued here that in order to better understand Shawkānī one must look at the history of the Qāsimī imāmate he served. In the 17th century the imāms lived up to the ideal posited by Hādawī-Zaydi law. They were learned men and able military commanders in their own right and authority was largely based on charisma. In the 18th and 19th century in contrast, the imāms lacked the qualities evident in their predecessors and behaved more like kings. Rule became dynastic and took on patrimonial forms. A further development during the 18th century was the increasing influence of Sunnī Traditionist views among Zaydi-born scholars in northern Yemeni highlands. With the imāms now offering their support to Sunna-oriented scholars, the Hādawīs increasingly become marginalised. These changes were also accompanied by considerable territorial losses by the imāmate and a decline in its revenues generated from the coffee trade.

The alliance between the imāms and the Sunna-oriented scholars became most evident when Shawkānī was appointed chief judge (qādi al-quwatū) of the imāmate. It will be argued that his views on law and reform posited an alternative vision of order and righteousness to that espoused by Hādawīs. His teachings implied that he, in his capacity as mujtahid mutlaq, was to be the ultimate legal authority to which others must defer. Moreover, his views on the institution of the imāmate refuted the conditions set by Hādawī law and legitimized the rule of the imāms he served. The imām, according to him, need not be a mujtahid and rebellion against him (even if he were unjust) was absolutely forbidden. With the support of the imāms, Shawkānī was able to implement his views. His influence was manifested in his ability to appoint his students to administrative posts throughout the realm. All of this engendered a reaction from the more traditional Zaydi scholars and several clashes, both scholarly and in the form of popular riots, ensued.

After his death Shawkānī’s views were carried on by his students who continued to teach his works and the Sunnī hadith collections until modern times. The 20th century Ḥāmid al-Dīn imāms were interested in publishing Shawkānī’s works in order to show the wider Muslim world the convergence between Zaydism and Sunnism. After the 1962 revolution republican intellectuals further focused great attention on Shawkānī in order to undermine the legitimacy of the imāmī regime and for nationalist ends. By making appeal to his views they have tried to mould Yemeni religious identity away from the Zaydī legacy of the past.
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PREFACE AND ACKNOWLEDGMENTS

No single study can do justice to the totality of Muḥammad b. 'Alī al-Shawkānī’s life and thought. Shawkānī was a polymath who wrote over 250 works on a variety of subjects, involving himself in the affairs of government for nearly forty years and teaching countless students. This thesis will attempt to shed light on his life and place some of the most salient features of his thought in historical context. Furthermore, I hope to show that Shawkānī cannot be understood unless one takes into account the history of the political entity he was born into and the changes it had undergone since at least the middle of the 17th century.

Shawkānī was born a Zaydi-Hādawī. He, however, rejected this school and saw himself more properly as the intellectual heir of the Sunnī Traditionists of highland Yemen. The first Traditionist scholar in this lineage was Muḥammad b. Ibrāhīm al-Wazīr (d. 840 / 1436), later followed by ʿAlī b. ʿAlī b. Ḥasan al-Jalāl (d. 1084 / 1673), Ṣāliḥ b. Ṣalāḥ b. Mahdī al-Maqbalī (d. 1108 / 1696), Muḥammad b. Ismāʿīl al-Amīr (d. 1182 / 1769) and finally Shawkānī (d. 1250 / 1834). The main thrust of these scholars’ teachings was to call for the continued practice of *ijtihād* (the means by which a scholar independently derives his judgements) and to reject *taqlīd* (adopting another person’s opinion without investigating his reasons) in legal matters. In theology, they shunned the dogmatic theology (*kalām*) of the Muʿtazila which had been adopted by the Zaydis.

The Qāsimī imāmate had become a dynasty and bore little resemblance to the Zaydi imāmates of medieval times. It supported Sunna-oriented scholars, such as Shawkānī, against those who claimed to uphold the Hādawī ideals on which the imāmate was based. This thesis will argue that Shawkānī’s life and thought crystallized some of these changes, mainly by giving legitimacy to dynastic and
patrimonial forms of rule, both features of the imāmate he served. It is for this reason that the imāms offered him their patronage.

The first chapter consists of an introduction which provides certain elements of Shawkānī’s biography as well as an overview of the nature of Qāsimī rule. Chapters two and three offer the historical background to his life, outlining in particular the shifts in forms of authority and rule which took place in the Qāsimī imāmate. It is argued here that the 17th century Qāsimī imāmate was led by men with charismatic authority who attempted to live up to the Zaydī ideal of religious and temporal leadership. The 18th century imāmate, by contrast, developed patrimonial forms of rule and the imāms became more like kings, inheriting their positions regardless of qualification. Chapter four describes Shawkānī’s jurisprudential and legal views and attempts to situate him intellectually. It also details his vision of social order and his system for reproducing mujtahids (scholars who could elaborate independent opinions from primary sources) like himself. The main focus here will be on his views on *ijtihād* and *taqlīd*, perhaps the two most important concepts in his oeuvre. Chapter five provides case studies which exemplify some of the ramifications resulting from the now dominant position of the Traditionist scholars within the ruling structures of the imāmate. Chapter six focuses on a scholarly clash which took place between Shawkānī and his strict Hādawī opponents over the issue of cursing the Companions of the Prophet. Chapter seven will present some of the Hādawī reactions against the Traditionists, and in particular against Shawkānī himself. Focus is given to Hādawī attempts to reverse the influence of the Traditionists in the Yemeni highlands. Finally, chapter eight will trace Shawkānī’s legacy into the 20th century, showing how his ideas about the nature of political rule and religious and legal reform were appropriated by modern Yemenis and for what reasons.
The main sources for this work have been Shawkāni’s own writings and those of his Hādawī opponents, most of which I collected during a period of fieldwork in Yemen (1992 - 1993). In addition, I have relied on chronicles, biographical dictionaries, legal and theological works, some of which remain in manuscript form. My study also relies on a number of secondary works. I found the writings of Ḥusayn al-ʿAmrī, Wilferd Madelung, Paul Dresch and Brinkley Messick invaluable in helping me draw up my own picture of Yemeni political and intellectual history.

My foremost thanks are due to my thesis supervisors, Professor Wilferd Madelung and Dr. Paul Dresch of St. John’s College, Oxford. Working with Professor Madelung is a humbling experience. I have benefited enormously from his punctilious treatment of texts and his remarkable knowledge of the Shi‘ite traditions. Paul Dresch opened my eyes to the history of Yemen and to the intricacies of bringing anthropological insights to it. He taught me to look for the inconspicuous detail in the sources that could reveal a world of shifts and developments. His unflagging faith in my abilities sustained me and without his help and encouragement I would have never finished.

A number of institutions provided me with financial support for which I am grateful. Grants from the Fulbright Commission and the American Institute for Yemeni Studies allowed me to do fieldwork in Yemen (1992-93). After my return to England, the Leigh Douglas Memorial Fund was kind to offer me a grant for the writing up stage. I would like to thank the trustees of the fund. Finally, the President and Fellows of Magdalen College, Oxford offered me a Prize Fellowship which allowed me to finish up in the most glorious surroundings; to them I am very grateful and say Florcat Magdalena.

I would also like to thank the Yemen Centre for Research and Studies (YCRS) for providing me with the necessary research permits during my stay in
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Many Yemenis helped me a great deal and in different capacities over the years and I would like to thank them here. The doyen of Yemeni history, Sayyid ‘Abd Allāh al-Hībshī, provided me with copies of numerous manuscripts without which this project would have been impossible. I am also grateful to Dr. ‘Alī Muḥammad Zayd for his encouragement. Nageeb Shamiry was very kind to provide with copies of works on aspects of modern Yemeni law for which I am grateful. ‘Abd al-Karīm al-‘Awg was also kind to provide me with copies of one of the imāms’ ikhtiyārāt. I would like to thank Qāḍī Muḥammad b. Ismā’īl al-‘Ammānī for sharing his ideas on Shawkānī and for providing me with copies of manuscripts from his own private collection.

Among my Hādawī friends I would like to thank Muḥammad al-Maqālīḥ, Muḥammad ‘Izzān and al-Murṭaḍā al-Maḥṭwārī for providing me with insights into aspects of Hādawī law and history. They were kind to arrange for me to stay in Ša’dā where I was able to endlessly discuss aspects of Shawkānī’s ideas and life. In Bromley, Kent Sayyid Aḥmad al-Shāmī was kind to meet with me and discuss aspects of his own education and his thoughts on Shawkānī. Mr. Zayd al-Wazīr has been a good friend and I would like to thank him for his advice on aspects of Yemeni
history and politics as well as for providing me with copies of manuscripts and his
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my time in Yemen and I can never repay all the kindness he and his family have
shown me. Other good friends who I would like to thank are Khālid al-Dhamārī,
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read through several chapters in draft form. Aron Zysow offered invaluable insights
in the field of usūl al-fiqh and encouraged me to keep at it. I would like to thank him
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to my wife, Navina, who put up with me during the writing up stage while looking after our son Iskandar. Her love sustained me throughout.
NOTE ON TRANSLITERATION, PLACE
AND PROPER NAMES, AND DATES

On the whole, I have followed the transliteration system of the *International
Journal of Middle East Studies*. An example of the system I used can be found
below:

<table>
<thead>
<tr>
<th>Consonants</th>
<th>Long Vowels</th>
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<tr>
<td>أ (except when initial)</td>
<td>ى ā</td>
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<td>ي y</td>
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<tr>
<td>ص š</td>
<td>ء a (at in construct state)</td>
</tr>
<tr>
<td>ض d</td>
<td>ال (article) al- and -l-</td>
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</tbody>
</table>

Diphthongs

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<td>دو aw</td>
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Short Vowels

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Final Forms

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<td>ع ww</td>
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I have tried to provide a faithful and consistent transliteration of all Arabic
words which have not received a popular Anglicized form as a result of frequent

usage. Words as familiar as “Islam” have been written in their common form, as
have known place names such as Hodeida, Mocha, Sanaa, Mecca and Medina. The
only exceptions to this, however, have been “Qur’ān” and “Sharī‘a”, instead of Koran
and Sharia, which, I felt, needed to be presented in their transliterated form. I have
transliterated proper names fully the first time the name is mentioned, thereafter I
refer to the person by his commonly known name in Yemen, e.g. Aḥmad b. Yaḥyā al-
I have dispensed with the article “al” whenever mentioning Shawkānī. As for less
known Zaydi imāms, I have generally referred to them by the first word in their title
and then their first name, e.g. al-Mahdī ‘Abbās and al-Manṣūr ‘Alī.

All dates, unless otherwise stated, belong to the Gregorian calendar. Where
two dates have been given, the date belonging to the Muslim calendar precedes that
belonging to the Gregorian calendar.
**LIST OF ABBREVIATIONS**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
<th>Author(s)</th>
<th>Publication Details</th>
</tr>
</thead>
</table>
Nuzhar al-nazar

Sayf al-bāṭir

Ṭabaq al-ḥalwā

al-Tiṣrār

Tuḥfat al-ikhwān
The Qāsimī Imāms

I. al-Mansūr al-Qāsim b. Muḥammad
Daʿwa: 1598-1620

II. al-Muʿayyad Muḥammad
r. 1620-1644

III. al-Mutawakkil Ismāʿīl
r. 1644-1676

IV. al-Mahdī Ahmad
r. 1676-1681

V. al-Muʿayyad Muḥammad
r. 1681-1686

VI. al-Mahdī Muḥammad
(Ṣāḥib al-Mawāhib)
r. 1686-1718

VII. al-Mutawakkil al-Qāsim
r. 1718-1727

VIII. al-Mansūr Ḥusayn
r. 1727-1748

IX. al-Mahdī ʿAbbās
r. 1748-1775

X. al-Mansūr ʿAlī
r. 1775-1809

XI. al-Mutawakkil Ahmad
r. 1809-1816

XII. al-Mahdī ʿAbd Allāh
r. 1816-1835

XIII. al-Mansūr ʿAlī
r. 1835-1836

XIV. al-Nāṣir
r. 1840-1843

XV. al-Hādi
r. 1836-1840

XVI. r. 1843-1845

XVIII. r. 1849-1850

XX. r. 1851-1851

See genealogy: The House of Ḥamīd al-Dīn

KEY: r. ruled, all dates CE

Imāms Shawkānī served
The House of Ḥamīd al-Dīn

al-Manṣūr al-Qāsim b. Muḥammad

Husayn (see genealogy: The House of al-Qāsim)

Muḥammad

Ismāʿīl

Yahyā

Muḥammad

Yahyā

I. al-Manṣūr Muḥammad
   Daʿwa: 1890-1904

II. al-Mutawakkil Yahyā
    r. 1918-1948

III. al-Nāṣir Ahmad
    r. 1948-1962

IV. al-Manṣūr Muḥammad (al-Badr)
    r. 1962
    Overthrown in September revolution, 1962
A LIST OF THE PRINCIPAL YEMENI SUNNA-ORIENTED SCHOLARS

3. Qāḍī Šāliḥ b. Mahdī al-Maqbalī, 1038-1108 / 1628-1696
5. Qāḍī Muḥammad b. ʿAlī al-Shawkānī, 1173 - 1250 / 1760 - 1834
CHAPTER I

Introduction

Muḥammad b. ʿAlī b. Muḥammad al-Shawkānī was born in Hijrat Shawkān, a village at a day’s walk south-east of Sanaa, in the latter half of the eighteenth century -- on 28 Dhū al-Qa‘da 1173 / 12 July 1760 -- and died in the first third of the nineteenth century -- in Jumādā al-Ākhira 1250 / October 1834. As a scion of a scholarly family of the tribe of Khawlān, he belonged to the qādī estate. In his father’s biography, Shawkānī proudly traces his family back to Qaḥṭān, the eponym of the Southern Arabs, yet also highlights that his ancestors had been among al-Hādī’s supporters and had valiantly supported the Qāsimī imāms in their holy war (jihād) against the Ottomans. Al-Hādī Yahyā b. al-Ḥusayn (d. 298 / 911) was a descendant of the Prophet through his grandson al-Ḥasan and had founded the first Zaydī community in Yemen. Any descendant of al-Ḥasan and al-Ḥusayn, the Prophet’s grandsons through his daughter Fāṭima and his cousin ʿAlī, is called sayyid (pl. sāda) in Yemen, and as such claims ancestry from the eponym of the Northern Arabs, ʿAdnān.

The word qādī (pl. quḍāt) means judge in Arabic. In Yemen the title is given to someone who is a member of a religiously learned non-sayyid family, in other words of Southern Arab stock. In theory any tribesmen with enough religious learning could become a qādī, and qādī families often trace their origins back to such an individual who was often associated with an imām. In practise, however, the title became hereditary, being transmitted in families regardless of the scholarly abilities of an individual. Like the sāda, qādīs often lived in towns or villages called hijar (sing. hiijra). These were “protected enclaves” in otherwise tribal territories in the northern Yemeni highlands. Some of the hijras were
associated with markets and centres of learning. Shawkânî's *nisba* denotes that he was originally from such an enclave, Shawkân. He was also very learned, thereby living up to the claims of his family being of the *qādī* estate.

In recent times Yemen has witnessed a rise in tensions between the two estates of men of religion. In part, this is probably due to Zaydism's theoretical denial of political leadership to anyone other than the *sayyids*—the imām had to be a *sayyid*. Since the 1962 revolution which rid Yemen of its last Zaydī imāms, the political fortunes of certain *qādī* families have risen significantly, and members of these, like the Akwa's and Iryānīs, have levelled doctrinal attacks against Zaydism. These can often mislead an observer into exaggerating the historical tensions between the two estates. Although no *qādī* ever became imām, many of them were nonetheless highly influential in Yemeni politics, Shawkânî himself for instance. Yemeni history also provides ample evidence of *qādīs* who were strictly devoted to Hādawi teachings and were among its chief propagators. In Shawkânî's writings there is no clear evidence of such tension between the Qaḥṭānīs and Adnānīs; as he himself proudly points out he was of a family of *qādīs* who were also staunch supporters of the imāms. It would be incorrect to reduce the development and elaboration of his anti-Hādawi views to his being a *qādī*.

Zaydism and the Imāmāte in Yemen:

The Zaydis are a sect of Shi'i Islam who supported the revolt of Zayd b. 'Ali in 122 / 740 against Umayyad rule. In the late third century / early ninth century, Zaydis managed to establish a community in Yemen. The thrust of their teachings lie in the insistence on righteous rule through giving the Ahl al-Bayt (i.e. the descendants of 'Alī b. Abī Ṭālib through either Ḥasan or Ḥusayn) a guiding role in both religious and secular affairs. The founder of this community in Yemen was al-Ḥādī ilā al-Iqaqq Yaḥya b. al-Ḥusayn (d. 298 / 911) whose
collected legal opinions constitute the Hādawī school of law which has dominated the Yemeni highlands until recently.

Unlike Sunnīs, Zaydīs have continuously insisted on having a just ruler who must fulfill quite rigorous qualifications and duties. They believe that 'Alī was the most excellent of men after the Prophet, and that he and his sons, al-Ḥasan and al-Ḥusayn, were invested by the Prophet as his executors (waṣī) through designation (naṣṣ), but that the designation was obscure (khaṭī) and could only be ascertained after investigation.¹ Zaydīs also contend that after the supreme leadership (imāmate) of al-Ḥusayn any descendant of his or of his brother, al-Ḥasan, who has the requisite qualifications could become imām after making a “summons” to allegiance (daʿwa) and then “rising” (khurūj) against illegitimate rulers. According to some medieval Zaydīs, the imām was not chosen by anyone but God. This teaching is already clearly enunciated by Imām al-Hādī, who traces it back in his family. What the people have an obligation to do is to support the one whom God has chosen.² However, other Zaydī theologians claimed that the selection of the imām is shūrā (consultation) among the descendants of al-Ḥasan and al-Ḥusayn;³ this restricted shūrā is the one that counts. Unlike Twelver Shiʿīsm, the Zaydī imām was not considered impeccable or infallible (maʿṣūm) and therefore his religious authority could be challenged. He was, however, considered a mujtahid, and later Zaydīs accepted the doctrine that every mujtahid was correct (kull mujtahid maṣīb), which in fact allowed for divergence of opinions, especially in matters of substantive law (fūrū).

Zaydīs did not recognize a hereditary line of imāms and were prepared to support any member of Ahl al-Bayt who claimed the imāmate by “rising,” whereupon it became incumbent on every Muslim to acknowledge the imām after

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¹ Wilfred Madelung, “Imāma,” in EI², III : 1166.
he had issued his “summons” to allegiance. The imāmate was envisaged in universal Islamic terms and was never presented as being confined to Yemen or the Zaydi community. The imām assumed the title of Commander of the Faithful (amīr al-mu'minin) and Yemen was seen as the base from which the “summons” would spread to the Muslim world.

In addition to the imām’s membership of Ahl al-Bayt, it was necessary for him to have other qualifications which emphasized a knowledge in religious matters, piety, moral and physical integrity, courage, and an ability to render independent judgement (ijtihād) in law. His duties are similar to those envisaged by the Sunnīs and Mu’tazilīs: he had to “order the proper and prohibit the improper” (al-amr bi-l-ma’ruf wa-l-naḥy ‘an al-munkar), dispense the legal punishments (hudūd), appoint judges, supervise religious endowments, look after orphans, collect the legal alms and other taxes, perform the congregational Friday prayer, “raise the banner of faith,” defend the territory of Islam, conduct the jihād.4 If the imām lacked qualifications or fell short in the performance of these duties his imāmate was forfeit and the position was given to a more qualified candidate, who in turn would “rise” and make his “summons.” It is interesting to note that even the loss of a finger, for example, would in theory have meant forfeiture of the post. The imām, in short, had to be an upstanding person, a scholar-warrior, of untainted character who acted as an overlord of the Holy House and who judged impartially.5

Late Yemeni Zaydism recognized “restricted” imāms (muḥtasibūn), when no one could be found to fulfill the high requirements of full imāms (sābiqūn). The muḥtasib was still expected to defend the community against external agression, protect the rights of the weak and “order the proper and prohibit the

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improper." This constituted a doctrinal compromise allowing for periods in which a full imām could not be found. It should be noted, however, that in Yemeni history it was not always the most qualified contender to the imāmāte who was given allegiance; rather, it was often the most powerful who became imām. For example, al-Mahdī Aḥmad b. Yāḥyā al-Murtadā (d. 840 / 1436) had eventually to forgo his bid because of the more powerful al-Mansūr ‘Alī b. Muḥammad Ṣalāḥ al-Dīn (d. 840 / 1436), despite being eminently more qualified than the latter. Moreover, in historical practise it was the ahl al-hall wa-l-‘aqd (the people who loose and bind, understood to mean the community of scholars and notables) who gave their bay’a (oath of allegiance) to the imām, and this was what de facto legitimated his rule. De jure one could lack this recognition and still be imām.

The Qāsimī Imāms:

Since its founding by al-Hādī ila al-Ḥaqq and until the rise of the Qāsimīs in the late sixteenth century, the Zaydī imāmāte had been an oppositional power which enjoyed varied fortune, seeing its domain expand and contract. During this period the Zaydī imāms rarely held territory beyond the confines of the northern highlands of Yemen, and their politics followed a pattern of resistance to foreign dynasties, such as the Rasūlids, the Mamluks and the Ottomans. Though frequently driven back to the town of Ṣa‘da or some other highland stronghold like Shahāra, the imāmāte survived all these dynasties. Its resilience is due to the fact that its authority resides not in what we normally consider institutions of the state--such as an administrative bureaucracy and a standing army--but in the

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potentials embedded in manuals of law and the Ahl al-Bayt, an ever present source of imāms.

The Qāsimī imāmate, established by al-Mansūr Qāsim in 1598 CE, managed to change, for a while at least, what had hitherto been a history of opposition. This was due to the unprecedented power and territory that had accrued to the imāmate after the Ottoman Turks were driven out in 1636 CE, when the Zaydīs came to control all of Yemen. The zenith of Qāsimī rule was reached during the reign of the Imām al-Mutawakkil ʿalā Allāh Ismāʿīl b. al-Qāsim (d. 1087 / 1676), when the imāmate’s influence reached as far as Dhofar in the east, Aden in the south, and ‘Asīr and Najrān in the north. With this expansion, the imāmate acquired control over predominantly Shafi‘ī territories in Lower Yemen and on the coast. These latter regions provided a rich agricultural tax-base and ports through which moved a burgeoning coffee trade. Yemen was important regionally at this juncture and the imāms behaved as regional potentates, maintaining relations with a number of pre-modern imperial powers, like the Mughals in India and the defeated Ottomans.

The imāmate, which had largely relied on the northern tribes in its expansion, had to link the newly acquired regions to the Zaydī tribal north, where lay the armed force on which the imāmate depended. The link proved hard to sustain and preoccupied every Qāsimī imām. Despite these difficulties, administrative, tax collecting and judicial systems had to be devised which gave the imāmate state-like qualities it had never before developed fully. In the process, a change in the nature of imāmic authority and rule took place. The imāms became, as their detractors said, more like kings and a discernible shift occurred from what had hitherto been a “summons” (daʿwa) to something more like a state (dawla). The imāms, for example, began paying for a standing army.

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Carsten Niebuhr, a Danish traveler who visited Yemen in 1762-3 CE, reports that the imām of the time maintained a standing army of 4,000 infantry and 1,000 cavalry. Many of the commanders (amīrs) of the imāmic forces were slaves of Abyssinian origin, a fact which gave the imāms some autonomy of action and lessened their dependence on tribal arms. For important military operations, however, they were still dependent on the tribes and continued to pay them important subsidies.

The Qāsimī imāms also established an administrative system in which a number of ministers were each given his own jurisdiction, and under whom operated a number of appointed governors (‘āmil or wāli). These governors in turn were responsible for collecting taxes and the duties from the ports and the regions they administered. Control over taxation, however, was problematic for the imāms because of their inability to control tax-collectors. The administrative system was characterised by nepotism and exploitation of the peasantry (ra‘āya), as well as constant rebellions by either appointed governors -- many of whom were close relatives of the imāms -- or local potentates against the central authority. A judicial system was also organized under the direction of a chief judge (qādī al-quṭāt). The changes and developments which the Qāsimīs brought to the imāamate gave it “the form of an elaborate dynastic state” without securing “the means to support itself or to transmit authority without dispute.”

Shawkānī’s Education:

Shawkānī’s father, ‘Ali b. Muḥammad (d. 1211 / 1797), was a learned man who was appointed by Imām al-Mahdī ‘Abbās as a judge in the lands of Khawlān and later given a post in Sanaa. He served as a judge of the imāmate

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11 Badr, 1 : 478 - 85.
for forty years, and supported his son financially until the latter became a court
official in his own right. By all accounts, Shawkānī’s father was committed to
Hādawi legal teachings, but later in life, under the tutelage of his son, he was
converted to Sunna-oriented views. A story is narrated by al-Shijīnī (one of
Shawkānī’s biographers) about a precocious young Shawkānī, who when studying
with his father the Sharḥ al-azhār—the principal commentary of the standard
Hādawi law book entitled Kitāb al-Azhār—asked him which of the various
conflicting opinions listed in the work was the one to follow. His father answered
that Ibn al-Murtadā’s opinion, i.e. the Hādawi author’s, was the accepted one. It
is reported that Shawkānī was not satisfied with this answer and therefore sought
to study with the most learned scholar of the age, Sayyid ‘Abd al-Qādir b. Aḥmad
al-Kawkabānī (d. 1207 / 1792),12 to learn for himself how to distinguish between
various opinions.13

Shawkānī never left Sanaa in pursuit of knowledge as was normally the
case for scholars who attained his rank, and, surprisingly, he did not perform the
pilgrimage to Mecca. He explains that his parents never gave him permission.
His principal teacher al-Kawkabānī, however, had traveled throughout Yemen and
spent two years studying in Mecca and Medina. Muḥammad b. Ismā’il al-Amīr
(d. 1182 / 1769, known as Ibn al-Amīr), who had been al-Kawkabānī’s teacher,
had also studied in the Hijaz, where he was exposed to ideas and circles of
teachers and students from all over the Islamic world. Mecca and Medina in the
late 17th and 18th centuries were very active teaching centres, where ideas about
Islamic renewal and reform, mainly grounded in the ḥadith sciences, were
propagated.14 Shawkānī’s exposure, therefore, was not parochial by the standards

12 Cf. Badr, 1 : 360 - 69.
13 Muhammad al-Shijinnī, 1990, Ḥayāt al-imām al-Shawkānī al-musamma Kitāb al-Tiqsār,
Scholars,” in Eighteenth-Century Renewal and Reform in Islam, Syracuse: Syracuse University
Press, pp. 69 - 92.
of his time; rather, through his teachers he was abreast with the most contemporary ideas and trends in the wider Muslim world. Furthermore, Yemen had produced an indigenous school of ḥadīth-oriented or Traditionist scholars, beginning with Muḥammad b. ʿIbrāhīm al-Wazīr (d. 840 / 1436) and culminating with Shawkānī himself, which advocated reformist ideas similar to those which were fashionable in the Hijaz in the 18th century. In his biography of Ibn al-Wazīr, Shawkānī underlines this fact and laments that Yemeni scholars of this school had been ignored by those outside Yemen. He says:

There is no doubt that the scholars of the schools [the four Sunnī schools] do not pay due attention to the people of this country because they believe that Zaydis are merely practitioners of taqlīd. [I say] to those who do not investigate the situation, that in the country of the Zaydis one can find a limitless number of imāms of the Book and the Sunna. These confine themselves to following evidenciary proof-texts (nusūṣ al-adilla) [from the Qurʾān and Sunna], and rely on sound Traditions in the canonical ḥadīth collections and other accompanying Islamic compilations which contain the Sunna of the Lord of Mankind [the Prophet Muḥammad]. They do not practise taqlīd at all and do not corrupt their religion with reprehensible innovations, which none of the other schools is devoid of. Indeed, they are in the manner of the Pious Ancestors (al-salaf al-sāliḥ), in practising what the Book of God and the sound Sunna of His Messenger have indicated. They delve extensively in the basic sciences of the Book and Sunna (al-ʿālāt ʿilm al-kitāb wa-ʾl-sunna), such as grammar, morphology, rhetoric, the principles [of jurisprudence and theology] and language. They do not trangress beyond these into the rational sciences. Their merit lies in that they limit themselves to the texts of the Book and the Sunna and cast off taqlīd. God has made this the characteristic of the people of this country in recent times, which is rarely found in others.¹⁵

The Traditionist Yemeni scholars Shawkānī is referring to here opposed most forms of human reasoning (ʿaql) in dogmatic theology (kalām) as well as the use of personal opinion (raʾy) in law (fiqh). Like Traditionists elsewhere in the Muslim world, they emphasized the literal word of the Qurʾān and its interpretation through the Prophetic Traditions or Sunna.¹⁶ Theologically, this

¹⁵ Hadr, 11 : 83.
entailed rejecting most Zaydi *kalām*, which draws heavily on Muʿtazilism. Shawkānī, for instance, considered *kalām* as consisting of “idle talk” (*khuzāʿ balāt*) and felt that its hermeneutic methods and conclusions were being imitated by scholars without reference to revealed texts. Scholars of *kalām*, according to him, had invented conceptual terminology and expressions which they have rendered into a principle (*āsīl*) to which they then refer the Qurʾān and Sunna. Therefore, to partake in the discourse (*maqūlat*) of the scholars of *kalām*, meant for Shawkānī to partake in a type of *taqlīd* and to reject the texts of the Qurʾān and Sunna, which have been made subordinate to the discourse of *kalām*.\(^{17}\)

In legal matters, the Traditionists stressed the practise of *ijtihād* and the shunning of *taqlīd*. By *ijtihād* they meant a scholar’s independent ability to elaborate legal opinions from the principal sources of the Qurʾān and the canonical ḥadīth corpus, equating the latter with the Sunna. They understood *taqlīd* as the acceptance of another person’s opinion on a given matter without knowing the texts on which it was based. Their attack was levelled primarily at the established schools of law, and in particular the Ḥādawī school, whose opinions they said were often textually unfounded. In other words, the process of *ijtihād* by which the school’s opinions were arrived at was improper. This was made more pernicious by the prevailing practise and custom which entailed the closest adherence (*taqlīd*) to these opinions.

The rise of the Wahhābī movement in Najd in the second half of the 18th century influenced the Yemeni Traditionists by providing them with a successful model of a state which was forged on an alliance between ulema and rulers. More specifically, it was the alliance made in 1744 between Muḥammad b. ‘Abd al-Wahhāb (d. 1206 / 1792) and the emir of the town of Dir‘iyya, Muḥammad b.  

Sa‘ūd (d. 1179 / 1766), which started the movement. By the turn of the 19th century the Wahhabīs constituted a formidable military force in Arabia, promoting a renovative message which emphasized the doctrine of God’s unicity (tawḥīd) and attacking all whom they felt were derogating from it. In particular, the Wahhabīs attacked the cult of Sufi saints and the antinomian practises associated with tomb visitation. Initially, scholars like Ibn al-Amīr and Shawkānī welcomed this, seeing a correspondence between their own Traditionist views and those of the Wahhabīs. However, upon hearing that the Wahhabīs were practising indiscriminate excommunication (takfīr) of fellow Muslims the Yemenis soon withdrew their support, levelling severe criticism of the Najd-based movement.

The intellectual context from which Shawkānī emerged and in which he operated is complex, involving local as well as broader geographical influences. His ideas and life cannot easily be subsumed under a wider pan-Islamic movement of reform in the 18th century. The local context, namely the cultural and juridical dominance of the Ḥadawi school and the evolution of Qāsimī rule from charismatic to patrimonial forms of government, underpins his ideas and the reforms he endeavored to bring about. The concepts of charisma and partrimonialism of course are drawn from a Weberian typology of forms of authority (cf. Max Weber, 1978, Economy and Society, Berkeley: University of California Press, vol. 2, pp. 1010 ff, 1111 ff). Weber defines charisma as “a certain quality of an individual personality by virtue of which he is set apart from ordinary men and treated as endowed with supernatural, superhuman, or at least specifically exceptional powers or qualities. These are such as are not accessible to the ordinary person, but are regarded as of divine origin or as exemplary, and on the basis of them the individual concerned is treated as leader.” Weber also saw the charismatic leader as disrupting tradition. The Zaydl imām fits certain aspects of this definition, and as such it is apt to use the concept to define those among the imāms who fulfilled the institution’s rigorous qualifications. Patrimonialism, by contrast, was defined by Weber as a form of political domination in which authority rests on the personal and bureaucratic power exercised by a royal household. This power is formally arbitrary and under the direct

19 Cf. Muhammad b. Ismā’il al-Amīr, Irshād dhawī al-albāb ilā haqīqat aqwāl Muhammad b. ’Abd al-Wahhab, ms. Gharbiyya Library, Majmu‘ no. 107, fols. 131 - 142. A copy of this manuscript is in my possession.
20 The concepts of charisma and partrimonialism of course are drawn from a Weberian typology of forms of authority (cf. Max Weber, 1978, Economy and Society, Berkeley: University of California Press, vol. 2, pp. 1010 ff, 1111 ff). Weber defines charisma as “a certain quality of an individual personality by virtue of which he is set apart from ordinary men and treated as endowed with supernatural, superhuman, or at least specifically exceptional powers or qualities. These are such as are not accessible to the ordinary person, but are regarded as of divine origin or as exemplary, and on the basis of them the individual concerned is treated as leader.” Weber also saw the charismatic leader as disrupting tradition. The Zaydī imām fits certain aspects of this definition, and as such it is apt to use the concept to define those among the imāms who fulfilled the institution’s rigorous qualifications. Patrimonialism, by contrast, was defined by Weber as a form of political domination in which authority rests on the personal and bureaucratic power exercised by a royal household. This power is formally arbitrary and under the direct
The subject which took centre stage in Shawkānī’s education was ḥadīth and its attendant sciences, and in this regard Ibn al-Amīr and al-Kawkabānī played crucial roles teaching these in Sanaa in the 18th century. *Ijtihād,* understood here as the scholar’s ability to act in accordance with proof-texts (*al-ʿamal bi-l-dalīl*), was intimately related to the ḥadīth sciences in this context. These scholars felt that canonical ḥadīth collections provided the bulk of proof-texts relating to most, if not all, contingencies. *Ijtihād* was the total methodological and epistemological procedure which enabled them to cite relevant texts, weighing the relative authenticity and authority of each ḥadīth in order to bolster a legal opinion or judgment. They held that the inherited opinions of the Ḥādawī teachings were not properly bolstered by proof-texts in its manuals and commentaries, for example in the *Kitāb al-Azhār* or its principal commentary, the *Sharīʿ al-azhār,* and therefore these were to be refuted.

Shawkānī excitedly describes how his studies (*qiraʿāt,* lit. read texts) with his teacher al-Kawkabānī involved “investigative discussions which he conducted in the manner of *ijtihād,* in that [proof-texts] were issued and set forth (*kānat al-qiraʿāt jamīʿu-hā yajri fi-hā min al-mabāḥith al-jāriya ʿalā namaṭ al-ijtihād fi al-iṣdār wa-l-īrād).*”

More traditional Zaydīs and Shāfīʿīs would have contented themselves with their established law manuals: the Zaydīs had Ahmad b. Yahyā al-Murtadā’s *Kitāb al-Azhār* and the Shāfīʿīs used Abū Shujāʿ’s *Mukhtasar* and Muḥyī al-Dīn al-Nawawī’s *Minhāj.* Both schools recognized the possibility of *ijtihād,* especially the Zaydīs who had a continuous tradition of *mujtahids,* but would have expected their members to adhere to their schools’ teachings as set in these definitive texts. Shawkānī and his Traditionists peers set out to undermine this control of the ruler. Domination in patrimonial states is secured by means of a political apparatus staffed by mercenaries, conscripts, slaves, administrators and, as in our case, jurists and scholars. These groups do not have an independent power-base and are therefore at the mercy of the ruler’s whim.

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21 *Badr,* 1 : 363.
attitude and ultimately the schools themselves. This is one reason why he is seen as a reformer. The stricter adherents of the Hādawī school rejected his ambitious programme and attacked him in doctrinal as well as political terms. So far, I have not come across any Shāfi‘ī Yemenis criticising Shawkānī or the Traditionists. This is perhaps because they liked his views and felt these would undermine those of the Hādawī madhhab which they saw as a northern highland imposition.

At twenty Shawkānī was issuing fatwās (consultative legal opinions) to those who came to him from far and wide, most notably from the Tihāma. In doing this, Sunna-oriented scholars like him were juridically and religiously knitting together the Shāfi‘ī regions of Yemen with the Zaydī highlands, and more specifically with the seat of government in Sanaa. Shawkānī makes the point in his autobiography that he did not charge payment for issuing fatwās, “as he had received knowledge freely and would impart it likewise.” He also started teaching students from an early age, mainly through the instruction methods of qirā‘a (recitational-reading or dictation) or sama‘ (audition).²² Shawkānī also transmitted works to students which he had not yet read but for which he had received a license (ijaza) for their transmission. These were generally works in such sciences as philosophy, logic and mathematics which Traditionists did not particularly favour.²³ The image he conveys of himself is a traditional one: that of being a node or link in a multitude of chains of transmission emanating from the Prophet, in the case of ḥadīth, but also from authors of many books in the numerous sciences, all of which he could transmit onwards and which collectively constituted the living body of Islamic and human knowledge.

Speaking in the third person, Shawkānī says of himself that he dispensed with taqlīd and became a mujtahid mutlaq (an ultimate religious reference / authority) before reaching the age of thirty. At thirty-four, he was still living in his father’s house, being mainly engrossed with teaching, issuing fatwās and writing. ‘Abd Allāh al-Ḥibshi has compiled a list of 250 titles for him.24 Amongst these are short and long treatises, letters, fatwās, and multi-volume compendia many of which have now been edited and published. The most famous of these compendia are: Nayl al-awtār (a law manual based on ḥadīth), al-Fath al-qadīr (Qur’ānic exegesis), al-Sayl al-jarrār (a legal commentary on Kitāb al-Azhār), and Wabl al-ghamām ‘alā shī‘a’ al-uwām (a legal commentary on a Zaydi ḥadīth work). As for teaching, Shawkānī claims he taught thirteen separate lessons per day in such disciplines as Qur’ānic exegesis (tafsīr), principles of jurisprudence (uṣūl al-fiqh), rhetoric (ma‘ānī wa bayān), grammar (nahw), and normative law (fiqh).

On 1 Rajab 1209 / 22 January 1795 the chief judge (qādī al-quḍāt) of the imāmate, Yahyā b. Śāliḥ al-Saḥūlī, passed away and Shawkānī was called upon by the Imām al-Mansūr ‘Alī to assume the post.25 His candidacy seems to have been based on the general recognition of his scholarly precedence and the sources make no mention of other candidates. For a week Shawkānī says he dithered about this offer, partly because of the time it would take away from his teaching and studies. Another factor may have been the widespread sentiment amongst Yemeni scholars which disapproved of ulema associating with or accepting employment from rulers.26 However, after the persistant insistence of peers and

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25 For al-Ṣaḥūlī’s biography see Bāder, II : 333 - 38.

26 In the biographical dictionaries and historical chronicles it is considered praiseworthy not to have accepted the blandishments of rulers as these are considered corrupting influences which can compromise a scholar’s character, credibility and reputation. See for example the biography of al-Ḥasan b. Ahmad al-Jālīl in Ismā‘īl b. al-Akwa’, 1995, Hijar al-‘ilm wa ma‘āqiluh, Beirut: Dār al-Fikr al-Mu‘āsir, 1 : 345. (Hereafter Hijar al-‘ilm).
colleagues that he should accept lest someone less capable take up the post, Shawkání says he relented and became qādī al-qudāt, a position he held for nearly forty years, from 1795 until his death in 1834. In this time he became the supreme judge in the imāmate (marja'), and the fatwās and judgments he issued set precedents which other judges were meant to follow. He became responsible for appointing judges throughout the realm and for supervising them. He answered all correspondence on behalf of the imāms and seems to have determined doctrinal and juridical orthodoxy. Politically, too, he played a very important role by mediating in disputes between various members of the ruling house and making policy recommendations to imāms.²⁷

Despite his official obligations, Shawkání continued teaching, particularly his own works, and established a reputation as a reformist scholar who had garnered an impressive number of ijāzas and transmission chains (isnāds) for a multitude of written works. This led students, from Yemen as well as from other places, to flock to Sanaa to study with him and receive certificates. He was proud of Sanaa’s scholarly community and claims that it was unlike other places where ījtihād was no longer practised. In praising Sanaa and its scholars he says:

> It is rare to find in a city what can now be found in Sanaa, namely the return of its scholars to the sound [texts] of the Legislator, their not relying upon mere opinion (ra'y) and their rejection of the schools (madhāhib) when clear evidence is provided. This is a merit and a virtue which is hardly known in other countries, except in the odd individual.²⁸

Sanaa’s closeness to Mecca must have played a role in attracting foreign scholars who were either on their way to or from the pilgrimage. The Indian scholar, Shaykh ʿAbd al-Ḥaqq al-Banārisī (d. 1276 / 1860), describes coming to

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²⁸ Adab al-talab, p. 78.
Sanaa in 1238 / 1823 specifically to study with Shawkānī and to receive certificates from him. He says:

I left the city of God’s Messenger [Medina]—may God’s peace and blessings be upon him—heading for Sanaa the Preserved in order to visit the lordly scholar Muḥammad b. ‘Alī al-Shawkānī. I endured the travails of travel and traversed the wildernesses, seas and calamities of rain until I reached the mentioned city. I alighted in one of its houses and then wrote him a letter and sent it to him with some people. He beckoned me immediately and treated me with great honour and asked me about my age and what I had studied. Then he gave me copies of his works and asked me to read these. I read most of them and would visit him on the two days he gave lessons, Mondays and Thursdays, and would “hear from him” (asma’ min-hu). The Shaykh [Shawkānī] would solve all the obscure and difficult matters in a correct manner. Whilst I was in this state, I was overcome with fever and remained so for a long time. Then God the Exalted—cured me of my illness. The Shaykh [Shawkānī] then decided to travel, so I went to him and bid him farewell and this was on Friday 10 Jumāda al-Akhīra 1238 [21 February 1823]. He was friendly towards me and sympathized with me so that I read with him most of his musalsalāt [hadīths with an unbroken chain of transmission back to the Prophet]. Then he issued me with a certificate for all his marwiyyāt [works which he could transmit], and he wrote me a certificate in his own noble hand and gave me his register (thabat) [of isnāds entitled] Ithāf al-akābīr fi isnād al-dafātir and told me to copy it.29

Fortunately, al-Banārisī has also left a copy of the ijāza given him by Shawkānī which is worth quoting here as it shows the modalities of this system of education and transmission.

In the name of God the Merciful the Compassionate. Praise be to God. Muhammad b. ‘Alī Shawkānī—may God pardon them both—says while praising God the Exalted and asking for blessings on His Messenger, his Family and Companions: I have given an ijāza to the Shaykh, the scholar, Abū al-Fadl ‘Abd al-Haqq son of the Shaykh, the scholar, Muhammad Fādil Allah al-Muhammad al-Hindī—may God through his kindness and generosity increase his benefits and make useful his knowledge—all that is contained in this register, which I have compiled and called Ithāf al-akābīr bi-isnād al-dafātir. Let him transmit from me all that is in it of the books of Islam, regardless of the different genres which he sees therein. He is capable of doing this, and I do not place on him any

condition for he is more worthy and lofty than this. I have asked him to include me in his future invocations, during my lifetime and after I die. I have written this on Friday Jumādā al-Ākhira of the year 1238 of the Prophet’s hijra—on him be the best of blessings and salutations. 30

Shawkānī was perhaps most active politically during the reign of the last imām he served under, al-Mahdī ʿAbd Allāh. He accompanied this imām on a number of military campaigns, mainly in Lower Yemen, where Shāfiʿī scholars took great delight in studying with and receiving ījāzas from him. It is to one of these outings that al-Banārīsī was referring to when he said that Shawkānī had decided to travel.

Shawkānī died in Jumādā al-Ākhira 1250 / October 1834, one year before Imam al-Mahdī ʿAbd Allāh passed away. He left behind one son, Aḥmad (d. 1281 / 1864) who later took over as qādī al-quḍāt but led a more turbulent life than his father’s, reflecting the troubled political situation of Yemen in the latter half of the 19th century. Aḥmad was imprisoned by the strict Hādawī Imam al-Nāṣīr ʿAbd Allāh b. al-Ḥasan (d. 1256 / 1840), who rose to power in 1252 / 1837. Later he became qādī al-quḍāt again but eventually the political situation led him to give that up, becoming an independent authority in his own right in the village of al-Rawda without any imāmic sanction. He did not have his father’s scholarly abilities or stature and is known to have produced only one short treatise. 31 It is noteworthy, however, that the hereditary model of imāmic succession, with son succeeding father, now replicated itself in official posts, regardless of qualification or merit. Shawkānī’s lineage died out because Aḥmad did not leave

30 al-Laknawī, 1413 / 1992-3, pp. 268 - 69. Al-Banārīsī also received an ījāza from Sayyid ʿAbd Allāh b. Muhammad al-Amīr (Ibn al-Amīr’s son) in Sanaa which is quoted on the following pages. Its emphasis is on the transmission of the canonical ḥadīth collections, highlighting the principal disciplinary concerns of these scholars.

surviving sons. His books, however, live on and the role he played in the
imāmate continues to animate and inspire much discussion among Yemenis today.
CHAPTER II

The Qāsimī Imāmatcs of the 17th Century

By the late 18th century two separate shifts in the Qāsimī state had become fully actualized. The first was the institutionalization of imāmic authority through formalized customs and practices and the development of bureaucratic structures. Patrimonial forms of rule evolved and replaced a system of government where authority had been based on and had emanated from the charismatic presence of an imām as the embodiment of the Zaydī ideal. The second and related shift was a gradual doctrinal and ideological move away from Zaydism in its Hādawi guise towards Sunnism. By the 18th century the imāmate cultivated Sunna-oriented scholars like Sawākānī and offered them patronage, whilst Hādawi scholars, especially staunch ones, lost favour.

Although the factors impelling these two shifts may not necessarily have been the same, the shifts themselves are not separate. The “routinization” of imāmic authority was brought about because the imāms no longer lived up to the ideal posited in Hādawi teachings. They became more like sultans and less like imāms. The doctrinal shift to Sunnī views probably came about as a result of increased interaction between Zaydīs and Shāfi‘ī Sunnīs, who were the majority subjects in the realm. Sunnī teachings, unlike those of Hādawi Zaydism, countenanced the rule of less than ideal men and forbade revolt or rebellion against them.

This chapter aims to show what the Qāsimī rulers were like in the 17th century and contrast them with their 18th century counterparts, thereby highlighting the first shift mentioned above. Until the beginning of the 18th century Sunna-oriented scholars like Sawākānī represented a small minority of Zaydī-born scholars, whereas by the close of that century they had become
numerous and were powerful in determining religious doctrine through the judicial and religious structures of the state.

The Archetype of the Zaydi Imām:

In historical Zaydism, before the Qāsimīs, the focus was on the imām in his capacity as a learned, pious, courageous and militarily effective leader. Indeed, much of the support he could garner, whether from the tribes or scholars, rested on those qualities. The life chronicles (siyar) and biographical dictionaries (tarājim) illustrate this point well. The classical archetype was, of course, al-Hādī ilā al-Ḥaqq Yahyā b. al-Ḥusayn (d. 298 / 911), the first Zaydi imām in Yemen. One of al-Hādī’s poems reveals the bases of his claim to being imām and reflects the nature of the institution.

The horse and every spear testify to my tenacity, prowess and courage. Truly Dhū al-Faqār bears witness that I gave its two blades to drink of the blood of vile folk. Time and time again I quenched its thirst in every confrontation, seeking to avenge the Faith and Islam. So that Dhū al-Faqār recalled battles waged by him who possessed power, the leader, the noble one. My grandfather is ‘Alī, he of transcendent virtues and perspicacity, the sword of God and the smasher of the idols. The true brother of the Apostle and, after the Prophet, the best whom the earth ever covered up, the imām of every imām.¹

In addition to describing al-Hādī’s military campaigns, his sira describes the nature of his rule, emphasizing in particular his humility (tawāḍu’) and piety (wara’). It is reported, for example, that he would salute all people he encountered, regardless of age, social class or origin, and he would personally listen and attend to the complaints of aged women and dhimmīs. In terms of piety

it is reported that al-Hādī refused to consume any monies which were collected as taxes in Yemen, and was diligent in making sure that no financial misdeeds or mismanagement took place by his people. According to Islamic law, sayyids were prohibited from consuming the zakāt, because it was felt that they would be polluted in so doing. This element of probity is reflected in a report about one of al-Hādī’s tax collectors, Muḥammad b. Sulaymān, who came to him one evening with a bag full of dinars and dirhams from the zakāt tax and asked him to keep this in safe keeping under his bed. When al-Hādī discovered the contents of the bag, he quickly said: “keep it away from me...; by God should I ever become needy of what is collected from the sadaqa or ‘ushr and I were then to find carrion, I would consume the carrion and never consume anything from the former.”

Imāms were expected to live up to this ideal of probity, humility and charismatic authority. It is reported that some did. For example, Imām al-Qāsim b. ‘Alī al-‘Iyānī (d. 393 / 1003) is said to have died without bequeathing a single dinar or dirham as inheritance, except for his weapons, pack animals and clothes, all of which would not cover his debts. Another imām, al-Muṭṭāḥhar b. Yaḥyā al-Murtada (d. 697 / 1298), is said to have eaten coarse food and to have worn rough clothing. After teaching his students, al-Muṭṭāḥhar would go with them to gather firewood and would carry some of it back himself.

Yet another example of a Zaydi imām fitting the classical archetype is al-Nāṣir Muḥammad Ṣālāḥ al-Dīn (d. 793 / 1390). He assumed the reins of power when his father, al-Mahdī ‘Alī b. Muḥammad (d. 773 / 1371), became hemiplegic (fālīj) and therefore lost the qualification to remain imām (saqāta ‘anhu al-taklīf).

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2 Cf. Wilferd Madelung, 1989, “The Hāshimiyyat of al-Kumayt and Hāshimi Shi‘ism,” Studia Islamica, 70, pp. 24 - 26. The issue of whether sayyids are allowed to take from the zakāt for their personal use is a recurring issue of controversy in Yemeni history. The more upright imāms would habitually condemn it, but it was obviously a common practise.
5 Zabārā, 1952, p. 198.
After his father’s death a year later, al-Nāṣir “made his summons” (*daʿāʾ ila nafsīh*) and met with the ulema and called upon them to recognize him as imām.

One thousand three hundred of the ulema met with him, tested him and upon finding him “complete” (*kāmil*) decided unanimously to accept him as imām and follow his opinions (*ajmaʿ raʾyuhum ʿalā taqlīdihi*).\(^6\) By declaring al-Nāṣir *kāmil*, the ulema found him to have all the necessary qualifications stipulated by Hādawī law--these are usually considered to be 14 in number.\(^7\) However, their recognition was not in and of itself the deciding factor in establishing his imāmacy. According to the Hādawī view, a candidate becomes imām by virtue of his own perception or as Messick has put it: “an imām is meant to be the sort of man who, upon recognizing his own exemplary qualities and perhaps on the urging of his fellows, rises up and makes himself known, actively and even aggressively asserting his call and claim (*daʿwa*) to be the imām.”\(^8\)

The nature of political authority in the earlier Zaydi imāmacy is clear from the way in which Zaydi chronicles and biographical dictionaries stress the personal attributes of the imāms, most notably their learning, piety, probity and courage. For example, a contemporary supporter of al-Nāṣir’s describes him as having attained in the sciences a rank above that of *ijtihād*, as attested in part by his many written works.\(^9\) He also tells us that al-Nāṣir’s daily routine consisted of spending at least two thirds of the night in prayer until daybreak whereupon he

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\(^6\) Zabārā, 1952, pp. 260 ff.


\(^8\) Messick, 1993, p. 38.

would pray the supererogatory prayers followed by the obligatory ones and then sit facing Mecca in prayer and recitation. At sunrise he would embark on dealing with the affairs of the Muslims and other religious matters, which involved studying the religious sciences. At noon he would perform the supererogatory prayers followed by the obligatory ones. He would then look into the affairs of Islam (maṣāliḥ al-islām) and the defence of its borders (sadd al-thughūr) and answer any letters which had come to him. He would then perform the remaining prayers, at their allotted times, and continue dealing with affairs of jihād and those of the believers. He would sleep after nightfall, but only for a short period, rising to repeat the routine all through again. Al-Nāṣir was, besides, a warrior who defeated the Rasūlids in Zabīd in 777 / 1376 and later took hostage their leading officer. According to Shawkānī, he also fought the Ismāʿīlis (referred to by the Zaydis as al-Bāṭiniyya, and considered by them to be heretics), “destroying their foundations, shedding their blood and looting their property.”

Another source, Yaḥyā b. al-Ḥusayn’s Anbāʾ al-zaman, attributes to al-Nāṣir the construction of the ablution areas in the Great Mosque of Sanaa as well as providing for its carpeting (firasli). The Anbāʾ also says that he would go for outings on some nights with his companions to check on the condition of the people, and if he found that someone was deserving of the legal punishment he would carry it out.

The image one gets from the Zaydi sources of an imām like al-Nāṣir is perhaps in part idealized, but central to their description of a “summons’” is the personality of the imām whose attributes count for both its legitimacy and effectiveness. The political structures they established are not to be understood in terms of a state (dawla); rather, theirs was a daʿwa whose fortunes followed those of the imām. As a result, these daʿwas had an evanescent and terminal quality. Sometimes they disappeared as quickly as they were established if the imām fell

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10 Cf. al-Ḥibshi, Masādir al-fikr, p. 577.
11 Badr, II : 226.
12 Cited in Zabāra, 1952, pp. 262 - 263.
short of a qualification or if a more qualified candidate challenged successfully the incumbent’s claims to rule. One sees in the case of al-Nāṣir that it is through his piety, knowledge and courage that Islam is safeguarded and defended; the Shari’a is imposed through his personal vigilance, as exemplified by his nightly outings. It is the quality of the man which is stressed and no mention is made of what one may call the trappings of state or “theatre of state.” There are, for example, no mentions of formal processions, ceremonies and no retinue of guards or bureaucrats to administer the state and enforce its injunctions, no emblems or symbols of sovereignty. Mention is made of judges of the imāms in the various areas and towns of Yemen, but their influence depended as much on their own piety and learning as on their relationship with the imām.13

The institution of the imāmate was inherently unstable. The establishment of localized dynasties was attempted by the descendants of a number of noted imāms, who refused to recognize the da’was made by other imāms. An early example of this were the descendants of al-Hādī who based themselves in Sa’dah and resisted Imam al-Qāsim b. ‘Ali al-‘Iyāni’s “summons.” Al-‘Iyāni’s descendants, in turn, based themselves at Shahāra and from there sought the leadership of the Zaydis.14 Another example of a local dynasty were the Banū Ḥamza, the descendants of Imām al-Manṣūr ‘Abd Allāh b. Ḥamzā (d. 614 / 1217), who based themselves in Zafar al-Zāhir.15 From here they continued to mint coins in the name of their deceased father, taking on the titles of amīr and muḥtasib, but they refrained from making a proper “summons.”16 Yet another

13 The most notable example of one of al-Nāṣir’s representatives was ‘Abd Allāh b. al-Ḥasan al-Dawwārī (d. 800 / 1397) who was based in Sa’dah. Al-Dawwārī was one of the most learned men of his day and was nicknamed the “Sultan of the ulema.” His recognition of both Imām al-Nāṣir and his son al-Manṣūr counted for more than that of any other scholar in the validation of their respective rules as imāms.


local dynasty was established by the Sharaf al-Dīn family in the area in and around Kawkabān. The founder was Imām al-Mutawakkil Yahyā Sharaf al-Dīn (d. 965 / 1558) who led a vigorous military campaign in the name of greater Zaydī legitimacy against the Circassian Mamelukes and later against the Ottomans. None of these dynasties, however, managed to institutionalize their structures of rule or to give these perdurable forms.

The example of the Sharaf al-Dīn imāms, and later that of the Qāsimīs, illustrates the oppositional quality of the Zaydī da‘wa. It was most effective when its attention was focused on an enemy who was both foreign and doctrinally at odds with Zaydī tenets. The Ottomans had come to Yemen as the successors of the Mamelukes with the intention of restraining the influence which Western powers, namely the Portuguese, had gained in the Red Sea and Indian Ocean. Locally, the Ottomans courted Yemeni Sufis, who initially welcomed them as did many of the Shāfi‘īs in Lower Yemen. Zaydism’s history with Sufism has been predominantly antagonistic, though there were important imāms, such as al-Mu‘ayyad Yahyā b. Ḥamza, who tolerated certain pietistic aspects of the Sufiyya and there were periods when Sufis were active in the Zaydī highlands. However, the alliance which was now struck between the Ottomans and the Sufis engendered a reaction from the Zaydis starting with al-Mutawakkil Yahyā Sharaf al-Dīn, who initiated a policy of systematic persecution of Sufis.

The Zaydis also reacted by levelling polemical attacks against Sufism and its adherents. The most vociferous opponent was Imām al-Mansūr al-Qāsim b. Muḥammad (d. 1029 / 1620) who describes the Sufis as a sect of the Bātīniyya whose roots lay in the religion of the Majūs, thereby applying to them an old accusation against the Ismā‘īlīs as being a Mazdakite conspiracy against Islam.

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19 Cf. Wilferd Madelung, Zaydī Attitudes to Sufism (forthcoming). This is based on a work by al-Mansūr entitled Kitāb ḥatl an‘l al-ālik a copy of which is in my possession.
These polemical works can be seen as forming part of the ongoing war the Zaydis waged against the Ottomans and which raged intermittently under Qasimī leadership from 1598 until 1636 when the Ottomans were finally evicted from Yemen. The Sufis did not make a come-back in the highlands until the 18th century with the coming of Egyptian Sufis who initiated a succession of ulama there. The phenomenon remained marginal and rather elitist, and no large scale movement or brotherhood was ever established.

The 17th Century Imāms: charismatic leadership and righteous rule

The Qasimī imāmate which emerged after the expulsion of the Ottomans in 1636 was different in some respects from the earlier Zaydi imāmates which preceded it. For one thing, it was no longer an oppositional power confined to the northern highlands; instead it was an aggressive expansionist force with whom all the regional South Arabian leaderships had to come to terms. It was the first time in the history of Yemen that the Zaydis successfully managed to conquer and claim sovereignty over the whole of South-West Arabia from Dhofar to ‘Asīr, and they remained in control for nearly a century. Despite the fact that their hold on this territory was at times tenuous and their sovereignty nominal, the historic mission of the Zaydis, which was to establish righteous rule over the umma by a member of the House of the Prophet, seemed finally achievable, at least in Yemen.

21 A short-lived domination over much of Yemen was accomplished by Imām al-Mutawakkil Yāḥyā Sharaf al-Dīn (r. 912 - 965 / 1506 - 1557) in the 16th century after the Ottoman Sultan Sālim I took Egypt leaving the Mamelukes, who were then ruling Yemen, cut off from their home base and stranded in Zabīd. However, the Ottomans were able to put an end to Sharaf al-Dīn’s imāmate after they themselves arrived in Yemen in 1538, taking Sanaa in 1547. Cf. Badr, I : 278ff; Zabāra, 1952, pp. 369 - 453.
The best evidence for the terms in which the Qāsimī imāms articulated the legitimacy of their rule can be found in the separate chronicles covering the reigns of the first three imāms by the historian al-Muṭahhar b. Muḥammad al-Jarmūzī (d. 1077 / 1667). Drawing on al-Jarmūzī, Blukacz has written a study on the role these imāms had in unifying Yemen in the 17th century. In it he cites a correspondence between al-Muʿayyad bi-Allāh Muḥammad b. al-Qāsim (d. 1054 / 1644), the second Qāsimī imām who finally expelled the Ottomans from Yemen in 1636, and the Ottoman governor of al-Ḥasā’, ‘Alī Pasha. This exchange took place in 1630-31 and each side presented arguments for the political legitimacy of their own regime. At this time the Zaydis had renewed their war against the Ottomans, who found themselves in a dire situation with the entire population of Yemen, Shafiʿis and Zaydis, set against them. This was due to the corrupt and oppressive nature of their administration. In this light, the letter by ‘Alī Pasha can be seen as a desperate attempt by the Ottomans to convince al-Muʿayyad to stop fighting them, both by presenting Ottoman claims to legitimacy and by boasting about Ottoman military prowess no doubt so as to intimidate the imām. ‘Alī Pasha addresses his letter simply to “Muḥammad, member of the Prophet’s House,” and begins by affirming his love for the Prophet’s descendants, declaring that his own intention is merely to provide good counsel. He says:

It is not a secret to one so knowledgeable as you, that we know about the war, the conflict and the disagreement which exists between you and the Ottoman state, the seat of the Khānate. [You are also not unaware] that the one who loves you will point out what he deems good for you in matters of this lowly world and matters religious; [Heed this] and the affairs of Muslims will be well ordered. It is good that you should be in agreement with the Ottoman state, that you acquiesce to its [representatives], that you obey their orders and that you improve your relations with them. Does not the hadith say: “that discord is asleep; may God curse the

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one who wakes it up.” It is not unknown to you that an accommodation has much good to offer, namely ordering the interests of Muslims and Islam. God, may He be exalted, says (VIII : 1) “set things right between you.” He, may He be exalted, has explained cessation in its most complete sense when He says: (IV : 128) “right settlement is better.” You know that His Excellence our Master the Sultan has based religion on this principle, and because of this the interests of the believers are in good order. [You know too] that the sultans are the Servants of the Two Holy Sanctuaries (khuddām al-haramayn al-sharifayn). The efforts they expend in fighting the unbelievers and in waging war against those who are evil are not unknown to you, as is the fact that Yemen is the fount of belief, in accordance with the hadith: “belief is Yemenite.” It is not becoming that you should be the cause of discord and the expulsion of the people of belief and peace... . As for the descendants of ‘Uthmān, may God grant them aid, their only desire is the welfare of God’s worshippers and that of their countries as well as their spiritual and material well being. All the world knows that they will not abandon the Yemen, and it would be best if you, who are members of the Ahl al-Bayt, are not the cause of troubles.\textsuperscript{25}

Al-Mu’ayyad had no intention of stopping a war he was about to win. The Ottomans were routed, having lost Sanaa and Ta’izz in 1629, and by this date were confined to the towns of the Tihāma. Al-Mu’ayyad’s response says as much. It also reveals Zaydī perceptions of the Ottomans as falling beyond the pale of Islam and proffers the reasons for which the Ahl al-Bayt are more fit to rule than the Ottomans, while nonetheless admitting Ottoman right in its own sphere. In his response to ‘Alī Pasha, al-Mu’ayyad says the following:

What an excellent thing it is that you have received the news of what has taken place between us and those who depend on the powerful Authority, may God strengthen Islam through it. They do not belong to those who adhere to the Truth which comes from God. They do not respect any of God’s interdictions and never get angry at those who rebel against Him; rather, they authorize luxurious living, perform evil, drink alcohol in the sight and knowledge of all, and commit abomination amongst the community of Muhammad--may God’s blessings and prayers be upon him and his family--and [they do this] in the proximity of

\textsuperscript{25} Blukacz, 1993, p. 41, citing al-Mutahhar al-Jarmūzī, \textit{al-Jawhara al-munira fī akhbār mawlāna wa-imāmīn al-imām al-Mu’ayyad bi-Allāh Muhammad}, fol. 176 (this is a copy of the manuscript of which Sayyid ‘Abd Allāh al-Hibshī has also kindly provided me a copy. It is probably taken from an original in the Sharbiyya Library in Sanaa; but I have not checked it against the original to be certain of this). For Ottoman use of religious titles on their coins see Kenneth MacKenzie, 1987, “Ottoman coins inscribed with a religious title,” \textit{Numismatics International Bulletin}, vol. 21, No. 7, pp. 157 - 59.
mosques... They refuse what was ordained in favour of the Ahl al-Bayt: to honour them, to take them as guides, to give them the place of honour, to adhere to them as God, may He be exalted, has ordained through the intermediary of his Prophet. They [the Ottoman officials] have opposed our call to God and our practises which are in accordance with what He has commanded us to do, and our ancestors--the pure--and the eminent imāms of the House of Muhammad--may God's blessings and prayers be upon him and his family... [They have refused] to join us in establishing equity, instituting justice, abolishing injustice and obliterating disobedience to God, imposing the legal punishments and punishing those who commit evil... Since [the Ottoman officials] do not renounce their error and do not perform what God has commanded, we have stopped trying to change them with peaceful means (bi-lātihiya al-ahsan)... We have reminded them of God, Judgment Day, and obedience to God, to His messenger, and to those among the Ahl al-Bayt--the pure--who have authority in accordance with what the Almighty, the Majestic has prescribed when He says: (IV : 59) “O believers, obey God, and obey the Messenger and those in authority among you. If you should quarrel on anything, refer it to God and the Messenger, if you believe in God and the Last Day; that is better, and fairer in the issue.” Their refusal of God has now led us to consider them like those who get carried away by their passions, break their promises, violate their oaths and do not respect the obligations or interests of the believer and show no pity or compassion towards the Muslim. We have continuously found excuses for them until such time as the patience of Muslims has reached its end. Whereas their arrogance has merely increased.... As we have found no way but to obey God's commandments, we have sought His aid, and placed our trust in Him and applied all our efforts in the accomplishment of the jihād so as to conform to the sayings of God, the Omnipotent, the Majestic: (II : 193) “fight them, till there is no persecution and the religion is God’s.”

The terms of the response show that the Zaydi-Qāsimī “summons” was concerned with Muslim legitimacy writ large. The Zaydis had the capacity of ruling the Muslim world and could justify this in ideological and doctrinal terms which derive from at least their first imām in Yemen.

The triumphalist spirit of the early Qāsimī imāms has been mentioned in a number of other studies. The first is an annotated edition by Sayyid Muṣṭafā Sālim of a number of letters by various Qāsimī and Ḥamīd al-Dīn imāms. Sālim remarks that letters from the early Qāsimīs (i.e. al-Mu’ayyad Muḥammad and al-Mutawakkil Ismā‘īl) had always an exhortatory tone, demanding the application

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of the Law of God, stressing the special role of the imāms as rulers from the Āl al-Bayt and the importance of obedience to them. They also refrained from according financial privileges in return for allegiance; rather, in the letters published by Sālim at least, they tend to acknowledge the receipt of taxes from their representatives or the individuals they are corresponding with.

With Qāsimī rule moving into coastal and Lower Yemen, the imāmate became a regional trading power, particularly because of the control the imāms had over the trade of coffee as well as other commodities such as horses. Yemen took part in a network of pre-modern dynasties such as the Mughals in India, with whom, for example, they maintained a correspondence and exchanged gifts and goods. Qāsimī pretensions were grand, as evinced in the imāms’ letters, but the means at their disposal remained paltry in comparison with other empires. A late but poignant example of this is when the Ottoman Sultan ‘Abd al-Ḥamid sent al-Mutawakkil ʿAḥmad (d. 1231 / 1816) a young elephant along with other gifts in 1229 / 1813. Three years later, al-Mutawakkil’s successor, al-Mahdī ‘Abd Allāh (d. 1251 / 1835) sent the elephant back to Muḥammad ‘Alī of Egypt, explaining that “Yemen’s poor soil” could not sustain it.

27 Cf. Sayyid Muṣṭafā Sālim, 1985, Wathāʾiq Yamāniyya, 2nd ed., Cairo: al-Maṭba‘a al-Fāniyya, pp. 29, 43 - 54, 73 - 77. The contents of the letters edited by Sālim pertained to such matters as the nomination of individuals to posts, according privileges to certain families which had fought against the Ottomans on the side of the Qāsimīs, and the resolution of legal disputes among other matters.

28 The move into these areas is reflected by the successive towns the imāms chose to base themselves in (see map). The daʿwā was initially based in the fortified hamlet of Shahāra which remained the capital until al-Mutawakkil Ismāʿīl chose Duwrān, a village in Qāʾ Jahrān north west of Dhamār, as his capital. His successor, al-Mahdī ʿAḥmad chose the village of al-Ghirās, 15 miles or so north east of Sanaa. Al-Muʿayyad Muḥammad b. Ismāʿīl chose Hijrat Maʿbar, which is again in Qāʾ Jahrān and just north of Dhamār. Al-Mahdī Muḥammad settled in al-Mawāḥib, a village he had built 3 miles east of Dhamār. After him the imāms settled on Sanaa, which remained the capital until 1850s. The successive moves, all of which were south of their original stronghold of Shahāra, indicate that the imāms were drawn into a pan-Yemeni economic and political world.

A second set of works by Blukacz further shows the vision the earlier Qāsimīs had of themselves as righteous Zaydi rulers. The first of these is a study of the correspondence between Imām al-Mutawakkil ‘alā Allāh Ismā‘īl (d. 1087 / 1676) and the Mughal Emperor Awrangzīb (d. 1118 / 1707) in the years from 1657 to 1661.\(^{30}\) The essence of the correspondence was al-Mutawakkil’s bid to have Awrangzīb recognize him as imām of the umma and Commander of the Faithful (amīr al-mu‘minīn) on the basis of his being an imām of Ahl al-Bayt. In return Awrangzīb would be recognized as al-Mutawakkil’s legal representative or governor (wāli) over India. Awrangzīb had just emerged victorious over his brother Dārā Shikoh in a series of battles over the succession to their father, Emperor Shāh Jahān (d. 1076 / 1666). Claiming the title of emperor, Awrangzīb wanted to legitimize his accession religiously and (surprisingly perhaps) sought the recognition of the House of Qāsim, as leading members of Ahl al-Bayt. He therefore accepted al-Mutawakkil’s offer. The exchange was highly symbolic and obviously mutually beneficial, leading to no other measures being taken by either side, except the occasional exchange of gifts as when al-Mutawakkil Ismā‘īl sent the Mughal nine Arab steeds in 1075 / 1665.\(^{31}\) The importance of the correspondence, however, lies in al-Mutawakkil’s perception and presentation of himself as Amīr al-Mu‘minīn. In an age when neither the Omayyads nor the ‘Abbāsids were any longer present to thwart the political ambitions of Zaydis, and with no other major ruling dynasty credibly claiming ‘Alid descent, the Qāsimīs could perhaps taste the victory, however nominal, which had long eluded them.

In another work, Blukacz shows that al-Mutawakkil’s ambitions did not stop with


his attempts in India since he also engaged in an activist policy with the Sharifs in Mecca, from whom he also sought recognition of his religious claims.\footnote{Francois Blukacz, 1993, "Les relations politiques des imams zaidites du Yémen avec le Hedjaz au XVIIIe siècle", mémoire de D.E.A., Université de Paris-Sorbonne (Paris IV).}

Another example of these religious policies was when al-Mu’ayyad Muhammad at first, and later al-Mutawakkil Isma’il, tried to convert to Islam the Christian king of Ethiopia, Fasiladas (r. 1632 - 1667). The latter was trying to garner the aid of the Qäsimi imāms to open a new trade route on the Red Sea via Baylūl, thereby circumventing the port of Masawwa which the Ottomans controlled. The Qäsimīs, it seems, were the only source of firearms for the Ethiopians at this time. Fasiladas first sent a letter to al-Mu’ayyad about this and al-Mu’ayyad responded in 1052 / 1643. In his rejoinder al-Mu’ayyad says the following:

We are heirs to the Book and the Wisdom, and We honour the birth of His Prophet Muḥammad, the Seal of the Prophets, and therefore We take his place in his Community, in the same way as Abraham... It is Our duty to eliminate abomination, for, among the good tidings which He revealed to Our ancestor, He revealed: (XXXIII : 33) ‘God only desires to put away from you abomination, People of the House, and to cleanse you’, and may He make our love for Muḥammad -- God bless him and his family and grant them salvation -- a wage in the worlds and for them good tidings in Paradise. ... And the People of the House of Muḥammad -- God bless him and his family and grant them salvation -- will continue to preserve for us his religion and his legacy, stand up for the right of his call to all mankind, in order to bring the proof for him; they will draw the sword of Holy War in the face of those who are opposed to his command; among his servants they will give good advice [towards God], secretly and openly.\footnote{E. J. van Donzel, 1986, A Yemenite embassy to Ethiopia 1647 - 1649: al-IIaymi’s Sirat al-Ilabasha, Stuttgart: Steiner Verlag, p. 49.}

We see here that al-Mu’ayyad was trying to evoke a common lineage with Fasiladas by referring to a shared Abrahamic tradition. However, his claims lie firmly within Zaydi teachings. By emphasizing that he was the leading member of the Family of the Prophet and therefore leader of the umma, he was promoting
the Zaydi view that Ahl al-Bayt were the ultimate locus of religious and temporal authority in Islam.

The matter did not go further until five years later, in 1057 / 1647, Fasiladas sent another letter in which he raised the subject of the trade route again, but this time intimated an interest in Islam. Al-Mu‘ayyad had died by now and al-Mutawakkil was the reigning imam. The possibility of converting the Negus of Ethiopia to Islam led al-Mutawakkil in that same year to send a mission to Gondar headed by Qâdi Ḥasan b. Ḥanmad al-Ḥaymî (d. 1070 / 1660). Ultimately, however, both efforts failed. The king was not seriously interested in converting, as al-Ḥaymî was to discover after an arduous journey, nor were the Yemenis interested in antagonizing the Ottomans by helping the Negus at this juncture.

Men of the Pen and the Sword:

The first five Qasimî imams (their da’was being from 1598 - 1686) lived up to the reputation of being men of the pen and the sword. Their written works testify to the former quality. ‘Abd Allah al-Ḥibshî has collated a list of these for each of the Zaydi imams and names forty-one titles by al-Qâsim b. Muḥammad, thirteen works by al-Mu‘ayyad Muḥammad and twenty-three by al-Mutawakkil; these are mostly in law, theology and jurisprudence. The fourth imâm, al-Mahdi Ḥanmad b. al-Ḥanṣan, appears to have written nothing, though he was the strictest Ḥaddawî among the early Qâsimîs. The fifth imâm, al-Mu‘ayyad Muḥammad b. Ismâ‘îl (d. 1097 / 1686) produced four works. It is reported that this last imâm “only consumed what his hand produced” (lā ya’kul illâ min ‘amal yadîh).

34 Van Donzel, 1986, pp. 52 - 53.
his biographical entry on this same imām Shawkānī gives a description reminiscent of the early Zaydi imāms when he says:

He was from among God’s friends (awliyā’ Allāh) and was one of the most just caliphs. No mention has ever been made of his injustice in any matter. He prayed and wept a great deal and was always fearful of God. He would only consume votive offerings (nudhūr) after ascertaining these were legally allowed to him, and would not touch anything from the public treasury. His gatherings were full of ulama and pious people where readings in the sciences and recitation of the Qur’ān took place. ... His justice among the subjects is an oft cited example, and the people of his age nicknamed him the father of modesty (abū al-‘afiya) because he never harmed anyone either monetarily or bodily. Indeed, at times of misfortune he became needy and would ask the people with fortunes among the merchants, who had plenty, to give him a loan, but they would refuse because they did not fear him in the present or the future.38

Al-Ḥibshi’s lists of imāmic works then taper off dramatically with al-Mahdī Şāhīb al-Mawāhib (d. 1130 / 1718) writing one work which is described by Shawkānī as being incomprehensible and devoid of knowledge.39

The early Qāsimīs combined in themselves military and scholarly abilities. Their military exploits have been described in a number of studies, as have the intestine conflicts within the Qāsimī House that eventually played a role in the breakup of their power and control over Yemen.40 The sons of al-Qāsim himself are described in the histories as being exceptionally gifted, and their lives were considered by later generations in Yemen as exemplary for the way they matched the requirements set forth in the manuals of law. A good example here is al-Ḥusayn b. al-Qāsim (d. 1050 / 1640), who like his brother al-Ḥasan (d. 1048 /

38 Badr, II : 139 - 140.
1639), was one of the leading commanders of the Zaydi armies which expelled the Ottomans.

By all accounts al-Ḥusayn was remarkable: he was a scholar of the first rank and a great military leader. His two volume work in *usūl al-fiqh* entitled *Hidayat al-'uqūl ilā ghāyat al-saʿūl*, which has now been published, ranks among the best works in the field produced by a Zaydi and has become the most referred to and studied work of its kind.41 Drawing on al-Ḥusayn’s biography in *Matlaʾ al-budūr*, Shawkānī describes him in this way:

He wrote it [*Hidayat al-'uqūl*] while leading the armies and laying siege to the Turks in all areas. He harrassed them, bringing to them ruination and launching raids on them. His battles with them would [normally] cause one to be diverted from looking at a book in the sciences. How amazing it is that he--may God’s mercy be upon him--whilst leading armies, commanding soldiers and being the one who is referred to... in all that took place in matters of the Holy War... could write on scholastic and legal matters, [to the extent] that he could compete with ‘Aḍud al-Dīn and Sa’d al-Taftazānī and correct them! ... What is this bravery from which the brave would hesitate... and this inner strength which baffles comprehension and this grounding in the sciences which none other was reckoned to have!42

Al-Ḥusayn never claimed the imāmte but probably had the qualifications for it. His reputation, as can be gleaned from the above quotation, became legendary as he was someone who embodied the ideal on which the Zaydi *daʿwa* had been founded. The feats of his generation became part of the historical consciousness of later Zaydis who would hark back to this early period of the imāmate while lamenting the decline which later set in.


The Zaydi-Hadawi Religious Policies of the Early Qāsimīs:

The early Qāsimīs pursued activist Zaydī religious policies and sought to have Hādawī teachings accepted by the Shāfi‘īs in the lands they conquered. The Ottomans had established close links with the Shāfi‘ī populations during their period of rule which led the Qāsimīs to perceive the latter as collaborators with an enemy whose adherence to Islam was at best tenuous. This gave the Qāsimīs justification to continue the war effort in the Shāfi‘ī areas even after the Ottomans had been expelled. The Qāsimīs, therefore, waged wars against the rulers of Lahj, Aden, and Abyan among others, and declared these wars a jihād, enabling them to press into service tribal conscripts and impose special taxes in support of the war effort. The greatest military victories were achieved in the reign of al-Mutawakkil Ismā‘īl, who declared the Turks and the Shāfi‘īs of Lower and South Yemen alike to be “infidels of interpretation” (kuffar ta’wil, i.e. their beliefs were based on an incorrect interpretation of the sources). Yemeni Shāfi‘īs uphold Ash‘arī theological doctrines, some of which are at odds with the Mu‘tazilī ones then upheld by Zaydīs. More specifically, al-Mutawakkil accused the Shāfi‘īs of being predestinarians (mujbira) and anthropomorphists (mushabbiha), which contravene Zaydī belief both that man is free to act according to his own will and that God is denuded of any physical human attributes. In practise this meant that attacking Shāfi‘īs was legitimate and their territories were to be considered the “abode of war” (dār al-ḥarb). It also meant the imām had discretionary powers over whether to expropriate their lands after conquest as war booty and to consider these as conquered lands, taxed at a higher rate of the land tax (kharāj). By garnering this power al-Mutawakkil could grant land holdings to those fighting in his support. Indeed, it has been pointed out by Dresch that the ascension of a number of prominent tribal families in the northern highlands can

be traced to around this period when they became large land owners in Lower Yemen and the Western mountains.\textsuperscript{45}

Some scholars did not approve of al-Mutawakkil’s policies and argued that these were arbitrary decisions which had no basis in the Shari’a or in the teachings of the Zaydī school. Perhaps the most famous of those who objected were Sayyids al-Hādī b. Ahmad al-Jalāl (d. 1079 / 1668), his brother al-Ḥasan b. Ahmad al-Jalāl (d. 1084 / 1673) and the historian Yahyā b. al-Ḥusayn (d. 1100 / 1688).\textsuperscript{46} In defending his policies, which were obviously sustaining the war effort, al-Mutawakkil responded to Yahyā b. al-Ḥusayn’s criticism by saying:

What proves [my opinion in the matter] is that the school of \textit{Ahl al-’Adl} [Zaydi]-may God increase their numbers--says that the \textit{mujbira} and the \textit{mushabbiha} are infidels, and [also] that if infidels [read: Turks] occupy a land, they own it (\textit{malakūhā}), even though these lands may [already] belong to Muslims and the \textit{Ahl al-’Adl}. [Furthermore, the school states] that the same rule [of \textit{takfir}] applies to those who support them or belong to them [read: Shafi’is], even if their beliefs are different from theirs. [The school further holds] that any land in which infidelity is manifested becomes itself a land of infidelity (\textit{jīwār kufriyya}), though it may be inhabited by some who are not infidels themselves and who do not partake in this. These principles are well known to us through definite proofs (\textit{adilla qat’iyya}) and are recorded in the books of our imāms and ancestors--may God be pleased with us and them. No one who has the least insight and knowledge about their works can deny this.\textsuperscript{47}

Al-Mutawakkil was also responsible for sending Ḥādawī scholars to various Shafi’ī areas to establish \textit{hijras} and to spread the school’s teachings. This

\textsuperscript{45} Dresch, 1989, pp. 202ff.


seems to have resulted in the conversion of people to Hādawism *en masse*, namely in Jabal al-Shārq (Ānis), Mikhāl Samāh (‘Utma) and al-Ḥadā. Another example, yet, of al-Mutawakkil’s Shi‘īte policies was his approval of the institutionalization of the public celebration of *Yawm al-Ghādīr* on the 18 Dhū al-Ḥijja 1073 / 23 July 1663. Shi‘ītes generally believe that after the Prophet performed his last pilgrimage in 9 AH he stopped on his way back to Medina in a place called Ghādīr Khumm on the 18 of Dhū al-Ḥijja. Here it is reported that the Prophet made an invocation for ‘Alī, saying: “O God, be a friend of whomever he [‘Alī] befriends and an enemy of whomever he takes as an enemy.” This ḥadīth is adduced by Shi‘ītes as proof of ‘Alī’s designation as the successor to the Prophet and hence they celebrate the day. Āḥmad b. al-Ḥasan, who was later to become al-Mutawakkil’s successor taking the title al-Mahdi li-Dīn Allāh, was the first who started the celebratory practise which has lasted till today in Yemen, eliciting in the interim much censure from Traditionist and Sunna-oriented scholars who claim it to be a reprehensible innovation started by the Rā‘īda (Shi‘īte extremists).

After subduing much of Lower, South and South-Eastern Yemen, al-Mutawakkil turned his attention to Hadramaut where the Kathīrī dynasty was in power. In 1045 / 1636 the Kathīrī Sultan recognized that the Qāsimīs were a force to be reckoned with after their defeat of the Ottomans and offered his submission to al-Mu‘ayyad. And in 1067 / 1656-7 al-Mutawakkil sent Qādī Ḥasan b. Āḥmad al-Ḥaymī as his emissary to Hadramaut in order to impose a formal treaty and to regularize the payment of tribute with Sultan Badr b. ‘Abd

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49 *Ṭabaq al-halwā*, p. 185, 314.
Allāh, who was then ruling there under nominal Qāsimī suzerainty. The terms of the treaty stipulated that the Sultan was to make an oath of allegiance to the imām. They gave al-Ḥaymī great powers over the judicial, penal, fiscal and religious policies of the Kathīrī state. By 1069 / 1659, however, Kathīrī machinations led al-Mutawakkil to doubt the Sultan’s loyalty and he decided to invade Hadramaut, nominating his nephew Aḥmad b. al-Ḥasan as commander of the campaign. Along the way, in Bi’r Ḥalīma, Aḥmad tried to convince Sultan Munaṣṣar al-‘Awlaqī, the leader of the ‘Awlaqī region, to use the Zaydī call to prayer, which includes the statement “come to the best of works” (ḥayyā ‘alā khayr al-‘amal) not said by Sunnīs. He was not successful in this. Eventually he led his army into Wādī Hadramaut itself, defeated the Kathīrī forces and imposed Zaydī teachings, especially in Tarīm which was the main religious centre. He prohibited the use of the reed-flute (yarā’) and the tambourine (daff) in the famous Sufi ritual (ḥadra) of Sayyid ʿAbd al-Rahmān al-Saqqāf, and forced the inclusion of ḥayyā ‘alā khayr al-‘amal in the call to prayer. He also appointed judges and governors who had accepted Zaydī doctrines.

Aḥmad al-Ḥaymī returned to the highlands in 1070 / 1660, after which Qāsimī authority quickly declined so that by 1080 / 1669 only the port of al-Shihr remained under Qāsimī suzerainty, and the imām’s only remaining prerogative was the appointment of Kathīrī Sultans upon the death of an incumbent. As this happened Zaydī teachings were done away with. The distances involved were simply too great to allow the Qāsimīs more control over Hadramaut, besides which they were now involved with internal fights and local rebellions, all of which meant their doctrines did not take hold. Despite the effective loss of

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53 ʿaḥaq al-ḥalwā, p. 147.
54 Cf. al-Hiyed, 1973, p. 94.
57 al-Hiyed, 1973, pp. 119 - 120.
Hadramaut by the Qāsimīs, it is reported that the mention of the imām’s name in the Friday *khuṭba* lingered on for a time as a symbol without political substance.

**Zaydī Scholars are Exposed to Shāfī‘ī Sunnism:**

The expansion of the Qāsimī state into Sunnī areas led to unprecedented levels of interaction between Zaydī and Shāfī‘ī scholars. The effect was that Zaydīs acquired greater awareness of the wider Sunnī world and began studying Sunnī works, namely the collections of ḥadīth, with an intensity never before seen, and some even adopted Sunnī views. This awareness is reflected in the introduction of *Kitāb al-Mustatāb fi tārīkh ‘ulamā al-Zaydiyya al-ātyāb* (otherwise known as *Tabaqāt al-Zaydiyya al-sughrā*), an important historical work by Yaḥyā b. al-Ḥusayn (d. 1100 / 1688), who, as noted earlier, had objected to al-Mutawakkil’s policies of declaring Shāfī‘īs *kuṭṭār taʿwil*. In it he makes a plea to Sunnīs to find Zaydīs juridically acceptable and laments that Sunnīs consider Zaydīs to be outside the Shari‘a because of such things as the ḥayyā ‘alā khayr al-‘amal, or not placing one hand over the other (damrī) and not raising them (raf) during prayer. After all, he says, these are subsidiary legal matters (*masā’il furiyya*) in which every mujtahid is correct (*kull mujtahid muṣīb*) and should he be wrong this still would not count against him. He is basing his call to overcome legal differences on principles in *usūl al-fiqh* about *ijtihād*, all of which is intended to make Zaydism acceptable to Sunnīs. In itself, this is an interesting claim for a Zaydī to be making, especially since it corresponds to a period when Zaydīs had just triumphed (albeit locally) over Sunnīs.

The intense influence of Sunnī scholars on Zaydīs dates from the period of the first Ottoman occupation, however. An example of this is Sayyid Muḥammad b. ʿIzz al-Dīn al-Muftī (d. 1050 / 1640) who studied with leading Sunnī scholars

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in Mecca, especially ḥadīth. He was originally from Hijrat Falalla and was appointed mutā' ī in Sanaa by the Ottoman governor and was known to issue his fatwās in accordance with the four Sunnī schools (al-tā al-madhāhib al-arba’a). It is also reported that he followed the path of Muḥammad b. Ibrāhīm al-Wazīr (d. 840 / 1436), the first Sunna-oriented scholar among the Zaydīs, and did not declare which school he belonged to.⁵⁹ Thus some Zaydī scholars were accommodating the Ottoman presence in Yemen by adopting Sunnī views and forgoing the legal opinions of their own school. They could do this by appealing to an established tendency among Zaydī scholars which lacked sectarian zeal and evinced great openness to Sunnism, as is evident in the works of Ibn al-Wazīr.

An accommodation to Sunnism can also be seen with the Zaydī commander, al-Ḥusayn b. al-Qāsim (mentioned earlier), who studied Muslim’s Şahīḥ in his later years and wrote treatises corroborating certain Sunnī views. It is not clear what motivated him to do this. He wanted, however, to make the Shāfi‘īs appear more acceptable to Zaydīs, in order perhaps to establish better relations between the two communities. In one of his treatises, for example, al-Ḥusayn held that the presence of the supreme imām (al-imām al-a’zam) during the Friday congregational prayers was not mandatory, a view which stricter Hādawīs would reject. In a second treatise he argued against preventing Shāfi‘īs from joining prayers which were being led by Zaydīs.⁶⁰ It seems that Qāsimī governors were preventing Shāfi‘īs praying with them in the areas they had conquered in Lower Yemen; perhaps, this was one consequence of the view which held Shāfi‘īs to be kuffār ta’wil.

However, some Zaydī-born scholars even went beyond according Shāfi‘ī equal religious status with Zaydīs. They did so by identifying more fully with Sunnism and forgoing many Zaydī teachings. Al-Hādī b. Ahmad al-Jalāl, who

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was mentioned earlier, is a good example in this regard. It is reported that he went to Ibb and Ta’izz in 1061-2 / 1651-2, where he studied the canonical Sunni hadith collections with Shafi’i scholars, and it is even said he had become a Sufi. At the time, al-Hādi was receiving a stipend (ma’lūm) from the Qasimi governor of Lower Yemen, Muḥammad b. al-Ḥasan b. al-Qasim (d. 1079 / 1668), and this eventually led him to settle there with his family. He adopted certain Ash’arī and Sunni beliefs, such as the belief in the *visio beatifical*. His brother Ahmad b. al-Ḥasan al-Jalāl (d. 1084 / 1673) is also a notable example of someone who appears to have departed from Zaydī teachings in many respects, adopting the Khārījī belief that any Muslim, regardless of family or national origin, could become imām.

The latter half of the 17th century, was a period of great intellectual ferment in the Yemeni highlands. Some scholars were crossing traditional sectarian and school boundaries, making it difficult to pigeonhole them according to the accepted categories of Hādawī and Shafi’ī. Study of and reliance on ḥadīth and its attendant sciences, however, appears to have united these scholars. Their arguments are more often than not bolstered by extensive quotations from ḥadīth and are formulated using the conceptual tools of the ḥadīth sciences. The relative ambivalence of the Qasimi authorities to these developments deserves greater study. The Qasimīs were on the whole, however, willing to argue their case with the Sunna-oriented scholars without resorting to punitive measures against them. The experience of the scholars who criticized the state a century or so later was very different, as will be seen later.

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Imāmic Succession:

The 18th century Qāsimī imāms did not have the qualifications of their predecessors, al-Mu’ayyad Muḥammad or Mutawakkil Ismā’īl, nor did they have the same financial and military means at their disposal. Less than ten years after al-Mutawakkil’s death the imāmāte began losing its territorial acquisitions. The important revenue-generating port of al-Shihr was lost in 1680 and with it the areas of Dhofar and Ḥadramaut. The revenues generated from the ports in the 17th century, particularly due to the coffee trade but also the trade with India, provided the imāmic treasury with unprecedented capital wealth. This perhaps explains, in part, why the imāmāte was able to maintain control for as long as it did over such a vast area of inhospitable terrain. However, the loss of the port taxes must have hurt the imāmāte’s treasury considerably, and this fact is invariably mentioned in the histories as a main source for the decline of power.

Another reason why the far-flung state began to unravel was because of disputes and wars over leadership within the House of Qāsim. Disputes over the imāmite have been a constant feature in Zaydī history, for the theory of accession stated only that the one who possesses in him all the requirements for the imāmite (jāmi‘ an li-shurūt al-imāma al-mu’tabara) should become imām. In the successions of al-Mu’ayyad Muḥammad (d. 1054 / 1644), his brother al-Mutawakkil Ismā’īl (d. 1087 / 1676), al-Mahdī Aḥmad b. Al-Ḥasan (d. 1092 / 1681) and al-Mu’ayyad Muḥammad b. Ismā’īl (d. 1097 / 1686)–respectively the second, third, fourth and fifth imāms of the House of Qāsim–other contenders stood down ultimately in acknowledgment of their superior qualification for the post. However, the contenders, who were sometimes defeated on the field of battle, were placated through appointments as governors of districts. Shawkānī’s

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65 The imāmāte controlled Aden and Abyan for close to one hundred years (1636 - 1727).
biographical entry on al-Mutawakkil Ismāʿīl is notable because of its portrayal of the “ideal-type” Zaydi imām and for providing the outlines of the way the succession issue was resolved after al-Mu‘ayyad Muḥammad’s death.

Shawkānī tells us that one of al-Qāsim b. Muḥammad’s sons, a brother to al-Mutawakkil and al-Mu‘ayyad who was called Aḥmad, was the first to claim the imāmāte upon al-Mu‘ayyad’s death, despite not being a mujtahid. Al-Mutawakkil, who was in Ḍuwrān at this time, heard only belatedly about the imām’s death upon which he also claimed the imāmāte by making a da‘wa. Al-Mutawakkil felt justified since he was more qualified than his brother Aḥmad.66 Initially, Aḥmad would not stand down and started making military preparations. The matter was finally resolved after Aḥmad was defeated militarily by being penned up in Thula by al-Mutawakkil’s forces; but this came about only after the latter was able to garner support and acknowledgement of the superiority of his candidacy from key members of the House of Qāsim and other noted scholars and tribal shaykhs. The two brothers eventually met upon the agreement that “he who defeated the other in knowledge (‘ilm) would take the imāmāte.” Al-Mutawakkil was the obvious winner and Aḥmad gave him his allegiance.67 Aḥmad was later appointed governor over Sa‘da. One could argue that Aḥmad had no choice but to concede the imāmāte given his military defeat. However, in this instance it is nonetheless important that “qualification,” i.e. religious knowledge, was accepted by all the parties as the only justification for proper accession. This ceased being the case a little over ten years after al-Mutawakkil’s death with the accession to the imāmāte of al-Mahdī Muḥammad b. Aḥmad, otherwise known as Ṣāḥib al-Mawāhib (d. 1130 / 1718), through sheer military force. The historical sources mark his accession as a definite rupture with past tradition; for among other things

66 Ahmad seems to have claimed the imāmāte because he was present when al-Mu‘ayyad died in Shahāra and because he was encouraged to do this Aḥmad b. Sa‘d al-Dīn al-Maswarī, a leading scholar of the time.

67 Hadr, 1: 147 - 148; also Tabaq al-ḥalwā, pp. 99 - 104.
he developed institutional and personal practises which had hitherto not been seen in Zaydi imāmates. Shawkānī describes him in the following way:

He was a king from among the grandest. He took money from the subjects without understanding and would spend it likewise [i.e. he taxed and spent revenues regardless of canonical stipulations]. From the time of the withdrawal of the Turks till he became its king, Yemen was protected from oppression and the non-canonical taxes [jibāyāt] and the taking of what the Law does not allow. When he ascended he took money from its rightful place as well as from the wrongful, so that his government and the reverence paid to him became great, his power became firm and his troops multiplied. He was more like a king than a caliph. Despite this, he was austere in his dress and would not wear silk... . He inclined to the scholars, sitting with them and imitating them... . He was not a scholar, [however], but liked to pretend he was one. So the scholars in his court would help him in this, both out of desire and fear.68

Accompanying the development of state-like institutions was a serious decline in state revenues due to a decline in world coffee prices, as new sources for coffee undermined the monopoly Yemen previously had on the supply of this precious commodity.69 This led the state to rely even more on the only other major source of revenue available to it, namely the tax-base represented by Shāfi‘i Lower Yemen and areas of the Western mountains, like Wuṣāb, where agriculture generating sizeable surplus was historically to be found.70 The increased importance of Lower Yemen can be seen clearly in the chronicles of the period which show the imāms constantly waging campaigns in Lower Yemen in an attempt to maintain their control of the area, while northern highland tribes, especially the Dhū Muḥammad and Dhū Ḥusayn of Bakīl, tried to wrest control

68 Badr, II : 97 - 98.
70 On the importance of Lower Yemen, Shawkānī states that “Lower Yemen consists of many towns and the resources of the kingdom (mawāḍd al-mamlaka) come from it,” cf. Badr, II : 159.
for themselves. The Tihāma also formed an important tax-base for the imāmate, mainly because of the ports, where imports and exports were taxed. But even these areas were eventually lost when the Wahhābīs invaded in the early years of the nineteenth century. The Tihāma was only to return to the imāmate for a period of about thirteen years between the withdrawal of Muḥammad ‘Alī’s forces in 1819 and the arrival in 1832 of another Egyptian force headed by a renegade named Turkchi Bilmas.

Imāmic rule depended on an intricate system of patronage tying groups and families of northern highland tribal origin into the imāmate’s network of interests. The tribes acted as the military arm of the state and in return some were accorded taxation privileges, some were given land in Lower Yemen, and yet others were given iqṭā‘s (these were designated regions from which they could collect the canonical taxes on behalf of the state, keeping some portion for themselves). The relationship tying the Qāsimī imāms to those who had fought with them against the Ottomans lasted until well after the expulsion and is attested in imāmic documents, called al-jabbūriyya, which gave these allies (called mujabbarūn) certain privileges both financial and moral in seeming perpetuity. However, this system developed cracks, especially as revenues declined from the loss of the coffee trade and the imāms no longer lived up to the ideal. As Sālim’s work on imāmic letters and documents shows, the imāms could no longer demand obedience on the basis of religious authority and legitimacy; increasingly imāms had to find, from ever dwindling resources, emoluments to secure support. The system of granting fiefs, expropriating them only to grant them again appears to have become increasingly difficult for imāms to maintain.

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71 Husayn al-‘Amri’s Mi‘at ‘āmm min tārikh al-Yaman depicts many of these campaigns in great detail. Also see Dresch’s Tribes, Government and History in Yemen (especially Chap. 6) offers an excellent discussion of the role tribes, and tribal shaykhs, played in Lower Yemen as well as in the taxation policies of the Qāsimī imāmate.
74 Sālim, 1985, p. 76.
In the period following the death of al-Mutawakkil Ismā‘il, a pattern emerged whereby the victorious imām would have to acknowledge the political and fiscal authority of other contenders over given areas, and in return the contender would formally acknowledge the imām’s position. This was generally done by mentioning his name in the Friday sermon and minting coins in his name (sikka). The imām’s religious knowledge and character mattered less and this may have been a factor in the increasing influence a cohort of ulema were to garner throughout the eighteenth century culminating in the rise of Shawkānī to pre-eminence. With their need to issue judgements, the imāms, who were no longer acknowledged as mujtahids themselves, became dependent on scholars who could provide these for them.
CHAPTER III

A Historical “Conjunction”: the 18th and 19th century imāmates

The eighteenth century in Yemen constitutes a *conjoncture* in the Braudelian sense where a host of social, economic, political and especially ideological changes came together.¹ The Qāsimī imāms had by the eighteenth century clearly become a ruling dynasty with power being handed down from father to son regardless of personal qualifications or abilities.² Whereas in the seventeenth century the position of imām remained confined to the descendants of al-Qāsim b. Muḥammad, succession appears to have been based on precedence in terms of merit (i.e. learning and leadership qualities). During the eighteenth century and part of the nineteenth century, however, the descendants of al-Qāsim succeeded each other in an uninterrupted line from father to son from 1716 till 1836, i.e. from al-Mutawakkil al-Qāsim b. al-Ḥusayn (d. 1139 / 1727) till al-Mansūr ‘Alī b. ‘Abd Allāh (d. 1288 / 1871). A tradition was instituted whereby the reigning imām nominated his successor by appointing him governor of Sanaa (*‘āmil San‘a*) and Commander of the Troops (*amīr al-ajnād*) -- these were appointments which all understood to mean the nomination of a successor. The sons of the imāms were given the title Sword of Islam (*Sayf al-Islām*).

¹ Fernand Braudel, the famous French historian of the Annales School, claimed that historical time can be divided into three distinct time-spans of different duration. The first and shortest time-span is that of the event, which has been the concern of traditional narrative and certainly that of all Yemeni historical chronicles and biographical dictionaries. The intermediate time span is that of the *conjoncture* where the focus is on broader movements of demography, social structures, economies and political institutions. A *conjoncture* can be as long as fifty years or more. Finally, the longest time-span is that of the *longue durée*, and typically here the historian is looking at a time-span several centuries long in which time is almost stationary and where the focus can be on geo-physical, climatic and biological change. See Stuart Clark, 1985, “The Annales historians,” in *The Return of Grand Theory in the Human Sciences*, Quentin Skinner (ed.), Cambridge: Cambridge University Press.

² Contrary to a common image in Western literature the *de facto* succession from father to son was not unusual in Zaydi history; succession *de jure* is another matter, a glaring example of which we shall see shortly.
Previously, epithets were given by popular consensus to eminent persons (e.g. faqih or 'allāma), whereas now titles (e.g. sayf al-islam, wazīr and amīr) were given by the imām and denoted a rank which did not necessarily reflect the personal qualities of the person holding it.

The eighteenth century imāms no longer fulfilled the requirements of leadership and scholarship prescribed by the original Zaydi doctrine of the imāmate, and made no pretense of doing so. None claimed to be a muhtasib imām: a leader who did not fulfill the range of requirements for full imām status and who would act as substitute until such time as a full-fledged imām would rise to claim the position.3 Had they claimed to be muhtasib imāms, they would have at least remained consistent with the later Zaydi doctrine of the imāmate since it acknowledged the rule of such “restricted” leaders. However, from the reign of al-Mahdī Muḥammad b. Aḥmad (d. 1130 / 1718), known in the histories as Ṣāḥib al-Mawāhib for choosing Mawāhib as his base, down to that of al-Mansūr ‘Alī b. al-Mahdī ‘Abd Allāh (r. till 1851), a period of about 150 years, Zaydi doctrine on the issue appears to have remained in abeyance.

The imāmate in this period acquired many of the trappings of other Middle Eastern and Islamic states of the time, such as a standing army, some of whose soldiers were slaves. Furthermore, this was often led by slave “commanders” who were given the title Amīr al-jund.4 The establishment of a standing army signalled an attempt by the imāms to lessen their dependence on the tribes and to acquire a force with which to withstand challenges from rival claimants. The sources mention that the first imām to have recruited slave soldiers from Africa was al-Mahdī Ṣāḥib al-Mawāhib (d. 1130 / 1718), who did so in order to ward off

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4 Cf. Niebuhr, 1792, vol. 2, pp. 51, 89 - 92. The Zaydi imāmate has historically relied on tribal forces and levies in its military actions. Niebuhr recounts that the imāms had tribal regiments who were better paid than the regular soldiers. The regulars were presumably either Ethiopian slaves or men from Lower Yemen and the Tihāma.
a challenge from his cousin al-Husayn b. al-Qāsim b. al-Mu‘ayyad in 1124 / 1712. Independence from tribal military support was never fully achieved, however.

An official court (diwān) was instituted in which officials charged with specific ministerial affairs served. It was in the diwān that Shawkānī was later to wield great influence. Sanaa, moreover, became a capital city after the reign of al-Mahdi Ṣāḥib al-Mawāhib, which meant that it became the locus of power and patronage until at least 1850, after which a period of great political instability set in. In Sanaa, the Great Mosque (al-jāmi‘ al-Kabīr) became the most important centre of learning, perhaps in a way it had never been hitherto, and Traditionists or Sunna-oriented scholars vied with Ḥādawīs over what could or could not be taught or read there.

The mint was run from the early eighteenth century by the leading Jewish family in Sanaa and remained in Jewish hands until well into the nineteenth century. Jews were probably chosen for this job because of their weak and subservient political and social position in Yemeni society, and hence the imāms were able to control and punish them with impunity should the need arise and without fear of retribution. A poem by Ibn al-Amīr underscores the predominance of the Jews in the mint as well as the favoured position of the Sunna-oriented scholars had at this time.

On Friday 3 of Jumādā al-Ūlā 1166 / 9 March 1753 Ibn al-Amīr gave a very lengthy sermon in Sanaa’s Great Mosque which led him to omit the mention of Imām al-Qāsim b. Muḥammad, the founder of the Qāsimī da‘wa, in his

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5 Cf. al-Hīyed, 1973, p. 156. It should be noted that some earlier Zaydī imāms, such as al-Mutawakkil Ismā‘il, did own slaves but these were few in number and did not constitute a military force, though some did lead campaigns, cf. al-‘Amri, 1989, al-Umarā‘ al-‘abīd wa-l-mamālik fi al-Yaman, Beirut: Dār al-Fikr al-Mu‘asir, pp. 53 - 56.
7 From this time on Sanaa acquired a status as the seat of government which has endured to this day, except for the brief period when Imām Ahmad (d. 1962) made Ta‘izz his capital.
invocations. This constituted a break with Qâsimî practise, which had been instituted in the 17th century, possibly at the instigation of Qâdî Sa'd al-Dîn al-Maswârî (d. 1079 / 1668). Yet Ibn al-Amîr justified his action by saying that Islamic custom allowed for such omissions in the event of long sermons. Some members of the Qâsimî family were angered by this lapse, seeing it as part of a larger conspiracy to undermine Zaydîsm, and they asked Imâm al-Mahdî ‘Abbâs to imprison Ibn al-Amîr or else they threatened to kill him. The imâm reacted by imprisoning all the Qâsimî agitators, including their leader Muḥammad b. ‘Ali (d. 1170 / 1757), whose sîf in Čuwrân he also confiscated. Ibn al-Amîr was also imprisoned in the citadel, next to the mint, where he remained for two months under relatively lenient conditions. Muḥammad b. ‘Ali, by contrast, was still languishing in prison 17 years later when he died.9 Whilst in prison Ibn al-Amîr wrote a poem in praise of Saturdays, since these were the only days when the continuous hammering of the mint would cease, affording him undisturbed sleep.

I dwelt close to the mint under compulsion and suffering // This proximity to the Jews who have no standing on the straight path
Their hammers are calamities for me // And eye’s slumber has no fortune in their midst
I built a house whose time has passed // Nothing perverted therein for me nor doubt
One of the strangest things is that I am a devout Muslim // Yet my very best day is -- the Sabbath10

The imâmîs acquired many of the symbolic trappings of sovereign rulers, namely the imâmîc umbrella or the parasol,11 and they instituted such customs as

10 al-Amîr, 1986, p. 117.
11 Cf. Niebuhr, 1792, vol. 1, pp. 380 - 382. It is reported that one of al-Mansûr ‘Ali’s governors over Mocha, Sayyid Ibrahîm b. ‘Abd Allâh al-Jarmûzî, offered the imâm a parasol which astonished everyone (presumably because of its beauty) and which became known as the Jarmûzîyya, cf. Nayf, I : 16 - 17. Another example of the umbrella becoming a symbol for the imâmât can be seen in the chronicle Hawliyat Yamâniyya where we are told that when the staunch Zaydî contender Aḥmad b. ‘Alî al-Sirâjî (d. 1250 / 1834) was recognized as imâm “the umbrella was placed over his head” (nusîbat al-mâzálâ ‘alâ ra’sîhî), cf. p. 61. The umbrella is a long established symbol of sovereignty and kingship in India and during the rule of the Fâtimids in Egypt among other places. The use of the umbrella as an imperial symbol is also to be found
the ceremonial procession of the imām, with full retinue, from the palace to the Great Mosque for Friday prayers which was invariably followed by a military display in the courtyard of the palace.¹²

Numismatic Evidence for the Doctrinal Shifts:

The shifts in doctrine and self-presentation of the Qāsimī imāms is substantiated by numismatic evidence. The Qāsimīs did not mint many gold coins because they tended to use Ottoman or Venetian issues in the higher denominations and for important transactions. They did, however, strike a great number of copper coins, as these were used locally for most transactions. An example of what is probably the first gold coin to be struck by a Qāsimī imām can be found in the British Museum.¹³ This coin was called a ḥarf and was struck in 1091 / 1680 by al-Mahdi Ahmad b. al-Ḥasan (d. 1092 / 1681), the fourth Qāsimī imām. It was probably intended as a donative or ceremonial coin and very few examples are known. For our purposes, however, it is the inscriptions on it which are important because they reveal the prevailing doctrinal beliefs and the modalities of this imām's claim to legitimate rule. The obverse of the coin contains the following version of the Muslim credo (shahāda):

in the later Muslim dynasties of India, particularly in the Mughal period. It was one of the eight ensigns of royalty and amongst those reserved exclusively for the sovereign (cf. Abul Aziz, 1947, Arms and Jewelry of the Indian Mughals, Lahore, pp. 77 - 84). In addition to its actual use in courtly life, as seen in contemporary paintings, the umbrella's symbolic use in the decoration of imperial objects is also known in the Mughal period (e.g. R. Skelton, The Indian Heritage, p. 128, fig. 406).

¹² Imāmī processions were probably modelled on those of the Ottoman governor-general of Yemen province, the Beylerbeyi. Like the imāms, they also led Friday processions to the main mosque, surrounded with troops and musicians, cf. C. G. Brouwer, 1997, al-Mukhā, Amsterdam: D'Iluyte Rarob, p. 158 and more generally chapter 5 for Ottoman administrative practise.

There is no God but God; Muḥammad is the Messenger of God; ‘Ali is rightfully his Successor (la ilāha Ḣilā Allāh; Muḥammadun rasūlu Allāh; ‘Aliyun khalīfatu-hu ḥaqqān)

And the reverse has this inscription:

The Rightly Guided to God’s Religion (al-Mahdi li-Dīn Allāh)
Aḥmad b. al-Ḥasan b. al-Qāsim 1091 [the year the coin was struck]

With its insistence that ‘Ali is “rightfully” the caliph after the Prophet, the shahāda inscribed here is reaffirming the Shi’ite credentials of the state and the legitimacy on which its imāms based their rule, namely descent from ‘Ali who was designated by the Prophet as his successor. The Zaydi doctrine of the imāmate is confirmed as the only basis for rule. The reverse gives the honorific title of the imām and traces his descent from al-Qāsim b. Muḥammad, the state’s founder. It must be pointed out, however, that al-Mahdi’s father al-Ḥasan (d. 1048 / 1639), who is mentioned here, was one of the most successful commanders of the Qāsimi armies and a scholar in his own right who never became imām.14 Thus, whilst Qāsimi credentials are being affirmed here, the legitimacy of rule is not being derived in the strictest patrilineal sense, i.e. father to son.

In 1176 / 1762 - 63, eighty five years later, al-Mahdi ‘Abbās (d. 1189 / 1775), the ninth imām in the Qāsimi line, struck a gold coin which again appears to have been ceremonial or donative. This is so far a unique piece which was exhibited in the Museum für Völkerkunde in Vienna in 1989 - 90.15 The inscriptive style is radically different from the coin described above. The obverse has a cartouche which reads:

Commander of the Faithful son of Commander of the Faithful son of Commander of the Faithful the Imam (amīr al-muʾminin b. amīr al-muʾminin b. amīr al-muʾminin al-imām)

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On the reverse is a tughrā, which is identical to the ones found on Egyptian-Ottoman coinage of the period (i.e. the zar-i mahbūb), and which consists of the imām’s title and name, “al-Mahdī ‘Abbās (or al-‘Abbās).” Outside the tughrā is inscribed “struck in Sanaa 1176” (durribat fi Ṣan‘ā’). The fact that no credo is inscribed on the obverse is not important since many Qāsimī coins do not have it. Several things, however, are notable about this last coin when contrasted with the earlier one. First, it is striking that the claim to rightful rule here is based on strict patrilineal descent. In other words, al-Mahdī’s rule is legitimate because he is the son of a ruler who was the son of a ruler, and the list poignantly leads up to the word “imām.” Second, the use of the tughrā is significant since it is emulating in presentational style the Ottoman Sultans, who appear to have become the model on which to base one’s rule. The shift away from Zaydism, and the tradition of the early Qāsimī imāms, appears in the second coin to be definitive. One final point about these two coins perhaps deserves noting, namely that the calligraphy on the first coin is in texture and style much like Mughal and Safavid coins of the period. The second coin is, as we have observed, modelled on Egyptian-Ottoman coinage. This may be an indication of Egypt’s greater importance for Yemen in the 18th century.

Displaying Power:

In this last coin a different conception of legitimate power is suggested from that conventionally attributed to Zaydī imāms. In earlier Zaydī thought, and Shāfi‘ī thought, a certain tolerance or caution is apparent whereby family and personal concerns are brought to the attention of rulers only by the parties’

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consent. Several possible solutions of a given dispute may be acceptable, while the ruler acts more fully in the public gaze as mediator. In the 18th century, however, the Qāsimī ruler becomes secluded. Appearances are more important, and the public display of the ruler to his subjects becomes properly a matter of calculated form and ceremony. In addition, access to the imām in this period becomes problematic even for the elites (al-khassā), such as ministers and public administrators: the 18th century imāms, like the Ottoman sultans, now acquire a “gate keeper” (bawwāb) who, as his name suggests, controls access to the ruler.

As for the masses (al-'awāmm), the only time at which they may see their ruler is during the elaborate procession accompanying the Friday prayer. A telling account of this is given by La Roque, a Frenchman who recounts the visit in 1712 of Mr. de la Grelaudiere and a surgeon named Sieur Barbier to the court of Imām al-Mahdī Şāhīb al-Mawāhib.

The King of Yemen himself lives very regularly; he rises at daybreak, dines at nine, and sleeps at eleven, and at two a-clock in the afternoon the drums beat, and the hautboys play. He whom they call chief of the drums, or the drum-major, only has the privilege of entering into the King’s apartment at all hours: he is a Turk by nation, and very pleasantly equipped: he wears a belt of a monstrous size, set thick with large silver plates and knobs; and his turban has an embroidery of above a hand’s breadth on the forepart of it, and a silver chain which goes several times round it in a whimsical manner. As soon as this officer has given notice of the King’s being awake, he is visited by the Princes and Grandees, who entertain him till the usual hour for prayer or business: his great men never approach him but they take his right-hand, which he holds upon his knee, and kiss it with a most profound respect. There are likewise certain hours set apart for taking the air, and visiting his women: after this he sups at five, and concludes the day by going to bed constantly at eleven. But if any thing can be said to be less suitable to this simplicity, and make an appearance of Royal Majesty, it is without doubt the march the King makes out of Mouab [i.e. al-Mawāhib] every Friday at two in the afternoon, to the place of public worship. 

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18 La Roque, 1726, A Voyage to Arabia the Happy, London: Golden Ball (for G. Strathan and R. Williamson), pp. 194 - 195. La Roque wrote up the journey of the French expeditions of 1708 and 1711 to the Yemen on the basis of the notes and letters of the participants of these expeditions. The French had come to Yemen to buy coffee and establish treaty relations with the imām; the ulterior motive being to avoid the Egyptian and Turkish middle-men who were supplying the French with coffee in Egypt.
Male slaves, who were generally referred to as *amīr* or *naqīb*, figure prominently in the records of the 18th century. They acted as retainers and were sent as leaders of troops to quell insurrections or to insure the collection of revenues. They also were appointed as governors of districts and administrators in the port towns on the Red Sea coast. Furthermore, they played a role in court intrigues and politics. Though the historical records are silent about the lives of slave women, the imāms had a number of them among their concubines. Carsten Niebuhr, who visited the court of al-Mahdi 'Abbās in 1762, says that the imām himself “was of a dark complexion, like his ancestors by the mother’s side, and did not at all resemble the other descendants of Mahomet. Had it not been for some negro traits, his countenance might have been thought a good one. He had twenty brothers, of whom some that I saw were black as ebony, flat-nosed, and thick-lipped, like the Caffres of the South of Africa.”

It is interesting also to note that in this period the natural figures of prominence, the tribal shaykhs, are not given titles or accorded ranks and do not figure as officials in the court. Moreover, one sees an equivalence in the nomenclature between the slave commanders and the members of the ruling household. The army now plays an important role, as do the numerous attendants who carry banners, beat drums and blow bugles. The image of power becomes divorced from the personal qualities of the ruler and becomes evident only in public displays, such as the imām’s procession where an elaborate ceremony is displayed. La Roque goes on to describe the procession in the following way:

The procession is begun by a thousand foot soldiers marching in good order, who make a discharge at their coming out of the palace. Among these soldiers there are two ranks carrying the colours, which are scalloped, called the colours of Mahomet and Aly; these are followed by two hundred cavaliers of the King’s guards, mounted upon very fine horses, with handsome furniture; besides the ordinary arms, the sabre and the carbine, they have half pikes, the heads being adorned with [a] fringe. The officers of the King’s household, and his courtiers all gallantly mounted, follow

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19 Niebuhr, 1792, vol. 2, pp. 76 - 77.
this troop; and at some distance from them appears the King on a fine white horse, very gentle, and used only to carry his majesty. On each side are the two Princes his sons, mounted likewise on horses of great price, with rich trappings. An officer carries a large umbrella or rather canopy, under which the King rides shaded from the heat of the sun. This canopy is of green damask, with [a] sort of furbeloe of red silk eight inches deep, running round it, enriched with a gold-lace; on the top of the canopy there is a globe of silver gilt, and upon the globe a pyramid of the same.

Immediately before the King, one of his officers on horseback carries the *Alcoran* in a bag of red-cloth; another carries a standard of green damask, of a square form, which is called the King’s standard: this is garnished with gold fringe, and has no figure in it as the others, but only some Arabick characters embroidered: and lastly behind the King, another officer on horseback carries his sabre, the handle and sheath of which are very rich, the sheath being covered with another of scarlet. All the time the procession lasts, the drums and kettle-drums never cease beating, nor the hautboys playing.

The nature of imāmic authority had obviously changed from that described in Zaydi legal manuals. The European who witnessed the Friday procession was correct in seeing the imām as King of Yemen. In his work *Wathā’iq Yamāniyya*, Sālim notes that the first Qāsimi imām to use a seal on his letters, perhaps in emulation of the Ottoman Sultans or more probably of the Mughal emperors of India, was Ṣāḥib al-Mawāhib. Until then the imāms would normally just sign their names, generally above the text of a letter and just below the *basmallah* in order, Sālim says, to indicate the exalted status of the imām.

Ṣāḥib al-Mawāhib’s reign appears to have been brutal. A number of sayyids, many of whom were from the House of Qāsim, fled Yemen in fear of him. For example, the sons of al-Mutawakkil Ismā’īl, al-Ḥasan and al-Ḥusayn, fled with their families to Mecca. Another of the imām’s retainers, Iṣḥāq b. Muḥammad al-‘Abdī (d. 1115 / 1704), fled to India after an incident in which he

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21 Cfr. Sālim, 1985, pp. 40, 71, 76. It is more likely that the imāms were emulating the Mughals of India whose seals are identical to those of the imāms in Yemen (Cfr. B. N. Goswamy and J. S. Grewal, 1967, *The Mughals and the Jogis of Jakhbar*, Simla: The Indian Institute of Advanced Study, see especially appendix of seals. The *tughra*, which is most often associated with Ottoman documents, but Mughal ones as well, appears to have first been used by al-Mahdī ‘Abbās.
forgot to mention the imām’s title when reading out a letter addressed to the latter.\textsuperscript{23} Furthermore, Ṣāḥib al-Mawāhib was accused by Ṣāliḥ b. Mahdī al-Maqbalī of having instituted uncanonical taxation practices. More specifically, he would send his troops to the tribes in order to secure levies but the tribes would offer payments instead to absolve themselves of the obligation. This then became a form of customary tribute in which certain tribal shaykhs would collude with the imām. Al-Maqbalī goes on to say that no one dared raise a matter of dispute with the imām because he would systematically take money from the plaintiff. Furthermore, al-Maqbalī gives the example of Kawkabān, his home region, which did not raise enough taxes to cover its own expenses, so that, in the past, imāms such as al-Mutawakkil Ismā’il would pay whatever debts had accrued from the public treasury. Now, however, Ṣāḥib al-Mawāhib was extracting revenue for himself and his retainers from the area and it was no longer spent on any of the deserving locals.\textsuperscript{24}

The process of establishing patrimonial forms of rule which began mainly with Ṣāḥib al-Mawāhib was continued in the reigns of his eighteenth century successors. They established more formalized administrative structures which employed judges, awqāf administrators, governors (‘āmil, pl. ‘ummāl), tax collectors, weights/standards officials, and port officials. The imāms now had an official who acted like a prime minister, as well as a number of other ministers responsible for, among other things, tribal affairs, awqāf and taxation. Each region also had a minister. With the state no longer relying on the courage and erudition of its imām, the personal qualities of the leader no longer seemed formal prerequisites to his rule.

\textsuperscript{23} Cf. Nashr, 1 : 319 - 320; Hijar al-‘ilm, III : 1425.
\textsuperscript{24} Cf. Hijar al-‘ilm, III : 1571 - 1574.
Shawkānī Becomes Chief Judge (qādī al-quḍāt):

In 1209 / 1795, when Yahyā al-Saḥūlī died, Imām al-Manṣūr ‘Alī (d. 1224 / 1809) requested Shawkānī to assume the position of chief judge. For about a week Shawkānī vacillated; in his autobiography, he claims that he did not want to accept the position because it would detract from his scholarly activities. He was also undoubtedly well aware of the dangers of getting involved with rulers, not to mention the stigma of corruption and unrighteousness which led most scholars to have an aversion from such associations. However, he claims that he was persuaded ultimately by his students and other scholars to take up the position for fear that someone less capable, or perhaps of a different orientation, would do so. In accepting the appointment, Shawkānī may have been swayed by the promise of the “fiefs” (iqtā’) he was later granted by the imām from which he could collect taxes, such as the zakāt, šadaqa (legal alms), and wasāya (testamentary disposition). The official justification for his having an iqtā’ was to insure the probity of the judicial system as this removed all incentives for accepting bribes. The author of Ḥawliyyāt Yamāniyya, who was writing at least fifty years after the events he describes here, states:

The Shaykh al-Islām was respected (muhāban) for applying the Book of God and the Sunna of His Prophet—peace be upon him. No one has witnessed against him for having taken a little or a lot from legal disputants (al-mutashājrīn). The reason being that he has fiefs (anna ma’ahu qita’) like Ruṣāba, al-Rawna, and other places which provide him with at least one thousand qadah of wheat (ta’ām), and as many sheep (ansub ghanam). And from Hayma he has a monthly revenue of one hundred silver pieces (qirsh hajār). All who are with him and know him eat with him [i.e. live off him]. He did not save for himself (yaddakhīr) anything from what accrued.

Here is another reference to the “fiefs” which were accorded to Shawkānī by the imām upon becoming his chief judge:

26 See, for example, Nashr, 1: 153.
27 Ḥawliyyāt Yamāniyya, pp. 278 - 279.
The imām gave him as a fief the ṣadqāt of Ruṣāba, Jabal al-Lawz, al-Rawna, Sa‘wān, Shawkān, Shawbān and a lot besides this. [Also] part of the ṣadqā of Bayt Rājiḥ, and added to it the ṣadqā of Bayt Qubbān and Bayt al-Ḥaymī and the testamentary disposition (waṣīyya) of al-Tawḥamī and Ta‘īm. 28

Shawkānī was undoubtedly a very rich and influential man as a result of these privileges, since the yearly revenues from Ḥayma alone amounted to 1200 Maria Theresa dollars (qirsh hajar). 29 It is not clear how he spent this money. It is reported that he enjoyed opulent clothing and an elegant lifestyle, however. 30 He undoubtedly spent some of these funds on his students, which may, in part, account for his great popularity and the influence he gained in the scholarly community. The present muftī of the Yemen Republic, Sayyid Aḥmad Zabāra, reports that the falling out which took place between Shawkānī and his prized student, Muḥammad b. ‘Alī al-‘Amrānī (d. 1264 / 1848), was over the supervision of his “fiefs.” Al-‘Amrānī had the job of looking after them until sometime in the early 1830s when Shawkānī asked him to hand it over to his sons who had reached the age of maturity. As a result, the two men had a fracas which led to al-‘Amrānī’s imprisonment and near execution. Sometime in 1250 / 1834, al-‘Amrānī was released and he immediately fled Sanaa to Zabīd, where he was later to die in a raid on the town by the Ismā‘īlī tribe of Yām. 31 While in Zabīd, al-‘Amrānī wrote a historical work entitled Iṭṭāf al-nabīh bi-ta‘rikh al-Qāsim wa lānh (The Gifts to the Judicious of the History of al-Qāsim and His Sons) in which he rebukes Shawkānī for a number of things. Amongst these is his claim to be a mujtahid mutlaq. This, he says, made the judicial situation worse in Yemen.

28 Nayl, II : 298. Cf. also al-Ḥibshi, 1977, Dirāsáti fi al-ṭurāth al-Yamnī, Beirut: Dār al-‘Awda, p. 64. Much has been made of these “fiefs” in recent times by Hādawis in Yemen who claim that they highlight the extent to which Shawkānī was co-opted and worked in concert with corrupt and unrighteous rulers.
29 For the relative purchasing power of the various denominations at this time see al-‘Amrī, 1988, pp. 150, 208 - 209.
since “many unintelligent and unaccomplished students answered his summons” and Shawkānī provided them the means to acquire public funds dishonestly. Al-‘Amrānī goes on to say:

And that which encouraged him [Shawkānī] to exceed in concocting this stagnant trade was that he permitted himself to obliterate the Zaydī madhhab, at which point what he decided would become the reference in all parts of Yemen. He competes with al-Shāfī‘ī in the spread of his school, and he participates with Abū Ḥanīfa in taking as religion what he determines in his books. ... He created discord and hatred among the people of the country.32

Contemporary Zaydīs also deride Shawkānī as having benefitted greatly from his association with the imāms. Zayd al-Wazīr, for example, narrates that his wealth manifested itself in his corpulence to the extent that a type of confection sold in Sanaa today still bears his name: it is called “Shawkānī’s cheeks” (malāji‘ al-Shawkānī).

Shawkānī’s Students and His Influence:

After Shawkānī became qādī al-quḍāt he acquired the ability to appoint his students to various postings throughout the realm. This newly acquired power in addition to Shawkānī’s already formidable reputation as a purveyor of knowledge and a key personality in chains of transmission which encompassed over five hundred works in all disciplines, Islamic and otherwise--as enumerated in his famous Ithā‘ al-akābir bi-insād al-dalā‘īr--led a large group of men to coalesce around him, seeking his instruction and patronage. These students were to help assure the perpetuation of his intellectual legacy and the spread of Traditionist views among the scholars of the Zaydī highlands and beyond.


I would like to thank Qādī Muhammad b. Ismā‘īl al-‘Amrānī for providing me with a copy of this manuscript from his personal library. A different copy of the same work, with some additions, can be found in Sanaa, Gharbiyya Library, tārīkh, no. 77.
The most detailed list of Shawkānī’s students is contained in a eulogistic work by one of them which is in the form of an extended biography of Shawkānī, enumerating his virtues and good deeds as well as listing his teachers and students with a biographical note on each.33 The author of this work is Muḥammad b. al-Ḥasan al-Shijīnī and it is entitled Kitāb al-Tiqsār fi jīd zamān ‘allāmat al-aqālim wa-l-amṣār (The Necklace on the Neck of the Life of the Scholar of the Districts and the Towns).34 Throughout the work al-Shijīnī refers to Shawkānī by the honorific title of Shaykh al-Islam. This is the first time a Yemeni scholar of Zaydī origin is referred to in this way and may reflect an attempt at emulating Ottoman practise. Al-Shijīnī also claims that Shawkānī was the Renewer of the 13th century H. (mujaddīd al-qarn al-thālibīth ‘ashar).35 According to the author’s account, Shawkānī was already a widely recognized authority (marja’) well before being appointed chief judge, and, indeed, it was his paramount position among the scholars which made the imām seek him as a replacement for Qāḍī Yahyā al-Ṣaḥūlī.

He [i.e. Shawkānī] attained a degree [of knowledge] in the sciences of ijtihād which none of the other mujtāhidīn of his time had attained. The job of teaching and issuing fatwās revolved around him and students came to him from far off places. Questions addressed to him were sent from the ulema of the [various] towns about problematic issues. Also, those close to Sanaa and its environs realized that the judges of Sanaa referred to his fatwās in whatever they quarreled about, and they heard that he forbade taking money for issuing fatwās and that he would blame those who did [take money]. Therefore this [i.e. issuing fatwās] would take up all his time. [When] the Qāḍī, the leading scholar and chief judge of Sanaa Yahyā b. Sāliḥ al-Ṣaḥūlī --God have mercy on him--died, Imām al-Mansūr--God have mercy on him--ordered the closure of the judicial council (diwān al-hukm) in which the leading judges would meet in the square [in front of] the imām’s house (dār al-imām). [The imām] inquired with his ministers

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33 The list is not exhaustive, but includes the most important persons who came into contact with Shawkānī.
34 This work has now been edited and published under the title Hayāt al-imām al-Shawkānī, Muhammad b. ‘Ali al-Akwa’ (ed.), Sanaa: Maktabat al-Jil al-Jadid, 1411 / 1990.
35 al-Tiqsār, p. 417. Similar claims to mujaddīd status were made by the students of such famous scholars as Ibn Ḥajār and Suyūṭī in medieval Egypt, and it appears that it was only through such recognition by students that the teachers acquired these honorifics. Cf. Ella Landau-Tasserom, 1989, “The Cyclical Reform,” Studia Islamica, vol. 70, pp. 79 - 117.
about Shaykh al-Islām [i.e. Shawkānī] in order to know about him. All said that we do not know him personally, but we know his writings and his reputation and that he has become now the one referred to among the scholars (marja' al-'ulamā') in your presence [i.e. even those on the council deferred to him]. This is because Shaykh al-Islām kept away (taqabbad) from all the lords of the government (arbāb al-dawla), not to mention those who were not people of knowledge at all. It became apparent to the imām--God have mercy on him—that he [i.e. Shawkānī] had [qualities] which no other lord of his government had, so he sent for him...36

Once in power, Shawkānī became pivotal in the imāmic government. He, thus, assured the peaceful transition of power from al-Manṣūr ‘Āli to al-Mutawakkil Aḥmad, by helping to organize a palace coup by which al-Manṣūr was deprived of his powers and Aḥmad took over.37 He corresponded with the Wahhābīs on behalf of the imām, defending the doctrinal orthodoxy of the imāmate. Later, he was responsible for negotiating the treaty with Muḥammad ‘Ali’s Egyptian troops by which the imāmate recovered control over the Tihāma after the defeat of the Wahhābī movement and its semi-vassal state led by the Sharīfs of Abū ‘Arīsh. Al-Shijīnī tell us that no governmental decision was taken without his consultation.38

A sense of the influence Shawkānī had on individual members of the ruling family and the extent to which the imāms, in particular al-Mutawakkil Aḥmad and al-Mahdī ‘Abd Allāh, now identified with his juridical and religious views can be had from the scholarly pursuits of one of the princes. Al-Shijīnī reports the story of Imam al-Mutawakkil Ahmad’s son al-Qāsim, who was born in 12117 1796 and was brought up in the palace where he first studied the reading of the Qur’ān and then the ḥadīth sciences. The first ḥadīth work he studied was Ibn Ḥajar’s Bulūgh al-ma‘rām which he read with Muḥammad ‘Ābid al-Sindi (1257 / 1841), the grandson of the famous scholar of ḥadīth, who was at the time visiting Sanaa.39 Memorizing the Bulūgh by heart, he then spent many days with...

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36 al-Tiqsār, p. 423 - 4.
37 Badr, 1 : 466 - 7.
38 al-Tiqsār, p. 425.
39 For al-Sindi’s biography see Badv, II : 229 - 230; Nayl, II : 279.
Shawkānī reciting it numerous times from beginning to end. There follows a description of his studies with Shawkānī and his love for the ḥadīth sciences.

He studied with Shaykh al-Īlām [i.e. Shawkānī] some of Ṣaḥīḥ Bukhārī and Ṣaḥīḥ Muslim... . He had an ardent passion for the science of the pure Sunna [i.e. ḥadīth] and for displaying it in the days of his father al-Mutawakkil--may God have mercy on him--as well as avidly reading the collections of ḥadīth... . He did not pay attention to anything else, and the Imām--may God have mercy on him--would encourage him in this regard. He sought to make him interested and would give him all that he asked for of these books in order to make him like it. So that now he [i.e. Prince Qāsim] has a collection of ḥadīth works and commentaries greater than that with anyone else... .

Another report which highlights Shawkānī’s influence in the reign of al-Mahdī ‘Abd Allāh was when Ibn Mas’ad, the tribal shaykh of Rijām, a village in Banū Ḥushaysh, refused Shawkānī’s summons to come to court. Shawkānī took this as an act of defiance against the Sharī‘a and in anger sent his pens and writing utensils to al-Mahdī ‘Abd Allāh who was then resting at Wādī Zahr a few kilometers from Sanaa. Upon receiving this news the imām

rose immediately and ordered the attack on the one who had breached the Sharī‘a. He did not return to Sanaa but went to al-Rawda which was the way to Rijām. There a large group met him with artillery and they surrounded Rijām, ate its grapes, grazed its crop and bombarded it with artillery. Sharīf ‘Alī and Ghānim b. Mahdī mediated on his [i.e. Ibn Mas’ad’s] behalf and he was brought [back to Sanaa] manacled in iron chains. His punishment was greater than what is deserved for breaking the Sharī‘a... .

This account, and others like it, have become proverbial among modern Yemeni judges, who see it as an example of the power Shawkānī had and as a model case when jurists had actual authority.

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40  al-Tiqsār, p. 389.
41  Hawliyyāt Yamānīyya, p. 50.
Judicial Appointments:

Shawkāni’s judicial appointments deserve special mention in order to explain how he was able to perpetuate his influence not only in his lifetime but well beyond it. These are too many to enumerate and a few examples will suffice to offer a sense of his patronage and of the terms used to describe his powers in the historical sources. Al-Shijnī states that Qāḍī Ḥusayn b. Muḥammad al-‘Anṣī (d. 1235 / 1820) was appointed to the judgeship (ḥukūmat) of Zabīd, the major Tihāmī town, by al-Mahdī ‘Abd Allāh because of “a notice (mulāḥaza) by Shaykh al-Īslām in this regard.”43 ‘Abd al-Rahmān b. Aḥmad al-Bahkālī (d. 1248 / 1832) was given the judgeship of Bayt al-Faqīh, in the Tihāmā again, owing to the “efforts (sa’y) of Shaykh al-Īslām.”44 Another Shawkānī student was Qāḍī Muḥammad b. Yaḥyā al-‘Anṣī who “studied (qara’a ‘ala) with Shaykh al-Īslām some works of hadīth, grammar, Qur’ānic exegesis and some of his works”; then “he [i.e. Shawkānī] permitted him (adhina labu) to take up the judgeship in Dhamār.”45 Qāḍī ‘Abd Allāh b. ‘Alī Suhayl (d. 1251 / 1835), who seems to have had a special penchant for Shawkānī’s works, “was made (ja’alahu) by Shaykh al-Īslām one of the judges of Sanaa.”46 Some of Shawkānī’s students, such as Ṣāliḥ b. Muḥammad al-‘Anṣī, who was also Shawkānī’s son-in-law and was appointed judge in the town of Ibb after holding a judgeship in Sanaa, were to establish local scholarly families and networks in those areas in which they served, and which would last well after the Qāsimī imāmate itself foundered and disappeared.47

What is notable in all the examples of Shawkānī’s patronage is that they entailed nominating judges either in Sanaa or in areas south of the capital, mainly

45 al-Tiqsār, p. 431.
in Shāfi‘ī areas in Lower Yemen or the Tihāma. The only Zaydi areas in which appointments were made were those south of Sanaa, such as Dhamār, which remained throughout Shawkānī’s life within the ambit of the imāmate. The geographical dispersal of these appointments in predominantly Shāfi‘ī areas is another indication of the extent to which these remained of paramount importance to the imāmate, mainly as a source of revenue. The northern highlands by contrast are described in the sources as falling juridically beyond the pale. Individual scholars in these regions are described as continuing to apply the Law in their regions. But on the whole these areas are mentioned as a source of embarrassment, as it was from them that tribes descended, fomenting trouble and seeking subsidies, or rival claimants to the imāmate rose to wrest control in the name of greater righteousness and generally with tribal backing.

The Imamate Loses Territory:

We know from the account of Carsten Niebuhr that the imāmate had lost effective control of most areas north and east of Sanaa by the 1760s. Imāmic influence in these territories, with the exception of a few pockets north and north-west of Sanaa like ‘Amrān and Kawkabān, was to remain negligible, sometimes nonexistent, throughout Shawkanī’s life. This state of affairs meant effectively that the imāmate’s area of control was restricted to the highlands south of Sanaa and the coastal Tihāma as far north as Luhayya. With the exception of Mocha, the imāmate also lost much of the Tihāma from around 1805 till 1818, either to the Wahhābis or to the Sharifs of Abū ‘Arish. Throughout this period Wahhābi

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48 The regions of Kawkabān and Shibām are one such example where scholarly families, such as the Sharaf al-Dīn family, maintained an important centre of learning and presumably continued to run a court. Other hijras, which were self-sustaining religious enclaves, were also places where the Shari‘a continued to be applied regardless of the absence of centralized judicial structures.

49 Niebuhr, 1792, vol. 2, pp. 45 - 47.

influence was important. It would be unrealistic, however, to reduce Shawkānī’s intellectual positions either to answering Wahhābī theological and legal claims or to accommodating political pressure forced on the imāmate by Wahhābī forces.

Wahhābī involvement in Yemen led to the imāmate’s effective loss of much of the Tihāma between 1803 and 1818, when the Wahhābīs were finally defeated by Muḥammad ‘Ali’s forces. In 1801 the Wahhābīs were already active in the Hijaz: Mecca eventually fell into their hands in 1805 and Medina a year later -- in both cities they destroyed domes erected over the tombs of saints as well as other places of visitation. In northern ‘Asīr, the local ruler in the mountains of al-Sarāḥ, ‘Abd al-Wahhāb b. Āmīr al-Rufaydī, known as Abū Nuqṭa, answered the Wahhābī call after a visit paid to ‘Abd al-‘Azīz b. Sa‘ūd in his capital at al-Dir‘iyya in 1802-1803. Ibn Sa‘ūd proceeded to appoint Abū Nuqṭa as governor of Upper ‘Asīr.

In southern ‘Asīr, a ruler of the Sharīfs of Āl Khayrāt established himself an independent sovereign in 1802 in Abū ‘Arish. This was Sharīf Ḥamūd b. Muḥammad Abū Mismār (1756 - 1818), who until then had ruled in Abū ‘Arish in the name of Imām al-Manṣūr ‘Ali, but was now to control much of the Tihāma from 1803 until his death 1818. Fighting soon broke out between Abū Nuqṭa and Sharīf Ḥamūd, and the latter was soundly defeated in a battle in the middle of Ramaḍān 1217 / January 1803. This led to Sharīf Ḥamūd’s declaration of loyalty to Ibn Sa‘ūd and to the Wahhābī cause, after which Ḥamūd was appointed emir of Lower ‘Asīr, on behalf of Ibn Sa‘ūd. Sharīf Ḥamūd proceeded to strengthen his power base by expanding in the Tihāma, taking al-Luḥayya, Hodeida, Zabīd, Bayt al-Faqīh and Hays. He also attempted to take control of Ḥajja district in the

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54 Badr, II : 369.
high mountain region northwest of Sanaa, but was repulsed in 1220 / 1805 and the poet Qâdi 'Abd al-Râhmân al- Ânisî was reappointed governor of the district.57

Imâm al-Manṣûr 'Alî tried on numerous occasions to regain control of the Tihâma, for the loss of the ports in particular must have resulted in a considerable decline in revenues and in the imâm’s ability to buy off the tribes.58 However, because of the imâmâte’s political and economic difficulties elsewhere in this period,59 the Tihâma could not be regained. A telling example of this was the failure of an expeditionary force of one thousand warriors of Dhû Muḥammad and Dhû Ḥusayn with thirty cavalrymen from Sanaa sent by the imâm to retake the Tihâma on 20 Rajab 1221 / 7 October 1806. They failed due to lack of reinforcements and provisions.60

The Āl al-‘Ansî Qâdîs of Jabal Baraṭ:

The rise in Sanaa of Sunna-oriented scholars in the reign of Imâm al-Mansûr Ḥusayn b. al-Qâsim (d. 1161 / 1748), and even more markedly during that of al-Mahdi ‘Abbâs (d. 1189 / 1775), engendered a reaction by Hâdawî scholars, namely the Āl al-‘Ansî qâdîs from the peripheral region of Jabal Baraṭ. Little is known about these scholars, and the biographical dictionaries provide us with no entries on them, perhaps highlighting their peripheral status.61 Both Ibn al-Amîr and Shawkânî speak of them with disdain as ignorant fuqahâ’62 who rallied the Bakîl tribes of Dhû Muḥammad and Dhû al-Ḥusayn in order to foment trouble and cause disorder. Perhaps one of the first mentions of the Āl al-‘Ansî is in 1145 / 1732 when ‘Abd al-Râhmân b. Muḥammad al-‘Ansî led the tribes of Bakîl in a raid on the port of al-Luḥayya. Ibn al-Amîr reacted to this with a poem

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59 Lutf Allah b. Ahmad Jahhaf in Durr al-nubur fil-‘ina (the main chronicle of the period) gives us a good idea of the harm done by Ḥamûd’s control over the Tihâma and the damaging effect this had on the imâmâte’s monetary system, cf. al-‘Amri, 1985, pp. 52, 56 fn. 75.
60 al-‘Amri, 1985, p. 52.
condemning them and Imām al-Manṣūr Ḥusayn for allowing this to take place. At the time Ibn al-Amīr was supporting Muḥammad b. Ishaq (d. 1167 / 1754), a rival contender for the imāmāte who rose against al-Manṣūr Ḥusayn but was soon defeated and retired to a life of learning in Sanaa. In 1151 / 1738-9, Ibn al-Amīr was finally patronized by al-Manṣūr and given the post of sermoner (khatib) at the Great Mosque in Sanaa.

Ibn al-Amīr had to abandon the post in 1166 / 1753 when his failure to mention the name of Imām al-Qāsim b. Muḥammad in the Friday sermon caused riots. It is reported that because of this lapse, a certain Sayyid Yusuf al-'Ajami al-Imāmi, a Persian who had come to live in Sanaa “to spread Twelver Shi'ite teachings,” led a group of the common folk (al-'awāmm) to the mosque with the intention of killing Ibn al-Amīr, accusing him of being a Nāṣibī (a person who manifests hatred for ‘Ali b. Abī Ṭālib and the Ahl al-Bayt). Al-Mahdi ‘Abbās intervened, banishing Sayyid Yusuf from Yemen and imprisoning the other leaders of the riot, who were local Ḥadawī scholars and individual members of the House of Qāsim all of whom objected to the Sunni direction the imāmāte was taking. The imām also imprisoned Ibn al-Amīr for two months, but the terms of his imprisonment were light in comparison with the punishment meted out to his Ḥadawī opponents. Al-Mahdi ‘Abbās continued with his policies of favouring the Sunna-oriented scholars, as when he appointed Ḥusayn b. Mahdi al-Nu’mī the prayer leader of the Qubbat al-Mahdi mosque which he had built in Sanaa.

Al-Mahdi’s policies of allowing these Sunna-oriented scholars to operate in Sanaa with impunity led ‘Abd Allāh b. Yūsuf, a member of the House of

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64 Hijar al-’ilm, IV: 1833.
65 Cf. Hijar al-’ilm, II: 639; Nasr, I: 617 - 618. Ḥusayn al-Nu’mī (d. 1187 / 1773) was a Tiḥāmī scholar who, like Ibn al-Amīr, advocated Sunnī teachings. He was famous for reading the Sunnī hadīth collections and for practising Sunnī ritual during prayer, such as the raising and clasping of hands (al-rafi’ wa al-damm), and for saying āmin after reciting the Fāṭihah, all of which were condemned by Ḥadawīs. Al-Nu’mī is also famous for a work in which he supported the Wahhābī practise of destroying tombs. Cf. al-Nu’mī, 1985, Ma’ārij al-albāb li manāḥij al-haqq wa-l-sawāb, Riyadh: Maktabat al-Ma’ārif.
Qāsim, to emigrate from Sanaa to Barāt in 1182 / 1768. Here he called on the Āl al-'Ansī qādis to react to the turn of events and to interfere directly in the affairs of Sanaa.\footnote{Cf. 'Abd Allāh al-Jirāfī, 1987, pp. 255 - 257; Nasr, III : 43 - 44.} The Āl al-'Ansī, who were led at this time by Qādī Ḥasan b. Ahmad, wrote letters to the scholars of Ḥuth, Kawkabān and Dhamār, seeking their support against the imāmate's Sunnī orientation and complaining of its unjust taxation policies. Below is an example of what they had to say:

It is incumbent on us to raise with you what we have seen happening in Sanaa in the form of innovations by Sayyid Muḥammad al-Amīr ... who has defamed the madhhab of Ahl al-Bayt, and rendered the one who practises taqlid a deviant and belittled the knowledge of Ahl al-Bayt... . The condition of the state (dawla) has become clear to the elites as well as to the masses: they have usurped the wealth of God, the Exalted, from the people and have spent it on inappropriate things. They have used it to build palaces and gardens. ... They have appointed evil governors who have established uncanonical taxation practises (mazālim), such as the kharāj for which there is no proof in either the Book or the Sunna. ... If you know these matters, then it is incumbent on you, as it is on us, to unite your tribes and to ask of them what we have asked of ours, and to make them agree that all of us should meet in Suq al-Ḥarf [Harf Sufyān] in order to unite the word (jam' al-kalima) on what is pleasing to God, the Exalted.\footnote{Hijar al-'ilm, IV : 1835 - 1836.}\footnote{Hijar al-'ilm, IV : 1837 - 1840.}

The ulema of Ḥuth responded by defending Ibn al-Amīr, namely that as a mujtahid he had the right, indeed the obligation, to follow his own opinions. They also stated that the practises he advocated had been followed by many of the early imāms of Ahl al-Bayt. Furthermore, they accused the Āl al-'Ansī qādis of seeking material benefit from all this and advised them instead to be just, to command their tribes of Bakīl to follow the canonical duties, and to abandon the tribal customary law (tāghūt), such as denying women their right to inherit and their practise of usury (riba). They, however, agreed with the Āl al-'Ansī that the state had usurped wealth in uncanonical ways, building with it palaces and “decorating horses, slaves and slave girls.”\footnote{Hijar al-'ilm, IV : 1835 - 1836.} The rejoinder ends by saying that no
one in Sanaa accepts the good counsel of the ulema in Ḥūth because “they think us to be from the tribe of ‘Uṣaymāt and do not realize that we seek refuge in God from what they [i.e. ‘Uṣaymāt] do, and that there is as great a difference and distance between us and ‘Uṣaymāt as there is between Islam and infidelity.” In other words, Sanaa viewed the people of northern highlands in an undifferentiated manner as being Godless tribesmen.

Obviously, the ulema in Ḥūth were not willing to engage Sanaa in war. The Āl al-‘Ansī sent them one final letter, accusing them of sharing Ibn al-Amīr’s views, saying that they were disappointed because they had thought them to be Shi‘ites and did not realize that the influence of Sunnī thought had reached them too. They also stated that they needed Ḥūth’s support in order to “open a road” (i.e. they needed permission to pass through their tribal territory to attack Sanaa), since the Āl al-‘Ansī and their tribes had reached a consensus to fight the imām, for otherwise they would be considered supporters of evil and oppression. Finally, the Āl al-‘Ansī rejected the claim that they were seekers of material benefit (talab al-dunyā); rather, they insisted that their aim was to have Ibn al-Amīr and his partisans expelled from Sanaa and to lift the uncanonical taxes which the government had established. The argument was phrased in distinctly Hādawī terms.

In 1184 / 1770-1 the Dhū Muḥammad and Dhū Ḥusayn tribes of Jabal Baraṭ finally revolted under the leadership of Ḥasan b. Ahmad al-‘Ansī in order, they said, to make Hādawism victorious (li-nuṣrat al-madhhab). The revolt was repulsed by Imām al-Mahdī and his son ‘Alī (later to become Imām al-Maṣūr) at the gates of Sanaa. Shawkānī suggests that, in fact, the Baraṭi tribes only desisted after the imām increased their stipend to 20,000 riyals per annum, the

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70 Hijar al-ʿilm, IV : 1841 - 1842.
implication being that they already received regular payment. The points of contention may not have been wholly doctrinal. But the Baraṭ attack indicates that Yemeni politics had acquired a doctrinal gloss by the latter half of the eighteenth century, since the official cause for the revolt was the imām’s tolerance of Sunnī teachings. It is reported that Imām al-Mahdī sought to appease the Āl al-‘Ansī qādis by issuing an order that worshippers in Sanaa, even Shāfī’is and Ḥanafīs, should refrain from saying Amen out loud during their prayers.

Shawkānī explains Hādawi opposition to scholars like Ibn al-Amīr and himself as due to a combination of ignorance (jahl), fanaticism and the seeking of worldly benefit (manāfi’ dunyawiyya) by scholars like the Āl al-‘Ansī. These, he says, take advantage of the ignorant masses by deluding them into thinking that they are defenders of the madhhab. His disdain for the northern highland tribesmen, who are used in this way, is evident a one of his statements. He says:

It is one of the trials of this world that these evil ones come into Sanaa for their stipends every year, gathering in their thousands. If they see someone practise ijtihād in prayer, by lifting his hands or joining them on his chest or [tucking his feet beneath] his thighs, they condemn him for it, and violence has occurred on account of this. They [the tribesmen] get together and go to the mosques where one of the ulema is reading the books of Tradition [i.e. the Sunnī hadith collections] and start fights there. And all this is the fault of devils (shaytāns) among the learned men, whom we have mentioned [e.g. the Āl al-‘Ansī qādis]. As for these brutish Arabs [tribesmen], most of them do not pray or fast or perform the duties of Islam, except for the shahādatayn, which they even pronounce incorrectly.

Shawkānī places the dispute with the Āl al-‘Ansī qādis within the then contemporary polemic of ijtihād versus taqlīd. In short, he says, the Hādawīs could not tolerate mujtahids whose opinions deviated from the established teachings of the school and insisted that everyone practise taqlīd. He then turns the argument against them by stating that the first thing a young student of

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73 Nashr, I : 618.  
Hadawi law is taught is that it is prohibited for a mujtahid to practise taqlid. Hence, the claim that it is incumbent on all to practise taqlid is in fact against the very Zaydi teachings these ignorant scholars are purporting to uphold.\footnote{1}

Shawkâni’s argument denies all political and social dimensions to the conflict between Hâdawîs and Traditionists. Furthermore, it trades on an ambiguity, namely that his scholarship and that of Ibn al-Amîr, albeit the product of a process of ijîtûdâd, in effect rejected theological and legal teachings of the Hâdawi madhhab in their entirety. And more to the point, the imâms now supported their claims, adding an amount of political weight to their Traditionist opinions, something which had no precedent in Zaydi history. Hâdawîs saw this conjunction of interests between the imâm and the Traditionists as leading to the obliteration of their school. They must have also realized that scholars who did not share in Sunna-oriented ideas and methodologies would be excluded from posts of influence in Sanaa.

The loss of much of the Zaydi highlands meant the imâmate ruled now over mainly Shâﬁ‘î districts. The Shâﬁ‘î ulema of these districts showed great enthusiasm for Shawkâni, largely because of his jurisprudential methodology which focused on Sunna hadîth collections and resulted in opinions familiar to them. Shawkâni would issue his judicial opinions (ijîtûdâd) in the form of short fatwâs, longer treatises or as letters which were binding on the judges of the realm.\footnote{2} These ijîtûdâd had a similar status to the ikhtiyârât (“choices”) of the twentieth century Ḥamîd al-Dîn imâms, which either abrogated or elaborated on the rulings of Hâdawî law on specific issues. With his legal opinions superseding all others, as well as being enforceable in practise, Shawkâni became the ultimate legal reference in the imâmate. Since Shawkâni’s opinions overturned many

\footnote{1} Badr, II : 135.
judgements of Hadawi law, which was applied throughout the imâmite at the
time and perceived by Shâfi‘îs as a northern highland imposition, it is not
surprising that Shawkânî gained many Shâfi‘î admirers.

Contacts between Shâfi‘î and Northern Highland Scholars:

Despite all the political turmoil of the 18th and 19th centuries contacts
between Shâfi‘îs and northern highland scholars remained intense, with scholars
from both communities studying with and receiving licenses (ijâza) from each
other. Shâfi‘î scholars naturally felt great affinity towards the Sunna-oriented
Traditionists among the Zaydîs, who seemed to them like Sunnis in the emphasis
they placed on Sunní ḥadîth works. This affinity can be clearly seen from the
lives of such men as Sayyid ‘Abd al-Raḥmân b. Sulaymân al-Ahdal (d. 1250 / 1835) of Zabîd, whose scholarly wanderings included the Yemeni highlands as
much as the Hijaz, where Mecca was at this juncture a great centre of learning.
Al-Ahdal studied with the main Sunní scholars of his day in Zabîd and the Hijaz,
and among his teachers was Muḥammad b. Murtadâ al-Zabîdi (d. 1204 / 1790),
author of the famous dictionary entitled Tāj al-‘arûs. But al-Ahdal also studied
with the most notable Traditionist scholars of Sanaa such as ‘Abd al-Qâdîr b.
Aḥmad al-Kawkabânî (d. 1207 / 1792), who was regarded as the great mujtahid of
his day and the scholarly link between Ibn al-Amîr and Shawkânî. Al-Ahdal also
studied with all three of Ibn al-Amîr’s sons. Whilst formally remaining a Shâfi‘î,
al-Ahdal was a Traditionist by orientation, being inclined to the ḥadîth sciences,
and is described in his biography as a muḥaddith (a scholar of ḥadîth).

The presence of Traditionist scholars in Sanaa allowed for this interaction
to take place, and in so doing reversed an educational trend whereby Sunnis were

77 Cf. Rashâd al-‘Alîmî, n.d., al-Taqfîdiyya wa-l-ḥadîtha fî al-rizâm al-qânûnî al-Yamani,
Cairo: Matâbi’ al-Shuruq, pp. 256–257.
now coming to the highlands seeking knowledge. Throughout the medieval period it had been Zaydi scholars who had left the northern highlands in search of knowledge from Sunnis in centres like Ta’izz, Zabid and Mecca.79 So intense was his association with the Traditionist scholars in the Yemeni highlands that al-Ahdal wrote *al-Nafas al-Yamani*, a biographical work which was inspired by the licenses he gave Shawkānī’s sons and brother, who had all come to Zabīd from northern highlands to study with him. The regard in which Shawkānī was held by al-Ahdal is evident in his description of him in *al-Nafas*:

... the imām of our time in all the sciences, and the lecturer of our age in explaining the intricacies of the Truths... . [He is] the guardian, the guiding authority in elucidating the goal of the prophetic Traditions... .

This mutual appeal and interaction between Sunni scholars of Shāfi‘ī Yemen and Traditionist scholars of the northern highlands could not have escaped the attention of the ruling imāms. It is perhaps for this reason that imāms saw the need to have Shawkānī accompany them on their various campaigns throughout the country. On these journeys Shawkānī would teach in the towns the imāms stopped at, thereby expanding his scholarly network and undoubtedly also projecting his own scholarly standing as well as the religious authority of the state and the rule of the imāms he served.81 When contrasted with earlier Zaydi campaigns which were once led by imāms of great scholarly stature, these campaigns which were led by unscholarly imāms in the company of learned scholars bring into sharp relief the important shift in the nature of imāmic authority and rule at this time. The recurrent image of the scholar-warrior imam,

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79 It can even be tentatively argued that it was contacts between Zaydis and Sunnis in medieval times, and in Mecca in particular, that exposed scholars such as Muhammad b. Ibrāhīm al-Wāzīr (d. 840 / 1434) to Traditionist ideas and teachings and hence bring these into the Zaydi highlands. Cf. Ahmad b. Ḥabīb al-Wāzīr, *Tarikh bani al-Wāzīr*, MS. Ambrosiana, D 556, fol. 79; Ḥadīr, II : 90.
81 For a description of Shawkānī’s outings with the imāms see *al-Tiqṣur*, pp. 75 - 95.
campaigning on horseback whilst writing works on such subjects as theology and
law, is often invoked in the historical chronicles and biographical dictionaries as
representing the ideal of Zaydi leadership. Such imams as al-Qasim b.
Muhammad (d. 1029 / 1620), and the much earlier al-Manṣūr ‘Abd Allāh b.
Ḥanẓa (d. 614 / 1217) among others, projected this ideal and to a great extent
embodied it. All the imams of the 18th and 19th centuries by contrast are
considered to have been merely worldly leaders (a’immat dunyā). Indeed, the
anonymous author of the chronicle Hawliyyat Yamāniyya is clear about the
difference between the earlier period, i.e. 17th century, and his own when he says:

The contemporary period is nothing when compared to the days of
al-Mahdi Ahmad b. al-Ḥasan [d. 1092 / 1681] and al-Mutawakkil
‘alā Allāh Ismā’īl [d. 1087 / 1676]. The elite (ghurra) of this world
are [now] the worldly people (ahl al-dunya), not the people of
religion (ahl al-dīn). As for the days of al-Mahdi ‘Abd Allāh [d.
1251 / 1835] and his brother al-Hādī Muḥammad b. al-Mutawakkil
[d. 1259 / 1843], they are the best in terms of luxurious living for
those who seek enjoyment and the accumulation of worldly goods,
which are [ultimately] perishable. ... Their epoch smiled upon
them [i.e. the earlier imams] because the land of Yemen was
entirely under government control (fiyad al-dawla): its ports,
southern areas (yamanibā), Rayma and ‘Utna, and all areas. In the
erlier period straw (tibn) was brought from the peripheries of the
country, from Barat! Recently, in the time of al-Mahdi, straw for
the horses [could only be brought from as far as] ‘Amran.

The image of straw being brought to Sanaa from distant Barat is a powerful one.
Historically Barat was construed, and in fact continues to be seen by many
Yemenis today, as the most unruly of tribal areas, being the homeland of the Dhū
Muḥammad and Dhū Ḥusayn tribes of Bakil. For an imām to have controlled it
would have clearly meant that he was powerful and wielded great influence: with
even Barat included in the economy and the whole of Yemen under central
government control, 17th century imams had supposedly been able to offer
general prosperity and justice. Since the author of the Hawliyyāt was writing in

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\[\text{\textsuperscript{82} Cf. Hawliyyāt Yamāniyya, p. 282.}\]
\[\text{\textsuperscript{83} Hawliyyāt Yamāniyya, p. 278. Cf. Dresch, 1989, pp. 208 - 209.}\]
the 19th century, the vision he presents of the 17th century imāmate is a backward projection by someone already intimately acquainted with a patrimonial system of rule in which the rulers no longer had the qualities of their predecessors. His vision of order in the early Qāsimī period is intimately connected with the personal qualities of rulers who had probity and more generally lived up to the Zaydi ideal.

The Coincidence of Power and Learning:

By the end of the eighteenth century the Qāsimī imāmate was firmly on the side of the Sunna-oriented ulema. Unlike his father al-Mahdī 'Abbās, al-Manṣūr 'Alī (reigned 1775 - 1809) appeared little wary of the tribes and the conservative Hādawīs. He rallied to the side of these scholars in asking Shawkānī to accept the position of qādī al-quḍāt, which would allow him to supervise the imāmate’s judicial system, appointing and dismissing judges, as well as to head the imāmic council (dīwān) on which sat a number of jurists and which effectively was the last court of appeal. It is reported that Shawkānī accepted the position after setting a number of conditions. He insisted that his judgements be executed “whatever they may be and whomever [they concern], even if the imām himself was implicated.” This the imām readily accepted. Shawkānī was kept on as chief judge by imāms al-Mutawakkil Ahmad (r. 1809 - 1816) and al-Mahdī ‘Abdullāh (r. 1816 - 1835), in whose reigns, it is said, Shawkānī’s importance grew so that no order was promulgated without his advice being taken.

The three Qāsimī imāms who employed Shawkānī did not fulfill the rigorous conditions of the Zaydi doctrine of the imāmate. As we have seen, this doctrine stipulated that the imām had to fulfill rather stringent qualifications.

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which entailed his being a scholar-warrior who “orders the proper and prohibits the improper” (*al-amr bi-l-ma‘rūf wa-l-nahy ‘an al-munkar*). Shawkānī, however, refuted this doctrine by basing his claims on Sunnī ḥadīths, so that it was no longer obligatory for the imām to be a mujtaḥīd or even an ‘Alawī-Fātimī, but simply a member of the Prophet’s tribe, Quraysh. He also rejects the *da‘wa* as the means to attaining the imāmate, and states that it is by receiving the allegiance (*bay‘a*) of those “who loose and bind” (*ahl al-ḥall wa-l-‘aqd*), i.e. people of note, that one can become imām. Another way of attaining the imāmate, Shawkānī says, is by means of one imām designating another as his successor, as Abu Bakr did with ‘Umar, a reference to the first and second caliphs of Islam. By acknowledging these two forms of accession to the imāmate Shawkānī places himself squarely in the Sunnī tradition, seeing both Abū Bakr’s and ‘Umar’s as the model for legitimate accession to the imāmate. Furthermore, Muslims are forbidden to rise (*khurūj*) against an unjust imām (*zālim*) as long as he prays and commits no public act of unbelief (*lam yazhar minhum al-kufr al-bawwāh*).  

The Increasing Importance of the Ulema:

In somewhat similar fashion to the medieval Cairene society as described by Berkey, 87 imāmate society in the 18th century was increasingly characterised by a system of patronage tying the imām and his family to the ulema as a distinct group. In traditional Zaydī Islam the ulema played the crucial role of acknowledging the “summons” (*da‘wa*) of a given contender to the imāmate through the *bay‘a* (the act of allegiance) and thereby according legitimacy to his rule. This acknowledgement could, however, at any moment be withdrawn if the imām fell short of the qualifications or if a more suitable candidate emerged

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claiming the imāmate for himself. Zaydi imāms had to live under the constant threat of such challenges, and indeed much of Zaydi political history is taken up by struggles between contending claimants. In traditional Zaydism, however, the ulema, or more properly the ahl al-hall wa-l-'aqd (the people who loose and bind) did not form a distinct cohort dependent on state patronage. Rather, they were largely learned men who were scattered in centres of learning throughout the highlands. With the establishment of the Qāsimī imāmate the situation changed, particularly as state structures and institutions developed. By the eighteenth century the ulema, at least those within the ambit of the state, behaved in a more traditionally “Sunni” manner. They legitimated the rule of the imāms regardless of aptitude and probity, enjoined the people to obedience, collected taxes and provided other intangible services. In return they were offered posts throughout the realm where they represented the imāmic state.

Imāmic patronage towards the scholars took several forms: areas were allocated to them for tax collection purposes; scholars were appointed as judges (qādi or ḥākim), scribes (kātib) and governors (‘āmil) of towns and entire districts; they were made guardians (nāzir) over religious endowments (awqāf) and over testamentary dispositions or trusts (waṣāyā), or appointed as preachers (khatib) and prayer leaders (imām) at designated mosques. In a discursion from the “events” of his century, the anonymous chronicler of Hawliyyāt Yamāniyya posits that the anonymous author of the Hawliyyāt Yamāniyya is Ahmad b. ‘Abd Allah al-Zubayrī, who completed it relying on the work of Qādi Mūsān b. Ahmad al-Iṣlaḥī (d. 1288 / 1871), see al-ʿAmrī, 1988, p. 296, fn. 2. The manuscript was edited by Hībshī who contends that the author is anonymous.

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88 This is clear from the personal role played by Shawkānī in ensuring the peaceful succession of rule from the sick and senile al-Mansūr ʿĀli to his son al-Mutawakkil Ahmād, and then from Ahmād to his son al-Mahdī ʿAbd Allāh. In each case Shawkānī was the first to offer the bay’a and then to take it on behalf of the imāms from the other members of the Qāsimī family and the notables of the realm.
89 For a comparison with other contexts see Ira Lapidus, 1984, Muslim Cities in the later Middle Ages, Cambridge: Cambridge University Press, pp. 130 - 141 and Jonathan Berkey, 1992, chapter 4.
90 For example the post of religious endowments secretary (kātib al-awqāf) was given to Qādi Ahmād b. Ǧālih b. Abī al-Rijāl (d. 1191 / 1777) (not the author of the famous biographical work Matlaʿ al-budur but his namesake) by al-Mahdī ʿAbbās and a member of this family still held this position in the year 1357 / 1938. Cf. Nashr, 1 : 137 - 143; Badr, 1 : 61 - 62.
91 Husayn al-ʿAmrī posits that the anonymous author of the Hawliyyāt Yamāniyya is Ahmad b. ʿAbd Allāh al-Zuhayrī, who completed it relying on the work of Qādi Mūsān b. Ahmad al-Iṣlaḥī (d. 1288 / 1871), see al-ʿAmrī, 1988, p. 296, fn. 2. The manuscript was edited by Hībshī who contends that the author is anonymous.
offers a picture of the political and administrative structures of the state as they had developed by the late 18th and early 19th centuries. At its apex, he says, the state was headed by the imām who along with the Shaykh al-Islām (i.e. the chief judge) applied the Shari‘a according to the Book and the Sunna of the Prophet. Under these were the princes of the House of Qāsim, the Āl al-Imām, the first among whom was the crown prince (sayf al-khilāfā), who had fiefs (qita‘) and expense accounts (mašārīf) and provided food for his retainers, all of whom came to him and were known to him. Under the imām, the shaykh al-islām and princes were the ministers (wuzarā‘), who numbered five or six. One minister was appointed for each region: a minister for the Tihāma, a minister for the Yemen (the southern areas), a minister for Anis, Rayma and 'Utna, a minister for the Western regions (al-Hilād al-Gharbiyya), a minister for the North, a minister domainial estates (wazīr al-sawā‘ī), a minister of the imāmic guards (wazīr al-'ukfā), a minister of seals (wazīr al-khitām), who in the eyes of the imām was above all the others [in importance]. Each minister would ladle from the world like the trowels of a yoke [i.e. steal a great deal], and their appointments would only last two or three years. When arrested immeasurable wealth would be found in their possession, as we have mentioned earlier in the book. Every minister would have countless retainers, and under each minister would be governors (sing. ‘āmil) in the lands. For example, the minister of the Tihāma has under him three to four governors, in each port town and city; and similarly the minister of Yemen [i.e. Lower Yemen] has under him, in every city, a governor. Every governor eats and lives, and with them are many scribes (kuttāb), friends and servants living off the government, as do the gate keepers (al-bawwābīn).... Likewise are the military commanders (al-umārā‘), [who are] five to six; their most senior is the commander of the palace (amīr al-qasr), and every commander has many learned men (līqaḥā‘) and retainers (mu‘tashīrīn) [dependent on him]... . So all the people [i.e. appointed officials and retainers] lived off the success of the House of Qāsim.

It must be noted that the author’s vision of a state takes for granted its patrimonial features; it is as a state should be, and he seems to have forgotten that earlier imāmātes did not have such elaborate structures. Moreover, the decline ensues not from the system itself, but from the nature of the men who man it. The

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92 The edited text has al-jimāl wazīr, which is probably a typographic error for al-shimāl wazīr. 
93 Hawliyyat Yamāniyya, pp. 279 - 282.
imām and Shaykh al-Islām (here it is undoubtedly Shawkānī who is being referred to as he was the first to be given this title) are depicted in their idealized roles as applying strictly the Shari‘a. Their government officials, however, are criticized for their corruption, and for retaining countless underlings all of whom lived off the state. The biographical dictionaries recount that many of these officials were ulema, and especially the judges among them. The reign of a given imām was often assessed by the extent of corruption in his administration, and among the markers of this was the debasement of currency through the diminution of the amount of silver in the coins. The extent of corruption, quite obviously reflected the imām’s personality and abilities, and it is on this basis that some were referred to as worldly imāms (a‘immat al-dunyā) whereas the more upright were called imāms of religion (a‘immat dīn).95

Unlike Mameluke Egypt and Syria, Yemen under the Zaydī imāmate never saw the endowment of professorships and formal teaching posts for the ulema. The educational system in Yemen remained more informal. In the areas controlled by the imāmate, scholars were dependent on the vicissitudes and whims of individual imāms, who were effectively the sole patrons, and no separate interest group, like the Mamelukes in Egypt for example, could provide an independent source of patronage. But in the hijras -- predominantly rural centres of learning -- scholars continued to transmit knowledge, particularly Zaydī knowledge, outside the purview of the state. The transmission of knowledge remained a diffuse affair in Yemen and was never centralized; even today, different and differing centres of learning remain active in spreading their own version of “proper Islamic” education, be it more Zaydī or more Sunnī in focus and stress. However, with the establishment of a strong nexus of interests

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94 Cf. al-‘Amrī, 1988, pp. 150 - 151, 208 - 209.
95 Hawliyyāt Yamānīyya, p. 282.
96 The annals of the 18th and 19th centuries are filled with stories of scholars/administrators who were stripped of their possessions and imprisoned by the imāms only to be later pardoned and, at times, re-instated to their former positions.
between the “state” and the Traditionist scholars in the 18th century, education and patronage became more focused than before.

The Qāsimī imāms Shawkānī served were not mujtahids. To compensate for this lack Shawkānī stipulates a condition which the non-mujtahid imām must fulfill:

he must choose from among the notables, the mujtahids and accomplished ulema [who will] advise him in matters. ... He must render all disputes to the people of that stratum [the ulema], and whatever they judge he must execute and whatever they order he must do.

With the institution of the diwān, which formed a sort of advisory council that imāms consulted, and the seeking of advice from Shawkānī, the imāms of this period were fulfilling this condition. The institutional structures set up by the Qāsimīs, therefore, seemed to reflect Shawkānī’s theory of the imāmate. The imām held council in the diwān, where we know Shawkānī sat. When Shawkānī was absent he was represented in the diwān by his son-in-law, Qādi Šāliḥ al-‘Ansī, who was also a jurist. The diwān was a place where the imām held audience, receiving foreign guests as well as his administrators from throughout Yemen, making decisions about state matters and appointments, and listening to petitions from far and wide.

Shawkānī played a central role in defining the imāmate’s policies against the Wahhābī threat in the early 1800s. He advised the imām to send an army to attack their vassal, Sharīf Ḥamūd b. Muḥammad (d. 1233 / 1818), in order to stop him from conquering the Tihāma. The military efforts, however, were unsuccessful and the Tihāma was lost to the Sharīf. This made the imām very anxious and it is reported that in 1222 / 1807 he sought Shawkānī’s advice on

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how to proceed. Shawkānī advised that the best way to re-establish control would be to treat his subjects justly by not imposing the prevalent uncanonical taxes and to send a general edict to all districts informing them of this. He further explained that the Wahhabīs were only welcomed because the rights of his subjects had been infringed through corrupt taxation practises. 100

Al-Mansur heeded his advice and Shawkānī drew up the edict entitled al-
Marsūm al-Mansūri fi raf' al-mażālim wa-l-musāwāt fi al-ḥuqūq wa-l-wājibāt bāyin abnā' al-Yaman (The Mansūrī Edict Regarding the Elimination of Unjust Acts and the Establishment of Equality of Rights and Obligations Among the Sons of Yemen), and was otherwise called “The Rising Sun” (tulū' al-shams) for the first two words of its text. 101 The terms of the edict illuminate Shawkānī’s vision of an ordered state and are therefore worth noting here.

Our Lord the Imam of the age... the Commander of the Faithful, al-Mansur, has come to the noble opinion... that all his subjects, in all the districts, and all who fall under his blessed government in the highlands and the lowlands have no obligation in all that they possess except what has been set by the noble law and to which God almighty has a right to. They are not to be asked for anything other than this. Whoever demands any amount more than what God--the Exalted--has set is not to be obeyed. It is incumbent on Muslims to disempower him and to refer his case to the local judge who will then make appeal to the imāmic Presence (al-ḥadra al-imāmiyya) so that he is punished, making of him an example to others who proceed in like fashion. And if a judge colludes with an oppressor or favours a man who wants more than what God has commanded, then he deserves to be dismissed from his religious post for he is not deserving of it nor is he trustworthy in it. Let the subjects be thrilled, satisfied, and secure that they will not be asked for a jibāya, a qubāl, a siyāsa, a farqa, or a duf'a [the names of uncanonical taxes], nor anything which is innovated that God has not ordained. 102

It is the judges, the upholders of religious law, who are the central players in his vision of a revamped fiscal order. Their judicial hierarchy, which is ultimately tied to Shawkānī himself, is the conduit which insures a just administration of the

100 Adah al-talāb, p. 37.
country. The centrality of their role is further highlighted by the following instructions in the edict where Shawkānī says:

Every judge must assemble the subjects of his district and read this [edict] to them. He must [also] make copies of it in his own handwriting and place his mark on these and send one to each village in order that they may have it in perpetuity to ward off the evil of every evil doer and the injustice of every unjust person. ... Every judge must send his trustworthy and knowledgeable men to teach people the teachings of their religion and what their obligations are towards God almighty regarding prayer, fasting, pilgrimage and God’s unicity (tawḥīd)...

Shawkānī’s efforts failed dismally, much to his dismay. Al-Shiʿnī explains that the ministers undermined the new fiscal regulations by arguing that they would weaken the government because they resulted in lower revenues that were not sufficient to cover expenses, namely the soldiers’ salaries. In actual fact, he says, they were motivated by personal greed and corruption because the regulations spelt a cut in their own incomes which were based on the uncanonical practises Shawkānī wished to abolish. Moreover, they were abetted by certain leading scholars who were also corrupt. The whole episode, however, highlights a recurrent theme in Shawkānī’s life, and that of Traditionist scholars before him, which is their attempts from Sanaa at reforming a world with its own moral order. These attempts were not readily accepted and resistance often ensued as we saw earlier in the instance of the Baraṭī tribal revolts.

With regard to succession, the first two imāms in question (al-Manṣūr ‘Alī and al-Mutawakkil Aḥmad) succeeded their fathers through nomination regardless of learning or personal accomplishment. This would have disqualified them outright according to the letter of Zaydī law. Both were appointed by their fathers

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105 al-Ṭiqṣūr, p. 173.
to the post of commander of the troops (amīr al-ajnād). Al-Mahdi 'Abd Allāh became imām instead of his younger and more learned brother Qāsim, who had been designated by his father. Qāsim was immediately sidelined by the elder and militarily more powerful ‘Abd Allāh and no one made an issue of this. All three became imām immediately after their fathers’ death by receiving the bay’a from the “ulema, judges and the family of the Imām [i.e. descendants of Qāsim b. Muhammad, the founder of the dynasty].” Al-Mutawakkil Āḥmad and al-Mahdi ‘Abdullāh first received the bay’a from Shawkānī himself, who then accepted it on their behalf from all the important people of the realm.

These imāms were not models of Zaydī piety. Al-Wāṣi‘ī says that al-Maṣūr ‘Alī “followed the path of kings and nominated three ministers who looked after all matters and did not bother with any of the affairs of his kingdom... .” Furthermore, al-Wāṣi‘ī reports that “his habit was to seclude himself (al-iḥtiṣāb) and to cavort with free and slave women.” Al-Maṣūr never left Sanaa on a military campaign. Of al-Mutawakkil Āḥmad, al-Wāṣi‘ī says that he “filled a house with gold and silver and all kinds of clothes, precious stones..., weaponry..., medical instruments and vials, and trunks full of musk, amber and clocks.” Al-Maḥdī ‘Abdullāh was more of a military man than his father and led a number of campaigns, most notably in Lower Yemen. His rule was characterized by constant changes in ministerial appointments which gave it an element of instability. Shawkānī, who is not normally terse in praising the imāms, merely says that he was “progressively improving, [had] a complete mind, noble traits, praiseworthy habits, outstanding horsemanship and remarkable aim [in shooting].” Al-Wāṣi‘ī describes al-Maḥdī ‘Abd Allāh as being in “the habit

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106 Badr, 1: 77 - 78, 459.
111 Badr, 1: 376.
of secluding himself and indulging his desires and pleasures and listening to things pleasurable whilst ignoring his kingdom.\(^{112}\)

The imām was very much a sultan on the Sunnī model. Some complained of this, and some in modern times have drawn attention to the change as an explanation of the decline of the House of Qāsim and the onset of political and social problems.\(^{113}\) Shawkānī, however, justified the rule of such imāms as necessary for temporal and political order. As long as they remained Muslims and maintained the Shāri‘a it was incumbent on Muslims to be obedient. The alternative, according to him, was social disorder and chaos, which had to be avoided at all costs.


\(^{113}\) Majd al-Dīn b. Muhammad al-Mu‘ayyidi, n.d., *Tuhafsbarh al-zulaf*, n.p., p. 161. Al-Mu‘ayyidi considers Imām al-Mu‘ayyad Muhammad b. al-Mutawakil Ismā‘īl (1092 - 1097 / 1681 - 1686) to be the last imām to have fulfilled the conditions of the imāmate and also to be the mujaddid of the 11th century H. He quotes Ismā‘īl b. Ḥusayn Ḥajāmān as saying “as far as I know, here ended the prophetic legacy (wirāthatal-nubūwwa), after which those who ruled did not attain the rank of the imāmate, and they took it as kingship (ittakhadhīlā mulkān).” Al-Wāsī‘ī, in *Tārikh al-Yaman*, says of al-Mu‘ayyad Muhammad that he “combined the conditions” (kānā imāman jāmī‘an li-l-shuruf) and does not mention this phrase of another imām until Ahmad b. ‘Ali al-Sirājī who led a failed attempt at claiming the imāmate in 1249 / 1833 from al-Mahdī ‘Abd Allāh, cf. pp. 230, 235. Ahmad Ḥusayn Sharaf al-Dīn in *al-Yaman ‘abr al-tārikh*, says that for nearly two centuries after the reign of al-Mu‘ayyad Muhammad the Yemen was overtaken with strife and disorder due to the internecine conflicts between the various contenders for the imāmate amongst the House of al-Qāsim. Sharaf al-Dīn quotes the following from Ahmad b. ‘Abd Allāh al-Jindārī’s (d. 1337 / 1919) work entitled *al-Jāmi‘ al-wajīz fī waṭāyāt al-‘ulamā‘ uthal-tahrīz* (pp. 245 - 247):

After the death of al-Mu‘ayyad Muḥammad b. al-Mutawakil Ismā‘īl the family of the imām became divided into groups and filled each other with fright. All coveted the imāmate till it seemed the Day of Reckoning would come. Al-Mu‘ayyad had designated the imāmate to his son Yūsuf because he was the best amongst his brothers. Yūsuf therefore made the Summons (du‘ā’) in Duwrān and Ḥusayn b. ‘Abd al-Qādir did the same in Kawkābn, as did al-Hasan b. Muḥammad in ‘Amrān, ‘Ali b. Ahmad in Sa‘dah and al-Ḥusayn b. al-Hasan in Radā‘. The earth became corpse-like and every village had a caliph. Muhammad b. Ahmad made his summons in al-Maṣṣūra and was called Sāhib al-Mawāhib. He defeated them and assaulted and pounced on them.

CHAPTER IV

Shawkānī: “the mujaddid of the 13th century h.”

O ignoramus of the religious sciences of the Prophet’s family (Āl Mustafa); whether of its earlier members or those more recent. Who amongst them closed the door of ijtihād on mankind? O stupid one, become educated; who made taqlīd obligatory for those who can practise ijtihād, and said the practise of taqlīd is a necessity? Who said abandon the Qur’ān and its sciences? Who said abandon the Sunna of Muḥammad? Who said the shaykh [who teaches] the canonical ḥadīth collections (ummahāt) leads one astray? Who said that those who study them transgress?

Muḥammad b. ‘Alī al-Shawkānī

The shift in political structure which took place as the Qāsimī imāmāte became more dynastic and the imāms less true to the Hādawī ideal was accompanied by a corresponding shift in the legal structures and ideology of the state, away from Zaydī-Hādawī doctrines and legal opinions, and towards those espoused by the Traditionist Sunni School. And, while the changing nature of the imāmāte and the expanded geography of the state created the possibility and impetus for new structures of rule, the Traditionist jurists who rose to the challenge emerged out of the same intellectual milieu as the Zaydīs. Thus they had to formulate their differences with the Zaydīs in punctilious detail, and on a number of theoretical and practical levels. This new tendency, as embodied in the total oeuvre of Muḥammad b. ‘Alī al-Shawkānī, was radically ambitious in the context of Zaydī Yemen. It involved the following: 1) reorienting the sources of law by insisting on the exclusive and direct use of the Qur’ān and of Sunni ḥadīth collections without the mediation of the traditional legal manuals; 2) A new, expanded methodology which any qualified jurist could employ to use these

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sources. This methodology was based principally on Shawkānī’s understanding of *ijtihād*. It also enforced a measure of accountability in as much as it stipulated that the jurist must present the textual evidence for his judgement. 3) Shawkānī’s legal methodology was coupled with a whole pedagogical theory and curriculum for the production of jurists trained in its use. 4) Finally, Shawkānī conceived of a bureaucratic hierarchy which would employ the products of this epistemological and educational system to administer the state irrespective of the qualifications of the ruler. Shawkānī arrived on the scene of the Qāsimī state at a time when the dual processes of what I have termed the “theatre of state” and the gradual Sunnification of the intellectual and legal milieu were fully developed. In a sense, his work and ideas crystallize these two processes and offer a system for perpetuating them.

The following discussion will attempt to situate Shawkānī within the wider world of Islamic scholarship, arguing that he most appropriately fits into the Traditionist school (*Ahl al-Hadīth*), but that he also drew inspiration from the great Sunni-Shāfi‘i scholars of Egypt, such as Ibn Ḥajar al-‘Asqalānī and Jalāl al-Dīn al-Suyūṭī, as well as Ḥanbalī ones, like Taqī al-Dīn Aḥmad Ibn Taymiyya. This chapter will then offer a presentation of Shawkānī’s views on the subject of *ijtihād*, since this was the cornerstone of his legal methodology, and discuss more generally his epistemology. Finally, it will go on to describe his pedagogical curriculum which was intended to produce and reproduce *mujtahids* like himself and perpetuate his vision of moral and juridical order.

*IJTIHĀD* in Modern Writings:

In the writings of Western as well as Arab authors in the modern period *ijtihād* has been given an inordinately important place. In its technical sense, perhaps it is best defined as the “expending of one’s utmost effort in the inquiry
into legal questions admitting of only probable answers.” But in modernist works it has often been associated with reason and the ability of Muslims (and thus of Islamic societies) to transcend the constraints of “tradition.” These constraints in turn have been associated with *ijtiḥād*’s complement, namely *taqlīd*, whose technical sense is perhaps best conveyed as “accepting someone else’s opinion concerning a legal rule without knowledge of its bases.” In a sense, *ijtiḥād* has come to be associated with liberal notions of progress and *taqlīd* with the burden of tradition. Jamāl al-Dīn al-Afghānī and Muḥammad ‘Abduh argued very much along these lines, as do many authors and intellectuals in the West and the Middle East today. There is a shared assumption that *ijtiḥād* will somehow allow for the liberation of thought from backward ways and offer a brighter future for Muslim societies. This modernist literature, formed around ideas of rationality and progress, leaves aside a good many of the key questions. If intellectual liberty is not to be moral license one needs to know who can practise *ijtiḥād* and in what connection. The appeal of such modernist readings is widespread, although their arguments are often superficial.

Even state governments, like that in Yemen, share in these conceptions. The General People’s Congress, the ruling party in Yemen since 1982, has this to say in its political manifesto, the National Charter (al-*Mīthqāl al-Watānī*):

We reject any theory, whether about rule, economics, politics or social affairs, which contradicts our Islamic faith or our Shari‘a. However, we believe that it is the right of any individual or group to express or publish their opinions and ideas, as well as to participate in proper democratic activity to accomplish these -- on

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\textit{Ijtihād} and democratic freedoms, like freedom of expression, have become conflated. But again the conditions in which \textit{ijtihād} is feasible (“the Islamic framework”) are left unspecified. \textit{Ijtihād} which opposed some aspect of the framework to which the government is attached would not be welcome. Nor would the framework allow just anyone to practise \textit{ijtihād} at the state’s expense.

Despite modern “liberal” assumptions about \textit{ijtihād}, many recent Islamic thinkers and Islamist activists, such as Sayyid Qutb and the Muslim Brotherhood, have used the term in quite different ways.\footnote{Cf. Richard P. Mitchell, 1993, \textit{The Society of the Muslim Brothers}, Oxford: Oxford University Press, pp. 236 - 241; also cf. Ahmad Muṣṭifā, 1993, \textit{al-Usuliya al-islāmiyya}, n.p.: al-Nāshir, pp. 215 ff.} For them \textit{ijtihād} became the means by which Muslims are to liberate themselves intellectually as well as socially from the yoke of specifically modern regimes. Islamists share with “liberals” the idea that \textit{ijtihād} will offer a panacea to the dilemmas of the modern age although, beyond calling for a return to the “True Sources” these Islamists remain mute about the modalities of such reform. This is illustrated in a statement which was written by a Syrian Muslim Brother who was living in exile in Yemen in the early 1990s:

It is not concealed from you my brother the reader that it is necessary to have a mujtahid who performs God’s proofs in all ages (\textit{qā’im bi ḥujāj Allāh}) and that it is not legally permissible for an age not to have one (lā yajūz shar‘an khuluwwu al-‘asri minhu). The Ḥāfiz Jalāl al-Dīn ‘Abd al-Rahmān b. Abī Bakr al-Suyūṭī, wrote a treatise [in this matter which is entitled]: The Response to him who Makes Earth his Abode and is Ignorant that \textit{Ijtihād} in all Ages is an Obligation (al-Radd ‘alā man akhlada ilā al-ard wa jahila anna al-ijtihād fī kulli ‘asrīn fard). If \textit{ijtihād} is a necessity in every age then our age is in dire need, more than any in the past. This is due to the changes in life’s concerns in contrast to what these were in past times, and the overwhelming development of
societies after the technological revolution which the world has witnessed. 8

In his introduction to Ibn al-Amīr's treatise on the subject of *ijtihād* entitled *Irshād al-nuqqād ilā taysīr al-ijtihād*, Hallaq continues to enumerate the many areas in which *ijtihād* would prove of help to the Muslim community: the economic and financial spheres, because of the new and unprecedented kinds of companies and financial transactions, as well as the scientific and medical spheres among others. Hallaq points out that Islamic law has now to provide answers to the many new discoveries that modern science has developed, and especially discoveries in medical science, e.g. organ transplants (whether it is permissible to transplant organs from animals into humans), organ donation (both before and after death and from and to non-Muslims) and matters relating to pills which delay the menstrual cycle. 9 *IJTihAD*, as an interpretive methodology, is presumed to provide the answers to problems the modern age poses present-day Muslims. The discourse is not new. Muḥammad ʿAbduh was certainly offering a similar answer to problems posed by modernity nearly a century ago. Shawkānī and Ibn al-Amīr, as we shall see, were positing *ijtihād* as an answer to a different kind of problem they saw facing the *umma* still earlier.

Wahhabīs also made a great issue of *ijtihād*, but Fazlur Rahman, lining up with the modernists, laments the fact that by rejecting intellectualism they rejected the actual tools of fresh thinking (read *ijtihād*). Rahman says of the Wahhabīs

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8 Muḥammad b. Ismāʿīl al-Amīr, 1992, *Irshād al-nuqqād ilā taysīr al-ijtihād*, Muhammad Ṣubhi Hallāq (ed.), Beirut: Muʿassasat al-Rayyān li-l-Tībāʿa, p. 8. The quotation is extracted from the editor’s introduction to Ibn al-Amīr’s treatise on *ijtihād*. The editor, Hallāq, is a Syrian Muslim who was living in exile in Yemen after the events in Ḥamā in 1982. Like many other foreign Islamic activists, he had a teaching contract with the Yemeni Ministry of Education. When I was in Sanaa he taught in one of the “Scientific Institutes” on Shārīʿ Sittīn, which was dominated by Islāhīs, as well as in another institute which was aptly named “Maḥāfīz al-Imām al-Shawkānī”. Whilst in Yemen, Hallāq developed good connections with the various Islamic personalities and groups, viz. ʿAbd al-Majīd al-Zindānī and ʿAqīl al-Maqṭūrī of the Jamʿiyyat al-Ḥikma al-Yamaniyya al-Khayriyya in Taʾizz. He also developed a keen interest in Shawkānī and Ibn al-Amīr and has edited and published a number of their treatises, especially those which treat subjects of interest to Salafīs, e.g. the condemnation of grave visitation and Sufism, and of defamation of fellow Muslims (*ghība*, especially if it is directed at the Prophet’s Companions and the *Ahl al-Ḥadīth*).

that they “proved fruitless and practically [sic] have become ‘followers’ (muqallidūn) of the sum total of the Islamic legacy of the first two centuries and a half... .”\(^{10}\) Obviously there is a huge area of disagreement over the use of the term in both modern Muslim and Western writings. And \textit{ijtihād} had yet other associations in Shawkāni’s time, when it was used in very different ways and certainly for achieving different goals.

A related aspect of the way in which \textit{ijtihād} has been written about, especially in modern works, is that it was the means used by the great Islamic reformers to initiate tolerance and unity among Muslims.\(^{11}\) Here the rhetorics of pan-Islamism, pan-Arabism and Arab nationalism are conflated. Shawkāni, in this frame of reference, becomes not only the enemy of reprehensible innovations which had entered Islamic thought and practise, but also the one who called, through \textit{ijtihād}, for transcending sectarian differences, for promoting the unity of Muslims and the unity of Yemen. In all these studies, the historical context is barely touched upon and, as with the “liberals” who saw \textit{ijtihād} as a means to their own ideal, it is largely considerations of the moment which determine how Shawkāni is depicted. To anticipate briefly, Shawkāni’s appeal for modern nationalists does indeed reflect aspects of his work in the years around 1800. However, modern writers do not feel comfortable going into detail about who exactly can practise \textit{ijtihād} and how its resulting opinions are put to effect in detail since this draws attention to Shawkāni’s practical position and the form of government he favoured.


Shawkānī as mujtahid and mujaddid:

In all of Shawkānī’s works a constant refrain is sounded: the absolute necessity of applying *ijtihād* as a means of combatting the sectarian and antagonistic tendencies amongst different schools of law, “factionalism” (*madhhabīya*), which has resulted from the practise of *taqlīd*, the blind imitation of past rulings and opinions. This, according to Shawkānī, has resulted in rulings being based on the mere opinion (*ra’y*) of scholars and lack of knowledge of the textual evidence (*dālīl*) for any given opinion. The practise of *taqlīd* was a reprehensible innovation which had been developed by the followers of the various schools of law, many of whom argued that *ijtihād* was no longer possible for later generations of Muslims—the door of *ijtihād* was closed.\(^\text{12}\)

Shawkānī argued forcefully that the door of *ijtihād* never had been closed, and he tried to prove through historical, juristic and theological arguments that mujtahids had lived and operated since the supposed closure took place. In explaining the reason for writing his only historical work, a biographical dictionary of some six hundred personalities, Shawkānī summarised his position in the preface:

The opinion is widespread among some of the lowly folk (*jamā‘a min al-ra‘ā‘*) that their predecessors alone had precedence in the sciences (*‘ulūm*), and not their successors; and it has been

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\(^\text{12}\) Cf. Shawkānī, 1991, “al-Qawl al-mufid fi adillat al-ijtihād wa-l-taqlīd,” in *al-Rasā’il al-salafiyya fi iḥyā’ khayr al-bariyya*, Beirut: Dār al-Kitāb al-‘Arabī, pp. 191 ff. It is interesting to note that the controversy over the “closure of the gate of *ijtihād*” has also been of great interest to Western academics of Islamic law. Wael Hallaq, for example, argues against Joseph Schacht’s contention that the practise of *ijtihād* was discontinued after the fourth/tenth century. See Wael B. Hallaq, “On the Origins of the Controversy about the Existence of Mujtahids and the Gate of *Ijtihād*,” *Studia Islamica*, 63, pp. 129 - 141; and idem, 1984, “Was the Gate of *Ijtihād* Closed?,” *International Journal of Middle Eastern Studies*, 16, 1; also, J. Schacht, 1964, *An Introduction to Islamic Law*, Oxford: The Clarendon Press, pp. 69 - 71; N. J. Coulson, 1964, *A History of Islamic Law*, Edinburgh: Edinburgh University Press, p. 81. It seems to me that the question as posed is misguided (i.e. is the door closed or was it left open?). The debate over the closure was certainly a concern of Muslim jurists from medieval times. The majority saw it as being closed, whereas others, notably Shawkānī argued the opposite. To argue the case one way or the other is to fall within the rhetorical terms of the Muslim discursive tradition itself and misses the point. What is of greater interest in this matter are the strategies employed, and the aims of those jurists who debated the matter, not whether it had actually been closed or left open.
transmitted also that some people of the four schools (madhāhib) say it is impossible to find a mujtahid after the sixth century [AH, twelfth CE] or after the seventh century [AH, thirteenth CE] as yet others have claimed. It is easy for those of the lowest level of knowledge, of least perception and humblest understanding to see that this statement is based on ignorance because it would mean a restriction of the Divine grace and Lordly abundance to some believers and not others, to the people of one era and not another and to those of one age and not another without evidence or textual proof. This forsaken and vile assertion would necessitate depriving the later eras of an upholder of God’s proofs and an interpreter of His Book and the Sunna of His Prophet, and an elucidator of what He legislated for his worshippers. Without a doubt this would entail the loss of the Shari‘a and the disappearance of religion. God, the Most High, has undertaken to preserve His religion, and the intention is not its preservation in the bodies of pages and registers but rather to have individuals who would present it at all times and in every necessity.

This [has] spurred me to write this book which contains the biographies of the great ulema, whose news reached me, from the people of the eighth century [AH, thirteenth CE] till our age. This is to inform the adherent of the [aforementioned] statement that God, who is kind, was as bounteous with the successors as He was with the predecessors; it is even possible [to say] that there were ulema in the later ages whose all-round knowledge in the different sciences few of the people from the earlier generations would equal. And he who looks deeply in this book, and from whose neck the noose of taqlid is unravelled, will see this.13

Although al-Badr al-ţali‘ bi-maḥāsin man ba’d al-qarn al-sābi‘ (The Rising Moon Illuminating the Good Deeds of Those Who Came After the 7th Century) concentrates mainly on Yemeni figures, many of whom were contemporaries of Shawkānī, it seems to have been broadly intended as a continuation of Muhammad al-Dhahabi’s (d. 748 / 1348) Siyar a’lām al-nubala’ since it takes up where the latter left off in the 7th century H.14 However, Shawkānī, as can be seen from the quote above, was interested in making a single point: that the gate of ijtihād had never been closed, and therefore many of the later ulema were indeed equal to those who preceded them, if only because more sources were available to them. This, he argues, makes the practise of ijtihād

13 Badr, I: 2 - 3.
easier for the latter generations than it was for those earlier.\textsuperscript{15} This argument is unusual. So too is its presentation. Standard collections of biographies usually limit themselves to a place or time (typically one century), depicting the personal connections among a limited range of scholars. Shawkānī’s collection, by contrast, ranges across a half millennium and its subjects are chosen freely from the larger Islamic world. The organisation of this grand récit directs the reader’s attention to the organising mind, that of the book’s author. *Al-Badr al-tāli* is in part a manifesto for the man who wrote it.

That Shawkānī considered himself to be a mujtahid is beyond doubt. His personal biography is included in *al-Badr al-tāli*. Furthermore, in most of his works he presents himself as an ultimate arbiter who illuminates the truth, provides the proofs and sweeps away all that is textually unfounded.\textsuperscript{16} But more than a mujtahid, Shawkānī probably wanted to be considered a mujaddid (“renewer” of Islam), or at the very least a scholar of the highest calibre with a pan-Islamic reputation. He does not claim for himself the title of “centennial renewer” (*mujaddid al-qārn*), but alludes to it when he asserts that although the proponents of taqlīd have brought about the abolition of the Book and Sunna and the refutation of sound Prophetic Traditions, “a faction of this community remains pure in its righteousness” and that “God sends to this community at the head of every century one who will renew its religion.”\textsuperscript{17} The reference in the first Tradition is to the Traditionists, whereas in the second it was no doubt to himself; a position which was confirmed by his students and is adhered to by high ranking


officials in the present Yemeni government who think of Shawkānī as the
“renewer of the 13th century H.”\textsuperscript{18}

To bolster his claim to be a mujtahid of the first rank, Shawkānī wrote a
work, similar to one written by Ibn Ḥajar,\textsuperscript{10} entitled \textit{Ithāf al-akābir bi-īsnād al-
dafātir}.\textsuperscript{20} In it he lists all the works he had either “heard” (\textit{sama'}) or received a
license in (\textit{ijāza}),\textsuperscript{21} and which he could transmit or teach. For each work he lists
the chain(s) of transmitters back to the individual author.\textsuperscript{22} The list is impressive,
for it includes over four hundred and fifty works which range across the Islamic
sciences and the various doctrinal and legal schools, Zaydī and Sunnī. In
narrating his īsnāds, Shawkānī gives the greatest detail when mentioning the
canonical ḥadīth collections, providing numerous īsnāds for these and
underscoring the fact that he considered these works the most important on the
list.\textsuperscript{23} The idea behind providing these multiple īsnāds is to show that he can
transmit these works with certainty of their authenticity because they were
transmitted to him by “concurrence” (\textit{tawātir}), by enough independent sources to
exclude the possibility of collusion.

\textsuperscript{18} Cf. \textit{al-Tiqṣṣr}, pp. 33 - 35 where Muhammad al-Akwa’ asserts that Shawkānī is the renewer of
the 13th century; also \textit{Shi‘a‘ al-uwān}, p. 16, where Muhammad al-Ḥaqqī, the vice-president of
Yemen’s supreme court (\textit{majlis al-qaṣā‘ al-a‘ād}), makes the same assertion.

\textsuperscript{10} Ibn Ḥajar’s work is entitled \textit{al-Majma‘ al-mu‘assas bi-\textit{l-mu‘jam al-mufahras}, cf. Berkey,
1992, p. 171.

\textsuperscript{20} This work was published in Hyderabad by Matbā‘at Majlis Da‘irat al-Ma‘ārif and Nizāmīyya
in 1328 / 1910. The interest that Indian scholars have showed in Shawkānī is in part due to the
fact he holds a key position in many of their own īsnāds. In this regard, Muhammad Akram,
a scholar from Nadwat al-‘Ulama’ in Luknow, India is presently completing a work which
will be entitled \textit{Nafahat al-Hind wa-l-Yaman bi-āsānīd al-shaykh Abī al-Ḥasan.} In it, he details
the conjunction of īsnāds in Yemen and India, in which Shawkānī holds a very prominent position.

\textsuperscript{21} Cf. Messick, 1993, p. 84ff.

\textsuperscript{22} By pursuing the chains one can see that a number of scholars who operated in Mecca in
the 17th and 18th centuries, like Muhammad Ḥayāt al-Sindi and Ibrāhīm al-Kūrānī, feature
prominently. But this does not support the argument, made by John Voll and others, who
claimed that these scholars were in some sense part of a single fundamentalist/revivalist
phenomenon. This argument has now been disputed sufficiently to say that these reformist
scholars, despite whatever similarities they may share, cannot be grouped under one rubric, but
must be seen operating within their own differing contexts. Cf. Ahmad Dallal, 1993, “The
Origins and Objectives of Islamic Revivalist Thought, 1750 - 1850’ \textit{Journal of the American
Oriental Society}, July - September, pp. 341 - 359; R. S. O’Fahey, and Bernd Radtke, 1993,
“Neo-Sufism Reconsidered,” \textit{Der Islam}, 70, 1, pp. 52 - 87.

The *Ithāf* was intended to mark Shawkānī out as a great scholar and situate him temporally and historically as a purveyor of learning and knowledge. Indeed, he says that the main reason he wrote the work was to benefit his students, who could read it to locate themselves exactly on the map of transmission chains which sustained the world of Islamic knowledge. However, Shawkānī’s *mujaddid* status does not derive from any explicit assertion he made himself; rather, as in the case of *mujaddids* before him, it was his disciples and students who bestowed on him the honour.24 For his students, Shawkānī exhibited the qualifications of the *mujaddid*, and most noteworthy among these was that he was a *muṭṭahid* of the highest rank—*ijtihād* was the *conditio sine qua non*.

The break here with Zaydi intellectual tradition deserves noting. “Renewers,” in the Sunnī sense, are not a feature of Zaydi thought.25 The imāms are the focus both of intellectual truth and of the effort to have the world conform with this; and though there may be periods when no imām is evident, Zaydism had usually been content to extend the search for the righteous leader rather than accept *faute de mieux* a temporal lord. Imams who lacked the full range of conditions, restricted imāms (*al-aʿīma al-muḥtasibīn*), were recognized in later Zaydi thought, but the character of the imamate was not compromised intellectually.26 Shawkānī’s interest in the role of the *mujaddid* or “renewer,” by

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24 Shawkānī’s students and disciples are not just those who studied with him directly, but also all those who claim to follow his methodology, and generally to belong to his school. In many cases the so-called students are in fact generationally students, i.e. students of students of Shawkānī (e.g. today’s Muhammad b. Ismāʿīl al-ʿAmrānī). Some of these claim to have adopted Shawkānī’s legal opinions and to belong to “madhhab al-Shawkānī.”

25 It is noteworthy that Landau-Tasseron has tried to detail the use of the *mujaddid* tradition in Zaydism and discovered that the Sunnī model does not apply, cf. Ella Landau-Tasseron, 1990, *“Zaydi Imams as Restorers of Religion: *Iḥyāʾ* and *Tajdid* in Zaydi Literature,”* Journal of Near Eastern Studies, vol. 49, pp. 247 - 263. In this regard, it must be pointed that the work *Ithāf al-muḥtadin*, which led Landau-Tasseron to the topic of *tajdid* among the Zaydis, was written by Muhammad b. Muhammad Zabārā, a man who was highly influenced by Shawkānī ideas on *ijtihād* and *tajdid*. As such, he does not reflect earlier Zaydi-Hāḍawī opinion on the matter.

26 In the commentary on the margins of *Sharḥ al-azhār* it is stated that some later Shiʿīs allowed for a *muqallid* to become imām—although he had to be a *muṭṭahid* in politics (*muṭṭahid fī abwāb al-siyāsah*)—because *ijtihād* according to them had become impossible in later times. Imām al-Muṭṭahhar (probably al-Wāthiq b.-Allāh al-Muṭṭahhar b. Muhammad d. 802 AH, see *Badr*, II: 311; al-Ḥibshi, *Maṣādir al-fikr*, p. 579) was apparently one who claimed the imāmīate despite not having attained the rank of *ijtihād*. This commentary goes on to say that if a valid candidate for
contrast, fits with the theoretical acceptance of a *de facto* separation between truth and power. The imāmate, as we shall see, becomes not simply the province of the *muḥtasibūn* but a source of temporal order identical with *mulk* or kingship, righteously, meanwhile, is the concern of a separate or distinct group of ulema, whose opinions must defer to the most learned among them. As a *mujtahid* and *mujaddid*, independent intellect and renewer of collective truth, Shawkānī would be the source to which scholars and rulers alike should properly resort.

Shawkānī’s insistence on *ijtihād* over blind imitation (*taqlīd*) implies in fact, if paradoxically, that Muslims should follow his rulings and opinions, an important claim for a man who for most of his life was the “judge of judges.”

For all his insistence on transcending the differences among the Schools, Shawkānī’s position fits into a tradition that is purely Sunnī. This is most evident in his criticism of the Zaydī-Hādawī doctrine of the imāmate. He disputes the Hādawī claim that the path to becoming an imām is through “making a call” (*da’wa*). Rather, he says that whenever a group of Muslims, which he specifies as the people “who loose and bind” (*ahl al-hall wa-l-‘aqd*, i.e. notables), agree to give their allegiance (*bay’a*) to a pious man of the community (*min šāliḥi hadhihi al-umma*), then it becomes obligatory for them to obey him in “the good he ordains and the evil he forbids.” Another way to become imām is by means of an incumbent delegating it to a successor, as Abu Bakr did with ‘Umar.

As for the strict Hādawī conditions, such as the imām being male, of mature age (*bālīgh*), rational (*‘āql*), free (*ḥurr*) etc., Shawkānī agrees with some

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and disputes others. For example, he agrees that the imām must be rational but disputes that he must be a Fātimī-‘Alawi, arguing that no proof exists for such specification because of the Tradition which states that “imāms are from Quraysh.”

Furthermore, obedience to a Sultan is mandatory even if he were a slave because of the Traditions which state “Obey and be obedient even if he is an Ethiopian slave whose head is like a raisin,” and “obedience is incumbent upon you even if he is an Ethiopian slave, because the believer is like a camel, if he is fettered, he is led.”

It may not have escaped Shawkānī’s attention that the Qāsimī imāms he served were indeed Ethiopian-looking, as Niebuhr pointed out.

The clearest elaboration of Shawkānī’s vision of the separation between truth and order is when he discusses the Hādawī condition that the imām must be a mujtahid. In disputing this, he says instead that the ignorant sultan

must employ a religious scholar who is a mujtahid and who will undertake to run the affairs of the pure Shari‘a, after determining that the latter is knowledgable, just and well informed in matters of religion... For me [Shawkānī], the most important conditions and foundations which the imām or sultan must fulfill are: that he be able to safeguard the roads, bring justice to the oppressed, defend the Muslims in the event of a suprise attack by an infidel army or a rebel... It does not harm an imām if he should fall short of a condition or more of those mentioned by the [Zaydī] author, so long as he fulfills what we have mentioned. Muslims do not need an imām who sits in his prayer chamber (fimusallah), holding his prayer beads, devoting himself to reading religious books, teaching these to the students of his age, and commenting on the problems therein while ignoring the shedding of blood and property, Muslims plundering each other, and the strong oppressing the weak. In this case none of the [stipulations] of the imāmate or the sultanate are being enforced because the more important matters, which I have already mentioned, are not being fulfilled [i.e. safety, justice and defence].

The image Shawkānī portrays of a learned but inactive imām is hardly the model posited in Hādawī manuals of law or depicted in their historical sources.

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28 Ahmad, Musnad, 129.
29 Versions of these hadiths can be found in Bukhārī, Sahih, al-Adhān, 4, 5, 156; Ahkām, 4; Ibn Mājah, Sunan, Jihād, 29; Ahmad, Musnad, 3 : 114, 171.
early Qāsimīs had embodied the ideal of men of both sword and pen, and they were not beyond recent historical memory. Was this other model not sustainable or even relevant by Shawkānī’s time? It is clear that the whole frame of reference had shifted away from the political doctrines and moral order envisioned in Hādawī teachings. This is further confirmed when Shawkānī asserts that Muslims are forbidden to rise (khurūj) against an unjust imām (zālim) so long as he prays and commits no public act of unbelief (lam yaẓhar minhu al-kufr al-bawāḥ).31

Shawkānī’s vision of a political order described the state of affairs in his day to a remarkable extent. The imāms who ruled were not scholars or mujtahids. They were variously accused of imposing non-canonical taxes and their personal behaviour left them far from the ideal. Furthermore, Shawkānī was the mujtahid to whom the imāms referred. A glimpse into the judicial system, its procedures and Shawkānī’s role in it can be had from a story which is narrated in the chronicle of al-Mansūr ‘Alī’s reign. It is said that on Sunday 13 Rajab 1210 / 24 January 1796 the following events took place.

A group of the people of corruption in Bilād Ḥarāz sympathized with (māla ila) the wife of Ahmad al-Nashshād, and they agreed with her to murder her husband. This done, they were soon thereafter all arrested. The Qādi of Ḥarāz, Muḥammad b. Ahmad al-Ghashm, discovered what they were up to and appealed [the case] to the imām [due to] the horrific nature of the event. [The Qādi] stated that he had imprisoned Yahyā b. Naṣīr Ḥaḥif, Sa’d b. Ḥusayn Ḥamza, Ahmad b. Ḥusayn Ḥamza, Ḥusayn b. ‘Abd Allāh ‘Abduh ‘Aṣīlah and Sa’īd b. ʿUjayl (‘Ujail?) and they had confessed (aqarrū) to killing Ahmad al-Nashshād. The governor had them dispatched [to Sanaa]. The imām ordered his judge, al-Badr Muḥammad b. ‘Alī al-Shawkānī, to look into the case. [He did so] and issued a judgement that they should be executed. The imām had their heads cut off and the woman [i.e. al-Nashshād’s wife] was brought to the place where they were executed, and each and every one of them was displayed to her. Then the imām had her lashed and ordered that she be paraded through the streets of the city, then she was sent to prison.32

32 Ḥaḥif, Durar nuḥūr ḥur al-‘in, MS, fol. 171a.
Nothing more than this is said about the incident or the motives of the killers. The story reveals, however, the workings of a judicial system which, as we can see, runs along the theoretical lines set out by Shawkānī. The heinous nature of the crime leads the local judge to appeal the case to the imām, after extracting a confession from the killers. The imām then refers the case to his mujtahid, Shawkānī, who issues his judgement, and the sentence is carried out. The wife’s role as an accessory means she is whipped, whereas the practise of parading her through the streets, whose inhabitants were in the habit of pelting such prisoners with garbage, was more of a customary imāmic punishment having little to do with canonical law.

Situating Shawkānī Intellectually

Partly because Shawkānī was widely read and educated in both the Zaydi and Sunnī traditions, it is difficult to situate him entirely within one of the schools of Islam. Indeed, to do so would be in some sense to contravene the very claim he made of himself as mujtahid who was above all schools. However, it can be said that he was a Traditionist; that is, his scholarly attention was directed at the canonical ḥadīth collections and the ḥadīth sciences, which he considered the most authoritative, and he therefore drew mostly on these in elaborating his opinions. In doing so, he was an heir to the tradition in the Zaydi highlands of Yemen which produced such scholars as Muḥammad b. Ibrāhīm al-Wazīr (d. 840 / 1436), al-Ḥasan b. ʿĀḥmad al-Jalāl (d. 1084 / 1673), Ṣāliḥ b. al-Mahdī al-Maqbālī (d. 1108 / 1696), Muḥammad b. Ismāʿīl al-Amīr (d. 1182 / 1769) and the lesser known ʿAbd al-Qādir b. ʿĀḥmad al-Kawkābānī (d. 1207 / 1792), who was Shawkānī’s most illustrious teacher. These Traditionists had rejected the practise of adhering to one school of law and condemned taqlīd while advocating ijtihād. They also rejected the rational sciences which were mainly associated with the Muʿtazila among the Zaydis in Yemen. The influence of the Shāfīʿī scholars of
Egypt, hadith scholars and jurists, like Ibn Ḥajar (d. 852 / 1448) and al-Suyūṭī (d. 911 / 1505), and that of Ḥanbali scholars like Ibn Taymiyya (d. 728 / 1328) and his disciple Ibn Qayyim al-Jawziyya (d. 751 / 1350), was also very important for Shawkānī. In fact, the argument can be made that Shawkānī had modelled himself on them, seeking to emulate the polymathic nature of their works, and perhaps wanted to be considered as having their stature as first-rank scholars and “renovators”.

In Sunni Islam there had developed a belief that every hundred years a scholar would emerge who would restore or renovate Islamic thought and practise. This tradition is best summarized in the Prophetic hadith: “God will send to this community at the turn of every century someone [or people] who will restore religion,” (inna allāh yab’ath li-hadīthi al-umma ‘alā ra’s kull mi’at sana man yujaddid lahā amr dinihā). The emergence of this hadith and the “renewer” tradition has been the subject of a study by Landau-Tasseron. She argues that the “renewer” hadith originated in an attempt to legitimize and spread Shafi’i’s teachings, namely that the Sunna, understood to be based on hadith, was to have a principal role in Islamic jurisprudence. She also shows how this hadith later played a role in the defence of the Sunna against innovation and heresy. By appropriating the role of renewers, Shafi’i scholars claimed that they were the upholders of Shari‘a. They could do this because of the belief in Islamic tradition that scholars were “the successors to the Prophets.”

Landau-Tasseron goes on to show that the concepts of tajdid (renewal) and ijtihād became closely linked when al-Suyuti, who is considered to be the ninth mujaddid in the Shafi‘i chain, claimed the title on the basis of being a mujahid

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33 Abū Dā‘ūd, Sunan, in Kitāb al-Malahim 4 / 156.
himself. With this, *ijtihād* became a condition for acquiring *mujaddid* status and the means by which one could make reference directly to the Sunna. But the title of *mujaddid* remained honorific, with no formal method of appointment being developed. In fact, many *mujaddids* were either self-appointed or, more commonly, they were recognized by a small circle of students and other jurists. The phenomenon was predominantly Shafi‘ī since many of the transmitters of the ḥadīth itself, and the renewers themselves, were Shafi‘īs, and later mostly Egyptians.  

Shawkānī’s identification with these Shafi‘ī scholars can be gleaned from the biographical entries he has on them in *al-Badr al-tāli‘*. In al-Suyūṭī’s biography for instance, Shawkānī defends him against Muḥammad al-Sakhāwī’s (d. 902 / 1497) famous allegations in *al-Daw‘ al-lāmi‘* and emphasizes that, in accordance with the sayings of the imāms of *jarh* and *ta‘dīl*, the sayings of peers (*aqā‘rān*) about each other should not be accepted once competition between them exists. The biographical entry ends with the following:

The reason why he [al-Sakhāwī] has related the ulema’s sayings which allow the denigration of al-Suyūṭī is the latter’s claim to be a *mujtahid*. This remains the habit of people regarding those who attain this rank. However, as in the case of Ibn Taymiyya, investigation shows that God Almighty raises the importance of the one who was shown enmity because of his knowledge and his uttering the truth. He also spreads his good deeds after death, makes him famous and allows people to benefit from his knowledge.  

Shawkānī is drawing here a parallel between himself, as *mujtahid*, and scholars like Suyūṭī and Ibn Taymiyya, because he too was attacked (by Hādawi scholars) for making claims about *ijtihād*.

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The history of the *mujaddid* tradition highlights how *mujaddids* were associated with the defence of the Sunna against all who refused to derive the law exclusively from the Qur'ān and the Sunna, most notably the *ahl al-ra'y* and groups like the Shi'a and the Mu'tazila. These opponents of the emergent Sunnī orthodoxy after al-Shāfi'i's lifetime were branded heretics and innovators, and the understanding of Sunna developed to become the antithesis of *bid'a* (reprehensible innovation). The *mujaddid* became the one who renovates belief and practise by revivifying the Sunna (*ihya' al-sunna*) and eliminating whatever innovations had accrued to Islamic practise and belief in a given century. In order to do this the scholar had to make reference directly to first sources, namely the Qur'ān and the Sunna, and therefore needed to be a *mujtahid*. The parallel between Shawkānī's situation, where the opponents of the Sunna-oriented scholars were the Zaydi-Hādawīs, and that of the Sunnī *mujaddids*, like al-Suyūṭī, who were combating *bid'a* in the name of orthodoxy, did not escape the attention of Yemeni scholars on both sides of the divide. Shawkānī, and Ibn al-Amīr before him, wished to rid Yemen of the pervasive influence of the Hādawī teachings and all forms of *taqlid*, of which Hādawism was a manifestation; the Hādawīs wished to protect their school, and consequently their identity, from the attacks of the Sunna-oriented scholars. The attack that “reformist” scholars like Shawkānī undertook against what they termed the opponents of the Sunna was two-fold. On the one hand, it entailed an elucidation and re-emphasis of certain sources of law—the field of *usūl al-fiqh*—and on the other, a purging of all normative rulings—the field of *furūʿ*—from opinions which were not consistent with their *usūl al-fiqh* methodology.

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Several studies and articles have dealt with Shawkānī’s views and opinions on the subject of *ijtihād*, and more broadly on his *usūl al-fiqh*, but these have not sought to integrate his ideas into the historical, political and social contexts in which they developed.41 Perhaps the best treatment so far of Shawkānī’s *usūl al-fiqh* views is provided by Rudolph Peters in an article entitled “*Idjīthād* and *taqlīd* in 18th and 19th century Islam” where he compares four “fundamentalist” authors.42 In other studies, most notably by Yemeni and Egyptian authors, Shawkānī is depicted uncritically as a reformer fighting against the fanaticism of sectarians and imitators (*muqallidīn*) and as being “the renewer of his century.”43 These latter works seem to indicate that he is more often than not an object of study because his views reflect modern concerns. An Egyptian author for example describes Shawkānī in the following way:

He threw off the noose of *taqlīd* before reaching the age of thirty. Before that he followed the Zaydī school. He became one of the notables (*a’lām*) of *ijtihād* and the greatest exponent of abandoning *taqlīd*. He developed rulings through *ijtihād* from the Book and the Sunna. In doing this, he is considered among the vanguard of the renewers (*mujaddidīn*) and the *mujtahidīn* in the modern period and among those who participated in awakening the Islamic and Arabic nation (*umma*) in this epoch.44

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42 Peters describes Shawkānī as being “remotest from traditional doctrine ... since he does not differentiate between the various ranks of *ijtihād*, claims that anybody with minimal knowledge of jurisprudence can be a *mujtahid* and considers *taqlīd* absolutely forbidden,” p. 143.


Shawkānī has been slotted into the modern nationalist tradition which equated *ijtihād* with liberating thought, and which has in some unspecified sense had an instrumental role in Arab and Muslim renaissance. By looking at Shawkānī’s own writings and the historical sources of the period a more complex picture emerges. First, however, it must be pointed out that Shawkānī does not convey in any of his writings a concern about a European intellectual menace despite having been aware of a European political and military presence in the Islamic lands—notably Napoleon’s invasion of Egypt.45 His concerns lie with problems he regards as intrinsic to Islamic history and tradition, and which are summed up in the practise of *taqlīḍ*. This, he says, has divided Muslims into mutually opposing sects and has, more perniciously, led them away from the principal sources. Second, the solution he proposes makes appeal to the pristine past of the time of the Rightly Guided Caliphs, but also offers practical guidelines which can bring about a virtuous order similar to it. The solution lies in allowing jurists like himself to practise *ijtihād*, to reproduce themselves pedagogically and to administer the interpretation and application of the Shari’a.

A Literalist Bent:

A literalist bent permeates all of Shawkānī’s writings. He constantly urges a return to the principal sources—the Qur’ān and the Sunna—which must be literally understood and states that any interpretation which draws one away from the texts is forbidden. The ethos in all his works is the undermining of the sciences which have created conceptual and methodological terminology that has drawn Muslims away from the original texts. On the level of *usūl* he aimed at more certainty than the standard model. With his insistence on the study of and almost exclusive dependence on ḥadīth works—notably the *Sahīhayn* of Bukhārī

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and Muslim—this would add up to a legal system for which greater certainty could be claimed.

Shawkani’s only comprehensive treatment of the science of āsāl is a work entitled *Irshād al-fūhūl ilā tahqiq al-ḥaqiq min ‘ilm al-āsāl* (Guidance for the Luminaries to achieving the truth in the science of the principles of law). This work appears to draw mainly on Fakhr al-Dīn al-Rāzī’s (d. 606 / 1209) *al-Maḥṣūl fī ‘ilm usūl al-fiqh* and Muḥammad b. Bāḥdūr al-Zarkashī’s (d. 794 / 1392) *al-Bahr al-Muḥīṭ fī usūl al-fiqh*. Shawkānī says in his introduction that he wrote the *Irshād al-fūhūl* in order to distinguish the sound from the unsound and the correct from the incorrect in the science of usūl al-fiqh, because it had acquired such prestige that no one dared criticize it any longer. No person, no matter how learned, would refute an argument that was made in usūl al-fiqh terms. And this, he argues, has led many people of knowledge to fall into the snare of ra’y (mere “opinion”; reasoning with no sound basis), thinking all the while that they were basing themselves on transmitted knowledge (*’ilm al-riwaya*). He continues, that by referring to this science many mujtahids have reverted to taqlīd without realizing it and many who cling to the evidence (adilla) have fallen into pure ra’y, again without realizing.\(^{46}\) In short, Shawkānī aims to show that the science of usūl had acquired methodological accretions which were textually baseless and were therefore unsound, and that most of the rules elaborated by usūl scholars were in fact presumptive (*zanni*) rather than definitive (*qat‘ī*) and should therefore be disregarded.

In elaborating his legal theory, Shawkānī’s basic premise is that the Qur’ān and the Sunna are sufficient and comprehensive sources for the elaboration of all legal rulings for all time. The mujtahīd can find in these evidence or proof to substantiate his legal decisions without recourse to any other source, be it consensus (*ijmā‘*), most forms of analogical reasoning (*qiyās*), or

\(^{46}\) *Irshād al-fūhūl*, pp. 2 - 3.
independent reasoning (ra’y). In order to bolster this argument he makes claims for the indubitable authenticity of the ḥadīths in the canonical collections, in particular the Ṣaḥīḥayn of Bukhārī and Muslim. His main claim here is that the Muslim umma has universally accepted the Ṣaḥīḥayn as the soundest works after the Qur’ān. This argument is based on a broad consensus (ijma’) and has a long pedigree, with various forms, in Islamic legal thought.47 The locus classicus is Ibn al-Ṣalāḥ’s Ma’rifat anwā‘ ilm al-ḥadīth, otherwise known as the Introduction to the Ḥadīth Sciences.48

From the perspective of the Ḥadawīs, Shawkānī’s claim is somewhat problematic because all the Traditions contained in these works are “single Traditions” (āḥād), that is Traditions transmitted by one person only. The problem lies in that the Ḥadawīs would not credit some of these Companions with probity (‘adāla), because they had opposed ‘Aṭīr or the Ahl al-Bayt in some way and therefore were not considered trustworthy. The argument boils down to which of the Companions had probity. Shawkānī takes a maximal position that they all had ‘adāla, whereas the Ḥadawīs are more selective on this issue, leading many of the stricter among them to reject altogether the Ṣaḥīḥayn.49

In ḥadīth terms, the classic retort that Shawkānī, and Yemeni Traditionists generally, made to the Zaydīs was that in elaborating judgments and rules the Zaydīs relied on Traditions of dubious authenticity, namely the mursal Traditions (ḥadīths that did not have full chains of transmission going back to the Prophet). In other words, Zaydīs did not adhere to the strict methods of ḥadīth authentication, resulting in many of their opinions and views being based on weak

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47 Irshād al-fuhūl, p. 44. Also Shawkānī, n.d., Tuḥfat al-dhākīrīn, Dār al-Fikr, p. 4. It is noteworthy that Ibn al-Amīr in his Irshād al-muqqād ilā taysīr al-ṣiḥḥād does not concur with this view, but still grants the Ṣaḥīḥayn great authoritative status (see pp. 45 - 50).
or false Traditions and therefore being wrong. The *locus classicus* for this argument can be found in the works of Muḥammad b. Ibrāhīm al-Wazīr (d. 840 / 1436). In his *al-Rawḍ al-bāsim*, an abridgment of his larger work *al-‘Awāṣim wa-l-qawāṣim*, he says:

Zaydi imāms do not have hadith collections to suffice the mujtahid... all their works have no transmission chains and do not refer to the imām who first reported the Tradition... . To sum up, if Zaydis do not accept ‘unbelievers and sinners by interpretation’ (*kufār wa fussāq ta’wil*), they accept mursal Traditions transmitted by their imāms who had accept these... none among them are known to be positively guarded against this. This indicates that their Traditions are of a category which only those who accept mursal Traditions, even maqtū Traditions and those transmitted by unknown people (*majāḥīl*)... would accept. Given this, how can it be said that it is better to refer to their [Zaydi] Traditions than to those of the [Sunnī] imāms of hadith, who spent their years in the pursuit of finding the trustworthy (*thiqāl*), collecting the dispersed Traditions, distinguishing between the sound and the weak... .50

Shawkānī’s Views on *ijmā‘* and *qiyyās*:

Shawkānī’s ideas on *usūl al-fiqh* cannot be dissociated from his attempts to empower himself as a mujtahid, an ultimate legal reference for his age, or from the Hādawī environment he operated in and whose teachings he sought to disprove. It is in this light that his rejection of *ijmā‘*, the third principle in Islamic jurisprudence, can be better understood. Shawkānī does not consider *ijmā‘* (the consensus of mujtahīds after the death of the Prophet in a given age on a given matter) to be a source of law. For one thing, he says, that there is no textual proof for it being a principle at all. Furthermore, it would be impossible to ascertain the opinion of all Muslims because of the vastness of the Islamic lands and the multitude of scholars who existed throughout the ages. He claims that few among them left written evidence of their opinions and even among those who did it

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50 Muhammad b. Ibrāhīm al-Wazīr, 1985, *al-Rawḍ al-bāsim*, pp. 94 - 6. For Shawkānī’s views on the mursal/Traditions see his *Iršād al-fuhūl*, pp. 57 - 58. It should be noted that Ibn al-Wazīr’s claims were refuted by Hādawīs such as Sa’īm al-Dīn Ibrāhīm b. Muḥammad al-Wazīr (d. 914 / 1508) in a work entitled *al-Falak al-da‘wār*. This has recently been edited and published by contemporary Hādawīs in Sa’da and forms part of an ongoing refutation of the Traditionist claim that Zaydis are not grounded in the hadith sciences.
remains an impossible task to adduce their opinions on a given matter. Finally, because of the dominance of the established schools of law, which were controlled by muqallidin, many scholars did not dare express their true opinion out of fear of retaliation.\textsuperscript{51} Below is one of his statements on the matter:

Whoever claims to have the \textit{ijmā'} of the Muslim scholars of his age on a given religious issue has made a gross claim (\textit{a'zama al-da'wa}) and asserted its existence with something which does not obtain. The possibility of this is forbidden, even if one assumes that it is possible to have such agreement, without investigation and knowledge of the opinions of each man or group of men. The truth is that this is impossible (\textit{mamnū'}). This is because the consensus of all the scholars of all the regions on an issue is impossible given the existence of different schools, temperaments, differences in understanding, contradictory dispositions and the love of contradiction. This is with regards to a scholar speaking about the consensus of his generation. If he is claiming an \textit{ijmā'} about a generation which he did not know after the age of the Companions then the claim, too, is impossible. The one who claims that \textit{ijmā'} constitutes proof is not correct, for such a claim constitutes mere conjecture (\textit{zan'ī}) on the part of an individual from the community of Muslims. No believer can worship God on the basis of this. In my works, when I report a consensus from others I do this in order to prove my point to the one who accepts that \textit{ijmā'} constitutes proof.\textsuperscript{52}

There may appear to be a contradiction in Shawkānī’s views on the matter of \textit{ijmā’}. As pointed out earlier, he bases his claim for the indubitable authenticity of the \textit{Sahihayn} on the \textit{ijmā’} of the Muslim community throughout the ages, whilst also rejecting the possibility of ascertaining an \textit{ijmā’} on a given point. The contradiction disappears, however, if one sees these as two different types of \textit{ijmā’}: the former is a general Muslim consensus which concerns the \textit{Sahihayn} only, and in that sense is unique; whereas the latter has to do with opinions on specific matters. The significance of Shawkānī’s rejection of this latter type of \textit{ijmā’} comes out in his critique of Hādawī legal opinions. Hādawīs consider the \textit{ijmā’} of their imāms (\textit{‘itra}), or the \textit{ijmā’} of Ahl al-Bayt, to constitute

\textsuperscript{51} Ajab al-talab, pp. 160 - 161; Irshād al-fuhūl, p. 69.
an authoritative source (*hujja*) for their legal opinions.\(^{53}\) For example, Hādawīs insist on making the call to prayer in the dual (*al-ādān muthannā*), i.e. saying “Allāhu Akbar Allāhu Akbar” only twice, and saying “Come to the best of works” (*hayya ‘alā khayr al-‘amal*). They base these practises, in part, on the *ijmā’ at-‘itra* argument. In his works Shawkānī refutes these claims by saying that the *ijmā’* the Hādawīs are claiming has no validity and he proffers ḥadīths to prove that “Allāhu Akbar” must be said four times. Furthermore, he says that “*hayya ‘alā khayr al-‘amal*” has no basis in the Sunna, since it cannot be found in the canonical ḥadīth collections that the Prophet ever mentioned this.\(^{54}\) The same argument is made by Ibn al-Amīr against the Hādawīs, particularly when he argues against the specifically Hādawiyya teachings in ‘*ibādāt*. Ibn al-Amīr asserts that members of Ahl al-Bayt can be found in all the Islamic sects and schools of law, therefore one cannot make claim for an *ijmā’* by basing oneself solely on the consensus of the Hādawīyya.\(^{55}\)

As for *qiyās* (analogical reasoning), Shawkānī says that most forms of it, too, do not constitute a source for the derivation of legal opinions. Most *qiyās* is based on *ra’y*, and it is under this heading that *ra’y* was mostly applied in Islamic law. For Shawkānī, *qiyās* allowed for arguments and opinions deriving from unconstrained rationality which had no basis in either the Qur’ān or the Sunna.\(^{56}\) One of the proofs adduced by the advocates of *qiyās* is the ḥadīth in which the Prophet asks the Companion Mu‘ādh b. Jabal upon sending him to Yemen: “how will you judge if a case is brought to you? Mu‘ādh said: I will judge in accordance with the Book of God. The Prophet [then] said: what if you do not find [proof] in the Book of God? Mu‘ādh answered: then in accordance with the Sunna of the


\(^{56}\) *Adab al-talāb*, pp. 163 - 165.
Messenger of God. The Prophet then asked: and if you do not find [proof] in the Messenger’s Sunna? Mu‘ādh said: I will perform an ʾijtihād (ajtahid ra’yī).”

Amongst the arguments Shawkānī levels against interpreting this ḥadīth as allowing for qiyās is one which states that the practise of qiyās had stopped after the Prophet’s death. Until then, the Shari‘a was perhaps not complete and evidence could not always be found in the Qur‘ān and Sunna. After the Prophet’s lifetime, however, verses like: “Today I have perfected your religion for you” (V: 3), “We have neglected nothing in the Book” (VI: 38), “not a thing, fresh or withered, but it is in a Book Manifest” (VI: 59) lead Shawkānī to say:

There is no meaning for the completion [of the message] except the fulfillment of the texts of the needs of jurists (ahl al-shar‘), either in their stipulations about each and every individual or by finding whatever one needs under the comprehensive generalities.

Further on in his discussion on qiyās in Irshād al-fuhūl, Shawkānī appears to allow for some forms of qiyās. Here he says:

Know that the qiyās which is considered valid is that in which the text comes with its cause (ʾilla mansūsa), and [also] that in which there is no reasonable cause to distinguish the case in the text from another case (nafy al-fariq) and that which falls under faḥwā al-khitāb and lahn al-khitāb...

Shawkānī here is limiting himself to the least controversial (but not unimportant) forms of what some jurists have labelled qiyās. In fact, some would class all the

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57 Tirmidhī, Abkām, 3; Abū Dāwūd, Aqḍiya, 11.
58 Irshād al-fuhūl, pp. 177 - 178.
59 Irshād al-fuhūl, p. 178. The ʾilla mansūsa covers the case where the text comes with its ʾilla more or less explicitly. The nafy al-fariq type is where there is no reasonable cause to distinguish the case in the text from another case. The classic example is treating a slave girl like a male slave in some rules. The faḥwā and lahn cases are classified by some as qiyās jālī, but others, including it seems Shawkānī, would treat them as separate. They are commonly distinguished, faḥwā referring to a case that is more appropriately (a fortiori) subject to the rule than the textual case. The classic example is the prohibition of striking one’s parents on the basis of the Qur‘ānic prohibition of saying “Fie” (uffa) to them (cf. XVII: 23). Lahn is a case that falls under the textual rule with equal appropriateness; e.g. the Qur‘ān prohibits consuming the property of orphans, destroying it by fire is equally appropriate (cf. Zakariyya al-Ansārī, 1360/ 1941, Ghayat al-wusūl, Cairo, p. 37). Here by contrast to the nafy al-fariq some reference to the purpose of the textual rule is involved.
types he mentions as *qiyās jali*.\(^{60}\) In this Shawkānī appears to adopt the methodology of the Ḥanbalīs, who similarly object to the use of *qiyās* unless one is obliged to do so out of necessity (*darūra*).\(^{61}\)

Shawkānī's rejection of most forms of *qiyās* has implications for Ḥādawī law as well as that of the other schools. When looking at his commentary on Ḥādawī law one gets the impression that he wanted to sweep away systematically all opinions which he felt were based on unsound methodology and had no basis in the textual sources. A good example of this, which also shows his strictness on *qiyās*, is his criticism of the Zaydi (and Ḥanafi) position on the cause (*'illa*) of usury (*riba*). Usury is deemed a major offence (*kabīra*) in Islam and its law entails that whenever an exchange takes place in certain substances, the quantities must be equal and the exchange simultaneous. One of the main Traditions relating to this is the one reported by Abū Sa‘īd al-Khudrī in which the Prophet says: “Gold with gold, silver with silver, wheat with wheat, barley with barley, dates with dates, and salt with salt... .”\(^{62}\) Basing himself on this Tradition, Shawkānī says that the law of *riba* only applies when any of these six items is exchanged for another sample of the same substance. Another variation of this Tradition provides that when the good is not exchanged for a sample of the same substance but for something else, the rule of equality does not apply, but the exchange must still be simultaneous.\(^{63}\) Zaydis, and Ḥanafis, applied *qiyās* to this Tradition and saw the *'illa* as the measurement of these goods by weight (*wazn*) or volume (*kayl*). Thus, they extended the rule to require simultaneous exchanges whenever the goods involved (assuming they were different) were both measured


\(^{61}\) It is to be noted that Shawkānī completely rejects the practise of "preference" (*istihsān*), which can be broadly defined "as the adoption of a rule of law recognized as a departure from analogy." This is because it has not textual basis. Cf. *Adab al-talab*, p. 165 - 166 and Aron Zysow, 1984, "The Economy of Certainty: an introduction to the typology of Islamic legal theory," PhD. dissertation, Harvard University, pp. 399 - 402.

\(^{62}\) *Muslim, Sahih, Musāqāt*, 81 - 83, 85.

\(^{63}\) Cf. *Muslim, Musāqāt*.
in the same way (the quantities could be different). By contrast, the Shafi’is and Mālikis, with some differences, both see the ‘illa (apart from the gold and silver cases) as being a foodstuff (tu’m). Shawkānī felt that the use of qiyās in this way was very objectionable, particularly when the issue involved a definite and major act of disobedience (ma’ṣiya min al-kabā’ir wa min qat‘iyyāt al-shari’a). Here is what he says in this regard:

We refuse [to accept] that legal judgements be established through such ways. Indeed, we refuse to consider what they have called ‘illa in this matter to be anything of the kind. How much better it is to limit oneself to the texts of the Sharia and not to burden oneself by exceeding them, enlarging the scope of the believers’ duties which is only increasing their burden. We are not among those who deny qiyās, but we forbid establishing rules by it, except when the text comes with its cause (‘illa mansūsa) or that which established the ‘illa under faḥwa al-khitab.65

Zāhirīs, as well as Ibn al-Amīr, shared Shawkānī’s rejection of applying qiyās to the law of ribā, whereas all the other schools appear to have applied it.66

Shawkānī on ījtihād

The cornerstone of Shawkānī’s epistemology and legal methodology comes out in his discussions on ījtihād, the means by which a scholar independently derives his judgements. He argued that it provided the solution to the evils of sectarianism and fanaticism as well as means of reforming misguided social practices. Shawkānī took most of his ideas on ījtihād from his predecessor Ibn al-Amīr and aimed to present a systematic method for producing mujtahids.67

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Both he and Ibn al-Amīr argued against those who claimed that *ijtihād* was no longer possible and that it was incumbent on Muslims to practise *taqlīd* of earlier *mujtahids*, namely the eponyms of the established Schools. Their arguments are framed in universal Islamic terms but it is their opposition to the Ḥādawī *madhhab* which underpins many of their opinions on this matter. As such, their discourse has a strong social and personal element and is not presented in purely theoretical terms.

Later Ḥādawīs admitted the practise of *ijtihād* in their *uṣūl* works but in practise they expected adherence to al-Ḥāḍir’s teachings as set forth in *Kitāb al-Azhār*.68 Ḥādawīs consider the opinions of the early imāms (primarily those of al-Ḥāḍir) and their consensus to be the main sources of authority in matters of law. Any opinion which contradicts their imāms is invalid because they hold that the Ahl al-Bayt are the only group of Muslims who follow the righteous path and who will be saved in the hereafter.69 In the sources they refer to themselves as “the group which is acquainted with the truth” (*al-firqa al-zāhira ‘alā al-ḥaqq*) and “the saved group” (*al-firqa al-nājiya*). In making this claim, they interpret certain Qur’ānic verses and Traditions as referring to the special position of the Ahl al-Bayt. The most commonly cited Qur’ānic verses in this regard are:

XXXIII : 33 “People of the House, God only desires to put away from you abomination and to cleanse you”; XLII : 23 “Say: ‘I do not ask of you a wage for this, except love for the kinsfolk’”; XXXV : 32 “Then We bequeathed the Book on those of Our servants We chose...”; XVI : 43 and XXI : 7 “Question the people of the Remembrance, if it should be that you do not know.”

From ḫadīth, Ḥādawīs quote the following traditions, amongst others, in which the Prophet says:

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“I am leaving you with some things, if you adhere to them, you will never stray into error after me. They are: the Book of God and my family, the people of my house. The kind informant has made it known to me that they will never be separated until the day of reckoning”; “the example of the people of my house with regards to you is like that of Noah’s ark: whoever got on it was saved and those who did not drown and sank”; “stars provide safety to the people of the sky; should the stars disappear, then the people of the sky will get what they were promised [i.e. perdition]. [Likewise], the people of my house provide safety to the people of earth; should they disappear, the people of earth will get what they were promised”; “O ‘Ali, whoever loves your child loves you; whoever loves you loves me; whoever loves me loves God; whoever loves God will be sent by Him to heaven. Whoever hates them [i.e. your children] hates you; whoever hates you hates me; whoever hates me hates God; whoever hates God justly deserves to be sent to hell by Him.”

In short, taqlid was permissible, indeed mandated. Al-Qāsim b. Muḥammad (d. 1029 / 1620) states that mujtahids had to take account of the opinions of the imāms of Ahl al-Bayt, and it is only when differences between the latter existed that they should look to the Qur’ān and Sunna for answers. Moreover, he states that if ‘Ali b. Abī Tālib held an opinion in a matter upon which there was a conflict of views then his was to be followed, because he is “the interpreter of the Book of God and the Sunna of His messenger.” Implicit in al-Qāsim’s recommendations is that ijtihād is not easily attainable and he did not present a systematic method by which mujtahids could be readily formed. Ijtihād was after all one of the conditions of the imāamate and often in Zaydī history candidates were not found because there were no mujtahids.

Another element in the Ḥadawī doctrine of ijtihād was their belief in the infallibility of mujtahids, as expressed in the statement “every mujtahid is correct” (kull mujtahid muṣib) in normative legal matters which obtain probable answers (masā‘il ẓanniyya ‘amaliyya). Al-Mahdī Aḥmad b. Yaḥyā al-Murtadā (d. 840 / 1436) claims that the doctrine of infallibility was brought into Zaydism by Abū
‘Abd Allāh b. al-Dā‘ī (d. 359 / 970) to resolve the ongoing disputes between the two Zaydī factions among the Caspians, the Nāṣirīyya and the Qāsīmiyya. One of its effects was to insert a degree of tolerance for a multiplicity of opinions among mujtahids, and this may explain, in part, the relative tolerance shown to the Yemeni Traditionists. Their legal opinions, even if considered valid, did not undermine Hādawī ones as these were correct too. It was only when Shawkānī, with the backing of the state, insisted on imposing his views that Hādawīs seriously reacted, accusing him of wanting to establish his own madhhab.

Shawkānī’s basic arguments are that ijtihad is a continuous and necessary process and that it is easier for mujtahids to arise in later times. He begins by stating that no age may be devoid of a mujtahid, basing himself on the Prophetic Tradition: “until the day of reckoning a group in my nation will remain manifesting the truth.” In His fairness, God could not have been more bounteuous to the earlier generations than to the later ones. Moreover, should mujtahids no longer exist this would entail a severance between the later generations and the original sources—the Qurʾān and Sunna—because of the muqallid’s need for what amounts to an intermediary between himself and the texts. Hence, Shawkānī advocates a return to the sources which he argues are comprehensive and sufficient for all arising situations. He says in this regard:

As far as I am concerned, he who zealously follows the Qurʾānic verses and the Prophetic Traditions, and makes this his condition and directs his efforts at this and seeks God’s aid, and draws from Him success, and if most of his concern and aim is to establish truth and acquiring what is correct without fanaticism to a School from among the Schools, [he] will find in these two what he seeks.

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73 Another broader effect which was pointed out by Aron Zysow was to diminish the importance of law while giving other sciences such as theology greater importance, cf. Aron Zysow, 1984, “The Economy of Certainty,” pp. 459 - 483.
75 Cf. Muslim, al-Imān 225, al-Imāra, 3547.
... For these two contain much goodness and are the ocean that never dries up and the river to which all who go drink the fresh cold water. They are the refuge of all who are afraid. So adhere to this, for if you accept it happily with a fortunate heart and a mind on which guidance has fallen then you will find in them all that you ask for in terms of proof for the rulings for which you have sought evidence whatever these may be. If you disqualify this contention, and consider it arrogant (wa ista' zamta hādhā al-kalām), and you say what many have said that the proofs of the Book and the Sunna are insufficient for all contingencies, then you yourself have committed the sin, and due to your deficiencies you have committed injury... .

To prove that mujtahids have continually existed, even after the establishment of the madhāhib, Shawkānī says he has shown in al-Badr al-tā’ī that it is easier for the later generations to practise ijtihād because the sources available to them are greater than had ever been the case in the time of the Companions. He then offers a list of mujtahids who lived in later periods:

For those who have said that Shāfiʿī mujtahids do not exist, we tell you here about those Shāfiʿīs who lived after their age [i.e. the founders of the Schools] and who combined in themselves many times the sciences of ijtihād. Among them are: Ibn ʿAbd al-Salām, and his student Ibn Daqīq al-ʿĪd, and his student Ibn Sayyid al-Nāṣ, and his student Zayn al-Dīn al-ʿIrāqī, and his student Ibn Ḥajar al-ʿAsqalānī, and his student al-Suyūṭī... . Each one of them is a great imām in the Book and the Sunna and comprehends the sciences of ijtihād many times more than a scholar in the sciences which are not related to these [i.e. the Book and the Sunna].

All the scholars he mentions are Shāfiʿīs belonging to the mujaddid circle, confirming the point made earlier about his identification with this tradition. His argument about the relative facility for later scholars to become mujtahids underscores his epistemological approach: authoritative knowledge is textual, and can only be textually derived. Given that generations of scholars from the time of the Prophet down to his had collected, classified and codified this textual legacy (i.e. the ḥadīth collections and affiliated works, dictionaries, grammars etc.), and that these references were now literally at his fingertips in books, his ability to

76 Irshād al-fuhūl, p. 228.
77 Irshād al-fuhūl, pp. 223 - 224.
arrive at the authoritative legal decisions was greater than that of the earliest of generations. At first sight this argument appears strange coming from a Traditionist, since Traditionists assert that the best generation was the Prophet’s and the two following. The argument was that proximity to the period of revelation and the witnessing the Prophet’s actions and sayings assured the justice and authoritativeness of normative rulings, hence Shawkānī’s continual insistence on the exemplary character of the Companions who are the first links in the chains of ḥadīth transmission. Shawkānī obviously did not see the two arguments as incompatible. His assertion, however, that the later generations were better able to access the sources of revelation was a means of empowering himself, and by the same token refuting the notion of irrevocable decline which underpinned the claim that the last mujtahids were the eponyms of the established schools.

In opposition to Hādawī views, Shawkānī rejected the doctrine of the infallibility of mujtahids, arguing instead for their fallibility or that there was only one correct judgment to a given issue. He bases this on the ḥadīth in which the Prophet says: “if the judge judges by ḫiṭḥād and is correct, he has two recompenses; if he judges by ḫiṭḥād and commits an error, he has one recompense.” He further condemns those who argue for the infallibility of mujtahids by saying:

How odious is the saying of those who render God’s judgment as numerous as the number of mujtahids... ! Furthermore, this claim is not only contrary to the proper conduct towards God and that of His pure Shari’a, it is also based on pure opinion (ra’y) for which there is no proof... .

The test of a correct opinion according to Shawkānī lies in whether the mujtahid bases his opinion on textual proof and authority from the Qur’ān and Sunna. Shawkānī, however, offers no means for the ordinary Muslim of judging the

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79 Bukhārī, Kitāb al-‘īṭāb bi-l-kitāb, 6805.
80 Irshād al-fuhul, p. 231.
soundness of one mujtahid’s opinion over that of another. Presumably, he envisaged a system where mujtahids examined the arguments of two or more contending opinions, seeing which had greater textual evidence in order to ascertain the correct one. Another assumption about the mujtahids who would maintain this system of checks and balances was that they would share Shawkani’s educational training, mainly in the hadith sciences, and his general outlook. Although he never explicitly stated it, Shawkani probably thought of himself as the ultimate arbiter of the correctness of a given opinion.

Haddawis objected to this scheme because they upheld the doctrine of the infallibility of mujtahids. Moreover, they suspected Shawkani of claiming infallibility for his own opinions partly because he upheld the doctrine of fallibility. Muhamnad al-Samawi (d. 1241 / 1825), otherwise known as Ibn Hariwa, observes in this regard:

The majority of mujtahids in normative legal matters either claim infallibility for all or fallibility without specification, since preferring an opinion (tarjih) on the basis of probable evidence (amara zantiyya) may contradict the [truth] in a given situation. However, the sum total of your claim is [your own] infallibility (‘isma), and because of this you have to assert that you have either joined the rank of the prophets, ..., or admit that your ijtihad may contain error as in the case of other mujtahids given that the area here is one of probability. Then, there remains no argument favouring the acceptance of your opinions to the exclusion of others: your opinions are like those of other mujtahids, and the one practising taqlid is free to choose from whichever he prefers. If this so, what proof do you have that the one who accepts the opinion of someone other than yourself has gone astray while the one who accepts your opinion has become rightly guided?81

Shawkani on taqlid:

Shawkani is emphatic that the practise of taqlid, which he defines as the following of someone else’s opinion (ra’y) without knowing the textual proof (hujja) underpinning it, is absolutely prohibited.82 He claims that the founders of

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81 Ghatatam, vol. 1, p. 65.
82 Irshad al-fuhud, pp. 237 ff.
the schools of law had prohibited taqlid as well, and that it was only their followers who made it mandatory through an unprecedented and reprehensible innovation (bid'a muḥdatha). Shawkānī explains that the Companions and the two following generations had not practised taqlid and did not even know of it. If one of the Companions was unable to formulate an opinion for himself he would ask someone who could provide the legal proof (al-ḥujja al-shar'iyya) on the given issue. In underpinning this assertion Shawkānī cites (IV : 59): “If you should quarrel on anything, refer it to God and the Messenger,” as well as the famous Tradition of Mu'ādh to prove that Muslims were exhorted to refer to the Book and the Sunna. In other words, use of textual proof is obligatory as is the requirement to refer to a living scholar who is able to present the supplicant with such proof (dalīl) which does not consist of a mere opinion, but is based on a textual transmission (riwāya). Hence, in the event of an issue arising the lay person ('āmmī) or the one who falls short (muqassir) must ask the ulema of his time who are knowledgeable in the Book and the Sunna. Shawkānī says:

It is incumbent on him to ask about that which is determined by the Shari'ā and the one who is asked must be from among those who are not ignorant of this. Then [the mufti] issues a fatwā which is Qur'ānic or Prophetic and discards the question about the Schools of the people and suffices himself with the School of their first imām who is the Prophet of God.85

According to Shawkānī these mujtahids of the Book and the Sunna can be found in every town of the Islamic world so that the commoner need not search far for them. This matter, however, raises an important question which Shawkānī leaves unanswered, namely how is a commoner to make sense of the textual proof the mujtahid gives him? By definition a commoner is ignorant of the Shari'ā, he would therefore not understand the import of the texts or be able to make comparative judgements with other plausible proofs. Because of this lack of

84 Cf. Tirmidhī, Abkām, 3; Abū Dāwūd, Aqīdiyya, 11.
85 Irshād al-fuhūl, 239.
comprehension the commoner would effectively still be practising taqlid, albeit under a new guise. Hadawis were quick to point this out to Shawkani and again accused him of wanting to make himself the ultimate authority so that every one would practise taqlid of his decisions. Ibn Harawa argues against the assertion that taqlid is prohibited by saying:

Your [i.e. Shawkani's] obstinacy that providing the commoner with a text from the Book or hadith, which he must then follow, does not constitute taqlid is foolish. If the text which is provided to him is one over which there is no conflict, then the matter is not relevant here. [However], if [conflicting positions] (ikhtilaf) exist [with regards to the cited text] then the muqallid must choose between the various positions, and it is assumed that he cannot do this, so he must adhere to one of them which is pure taqlid... In sum, you expect them [commoners] to adhere to your opinions and ijithad in issues where differences of opinion exist (masa'il al-khilaf) and you obligate them to practise taqlid of yourself.\(^{36}\)

The vision that Shawkani posits where all Muslims would have access to the process and fruits of ijithad, either by being mujtahids themselves or consulting one and making sure that the opinion obtained is one based on textual evidence, raises interesting issues about how mujtahids are to be formed and the difficulty or facility of the process.

Reproducing mujtahids: Shawkani's Pedagogy

Following on from his claim that mujtahids continued to exist in later times, Shawkani provided a curriculum which if followed systematically would produce such scholars. He outlines this process in great detail in an unusual pedagogical work entitled Adab al-talab wa muntaha al-arab (The Discipline of the Quest and the Ultimate Goal). Here he enumerates the curriculum which a mujtahid mutlaq (an absolute mujtahid) must follow to attain that rank as well as the curricula for lesser scholars. The subjects that each category of scholar must

study are listed and the degree of their mastery is mentioned, as are the books which ought to be studied in each of the different sciences. Another important aspect of this work is the implicit intentionality on the part of the student and the rationalization which is built into the model of knowledge acquisition: the student sets out knowing which rank or level he wishes to attain and then follows the path outlined to achieving that goal. In short, scholars are formed according to a predetermined curriculum and goal.

Shawkānī lists four categories of students or seekers of knowledge:  
1. The one desiring to become “an imām who is referred to” (marja‘) and who teaches, produces fatwas and writes books.  
2. The one who desires to know independently what God has demanded of him (i.e. duties and obligations). A scholar of this category is considered to have attained the rank of mujtahid as much as he can independently form opinions for himself. However, he is not an authority to which others can refer.  
3. The one seeking to improve his Arabic in order to better understand whatever he seeks in the Shari‘a. Shawkānī makes clear that this category of student cannot act independently, but must rely on the questioning of ulema in cases where contradictions arise or in those which necessitate the giving of greater weight to one argument over another, a practise called tarjih.  
4. The one who seeks to learn a science or discipline for worldly ends, e.g. a poet or accountant.  

In the section following the description of the four categories of knowledge-seekers Shawkānī exhorts the student to try to belong to the first category for he says it is the highest possible rank, greater even than that of a king, because God has favoured the ulema. In describing the books to be studied in the four curricula he contextualizes his advice by saying that the recommendations he is making in Adab al-talab are based on what is taught and

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87 Adab al-talab, pp. 97 - 98.  
found locally in Yemen and that in other countries the student must use what is available in his region. Implicit in such a remark is Shawkānī’s perception of his readership: it is any student anywhere in the Islamic world who wants to pursue one of the four paths outlined herein. His claims are not national or regional but universal and applicable ideally throughout the Islamic world.

In enumerating the disciplines that a scholar of the first category must study, Shawkānī is consistent with his ideas on *ijtihād* in that he places the greatest emphasis and stress on knowledge of the Arabic language and the science of the Sunna (i.e. the study of the canonical hadith collections and its attendant disciplines such as the science of *jarḥ* and *ta’dīl*). However, he does stress that other disciplines, such as *kālām* and even poetry, must also be studied, but not so much for their own sake as for the mujtahid’s ability to defend himself against attacks from exponents of these disciplines. Shawkānī, as was mentioned already, was opposed to dogmatic theology (*kālām*), feeling that it was a science which led to more confusion than clarity for the believer. *Kālām* was, however, a science which had deeply influenced Zaydism, whose scholars had elaborated a set of credal tenets using its terms that became integral to the school’s identity. The subtext of what Shawkānī was saying in suggesting that the study of *kālām* was to primarily give the mujtahid conceptual means to refute those who use *kālām* in their argumentation, was that he rejected Zaydi methods. The context in which Shawkānī was living, where he was mainly arguing against Zaydi-Hādawīs, remained foremost in his mind even when elaborating a curriculum of study for the mujtahid. Let us now turn to the subjects or disciplines which needed to be mastered by students of each of the four categories enumerated above.

The mujtahid of the first category, that is someone whose intention was to become like Shawkānī himself, had to study the following subjects or disciplines:

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89 *Adab al-talab*, p. 108.
90 *Adab al-talab*, pp. 113 - 124.

2. Logic (mantiq). The works which must be studied are Athīr al-Dīn al-Abhari’s Īṣāghūjī (elisagoge); Sa’d al-Dīn al-Taftazānī’s Tahdhib al-mantiq wa-l-kalām and one of their commentaries. Shawkānī says that the reason for studying logic is to understand terminology of Arabic grammarians.

3. Morphology (‘ilm al-ṣarf). Among the works which must be studied in this discipline are: Ibn al-Ḥajīb’s al-Shafiya, Ibn Mālik’s Lāmiyyat al-aflāʿāl along with a number of commentaries.

4. Rhetoric (‘ilm al-maʿānī wa-l-bayān). Among the works which must be studied here are: Sharḥ al-Saʿd and its commentaries; ‘Abd al-Qādir al-Jurjānī’s Asrār al-balāgha.

5. Composition and debate/argumentation (fann al-wadʿ wa-l-munāzara). Among the works to be studied are: al-Sharīf al-Jurjānī’s Risālat al-wadʿ and one of its commentaries; ‘Aḍud al-Dīn ‘Abd al-Raḥmān b. Ahmad al-Ījī’s Aḍudiyya and one of its commentaries.

6. The science of figures of speech (‘ilm al-badīʿ). Shawkānī says there are numerous works in this science but does not mention one by name.

7. Dictionaries (muʿallafat al-lugha). Among the works to be studied in this science are: Ismāʿīl al-Jawhari’s al-Sihāḥ; al-Fayrūzābādī’s al-Qāmūs; Nashwān al-Ḥimyarī’s Shams al-ʿulūm, and some works on the strange words in the Qurʾān and ḥadīth.

8. The principles of jurisprudence (usūl al-fiqh). Among the works Shawkānī mentions are Ibn al-Ḥājib Mukhtāṣar al-muntaha, Tāj al-Dīn al-Subkī’s Jamʿ al-jawāmiʿ; al-Ḥusayn b. al-Qāsim’s Ghāyat al-saʿūd (the principal Zaydi-Ḥādawī work of this period) and a number of their commentaries.

9. Dogmatic theology (‘ilm al-kalām). Shawkānī advises the student to look at works by all the schools: the Muʿtazilīs (Najm al-Dīn Mukhtār b. Muḥammad al-
between these groups, the Zaydis. He admits to disliking *kalām* and says that it confused him (*lam azdad bihā illā ḥiratan*) and he found it to consist of idle talk (*khuzā' balāt*). He adds, however, that the student should read *kalām* works in order not to be labelled a *muqallid*. By this Shawkānī means that without knowing *kalām* one might be upholding theological positions without knowledge of the works and arguments and would therefore be blindly following the opinion of someone else--ignorance is synonymous with *taqlīd*. Furthermore, a *mujtahid* of the first category must know *kalām* in order to rebut arguments made by its practitioners.

Shawkānī's views on dogmatic theology are beyond the scope of this thesis and are worthy of an independent study. From the few passages where he mentions *kalām* in his legal works and short treatises it seems inappropriate to label him an Ash'arite, though one would have expected him to be so, following in the mould of the Shāfi'i scholars who were mentioned earlier and whose works he tried to emulate. Rather, Shawkānī appears to fit more properly, though perhaps not entirely, in the Ḥanbalī tradition which rejected outright many of the theological claims made by the various schools of *kalām*. Shawkānī, for example, insists that the scholar must follow in the path of the “pious forefathers” (*al-salaf al-ṣāliḥ*)--the Companions and the two generations following them--relying on the proofs of the Book and the Sunna, and accentuating (*ibrāz*) God's attributes (*al-ṣifāt*) as they have been depicted and rendering to God that which is obscure (*al-mutashābih*)

Shawkānī admits that since he drew no personal benefit from *kalām*, and given that it left him confused and in obscurity, he “threw these

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principles from above” and returned to the path where proofs are derived from the Book and the Sunna whose pillars are the Companions. 93

10. Exegesis of the Qur’ān (tafsīr). Shawkānī says that to understand the Qur’ān one must rely first and foremost on Prophetic ḥadīth and then on the sayings of the Companions. For these the student must look to the six canonical collections. In his estimation, the best tafsīr is Jalāl al-Dīn al-Suyūṭī’s al-Durr al-mantiḥūr and the best general work in the sciences of the Qur’ān is al-Suyūṭī’s al-Itqān fi ‘ulūm al-qur’ān. Shawkānī finally makes the point that the whole of the Qur’ān is pertinent for judicial rulings and not just the verses which contain judgements (āyāt al-aḥkām).

11. The science of the Sunna (‘ilm al-sunna). Shawkānī emphasizes that of all the sciences that must be studied by the aspiring mujtahid this is the most important since it not only elucidates the Qur’ān but also contains inumerable rulings. The science of the Sunna, he says, is a lantern unto all other sciences. 94 All the works and collections which are enumerated are Sunnī ones. Amongst these are: Ibn al-Athīr’s Jāmi‘ al-usūl min āhādīth al-rasūl, al-Muttaqī al-Hindi’s Kanz al-‘umāmah, ‘Abd al-Salām b. Taymiyya’s al-Muntaqā, Ibn Ḥajar’s Bulūgh al-maraḥm, ‘Abd al-Ghanī al-Maqdisī’s ‘Umdat al-aḥkām, the six canonical collections; Aḥmad’s Musnad.

14. The science of isnād criticism (‘ilm al-jarḥ wa-l-ta‘dīl) and the technical terminology of the scholars of hadith. Among the works mentioned here are: al-Dhahabī’s A‘lām al-nubalā’, Tārīkh al-Islām, Mizān al-i‘tidāl; Ibn Ḥajar’s Tadhkirat al-ḥuffaz and Nukhbah al-fikr fi muṣṭalāḥ ahl al-athar; Ibn Ṣalāḥ’s Muqaddima; Zayn al-Dīn al-‘Irāqī’s al-Allīyya.

15. Historical works. Shawkānī emphasizes here the need for the scholar to know the history of the world, its different governments and events as well as the important people of every age, especially their birth and death dates. The works

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94 Adab al-talab, p. 119.
he mentions are al-Ṭabarî’s *Tārikh* and Ibn al-Athîr’s *al-Kāmil*. In this regard it should be perhaps noted that Shawkâni criticized the Zaydîs for the lack of historical methodology in their biographical dictionaries. He has this to say in this regard:

... despite the virtuous and the eminent persons with every good trait throughout the ages among them, the Zaydîs have a great interest and a plentiful desire to bury the good deeds of the noteworthy among them and erasing the legacy of their most glorious members. They do not transmit the poetry, prose or works of their notable figures, despite their own eagerness to read what was produced by others, their want to have a full acquaintance with the other sects and schools, and their dedication to the historical and other works of these. I am greatly astonished by this trait in the Zaydîs, which has led to burying the traces of their early and more recent members, and to undervaluing their high ranking scholars, the eminent, the poets and the rest of their most distinguished members. Because of this, historians, who have written biographies of the people of a given century or age, have generally ignored them. The rare biography of a Zaydî which they may mention is useless and lacking in what the person deserves. It makes no mention of his birth, his death, his teachers, the books he studied and taught (lit. heard and read: *al-masmūʿ āt, al-maqruʿ āt*), no poetry and no news. Those who know a given person, and who are from his country, are the ones who transmit news about him; should they ignore him then others will do so as well and be ignorant of him. It is for this reason that you find me in this book [i.e. *al-Badr al-tali*] when I mention one of them [i.e. Zaydîs], I do not know what to say because his own generation ignored him. So all I can say is he is so-and-so son of so-and-so. I do not know when he was born, when he died or what he did in his life. 95

16. The normative law (*ʿilm al-fiqh*). Here Shawkâni says that the aspiring *mujtahid* must know an abridged (mukhtasar) legal manual of each of the main Schools. The *mujtahid*, he says, needs to explain to the partisans (*al-mutamadhhibîn*) of the established Schools the opinions of their respective imâms as well as defend himself against attack from the fanatics of these Schools.

Shawkâni adds that it is also beneficial for the *mujtahid* to read works reporting the debates between the partisans of the various schools, such as those by Ibn Mundhir al-Nîsâbûrî, Ibn Qudâma, Ibn Ḥazm and finally Ibn Taymiyya.96

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95 *Badr*, 1 : 60.
96 Shawkâni does not mention the titles of the works he is referring to here.
17. Poetry. It is important for the mujtahid to know poetry in order to respond to a question sent to him in verse form and to conduct debates with other scholars in this form. He should also have a good prose style. Shawkání says that both aspects are crucial in order to avoid the situation where a person with sound knowledge of poetry and prose but little knowledge of the religious sciences is able to make fun of a more learned mujtahid who cannot defend himself as eloquently using these forms. Among the recommended works which must be studied in these fields are Aḥmad b. Muḥammad al-Jazzāz's al-Manzūma, and Naṣr Allāh b. al-Athīr's al-Mathal al-sāʿir fi adab al-kitāb wa-l-shāʿir.

18. The study of math, physics, geometry, natural science and medicine. Shawkání says that the study of these disciplines is recommended for the mujtahid in order to get what might be termed a well-rounded education. A mujtahid of the first rank has to come to his own conclusions by mastering a given discipline and cannot rely on the opinion of others, regardless of subject matter, for this would only lead back to taqlīd. He continues to say that as long as a scholar is well grounded in sciences of the Book and Sunna he has nothing to fear from any discipline.

The list is impressive and intended to form a mujtahid like Shawkání himself, for references to Shawkání’s own education pepper the work. More than a manual of how one becomes a mujtahid, Adab al-ṭalab is also a personal manifesto which presents the illnesses afflicting the Muslim community—viz. madhhabiyya which is a result of taqlīd—and the remedy which would provide the cure: ijtiḥād in the guise of a return to the principal sources, the Qur’ān and Sunna, and the formation of mujtahids.

The aim of becoming a mujtahid for Shawkání, therefore, is to be able to deduce (istikhrāj) judgements whenever one wishes and not have to look at who gave a certain judgement, but rather to look at the content of what was said and be
able to judge it critically in light of one’s knowledge of the Book and Sunna. A mujtahid according to Shawkānī

is one who extracts the legal proofs from their sources and imagines himself present at the time of the Prophecy (fi zaman al-nubuwva) and the coming of revelation, even if he were living at the end of time, as if no scholar has preceded him or any mujtahid taken precedence over him. The legal sayings/discourses (al-khitābāt al-shar’iyya) relate to him as they did to the Companions without any difference. 97

Shawkānī’s emphasizes the study of the non-Shari’a disciplines (e.g. logic, kalām) because it allows the mujtahid to attack and refute the claims of the practitioners of these disciplines, and namely those whom he calls the fanatics (muta’assibīn) and liars (mubtilīn). 98

Shawkānī accords the description of curricula for the second and third categories of student much less space in Adab al-talab. The second type of student is a mujtahid but only with regards to himself and must use direct evidence from the Qur’ān and Sunna and not act as a person to be referred to by others. 99 The curriculum he must study is the following:

1. Grammar (nahw).
3. Rhetoric (‘ilm al-ma’āni wa-l-bayān).
5. Qur’ānic exegesis (tafsīr).
6. Hadith (the six canonical collections).

The third category of student is the one who wishes to improve his Arabic and therefore must always ask a scholar for the evidence on which an opinion is based; and in the case of a ḥadīth, for the transmission (riwāya) not the opinion

97 Adab al-talab, p. 122.
98 Adab al-talab, p. 124.
99 Adab al-talab, pp. 136 - 137.
(ra'y). Shawkānī sees most of the Companions as having belonged to this third category. The disciplines or sciences which a student in this category must study are the following:

1. The science of desinential inflection or the proper vocalization of words in sentences (‘ilm al-i’rab).
2. The terminology of the science of hadīth.

What Shawkānī was advocating was in fact not new in Yemen. The debate among the Zaydis about the role of the canonical Sunni collections had raged since at least al-Mutawakkil Aḥmad b. Sulaymān\textsuperscript{101} (d. 566 / 1171) who had used the Sunni collections, and notably the Śahīhayn, in his work which is entitled \\textit{Usūl al-aḥkām fī al-ḥalāl wa-l-ḥarām}.\textsuperscript{102} By the time of his successor, al-Mansūr ‘Abd Allāh b. Ḥamza (d. 614 / 1217) it would seem that many Zaydi ulema were using the Sunni collections extensively though not exclusively.\textsuperscript{103} Muḥammad b. Ibrāhīm al-Wazīr (d. 840 / 1436), is seen by many, including Shawkānī, to have been the first to call for the exclusive use of the Sunni collections and he wrote in their defence against Zaydis who saw in their use an attack on the Zaydi-Hādawi school.\textsuperscript{104}

The 18th century witnessed a flare-up in this longstanding debate. It revolved around whether one should read and refer to the \\textit{fiqh} manuals or, instead, the canonical hadīth collections. In other words, was one to consider the Zaydi and other legal manuals (\\textit{kutub al-furū‘}) as authoritative in and of themselves or admit the need to either abrogate or at least complement them by

\textsuperscript{100} Adab al-talāb, pp. 138 - 139.
\textsuperscript{103} Ishāq b. Yūsuf, al-Wajh al-hasan al-mudhhib li-l-huzn, p. 66.
referring directly and/or exclusively to the canonical collections in the elaboration of legal rulings, as Shawkānī’s methodology stressed. The crux of the matter here was that by using the canonical Sunnī collections judicial, and even theological, opinions could be elaborated which would invariably be at odds with those of the Zaydī-Hādawī School. The debate was not simply about postures of prayer and ablution rituals in isolation, it centred around fundamental questions of identity, authority and belief. The community of scholars split into several different factions over the issues raised by this debate—roughly, the Sunna-oriented, the Hādawīs and those who took a neutral position and avoided taking sides. Identifying scholars, or coalitions of scholars, in these terms seems appropriate while realizing that allegiances changed and that Zaydī scholars, at least since Imām Yaḥyā b. Ḥamza if not from before, did refer to Sunni ḥadīth works and based some of their opinions on these while remaining in every sense Zaydī.

What Shawkānī was calling for was qualitatively different from what “traditional” Zaydī scholars had espoused; many rightly saw that Shawkānī had abandoned traditional Zaydsim for what amounted to little less that Sunnism. For these Zaydīs, Shawkānī’s only concession to Zaydism was his continued call for *ijtiḥād* and his refusal to declare himself openly as belonging to one of the established Sunni schools. This, however, amounted to little; for in effect Shawkānī’s opinions, whether legal or theological, were often indisguishable from Sunnism, and in particular in its Salafi guise as seen in the works of the likes of Ibn Taymiyya. Two other facts must be borne in mind with respect to the aforementioned classification of the scholarly community. First, the politics of the imāmate had an important role to play in the positions ulema took. Second, descent (i.e. whether one was a sayyid or *qāḍī*) did not seem to play a role in the position individual scholars took in this debate.
Let us now turn in detail to the dramatic change in the religious orientation of the imāmic state in favour of Traditionist scholars. These scholars, as was pointed out earlier, rejected the historic Zaydī concern with kalām matters as well as Zaydī theological doctrines; their concern and focus lay in the ḥadīth sciences and the elaboration of normative legal rulings based principally on the Prophetic traditions, which they understood to be the Prophetic Sunna. The change in the religious orientation of the imāmate became especially marked after the accession of al-Mahdī ’Abbās (d. 1189 / 1775). This imām, more than his predecessors, favoured the Traditionist scholars and placed them at the apex of the judicial and religious hierarchies of the state. Their ascendance, however, can be traced back further, since al-Manṣūr Ḥusayn b. al-Qāsim (d. 1161 / 1748)--al-Mahdī ’Abbās’ father--was already appointing such scholars to high administrative positions as will be shown below. However, the general impression conveyed by the biographical dictionaries of the period is that until the reign of al-Mahdī ’Abbās the most influential scholars in the imāmate’s circles of power remained Hādawī in allegiance and orientation.

The most notable example of this in the seventeenth century was Qādī Aḥmad b. Sa’d al-Dīn al-Maswārī (d. 1079 / 1668) who was held in great esteem in the imāmates of al-Mu’ayyad Muḥammad and al-Mutawakkil Ismā’īl, having been a student of their father al-Qāsim b. Muḥammad. Al-Maswārī issued many

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1 This did not mean that the imāms rejected outright Hādawī law. Indeed, we know that al-Mahdī ’Abbās sent a letter to his judges (dated 1188 / 1775) in which he states his adherence to the Hādawī madhhab, cf. Rashād Muḥammad al-’Alīmī, n.d., al-Taqīdiyya wa-l-ḥadāitha fi al-nizām al-qānūnī al-Yamanī, Cairo: Matābī’ al-Shurūq, p. 256.

2 Al-Maswārī’s fortunes waned somewhat during the reign of al-Mutawakkil Ismā’īl because he had initially sided with Ismā’īl’s rival, Aḥmad, during the struggle for al-Mu’ayyad’s succession.
fatwās and treatises and would probably have been treated in his time rather like a chief judge, although he never had an official title or held an official post. By all accounts, al-Maswari was a strict Ḥadawī who had condemned the use of the six Sunni canonical ḥadith collections (al-Ummahāt al-sitt), declared that many of the Companions would not be saved and refused to bless them in his Friday sermons at the Great Mosque in Sanaa. Instead he was the first to list the names of the Zaydī ʿImāms commencing with Zayd b. Ḥaʾī’s in the sermons’ invocations. He was attacked by Sāliḥ al-Maqbali for his extremism as well as by the famous Yemeni chronicler Yaḥyā b. al-Ḥusayn b. al-Qāsim for his ignorance in claiming that all that was contained in the Ummahāt al-sitt could not be used as proof since it consisted of lies.3

In al-Badr al-tali2, Shawkānī says that al-Maswari had a great reputation which continued down to his own day, and then comments on this by saying “this is probably due to his close association (mutākhamat) with the ʿImāms and his good fortune in their government.”4 Of course much the same could be said about Shawkānī’s reputation today, having been the chief judge of the state through the reigns of three successive ʿImāms. Contemporary Yemeni intellectuals are at odds about al-Maswari, much as they are about Shawkānī. Qāḍī Ismāʿīl al-Akwa’, for example, describes al-Maswari as one of the extremist Jārūdī Shīʿītes; whereas Zayd al-Wazīr considers him to have been a great scholar, though he qualifies this by saying that al-Maswari’s support and legitimation of the Qāsimī ʿImāms makes him the “Mawārdī of the Zaydīs.” By this he means that al-Maswari provided in

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his writings the doctrinal underpinnings for the transformation of the Qāsimī imāmate into a dynastic kingdom.⁵

Another example of a 17th century scholar, who was a Hādawī and played an important role in the imāmates of al-Mutawakkil Ismā‘īl and al-Mahdī Ahmad b. al-Hasan, was Qādī Ahmad b. Ṣāliḥ, otherwise known as Ibn Abī al-Rijāl (d. 1092 / 1681).⁶ Ibn Abī al-Rijāl was noted for writing letters on behalf of the imāms. He also wrote treatises in defence of the Hādawī school. In one of these entitled Tafsīr al-shari‘a li-wurrād al-shari‘a he argued that the only school that is to be followed is that of Ahl al-Bayt as established by the teachings of al-Hādī Yahyā b. al-Ḥusayn because, he says, this is where the truth is to be found.⁷

Furthermore, he boasts to his reader by saying:

If you consider matters carefully you will see that what predominates in the majority of regions is that celebrity and fame belong to the sultans. The seeker of knowledge will not know the madhhab of the people of a region except by asking after the accession of a given sultan. As for the madhhab of Ahl al-Bayt, their sultan is only spoken of in conjunction with the mention of the madhhab. It is as if they have no sultanate other than truth and religion. Take heed of this.⁸

An eighteenth century scholar who was in the same mould as those mentioned above was Sayyid ‘Abd Allāh b. ‘Alī al-Wazīr (d. 1147 / 1735). Al-Wazīr was a staunch Hādawī and among the most influential scholars in the reigns of al-Mutawakkil al-Qāsim b. al-Ḥusayn (d. 1139 / 1727) and his son al-Manṣūr al-Ḥusayn. It is not recorded, however, that he ever accepted an official post.⁹

Al-Mutawakkil al-Qāsim b. al-Ḥusayn, al-Mahdī ‘Abbās’ grandfather, was perhaps the first imām who attempted to patronize Traditionist scholars. He offered Ibn al-Amīr, for example, the post of governor of Mocha, which must

⁵ Cf. Hijar al-‘ilm, II : 1081. Zayd al-Wazīr’s opinions are based on a personal interview. Al-Mawardi is seen to have crystallized medieval Sunnī political doctrine in his al-Ahkām al-sultāniyya, in which he calls for accepting the rule of unjust rulers while forbidding rebellion.


⁸ Ibn Abī al-Rijāl, Tafsīr al-shari‘a, fol. 25a.

have been an extremely enticing offer given the large revenues accruing from taxation of coffee exports. Ibn al-Amir refused, perhaps in fear of retribution from the imām because of an alleged association with a rival claimant to the imāmate and remained in self-imposed exile away from Sanaa. In a further attempt to entice Ibn al-Amir, al-Mutawakkil offered him the post of chief judge of the imāmate, but he again declined. It seems that al-Mutawakkil was politically motivated in trying to enlist the backing of Ibn al-Amir, who appears to have offered his support to al-Mutawakkil's rival, al-Nāṣir Muḥammad b. Ishāq (d. 1167 / 1754). Al-Nāṣir was allegedly more learned and hence more qualified than al-Mutawakkil, which in Zaydi doctrinal terms posed a significant challenge. In attempting to enlist Ibn al-Amir, al-Mutawakkil was doubtless trying to render the scholar dependent on him and extract recognition for his rule.10

The mere support of such a scholar now seemed to matter and to confer legitimacy on the rule of an imām who, by all accounts, did not fulfill the qualifications of the post. This did not escape the attention of al-Mahdī 'Abbās, and it was only with the latter’s accession to power that Ibn al-Amir finally accepted an official post: that of sermoner at the Great Mosque of Sanaa. No scholar has yet elaborated on al-Mahdī ‘Abbās’ policies except to say, as Serjeant does, that he pursued a “general Islamisation policy”; others attribute al-Mahdī’s policies to the fact that he was a scholar in his own right and was personally inclined to the Traditionist position.11 In his biography of al-Mahdī ‘Abbās, Shawkānī certainly implies that al-Mahdī had a scholarly bent and was close to the people of knowledge (ahl al-‘ilm).12 Whatever motivations underlay these policies, however, they show that a nexus of interests had developed between

12 Badr, I : 310 - 11.
those in power and scholars such as ibn al-Amīr and later Shawkānī. By
accepting positions in the imāmāt, these ulema now wielded great influence and
used this to perpetuate a system which rewarded like-minded scholars. The
legacy of this influence has marked the legal and intellectual history of the last
two centuries in Yemen.

The Post of qāḍī al-quḍāt:

The creation of the post of chief judge (al-qāḍī al-akbar, later called qāḍī
al-quḍāt) in the eighteenth century illustrates how the Sunna-oriented scholars
came to predominate in the administrative and legal structures of the imāmāt.
The Qāsimī imāms had always had individual scholars who acted as special
advisors. None, however, was made a supreme legal authority or source of formal
reference until the eighteenth century. This was due to the fact that the loci of
judicial authority and legal opinions were the imāms themselves, as in the
example of al-Mutawakkil Ismā’īl (d. 1087 / 1676), who was regarded as a
mujtahid. One of the first scholars who is mentioned in the biographical
dictionaries as being given the “highest judicial position” (al-qadā’ al-akbar) was
Sayyid Aḥmad b. ‘Abd al-Rahmān al-Shāmī (d. 1172 / 1759).13 The history of
the rise of al-Shāmī within the imāmāt’s patronage system is worth relating here
in order to elucidate how the post of qāḍī al-quḍāt was institutionalized.

Shawkānī describes al-Shāmī in al-Badr al-tāli’ as having been one of the
greatest ulema of Sanaa, having excelled in the basic “instrumental” disciplines
(al-ālāt)14 as well as in jurisprudence and ḥadīth. His education is outlined in

13 For al-Shāmī’s biography see Badr, 1: 75 - 6; Nashr, I: 148 - 154. His paternal uncle, and
later his father (‘Abd al-Rahmān b. al-Husayn), managed the endowments of Sanaa. Sayyid
Mūhsin b. al-Mu’ayyad al-Ṣaghīr (d. 1141 / 1728) is also one who is mentioned as being qāḍī al-
quḍāt during the imāmātes of al-Mutawakkil al-Qāsim b. al-Husayn and his son al-Mansūr al-
Husayn b. al-Qāsim. It would appear, however, that Sayyid Mūhsin replaced al-Shāmī on the
occasions when the latter fell out of favour with the imāms. Cf. Badr, supplement to II: 192;
Nashr, II: 377 - 78; Nashr, III: 38.

14 The ālāt refer to such disciplines or sciences as Arabic grammar, morphology, rhetoric, logic,
and the principles of law and religion: the basic educational skills whose mastery is necessary for
becoming a scholar. For a list of ‘ulām al-ālāt see al-Tiḥsīr, p. 395. In the published Yemeni
Zabāra’s biographical dictionary *Nashr al-‘arf*, and is noteworthy for the fact that his studies centred on the transmitted sciences (*‘ilm al-riwaya*, i.e. the ḥadith sciences), and that many of his teachers were Sunni and from beyond the Zaydī highlands. Among these were ‘Abd al-Khāliq b. al-Zayn al-Mizjājī (d. 1152 / 1739), Yaḥyā b. ‘Umar al-Ahdal, both from Zabīd, and Ṭāhā b. ‘Abd Allāh al-Sāda of Dhū Jibla. Al-Shāmī also studied the *Ummahāt al-sitt*, amongst other works, with a number of scholars in Mecca during his pilgrimage there, and his most notable teacher in Mecca was Muḥammad Ḥayāt al-Sindi (d. 1163 / 1750). The educational world al-Shāmī belonged to was hardly constrained by or restricted to Zaydī circles; rather, he appears as a scholar well versed in and acquainted with the Sunni tradition and evidently Traditionist in bent.

Al-Shāmī’s professional career in the service of the imāmate began when al-Mutawakkil al-Qāsim b. al-Ḥusayn (d. 1139 / 1727), al-Mahdī ‘Abbās’ grandfather, appointed him as supervisor over the poor visitors who came up to Sanaa from the Tihāma. Recognizing his abilities, al-Mutawakkil then appointed him as chief judge on the imāmic council in Sanaa (*waliḥu al qaḍā’ al-akbar bi-ḥadratihī fī Ṣan‘ā*). Shawkānī explains that in the reign of al-Manṣūr al-Ḥusayn (d. 1161 / 1748), al-Mutawakkil’s successor, al-Shāmī’s rank rose to great heights so that his word was accepted in both important and small matters, and all judicial matters in all Yemeni areas depended on him. He ruled justly and acted well in ordaining the good and forbidding the reprehensible. His reputation was great as was his influence in the Yemeni kingdom (*mamlakat al-Ṣaman*)...

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biographical literature, which is predominantly Traditionist in orientation, the *‘ulūm al-‘alāt* are distinguished from the *‘ulūm al-ijtihād*. It seems that *ijtihād* sciences entailed a study of the hadith sciences while the *‘alāt* sciences did not necessarily do so. This makes sense in that being a *mujtahid* for Shawkānī, for example, entailed first and foremost a deep knowledge of the hadith sciences and collections, since it was in these that most of the proof-texts (*adilla*) on which to base rulings (*ahkām*) were to be found, cf. *Adab al-talah*, pp. 118 - 119.


Cf. *Badr*, I: 76.
Among al-Shāmī’s responsibilities was to appoint judges, to give general counsel to the imām,\(^{17}\) to vet and respond to any correspondence which came to the imām as well as act as intermediary between the imām and the ulema and other outsiders.\(^{18}\) By the middle of al-Mahdī ‘Abbās’ reign (circa 1166 / 1753), al-Shāmī was too old to continue with his duties as chief judge. He had been superseded in the diwān by a brighter and more dynamic judge, Qāḍī Yaḥyā b. Śāliḥ al-Sahūlī (d. 1209 / 1795), and is described as taking up the post of preacher (khatīb) at the Great Mosque in Sanaa.\(^{19}\) Soon after, however, al-Shāmī endeavoured to have his brother-in-law, Yusuf b. al-Ḥusayn Zabāra, appointed preacher, since he himself had no male issue.\(^{20}\) The mantle of the chief judgeship had to be passed on, and it was yet another Traditionist and Sunna-oriented scholar who took it up.

Qāḍī Yaḥyā b. Śāliḥ al-Sahūlī’s (d. 1209 / 1795) professional career begins with his appointment as judge in Sanaa by al-Mansūr al-Ḥusayn b. al-Qāsim at the age of about seventeen. He appears to have excelled at his job, and because of this he sat in the most privileged place in the imām’s diwān (taṣaddara fī al-diwān), while Aḥmad al-Shāmī still acted as chief judge. Al-Sahūlī appears to have eclipsed al-Shāmī, and al-Mansūr initially delegated most judicial matters to him, later making him chief judge in 1153 / 1740. Al-Mahdī ‘Abbās is reported to have praised al-Sahūlī highly and to have given him both ministerial and judicial duties (damma ilayhi al-wizāra ilā al-qāḍā’), so that most matters of government now revolved around him. However, in 1172 / 1759 al-Mahdī

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\(^{17}\) Zabāra states that al-Shāmī would often ask Ibn al-Amīr to counsel the imām about certain reprehensible matters (presumably matters regarding official corruption) which he could not broach himself, cf. *Nashr*, I : 153.

\(^{18}\) *Nashr*, I : 153.

\(^{19}\) Al-Shāmī took up the post of preacher (khatīb) at the Great Mosque in 1166 / 1753 after Ibn al-Amīr was forced to relinquish the post because of Ḥadawī opposition to his Sunnī teachings.

\(^{20}\) Cf. *Nashr*, I : 154. It was common at this time in the imāmate, as it was at other times and in other places of the Islamic world, to have sons succeeding fathers to the post of judge or any other official post for that matter.

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confiscated all his wealth and imprisoned him.\textsuperscript{21} After al-Mahdī’s death in 1189 / 1775, al-Saḥūlī was rehabilitated and reappointed chief judge by al-Manṣūr ‘Alī (d. 1224 / 1809), al-Mahdī ‘Abbās’ son and successor.

Shawkānī offers a good description of the job al-Saḥūlī held and all the powers associated with the position of chief judge. It is worth quoting here to show the extent to which the imām’s religious and legal authority had now shifted to his chief judge. Shawkānī says that

\begin{quote}
al-Manṣūr ‘Alī returned the subject of this biography [i.e. al-Saḥūlī] to the chief judgeship (al-qadāʾ al-akbār) and delegated to him all that pertains to this. He became [therefore] the authority which was referred to (al-marja*) among all the judges of the Yemeni lands ... and he sat in the most privileged place in the diwān. No judge could refute him; whatever he ruled upon was not criticized; whatever he rendered false could not be made sound by others. The caliph (al-khalīfa)\textsuperscript{22}—may God preserve him—would consult with him in all important matters, especially those relating to matters of rule. Indeed, all the ministers would consult with him and perform whatever he advised them on... It was said in his lifetime that if he were to die the order of the kingdom would be impaired, not to mention the judicial system.\textsuperscript{23}
\end{quote}

Al-Saḥūlī appears to have shared Shawkānī’s Traditionist views and was, like al-Shāmī before him, educated by Zaydīs as well as Sunnīs, namely by ‘Abd al-Khāliq b. ‘Alī al-Mizjājī of Zabīd from among the latter. In fact, Shawkānī mentions that al-Saḥūlī was fully acquainted with the “books of the [Zaydī] imāms and all the Zaydī ulema, and occupied himself much with these, but also with other works since he taught Muslim’s Sahīh to a number of the ulema of

\textsuperscript{21} Cf. Nashr, II : 378 where the same is reported to have happened to Ahmad b. ‘Abd al-Rahmān al-Shāmī. This was a common practise among the imāms of Yemen in the 18th and 19th centuries, further highlighting the partrimonial nature of their rule. That Shawkānī escaped this fate throughout his long tenure as chief judge, probably reflects the power he wielded or perhaps his skill at navigating the vicissitudes of imāmate politics which were very turbulent at this time.

\textsuperscript{22} It is noteworthy that the term khalīfa is used here when referring to the imām. This is an uncommon appellation for the imāms in earlier Zaydī sources, and its use here is perhaps another indication of the changed nature of the later Zaydī imāmāte. The usage of the term khalīfa, which denotes the exalted status of vice-regent of God on earth, can be understood here as sycophantic praise of the ruler.

\textsuperscript{23} Badr, II : 334 - 5; also Nayl, II : 384 - 391.

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Zabāra also says that al-Sahūlī would often read the Șahihayn of Muslim and Bukhārī as well as the Sunan of Abū Dāwūd. In Yemeni biographical dictionaries such statements are not merely descriptive; rather they signal that the scholar in question partook of the Traditionist approach by reading and teaching Sunnī works.

A similar figure to al-Sahūlī and al-Shāmī, and one who played a central role in the government of al-Mahdī ʿAbbās, probably taking over the role of chief judge while al-Sahūlī was in prison, was Qādi Aḥmad b. Muḥammad Qāṭīn (d. 1199 / 1785). Qāṭīn is described by Shawkānī again in terms which indicate his orientation very clearly.

He had an abiding interest in the Sunna sciences (ulūm al-sunna) and a strong hand in their preservation/memorization (yadun qawiya li hilzihā). He practised ʾijtihād himself and did not imitate anyone.

The important roles that scholars like Aḥmad al-Shāmī, Aḥmad Qāṭīn and Yaḥyā al-Sahūlī played in the government of al-Mahdī ʿAbbās is indicative of the orientation that the imāmate had now chosen. The extent to which the imām identified with these scholars can be gleaned from the positions he accorded them in his government and from the way he protected them, despite having at times punished them by confiscating their property. Such punitive actions were motivated by political intrigue and court politics, not ideology.

Like the Wahhābis, the Traditionist scholars who rose to power in the latter half of the 18th century posited a rival vision of social order to that in existence in Yemen. They used their influence with the imāms, intervening with

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24 Badr, II : 335.
25 Nayl, II : 385.
26 Badr, I : 114. Qāṭīn was Sayyid Aḥmad b. ʿAbd al-Rahmān al-Shāmī’s brightest student. His fortunes, however, were not good as he was imprisoned on at least two occasions by al-Mahdī ʿAbbās, and had all his property expropriated or destroyed, cf. Badr, I : 115 - 6.
tribal and social structures and practises whenever they felt these contradicted the teachings of the Shari‘a. There are two notable instances in this period, which will be described here.

Traditionists, Jews and Banians:

As we have already seen the influence of Sunnism on Zaydī scholars increased progressively through the end of the 17th century and throughout the 18th century, culminating with the identification of the imāms with Sunna-oriented scholars, such as Ibn al-Amīr and Shawkānī, from al-Mahdī ‘Abbās’ reign onward. The imāmate’s changing treatment of its non-Muslim subjects, namely Jews and Hindu Banias (known in Yemeni sources as Bāniyān), illustrates this doctrinal shift rather well. The history of the Jews and Banias, however, also highlights the constraints placed upon these rulers, who while wanting to enforce the letter of the law (as understood by the Traditionists) on their non-Muslim subjects, namely expelling them from Yemen, still did not, or could not, do so because of temporal reasons.

From its creation in the late 3rd / 9th century until the latter half of the 17th century the Zaydī imāmate had tolerated the presence in Yemen of Jews and later, in the Qāsimī period, of Banias. The famous treaty which al-Hādī Yahyā b. al-Ḥusayn drew up with the dhimmīs of Najrān in 284 / 897 provides proof that this was the case with the founder.27 In the early Qāsimī period, the point is also well illustrated by a story which is narrated by Qāḍī al-Ḥaymī when he was on his mission in Ethiopia. Here a Coptic priest called Khāṭīrūs mentioned to al-Ḥaymī his wish to return to Yemen with him on condition that he could keep his religion. Al-Ḥaymī responded by saying: “How many Jews and Christians are there who, like you, ask the Muslims for protection and come to our regions in safety and

security. Some remain while paying the *jizya* fixed per head, and some stay for a short time and then return to their country. 28 Zaydi imams, and the sayyids more generally, did not make an issue of non-Muslims living in Yemen, in part because the poll-tax (*jizya*) they raised from them could be used to defray their own personal expenses, whereas all other canonical taxes, like the zakāt, belong more properly to the public treasury (*bayt al-mal*) and legally could not be handled by sayyids. Al-Mutawakkil Ismā’īl, for example, was adamant that the Ahl al-Bayt were not to take the zakāt. 29 Receipt of the *jizya* could also explain why the imams tolerated the presence of Bania merchants, who were regarded as infidels, but were nonetheless recognized for their key role as traders, supplying Yemen with Indian, Turkish and Persian goods, and were a source of revenue. 30

Several ḥadiths are pertinent to the issue of whether non-Muslims are allowed to reside in the Arabian Peninsula, and in particular Jews. The first is reported on the authority of Ibn ‘Abbās in which the Prophet, whilst on his death bed, gave three testamentary commands (*wašāyā*), one of which was to expel the associationists (*mushrikīn*) from Arabia. 31 Another Tradition, however, reported by Abū ‘Ubayda b. al-Jarrāḥ says that the Prophet last words were: “expel the Jews of the people of Hijaz from the Peninsula of the Arabs... .” 32 In their legal commentaries, Hādawīs have considered the second ḥadīth as specifying the first (*mukhassīs*), and have therefore held that Jews were allowed to live in Yemen. 33 Furthermore, they considered the actions of the caliphs Abū Bakr and ‘Umar, who did not expel the dhimmīs from the Yemen, as proof that only the Hijaz was intended by the Prophet and not the entirety of the Peninsula. Moreover, Jews

29 *Tābaq al-ḥalwā*, p. 325.
33 Ahmad, *Musnad*, Musnad al-‘ashara, 1599, 1602, 1607.

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formed an integral part of Yemeni society. In tribal areas they were accorded the status of *jīrān* ("neighbours" or "protégés") and thus were protected by the tribes. They were allowed to farm and were otherwise associated with such crafts as silver-working and leather-working.\(^{34}\)

Problems arose, however, in the 17th century when the Jews of Yemen became involved with activities relating to Sabbatai Sevi.\(^{35}\) Two messianic waves took place starting in Rajab 1077 / December 1666 - January 1667, at which time Jews began selling their moveable property and real estate, and were seen to behave oddly and arrogantly. This culminated in a dramatic event when a Sanaa rabbi named Sulaymān Jamāl, known as al-Aqta', went to the governor of Sanaa, Muḥammad b. al-Mutawakkil Ismā'īl (d. 1097 / 1686, later Imām al-Mu‘ayyad), and said to him in Hebrew: "Stand up from this place of yours, for your days are numbered and your rule has come to an end! Power is ours now!"\(^{36}\) The governor interrogated him to see if he was insane and wrote to Imam al-Mutawakkil Ismā'īl about the matter. A few days later after it was decided he was not in fact mad, Sulaymān was executed.

During and immediately after these events a series of punitive measures and decrees against the Jews were taken by al-Mutawakkil Ismā'īl. These included the arrest, torture and imprisonment of Jewish leaders, a ban on Jews wearing turbans, the imposition of a tax of fifty percent on their crops and the confiscation of Jewish property. The imām justified his action by declaring that the messianic activities of the Jews had led to the nullification of the covenant of protection (*āqd al-dhimma*), which had hitherto allowed them to profess their

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\(^{34}\) Dresch, 1989, pp. 61, 118.


faith while they paid the poll-tax (jizya). They were no longer dhimmis but slaves. In the following years al-Mutawakkil gradually repealed these measures and eased the burden on the Jews, giving them back their traditional status. However, on his death bed he made demand to expel them once and for all from Yemen. The reasons for this testamentary order (wasīyya) remain puzzling given that al-Mutawakkil had repealed the punitive decrees, and, more importantly perhaps, that it contravened the explicit opinion of the Hādawī school on the matter. It was left to his successor, al-Mahdī Aḥmad b. al-Iṣāṣa, to carry it out.

The Jews are Expelled:

In Sha‘bān 1088 / September 1677 al-Mahdī Aḥmad gave the governor of Sanaa, Muḥammad b. al-Mutawakkil, the order to expel the Jews and destroy their synagogues. It is not clear whether there were any reasons for this other than his predecessor’s wish that it should be done, and it is paradoxical that al-Mahdī Aḥmad, who was the strictest Hādawī of the early Qāsimī imāms, should have followed through with this order since it ran so counter to his school’s teachings. This last fact was obvious to the governor, so before carrying it out he sought the opinion of the scholars on the matter. Ibn al-Wazīr, in Ṭabaq al-ḥalwā, tells us that the jurists were divided. The prominent ones in the imām’s court, most notably Qāḍī Aḥmad b. Ṣāliḥ b. Abī al-Rijāl (d. 1092 / 1681), supported the expulsion, claiming to base their opinion on the Shafi’ī scholar Zakariyya al-Anṣārī (d. 926 / 1520). This stipulated a literal application (‘alā ẓāhirīḥ) of Ibn ‘Abbās’ ḥadīth: “expel the associationists from the Arabian Peninsula.” Others, who were more committed to traditional Hādawī views, did not concur, arguing on the basis of Abū ‘Ubayda’s ḥadīth that only the Hijaz was intended.37


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It took over one-and-half years before the order was finally put into effect. In 1090 / 1679 the main remaining Jewish synagogue was broken into, its books were destroyed, its wine poured out and the building demolished. Again reflecting traditional Hādawī views, Muḥammad b. al-Mutawakkil, the governor of Sanaa, tried to intercede with the imām, arguing against its destruction given its "antiquity" (i.e. that it was built before the coming of Islam to Yemen). The imām, however, was adamant that it be demolished and in its stead had a mosque built called Masjid al-Jalā’ (the Mosque of the Expulsion). Thereafter, the Jews were given a choice between expulsion or conversion to Islam. Refusing conversion, they were then expelled from Sanaa and other places to Mawza’, an area not far from the port of Mocha.

Mawza’ was most probably intended as a temporary staging post until such time as the imām could find the means to safely expedite the Jews by sea from Mocha to India. The safe passage never materialized, however, possibly because of the logistical difficulties involved. Many of the Jews perished in what amounted ultimately to an internal Yemeni exile. In the following years they were allowed to return to Sanaa and their villages. Different reasons have been posited for their return. Some, like Goitein and Ratzhavi, have argued that the authorities recalled them because they realized that the Jews were indispensable as artisans and craftsmen. Al-Jirāfī, on the other hand, says that it was because the imām could not dispatch them to a place of safety. This is borne out by a report from one of the leading Traditionist jurists of the period, Ṣāliḥ b. Mahdī al-Maqbalī (d. 1108 / 1696), which also underscores the important role Sunna-oriented scholars now had in determining the course of events.

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38 *Tabaq al-halwā*, p. 361.
Al-Maqbalī was a scholar from Thulā, a town which lies north-west of Sanaa, and like Ibn al-Amīr and Shawkānī he was a determined anti-Hādawī with strong pro-Sunnī views. By the time of the expulsion, he had had several altercations with Hādawīs which may have led him to leave Yemen and settle in Mecca.41 From here al-Maqbalī reports on the Sabbatian events in Yemen and on how Imām al-Mahdī Aḥmad sought his opinion about what to do with the Jews. His role may have been decisive in determining why the Jews were sent to Mawza’, and his passage on the events is worth quoting in extenso.

In our age the devil has bewitched them [the Jews] in Yemen and enticed them [into believing] that their time to rule has come. It was as if they desired the rule of the Deceiver (al-dajjāl; False Messiah), because they used to say: ‘the Messiah has come!’ [They] began manifesting a disregard for Islam and Muslims, so that one of them came up to the governor of Sanaa and said to him: ‘Rise from this seat! Your rule has ended!’ The Imām adopted a position of neutrality (tawaqqafa), to await the final outcome (al-ma‘āl) and out of respect for the covenant of protection (iḥtirāman li-l-dhimmah). The jurists were very critical of him for this. So God humiliated them [Jews] because the commoners assaulted them at once after the Friday prayers in many different places outside Sanaa and its dependencies. They were brought back to their humiliated and humble origins. Then Imām al-Mahdī Aḥmad b. al-Ḥasan--may God have mercy on him--sought to expel them from Yemen. I do not know whether this was based on hadith or in order to ward off their evil. The commander of the [Yemeni] pilgrimage (amīr al-ḥajj) relayed to me a message from the Imām in which he says: ‘I wish to expel the Jews, but where must they be sent to?’ It is as if he wanted to see whether I would agree with the jurists (fuqaha*) in prohibiting their expulsion. So I answered him: ‘God has granted you correct guidance regarding their expulsion. India would be the [best] destination, after you correspond with them [India’s rulers] about this. They would like it because of the poll-tax. All other directions consist of deserts that would kill them off [the Jews], and because of their numbers they would need armies to secure they arrive safely. As for India, they would only be a droplet in a downpour, because of all the infidels already there.’ So he expelled them to the sea coast in the governorates of Mocha and Aden, and kept them at a distance awaiting the response [from India’s rulers], or so I think. He died before this [i.e. the response arrived]—may God have mercy on him—so they returned to the country in any which way. They were greatly humiliated and humbled and some of them pretended to be Muslims—may God fight them. None among them is truly a

faithful Muslim because they are pure Jews, and [because] none of
them is a Christian. This happened in the final years of the 11th
century of the Prophetic Hijra.42

Hādawī jurists wanted the imām to punish the Jews initially for their
rebellious actions, but stopped short of calling for their expulsion, except those
who were the imām’s closest advisors. For the Hādawīs, it seems, the school’s
teachings outweighed the arguments presented by the Traditionist jurists and the
imām himself. However, the imām wanted them expelled so in order to
substantiate this he had to resort to non-Hādawī juridical authority, namely by
soliciting the advice of scholars such as al-Maqbali.

All the other principal Sunna-oriented scholars (al-Jalāl, Ibn al-Amīr and
Shawkānī) held in their legal writings that Jews must be expelled from the
Peninsula, and otherwise insisted on the strictest enforcement of the stipulations
of the Pact of ‘Umar, which the Caliph ‘Umar b. al-Khattāb had allegedly
concluded with the non-Muslim subject populations.43 The terms of this Pact
imposed on dhimmīs regulations whose aims were to abase and humiliate them as
well as to distinguish them from Muslims. Based on the Qur’ānic verse (IX : 29)
“until they pay the tribute out of hand and have been humiliated,” dhimmīs were,
for example, expected to ride their beasts in a fashion different from Muslims;
they could not build houses taller than those of Muslims; they could only wear
clothes of a certain colour and were restricted in constructing or repairing houses
of worship. These restrictions were not always enforced in Yemen. Some imāms
were more tolerant and ignored them, whereas the writ of others simply did not
extend to all the areas in which Jews resided and therefore they could not enforce
the stipulations even had they wanted to. It is clear, for example, that until the

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Majlis al-Qaḍā’ al-‘Ā’lā, vol. 4, pp. 2569 - 2576 and Ibn al-Amīr’s commentary Minḥāt al-ghallūr
on the same pages; Shawkānī, Nayl al-awtār, vol. 4, part 8, pp. 222 - 225; idem, al-Sayl al-jarrār,
vol. 4, pp. 569 - 75.
Sabbatian events Jews were allowed to wear turbans since one of the punitive decrees was explicitly to prohibit this.

After their return from the Mawza' exile, the situation for the Jews improved considerably, especially during the reign of al-Mahdi Muḥammad b. Aḥmad, otherwise known as Šāḥīb al-Mawāhib (r. 1098 - 1130 / 1687-1718), who returned to them their previous status. In this more tolerant atmosphere a number of new synagogues were built apparently without official authorization, thereby contravening another stipulation of the Covenant of Protection.

Moreover, both Šāḥīb al-Mawāhib and his successor al-Mutawakkil al-Qāsim b. al-Ḥusayn (r. 1128 - 1139 / 1716 - 1727) developed strong relations with members of the Jewish al-‘Iraqī family, who were given the task of overseeing the mint and whose members, like Sālim al-‘Irāqī (known in the Jewish sources as Shalom), held the official posts of minister of finance and tax-collector of the Jewish community as well as chief rabbi (Nāṣī in the Jewish sources and Shaykh or Kabīr al-Yāḥūd in the Arabic sources). Some Jews, therefore, were integrated, albeit in a subservient position, into the institutional fabric of the state, at a time when the imāms were also developing other institutions, such as the standing army. These developments, however, conflicted with the rising influence of the Sunna-oriented scholars in Sanaa and elsewhere.

Matters came to a head in 1137 / 1725 when an inebriated Muslim man sexually assaulted a Muslim boy in the lavatory of one of Sanaa’s mosques. One of the stipulations of the Covenant of Protection was the prohibition on dhimmis selling alcoholic beverages to Muslims, so the incident constituted a flagrant breach. Upon hearing of this, Imām al-Mutawakkil al-Qāsim became angry and summoned Šālim al-‘Irāqī and accused him of contravening the terms of the Covenant. Jewish sources say that the imām commanded the chief rabbi to

present a register of all those who sell wine to gentiles, giving him three days in which to do so. But al-‘Iraqi did not divulge any names; instead, he placated the imām with a bribe of money, after which the incident was apparently forgotten.45

Zabāra, in Nashr al-‘arf, offers us a much more detailed account. It sheds light on the court intrigues of the period and the factional strife between Hādawī and Sunna-oriented scholars.46 When confronted with the imām’s anger, Zabāra says, al-‘Iraqi justified the sale of alcohol by stating that Ibn al-Amīr and al-Ḥasan b. Ishāq (d. 1160 / 1747) had issued him with a fatwā permitting the sale. Zabāra explains this statement as Ibn al-Amīr’s enemies telling al-‘Iraqi to say this. At the time the Āl Ishāq were closely allied with Ibn al-Amīr and were rivals of the ruling branch of Qāsimī imāms.47 Al-‘Iraqi seems, therefore, to have wanted to place the blame on them, thereby hoping to absolve the Jewish community and safeguard it from punishment.

Upon hearing about al-‘Iraqi’s allegation, Ibn al-Amīr went to al-Mutawakkil to deny that he had issued such a fatwā and demanded that the chief rabbi be summoned “so that you [the imām] may know the truth about his lie and also what the Jews have done in contravention of their abasement (saghār) and humiliation (dhilla), by building many synagogues and jostling Muslims on the roads.”48 Al-‘Iraqi was summoned and asked how many synagogues were in his village. After listing these, Ibn al-Amīr pointedly remarked their great number and interrogated him about the issuance of the fatwā. Al-‘Iraqi could not adequately respond and was therefore put in prison, and Ibn al-Amīr recommended he be chained (yuqayyad). Ibn al-Amīr then advised the imām that the Jews must be expelled from the Peninsula on the basis of the Prophet’s last

46 Nashr, III : 36 - 37.
48 Nashr, III : 36.
testament, and if this was not possible, he said, then they must be abased and all
the synagogues they had built without permission must be demolished. Al-
Mutawakkil gave the order for the demolitions, but Ibn al-Amīr warned him that
al-‘Irāqī would bribe his way into having this repealed. This is effectively what
happened, because no sooner had Ibn al-Amīr departed than the imām had the
demolition order stopped, no sanctions were imposed or enforced on the Jewish
community and al-‘Iraqī was probably released that same day.49 The imām’s
leniency was sustained by some of the leading Hādawi scholars of the day,
namely Sayyids Yusuf b. al-Mutawakkil Ismā’īl (d. 1140 / 1727 - 28) and ‘Abd
Allāh b. ‘Alī al-Wazīr (d. 1144 / 1732); the latter even wrote a treatise in which
he adduced proofs and argued for allowing the Jews to remain.50

Ibn al-Amīr’s efforts to have the Jews expelled and their synagogues
demolished did not end here. In the reign of al-Mahdi ‘Abbās b. al-Ḥusayn (r.
1161 - 1189 / 1748 - 1775), he and ‘Abd Allāh b. Luṭf al-Bārī al-Kibsī and
Aḥmad b. ‘Abd al-Rahmān al-Shāmī, were able to prevail on the imām to have
some synagogues destroyed, Jewish houses in Sanaa levelled and certain Jewish
leaders imprisoned.51 Niebuhr, who visited al-Mahdi’s court in 1763, reports on
these events.

Two years before our arrival here, he [al-‘Irāqī] had fallen into
disgrace, and was not only imprisoned but obliged to pay a fine of
50,000 crowns. Fifteen days before we arrived at Sanaa, the Imam
had let him at liberty... . The disgrace of Orocki [sic] had drawn a
degree of persecution upon the rest of the Jews. At that period, the
government ordered fourteen synagogues, which the Jews had at
Sanaa, to be demolished. In their village are as handsome houses
as the best in Sanaa. Of those houses likewise all above the height
of fourteen fathoms was demolished, and the Jews were forbidden
to raise any of their buildings above this height in future. All the

49 In a reference to these events Ibn al-Amīr says that his efforts in fact led to the demolition of
seven newly built synagogues (ka'nā is muhdātha) but that the expulsion failed because the
“jurists confused the reigning imām.” Cf. Ibn al-Amīr, Minhāt al-ghaflār on the margins of al-
50 Nashr, III : 37.
51 Nashr, II : 136.
stone pitchers in which the inhabitants of the village had used to keep their wines were broken.\textsuperscript{52}

Imām al-Mahdī had been educated by Sunna-oriented scholars, such as ‘Abd Allāh al-Kibsī (d. 1173 / 1759 - 60), and was in favour of implementing their rulings as much as possible.\textsuperscript{53} For example, he sent teachers, who could instruct people in matters of prayer and religion, into Sanaa and the countryside at Ibn al-Amīr’s instigation and paid their wages out of the public treasury.\textsuperscript{54} In commenting on the events relating to the Jews and the Banias Zabāra says:

He [‘Abd Allāh al-Kibsī] sought with al-Mahdī to expel the Jews and Bāniyān from the Peninsula of the Arabs and wrote a question [regarding this]. Al-Badr Muḥammad b. Ismā’il al-Amīr and Master Ahmad b. ‘Abd al-Rahmān al-Shāmī and others responded to it. Al-Mahdī [then] imprisoned a group of their leaders and wanted to expel whomever of them was in the land and to carry out the last will of the Messenger of God—may His peace and blessings be upon him and upon his house—but the matter was not carried out.\textsuperscript{55}

It is noteworthy that the process by which an issue like this is legitimized is described here. Al-Kibsī raised a question with the aim of eliciting response-treatises, in which arguments and proofs are adduced by scholars, favouring the expulsion. In such situations some responses can argue the opposite, however. In this case though, it seems the overwhelming number of responses were written by scholars who had influence with the imām, all of whom were in favour of the expulsion and the humiliation of the Jews and Banias. This led to some of the prescriptions being carried out, but the expulsion never took place. Tobi has argued that it was “doubtless due to practical economic considerations” that al-Mahdī finally refrained from carrying out the expulsion.\textsuperscript{56} This, in addition to

\begin{itemize}
\item \textsuperscript{52} Niebuhr, 1792, vol. 1, pp. 378 - 79.
\item \textsuperscript{53} Cf. Nashr, II : 19 - 28, 135, Nashr, III : 41.
\item \textsuperscript{54} Nashr, II : 19 - 28; cf. Muhammad b. Ismā’il al-Amīr, Jawāb fima yustahsan min taw’i’il al-khārijīn ilā al-bawādī li-ta’lim al-salāt, Sanaa, MS. Gharbiyya Library, Majmū‘ no. 39.
\item \textsuperscript{55} Nashr, II : 136.
\item \textsuperscript{56} Tobi, 1995, “The Attempts to Expel the Jews,” pp. 468, 470.
\end{itemize}
pressures exerted by Hādawī scholars and sayyids, who held opposite views on the matter, logistical problems (as seen in the earlier expulsion attempt) and probably bribes from Jews, may have doomed such an undertaking. Indeed, it was Jewish bribes which thirty years later prevailed on al-Mahdī’s successor, al-Mansūr ‘Alī (d. 1224 / 1809) to allow the synagogues to be re-opened and some rebuilt. The constraints of rule rendered the Traditionist opinion impracticable for the ruler to implement, despite its theological and juridical claims. The issue itself continued to animate scholarly debate well after the incidents here.58

The Banias:

The Hindu merchant community, or the Banias, were also targetted by Sunna-oriented scholars, and in particular by Ibn al-Amīr. From his perspective, their residence in Arabia was an even more flagrant violation of the Shari‘a than that of the Jews. In the 17th century already, al-Jalāl wrote a treatise in favour of their expulsion from Yemen.59 A riot broke out against them in Sanaa in Ramadān 1066 / June - July 1656, largely because of their commercial ascendancy in the market. The reigning Imam al-Mutawakkil Ismā‘īl, however, defended them, arguing that since they paid the jizya, they were protected and could not be molested.60 By drawing an analogy with the Aḥl al-Kitāb in protecting the Banias, al-Mutawakkil was perhaps reflecting the relative tolerance of Hādawī law regarding the presence of non-Muslims in Yemen. By contrast,

Ibn al-Amir insisted on the implementation of the explicit letter of the law, namely that they should be expelled.\textsuperscript{61} Zabāra says:

He [Ibn al-Amir] advised al-Mahdī 'Abbās to destroy the Bāniyān idols which were in the port of Mocha, and he wrote a valuable treatise about this. So al-Mahdī ordered that they be destroyed, their temples demolished and all the monies therein seized. These contained great wealth which was estimated at around fifty thousand \textit{riyāls}. One of the idols was taken and brought before the imām, whilst al-Badr [Ibn al-Amir] was with him. So al-Badr ordered it to be broken up—it had the form of a female—and it was trampled on with sandals.\textsuperscript{62}

The Banias, however, were not expelled but continued to trade in Yemen, though al-Mahdī appears to have imposed on them a sumptuary decree, forcing them to wear a red turban.\textsuperscript{63} Niebuhr reports seeing Banias throughout his travels in Yemen, even running a bills of exchange system, and estimated their number in Sanaa at 125 in 1763.\textsuperscript{64}

With Shawkānī’s assumption of the chief judgeship the discrimination against the Jews, and probably the Banias, increased significantly. He conducted a vigorous exchange of treatises with other scholars, arguing for the continued enforcement of the decree which obliged Jews to collect the dung from Sanaa’s houses and public places. As yet, it is not clear when exactly this practise was first started. However, Shawkānī’s argument asserted that it was consistent with the legal stipulations that dhimmis be abased and humiliated, and he adduces numerous hadiths to prove his point.\textsuperscript{65} He also saw to the enforcement of the

\textsuperscript{62} \textit{Nashr}, III : 41. The idol was possibly Lakshmi, the goddess of wealth, traditionally worshipped by trading casts in India.
\textsuperscript{63} \textit{Nashr}, II : 196.
\textsuperscript{64} Niebuhr, 1792, vol. 1, pp. 329 - 330, 379.
decree which forcibly converted Jewish orphans to Islam, and wrote a treatise on
this subject entitled *Risāla fi ḥukm ḥibbān al-dhimmiyyīn idhā māta abawāhum.*

**Shawkānī’s View of the Periphery:**

As pointed out in chapter three, Shawkānī managed to convince al-Manṣūr
‘Alī to issue a decree aiming at reforming the imāmate’s taxation policies. This
was part of a larger attempt to stave off the Wahhābis who were threatening the
imāmate. His efforts, however, failed at effectuating fiscal reform and this led
him to write a treatise describing the ills of Yemeni society in which he also
provided the imām with further advice on how to resolve these. He entitled the
treatise *al-Dawa’ al-‘ajil fi daf’ al-‘aduw al-ṣā’il* (The Quick Cure Warding off
the Assaulting Enemy). In it Shawkānī offers a typology of Yemenis whom he
divides into three distinct groups:

First there are those subjects (*ra’āyā*) who come under the absolute
control of the authority (*dawla*) and submit to its orders. The
majority of them cannot pray, or pray incorrectly .... He who does
not practise prayer properly is a mere infidel (*kāfīr*) ....
The second group consists of those of the far north and east (*bilād
al-qibla wa-l-mashriq*) who have not come under the control of the
dawla. They are ... even worse, since they cannot read or write and
they submit to the customary laws of their predecessors (*ahkām al-
tagḥīḥ*), instead of to the Shari‘a.... Those who do so ... are
unbelievers.
The third group consists of the townspeople. ... As a result of their
ignorance and indulgence, they neglect many of their duties
towards God. However, they are quick and readier than others to
learn and receive and education, if resolved to do so.

Shawkānī’s patrician disdain for those on the periphery is evident here as
is his belief that only those who have yielded to the authority of the state can be

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66 This treatise appears not to be extant and is listed in al-Hibshī’s list of Shawkānī’s works, cf.
Dirāsāt Yamaniyya, no. 3, p. 78.

good Muslims. He directs his criticism mainly at the governors, court notaries and judges, all of whom he sees as being corrupt and ignorant. His description of what he claims to be the typical rural judge is worth relating here:

The qādī [in the outlying areas] is man who is ignorant of the Shariʿa ... He does not know [the difference] between justice and injustice ... However, he desires to be called a qādī and that his name should become reputed among the people ... He also desires to wear elegant clothes so he has placed on his head a turban as tall as a tower and lengthened his sleeves so that they resemble saddlebags and has adopted a posture of dignity and tranquillity, always saying: yes and maybe. He also fiddles with long prayer beads and has amassed a fortune.68

The underlying message of Shawkānī’s treatise is that the imām should remove whenever he can the judges who are not as well trained and educated as Shawkānī and his students. It is only by empowering scholars like himself and by giving them posts that the Shariʿa can be applied and therefore remedy the problems facing the realm.

Wahhabīs, Shawkānī and the Issue of Visiting Graves (ziyārat al-qubūr):

The destruction of the graves of Sufi saints in September 1994 in Aden by Salafi activists is not the first time that the matter of graves and their visitation has been a contentious issue in Yemen. At the turn of the nineteenth century this issue was as explosive as it is today. The Wahhabīs were then active in spreading their message throughout Arabia, destroying tombs wherever they went in their drive to stop the practises associated with the cult of saints. Threatened both ideologically and militarily by the Wahhabīs, the imāmate offered its own answers to these controversial issues and responded vigorously to the Wahhabī onslaught. The text which forms the subject of this section was probably the principal statement by the imāmate on the issue of visiting graves and the practises associated with the cult of saints. Its author, Shawkānī, used similar

lines of argument to those of the Wahhābīs. He condemned the cult of saints but allowed for the visitation of graves as long as taqlīd did not take place there. In so doing, Shawkānī took on the Wahhābis by employing their discourse but arrived at more lenient prescriptions: tombs did not have to be destroyed and grave visitation could take place under certain restrictions.

The Wahhābī movement was initiated with a pact in 1744 between the scholar Muḥammad b. ʿAbd al-Wahhāb (d. 1206 / 1792) and the emir of the town of al-Dirʿiyya, Muḥammad b. Saʿūd (d. 1179 / 1766). By the turn of the nineteenth century the Wahhābis constituted a formidable military force promoting a powerful renovative message which had to be reckoned with. Drawing on Ḥanbalī doctrine as interpreted by Taqī al-Dīn Ahmad Ibn Taymiyya (d. 728 / 1328) and Ibn Qayyim al-Jawziyya (d. 751 / 1350), the Wahhābī message consisted in exalting the doctrine of God's unicity (tawḥīd) and attacking all whom they felt were derogating from it. The two principal requirements for tawḥīd were the affirmation of God’s uniqueness as omnipotent lord of creation (tawḥīd al-rubūbiyya) and His uniqueness in deserving worship and the absolute devotion of His servants (tawḥīd al-uluḥiyya).69 The Wahhābis found their principal opponents in the partisans of the cult of saints and tombs whom they accused of unbelief (kufr). This was because many of their practises were considered to constitute bidaʿ (reprehensible innovations) which led to shirk because they associated persons or things with God, and as such contradicted tawḥīd. Wahhābism sought to purge from the Islamic community these innovations and associationist practises, which they claimed were later accretions to the Sunna of the Prophet and the first generations of pious Muslims (al-salaf al-ṣāliḥ).

By following the school of Aḥmad b. Ḥanbal (d. 240 / 855), the Wahhābī movement found itself in accord with the Traditionist school which had developed

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within Yemen, particularly in the emphasis that both placed on literal understanding of the Qur'ān and ḥadīth. Furthermore, the influence of both Ibn Taymiyya and Ibn al-Qayyim on the Wahhābīs and Shawkānī is extensive.

Another point of agreement was the disdain both tendencies had for popular Sufism, as represented in the cult of saints. But despite these similarities, a doctrinal polemic raged between the Wahhābīs and the Yemeni Traditionists, in which the latter accused the Wahhābīs of extremism and compared them to the Khawārij.\textsuperscript{70}

The ulema of Sanaa were aware of the Wahhābī da'wa from early on, since Ibn al-Amīr composed and sent a poem in praise of them as early as 1755. He retracted the poem a year later, however, upon receiving news of the systematic Wahhābī excommunication (takfīr) of fellow Muslims, including the Zaydis, and the brutality inflicted during their expansionist attacks. Shawkānī, at first, also praised the Wahhābīs and was seemingly impressed by the works of its founder, Muhammad b. ʿAbd al-Wahhāb. Upon the latter’s death in 1206 / 1792 Shawkānī eulogized him in a poem, praising him for calling for a return to the Qur’ān and Sunna.\textsuperscript{71} However, Shawkānī, like Ibn al-Amīr before him, was to change his mind about the Wahhābīs, especially after they had entered Yemen. In one of his poems Shawkānī explicitly criticized the Wahhābīs for their extremism. Below is what he says:

\begin{quote}
Do you not know that we [Traditionists of Yemen] and you [Wahhābīs] have recourse to the correct path; We both refer to the Book [Qur’ān] if we differ in our respective doctrines, for we can not deny this; We also both refer to the purest of our Prophet’s sayings [ḥadīth], for the Book attests to such. How is it said that people [i.e. visitors] by whose graves one sees stones and sticks have fallen into unbelief; For if they [i.e. Wahhābīs] say that a sound order was given [in ḥadīth] to level graves, I would not deny this; But this [i.e. the actions of the visitors of graves] is a misdeed (dhanb) and not unbelief (kufr), nor is it sinfulness (ifsq), is there in this any refutation? For if there is,
\end{quote}


\textsuperscript{71} For the complete text of the poem see Shawkānī, 1982, \textit{Diwān al-Shawkānī}, pp. 154 - 155. In. l.
it would entail calling the person who disobeys through a misdeed an unbeliever, and such an assertion is deviant. And the Khawārij went toward this [i.e. excommunication], and why would one partake in the conduct of the Khawārij?; By doing this they [i.e. the Khawārij] had truly violated the ijma'; and all who have knowledge are witnesses to this. For if you [i.e. Wahhabis] say they have believed in the graves, our land [Yemen] knows it not [i.e. this belief]; And whosoever comes to a lowly worshipper and claims to be the Lord of creation; This is kufr which cannot be disguised, nor can there be a defence or denial of this; I am not against the destruction of a grave if monkeys [i.e. believers in the dead] play beside it; And they say the Lord of the grave accomplishes for us needs, so delegations begin streaming to it [i.e. the grave]; Benefit us [O Wahhabis], or else benefit [from us] and revert back to us in what can be reverted to; I [Shawkānī] have a book (kitāb) in this matter in which I said something of worth which only the jealous would deny; The book of God is our model as are the words of the Prophet, for they are the pillar; The guidance of the Companions is the best of all guidance and the most distinguished, even if it is denied by him who denies; So will you [the Wahhabis] turn back to this [the Qur‘ān and Sunna]; for if you do, we will thus return.  

Shawkānī’s Treatise:

Shawkānī’s treatise (risāla) on the issues of grave visitation and the unicity of God is entitled Kitāb al-Durr al-naṣīf fi ikhlāṣ kalimat al-tawḥīd (The Book of Well-Strung Pearls Rendering Pure the Word on God’s Unicity). It was written in response to a question addressed to Shawkānī on 7 Rajab 1216 / 14 November 1801 by a fellow jurist and student, Qāḍī Muhammad b. Ahmad Mashḥam (d. 1223 / 1808), who was then the imāmate’s judge in Hodeida, a port town on Yemen’s Red Sea coast. It is a treatise in the form of an extended fatwā which was intended to give the imāmate’s definitive position on the issue of grave visitation and its associated practises. The date of the treatise, as well as the contentious nature of the issues dealt therein, confirm that it was Wahhabī activity

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4 For Mashḥam’s biography see Badr, II : 116; Nayl, II : 235.
in the Tihama which formed the setting against which this treatise was written. That Qāḍī Mashḥam should have queried the imāmate’s chief judge on the subjects of intercession and tomb visitation during his tenure in Hodeida illustrates that these were issues he, and the imāmate, would have had to deal with at this juncture. Mashḥam was the imāmate’s judge in an important Shāfi‘ī town, where the veneration of saints and the practise of visiting the graves of pious people and saints thrived. This was a period of menacing Wahhābī influence, which fiercely contested such practises and sought to expand in ‘Asir and the Tihama at the expense of the imāmate. As such, this fatwā-treatise can be seen as a manifestation of the Qāsimī-Wahhābī polemic and competition over these regions during this period.

An Outline of the Treatises’ Contents:

The risāla, as the title indicates, is dominated by the theme of tawḥīd (God’s oneness or unicity) and the condemnation of all acts and beliefs which detract from this. These beliefs and practises are described in detail in the text and are invariably characterised as falling in the category of shirk (associating someone or something with God, or simply associationism), the antithesis of tawḥīd. The subjects of Shawkānī’s condemnation are a group of people whom he calls the qubūriyyūn, i.e. believers in the dead (ahl al-qubūr), who venerate dead saints by visiting their tombs and pursuing reprehensible acts while there. In condemning the qubūriyyūn, Shawkānī, like the Wahhābis, constantly emphasizes the dual nature of the condemnation: on the one hand he condemns their beliefs (i‘iqādāt), and on the other their practises (afāl).

The question that Qāḍī Mashḥam addresses to Shawkānī is:

[The query] is about using the dead and the living who are famous for excellence as a means of approaching God (tawassul), and the appeal to them for aid (istighātha) when needs arise; the query is also about the glorification (ta‘zīm) of their tombs and the belief (i‘tiqād) that they [the dead] have the power (al-qudra) to
accomplish the needs (ḥawā'ij) and demands (talabāt) of the needy. Furthermore, how is one to judge someone involved in such doings? And is it permissible to go to a tomb for the purposes of visiting (ziyāra) and invoking (du‘ā) God without appealing for aid (istighātha) from the dead, but only to use the dead as a means (tawassul) to God? 75

Shawkānī begins by defining the terms which he was asked about: istighātha, isti‘āna, tashaffū‘ and tawassul. These he states are all permissible practises with regards to the living in whatever can be humanly accomplished. The dead, however, may not be asked for aid or intercession. One can only beseech God by citing the good acts of the dead. In the next section of the treatise, Shawkānī asserts that a problem facing the umma is the presence of believers in the dead who have come to believe that the dead have powers which in fact are reserved for God alone.

The calamity of all calamities and the trial of all trials ... is what many among the common folk (‘awāmm) and some among the elite (khawāṣṣ) have come to believe about the dead (ahl al-qubūr) and about the living who are known for righteousness. A belief that the latter have the capacity to accomplish, and do accomplish, what is uniquely in God’s prerogative. So that these folk begin to express with their tongues what their hearts have inclined to: at times they invoke them [the dead] with God and sometimes independently [without God]; they shout their names; they glorify them as if they had power over harm and benefit; and they submit (khudū‘) to them more than they would to God when praying or invoking Him. If such is not shirk then we know not what is, and if this is not unbelief (kuff) then this world knows it not. 76

Shawkānī goes on to say:

... the qubūriyyūn have made of some mortals associates and partners with God. They have asked from these mortals what can only be asked of God, and have sought aid in matters over which only God has sovereignty. 77

According to Shawkānī the beliefs of the qubūriyyūn are the result of taqlid. Shawkānī gives an account of how tomb visiting practises can become institutionalised as a result of “the devil ... and a few charlatans” who can deceive the common people into believing that the saint can accomplish their needs. With

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75 Shawkānī, al-Durr al-nadīd, p. 2.
76 Shawkānī, al-Durr al-nadīd, pp. 7 - 8.
77 Shawkānī, al-Durr al-nadīd, p. 16.
the passing of centuries an unquestioned acceptance of such practises prevails, so that many in the *umma* can no longer recognize as valid the legitimate arguments, which are based on the Qur’ān and Sunna, and which are conveyed in this treatise.⁷⁸ Hence, Shawkānī says, the *shirk* of the *qubūriyyūn* has gone unnoticed.

Shawkānī recounts a contemporary story about a group of people from the north (*ahl jihāt al-qibla*) who upon arriving at the dome over the tomb of Imām Aḥmad b. al-Ḥusayn⁷⁹ (d. 665 / 1267) in the town of Dhi Bin, and seeing it all lit with candles and incense and draped with precious drapes, addressed the dead imām with the salutation: “good evening, O most merciful of all!”⁸⁰ The heinous nature of this salutation lies in the fact that the attribute “most merciful of all” (*arḥam al-rāhīmīn*) is reserved exclusively to God. This story illustrates the point made earlier about Shawkānī’s patrician disdain for the impiety of those beyond the confines of the imāmate’s cities. In the same vein he reports another contemporary account criticizing the vows made to the dead by the *qubūriyyūn* by rural people. Shawkānī says:

> And we have heard that many from among a group of *ahl al-bādiya* who live in contiguity to Sanaa pledge an amount of money to the dead in whom they believe if a child is born to them. And he says [i.e. a member of *ahl al-bādiya*] that he has bought the child from that given dead person for the pledged amount. If the child lives to the age of independence (*sinn al-istiqlāl*), [then the father] pays the pledged amount to that swindler who has withdrawn to the grave of that dead man [i.e. the grave keeper] and who is concerned with gathering money.⁸¹

Shawkānī further criticizes the cults surrounding the figures of Ibn ‘Alwān (d. 665 / 1267, a famous Sufi saint from Yafrus near Ta’izz), of Ibn ‘Ujayl (d. 689 / 1290, a famous Saint of Zabid) and of al-Zayla‘ī (d. 704 / 1305, a Sufi saint from Jibla). He asks rhetorically:

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and what is it one hears in Yemen [as invocations and appeals to dead saints] with such calls as: O Ibn ‘Ujayl! O Zayla‘î! O Ibn ‘Alwân!\(^{82}\)

Shawkānī, however, hastens to add that

outside the Yemen it is even worse: every village has acquired for itself a dead saint who is invoked and appealed to, and even in the Holy sanctuary [in Mecca] one hears calls to Ibn ‘Abbās.\(^{83}\)

As for the judgment of the qubūriyyūn, Shawkānī states explicitly that the qubūriyyūn are in the same category as idolaters (wathaniyyūn). They are outlaws who have no right to life and wealth unless they accept the legal arguments (al-ḥujja al-shar‘iyya) presented in this risāla, otherwise their fate is the sword (al-sayf).\(^{84}\) To reach this judgement, however, Shawkānī presents a long argument in which he attempts to show that the qubūriyyūn have failed to realize the principal purpose for which God sent the prophets and scriptures: “to render pure His unicity (ikhlās al-tawhīd), and to render all worship exclusive to Him (iifrādi-bi-l-‘ibāda).”\(^{85}\)

Although condemning grave visitation and all the practises associated with the cult of saint throughout the treatise, Shawkānī concludes it with an important twist, allowing for the visitation of graves as long as a bad example is not set for the ignorant masses. In a concluding paragraph to the risāla, he summarises his judgement of the three types of visitors who invoke God at grave sites:

... he who goes [to a tomb] to visit (ziyāra) only, and while at the tomb invokes without setting a bad example for others to follow (taghrīn); this type of visitation is licit .... He who goes to the tomb with the intention of invoking only, or to visit as well, while sharing the belief which we have presented [i.e. the belief of the qubūriyyūn] is in danger of falling into shirk, aside from already

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\(^{82}\) Shawkānī, al-Durr al-nadīd, p. 20. The biography of Ahmad b. ‘Alwân can be found in Ahmad b. Ahmad al-Sharjī, 1321 / 1903, Ṭabaqāt al-khwās ahl al-sidq wa-1-ikhlās, Cairo: al-Maṭba‘a al-Maymaniyya, pp. 19 - 21; Ahmad b. ‘Ujayl’s biography can be found in the same reference on pp. 13 - 17.

\(^{83}\) Shawkānī, al-Durr al-nadīd, p. 20.

\(^{84}\) Shawkānī, al-Durr al-nadīd, p. 24.

\(^{85}\) Shawkānī, al-Durr al-nadīd, p. 17.
being disobedient. And if he does not share any belief in the dead [but still visits by following the example of others], ... then he is a disobedient sinner (‘āṣīn āthim) and this is the least of his conditions ... .

Although Shawkānī still considers reprehensible the beliefs and practises of the qubūriyyūn for the certainty of leading one into shirk, it is the incitement to taqlīd or its actual practise which are deserving of the worst castigation.

Tempering the central content of the text, which is a condemnation of all the beliefs and practises associated with the cult of saints, Shawkānī allows for the actual practise of visiting grave sites and invocation there, on condition that no incitement to imitation takes place, i.e. no taqlīd.

The Condemnation of the Cult of Saints: tawḥīd versus shirk

The condemnation of the cult of saints is a long standing feature of Wahhābī polemic which is taken up by Shawkānī in this risāla. In this polemic, the qubūriyyūn are said to represent all that is reprehensible in the cult of saints because their beliefs and practises with regard to the dead saint or his grave derogate from God’s unicity, and as such the qubūriyyūn have become practising associationists. The Wahhābī attack against the cult of saints also includes an attack on those who make the Prophet or any living person the object of a cult. Both of these are issues Shawkānī is concerned with, but they take a subsidiary role to the main issue which is a condemnation of those who visit the tombs of saints or people famous for righteousness. As the leading scholar of the imāamate, it is noteworthy that Shawkānī should partake so fully in this Wahhābī discourse. The similar forms of argumentation which he uses in this risāla and his sources of inspiration show the degree to which he could use sources external to the Zaydi tradition -- the principal external source here being the Ḥanbali writings of Ibn

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86 Shawkānī, al-Durr al-nadīd, p. 47.
87 Cf. Laoust, 1939, p. 529.
Taymiyya. It is also noteworthy that Shawkanī, as chief judge of the imāmate, could share many identical theological and jurisprudential sources and arguments with the Wahhabis, when it is evident that the latter denigrated the Zaydi rite for never having been conclusively set or defined with enough rigour, as well as for containing heresies.

In his attack on the cult of saints Muḥammad b. ‘Abd al-Wahhab incorporated Ibn Taymiyya’s most characteristic ideas. Similarly, Ibn Taymiyya’s influence on Shawkanī is far from negligible on this issue as can be seen from the first pages of the *risāla* where he defines the terms *tawassul*, *istighātha* and *isti‘āna* using Ibn Taymiyya’s *fatwās*. The content and conclusions of this first section are almost identical with what can be found in Ibn Taymiyya’s works. For example, the polemic against Shaykh ‘Izz al-Dīn b. ‘Abd al-Salām (d. 660 / 1262) on whether *tawassul* through other than the Prophet is licit is included in Ibn Taymiyya’s work to prove the same point: that *tawassul* through the good works of a saint or a scholar is licit since the invocation or demand is made through the good works (*a‘māl al-ṣāliḥa*) of that person and not directly to him.

To prove this Shawkanī uses the same ḥadīths as Ibn Taymiyya, e.g. the case of when al-‘Abbās was used as a means by ‘Umar in the provision of rain

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89 Laoust, 1939, p. 519.

Furthermore, the definitions of istighātha and isti‘āna as well as the conditions under which their practise is acceptable are similar in both works. Shawkānī also takes citations from Ibn Taymiyya’s fatwās when quoting from Abū Yazīd al-Biṣṭāmī (d. 261 / 875) and Abū ‘Abd Allāh al-Qarashī (d. 599 / 1203), both celebrated Islamic mystics, each condemning the practise of istighātha.92

It is obvious from the risāla that Shawkānī shares with the Wahhābis the same conceptions of shirk. This is most noticeable in the section where the various forms of shirk are enumerated and contrasted with the beliefs and practises of the qubūriyyūn. When, for example, Shawkānī explains that the kufr of the qubūriyyūn lies in their belief that a being can be an associate with God in the knowledge of the invisible or transcendent world (‘ālam al-ghayb), he is in fact referring to what Wahhābi theorists have called shirk al-‘ilm.93 Another form of shirk which both Shawkānī and the Wahhābis condemn is the dissimulation of piety (riyā’) in order to gain the applause or admiration of fellow Muslims, as “it associates consideration for men with the thought of God.”94 Other shared conceptions of shirk include: shirk al-taṣarruf, i.e. the assumption that any one except God has power, e.g. intercession; shirk al-‘ibāda, i.e. the revering of any created thing such as the tomb of a saint through circumambulation, offering sacrifices or money, vows, prayer at the grave; shirk al-‘āda, i.e. pre-Islamic beliefs which have persisted in Islam such as the belief in omens or the reliance

92 Cf. Ibn Taymiyya, Majmū‘ fatwās, vol. 1, p. 106; Shawkānī, al-Durr al-nadīl, p. 4. See Abū Yazīd al-Biṣṭāmī’s biography in El 2, I: 162 - 163. It is interesting that Shawkānī, like Ibn Taymiyya, uses famous Sufis to condemn a popular Sufi practise like istighātha.
on astrology, amulets and lithomancy; finally, *shirk fi al-adab*, i.e. the swearing in the name of other than God, e.g. the Prophet, 'Ali or the saint.\(^95\)

The concept of *tawhīd* is central to Wahhābī doctrine. The members of the Wahhābī movement even refer to themselves as *muwahhidūn* (unitarians) and not Wahhābis, which is an appellation given to them by their opponents and has become widely used in Western scholarship.\(^96\) The Wahhābī understanding of *tawhīd* is derived from Ibn Taymiyya’s thought and consists of two inseparable aspects when conceiving of God’s unicity: the unity of divine omnipotence (*tawḥīd al-rubūbiyya*), and the unity of the moral conscience of the believer who is concerned to serve God uniquely in the ways which God Himself has ordained through the medium of His Prophet (*tawḥīd al-uluhiyya*). It is particularly because of the latter concept in Wahhābī doctrine that Wahhābism acquired what Henri Laoust has called *la théologie morale*, giving it, in addition to the duty of restoring the dogma of divine unity, a missionary duty to accomplish unicity in the realm of practise.\(^97\)

In order to accomplish *tawḥīd al-rubūbiyya*, the Wahhābis demand that one affirm God’s omnipotence in such matters as “creation (*khalq)*, sustenance (*rizq)*, giving life (*ihya‘*), and death (*imāta*), provision of rain (*inzāl al-matar*), growth of vegetation (*inbāt al-nabāt*) and in the direction of all affairs (*tadbīr al-umūr*).\(^98\) Ibn Taymiyya adds to this list that one must also affirm “that God ... is the provider (*al-mu‘ṭi*) and the withholder (*al-mānī*), the harmful (*al-dārr*) and the beneficent (*al-nāfī*).”\(^99\) According to the Wahhābis, however, asserting

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\(^{95}\) For a discussion of these various types of *shirk* as understood by the Wahhābis see Muhammad b. 'Abd al-Wahhāb, 1408 / 1988, *Kitāb al-Tawḥīd*, pp. 32 - 46, 62 - 71.


tawḥīd al-rubūbiyya on its own is not enough to be considered a muwahḥid (i.e. a Muslim who accomplishes to render pure God’s unicity), for one also has to accomplish tawḥīd al-uluhiyya. By this the Wahhābis mean that worship (‘ibāda), in all its forms, has to be directed to God, e.g. “invocation (du‘ā’), fear (khawf), hope (rajā’), trust (tawakkul), repentance (ināba), wish (raghba), awe (rahba), vows (nudhur) and seeking aid (isti’āna).”

Failure to accomplish either of the two aspects of tawḥīd, by either giving potency or directing worship to other than God, would imply that one was taking partners with God (andād), and therefore partaking in shirk. This, of course, was the accusation the Wahhābis leveled against the qubūriyyūn.

Shawkānī shares with the Wahhābis the same conception of tawḥīd. Although he does not mention the terms tawḥīd al-rubūbiyya and tawḥīd al-uluhiyya in the risāla except when quoting Ibn al-Amīr, it is evident that he means the same thing when he condemns the qubūriyyūn for failing to render pure God’s unicity (ikhlas al-tawḥīd) and render all worship exclusively to Him (ifrādī-hi bi-l-‘ibāda). Shawkānī describes the failure to accomplish these two aspects of tawḥīd in the same terms that the Wahhābis and Ibn Taymiyya use. For example, Shawkānī states that in order to affirm ikhlās al-tawḥīd and render all worship exclusive to God

all invocation (du‘ā’), all cries (nida’), all appeals for aid (istighātha), all hope (rajā’) and all summons for the good and the warding off of evil have to be directed to God and no one else.

Furthermore, Shawkānī says that despite any verbal or outward confession by the qubūriyyūn that God is the sole creator (khāliq), sustainer (rāziq), giver of life

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100 Anwā‘ al-tawḥīd al-thalātha, in Majmū‘at al-tawḥīd, p. 79. For Ibn Taymiya’s definition of the necessary requirement for fulfilling tawḥīd al-uluhiyya and tawḥīd al-rubūbiyya see Ibn Taymiyya, Majmū‘ fatāwā, vol. 1, p. 91.

101 Shawkānī, al-Durr al-nadīd, p. 17.
(muḥyī) or death (mumīt), i.e. the accomplishment of tawḥīd al-rubūbiyya, they still partake in shīrkh by believing "that God may have associates who have the power to benefit (naf), to harm (darr), to bring one closer to God and to intercede on their behalf with Him." In short, tawḥīd for Shawkānī is not accomplished unless God’s omnipotence is affirmed and all worship is rendered exclusively to Him. It was for these reasons, Shawkānī says, that the prophets and scriptures were sent to man. For Shawkānī, as for the Wahhābīs, religion in its entirety belonged to God who had created man only to be served by him.

The zeal with which the Wahhābīs attacked the practise of visiting the tombs of saints seems to have exceeded that of Ibn Taymiyya as well as that of Shawkānī. This is reflected in the intensity with which the Wahhābīs razed burial mounds, steles and domes over the graves of saints. Ibn Taymiyya, for his part, did not consider the visitation of tombs to contradict the Shari‘a, and despite his attack on the cult of saints and the dead, he considered it highly recommendable when in proximity to a tomb to address God in favour of the dead person therein, as well as to visit the tombs of the Companions or those of the martyrs of the battle of Uhud. In this, Shawkānī holds similar views to Ibn Taymiyya’s. Shawkānī considered visitation, and even the practise of tawassul through the dead person’s good works and virtuous characteristics, to be licit, on condition that no simple-minded person follow suit in imitation not knowing that it is through the dead person’s works and virtues, not the person himself, that tawassul takes place. Unlike Shawkānī, it seems that the Wahhābīs considered the terms tawassul and istighātha mere terminological subtleties which hid none of the fact that the practise of visiting tombs was almost invariably accompanied by the spirit

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102 Shawkānī, al-Durr al-naḍīd, p. 17.
103 Cf. Laoust, 1939, p. 532; Shawkānī, al-Durr al-naḍīd, p. 17.
104 Laoust, 1939, pp. 529 - 530.
106 Shawkānī, al-Durr al-naḍīd, p. 47.
of exaggeration (*ghulūw*) -- one of the most serious factors leading to
associationism. A Wahhābī polemicist has this to say about *tawassul* and
*istighātha*:

Whosoever invokes other than God, be [that invoked person] dead
or absent, and implores his aid, is an associationist and an infidel,
even though all he seeks is to get nearer God, to demand the
intercession [of the invoked person] with God. It is like this that
many of the believers of this community have slid towards
associationism and were led to solicit other than God. They [who
are in error] call this practise ... *tawassul* and *istighātha*. The
change in the names [of the practise] makes no difference in the
matter and does not change its legal status or its reality.

Despite the similarities between Shawkānī’s discourse against the cult of
saints and that of the Wahhābīs, it appears the latter had a more simplistic view of
the matters at hand. They did not share Shawkānī’s subtleties with which he
ended the *risāla*. By allowing a person to visit a tomb, to invoke God at the grave
site and to practise *tawassul* through the dead person’s works and virtues,
Shawkānī seems to have differed with Wahhābī doctrine and practise while still
partaking in the same discourse against the cult of saints. In so doing, Shawkānī
was defending the imāmate by showing that its position was similar, if not
identical, to that of the Wahhābīs.

Soon after this treatise was written the imāmate lost control over the
Tihāma to the Sharīfs of Abū ‘Arīsh who ruled in the name of Ibn Sa‘ūd. It
therefore appears that Shawkānī’s treatise resulted in no practical measures being
taken on the basis of its rulings. However, it provides an example of the leading
judge of the Zaydī imāmate partaking in a discourse which would normally be
categorised as falling in the Ḥanbalī tradition. One can see how easily Shawkānī

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could respond to the Wahhābī doctrinal polemic by using their terms without compromising himself. When Shawkānī encountered the Wahhābīs espousing the ideas and drawing on the works of Ḥanbalī scholars, it was not alien ideas and sources he was encountering, but ones he felt were already part of his own tradition.
CHAPTER VI

The Status of the Companions and the Issue of *Sabb al-Šaḥāba*¹

Shi‘ism in the people of our generation is confined to these reprehensible innovations: enmity to the Sunna, defaming the ancestors, combining [prayers] and abandoning the Friday congregational prayers.

Muḥammad b. ‘Alī al-Shawkānī

Curse Abū Bakr the tyrant, his second and the filthy third, ‘Uthmān b. ‘Affān; All three have a place in hell below that of Pharaoh and Hāmān; O God, curse them and those who favour them and do not accord them any reward on judgement day; they superseded the brother of the best of Messengers and unjustly and aggressively usurped what belonged to his daughter.

al-Hashān b. ‘Alī al-Habal²

No issue raises the spectre of the Sunnī-Shī‘ divide, and more specifically the Zaydi-Traditionist one, more than that of the cursing of the Companions. It continues to occupy Yemenis today. A request for a *fatwā* in Yemen in the last couple of years, for example, asked “what is the position of the scholars of Islam about those who curse the Companions of the Messenger of God—may His blessings and Peace be upon him—and the rightly Guided Caliphs? Inform us.”³

Predictably, as religious discourse in republican Yemen is dominated by

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² The first poem is by Shawkānī and can be found in his *Adab al-talāb*, p. 62. The second poem is by al-Ḥasan al-Habal (d. 1079 / 1688), a strict Zaydi of the 17th century, and is quoted in *Ḥijar al-‘ilm*, I : 239.

Shawkānī's Traditionist views, the answer was a resounding denunciation as far as cursing was concerned, and went on to say that all the Companions had to be respected and accepted for their high moral worth; were cursing to be allowed, the muftī says, the whole edifice of the Shari'ā would collapse. It is not surprising that the next fatwā question in the book cited was whether the Zaydi madhhab was to be considered the most correct when compared to the four Sunni schools, or were the latter better and more complete. Again, the answer is consistent with prevailing 1990s views: that the Zaydī school is, on the whole, identical with the Sunni schools, and in particular the Ḥanafi, and that unlike the others it maintained the "door of ījtihād" open, allowing "freedom of opinion from the [constraints] of taqlid and the use of proof texts." The muftī then lists the greatest Yemeni scholars who proved this to be the case: Ibn al-Wazīr (the renewer of the 9th century H.), al-Maqbalī (the renewer of the 11th century H.), Ibn al-Amīr (the renewer of the 12th century H.) and finally Shawkānī (the renewer of the 13th century H.). In both fatwās several conscious oversights take place. The Ḥādawī tradition, which differed considerably from the Sunni schools on points of theology and law, is completely ignored despite being dominant in Yemeni Zaydism. Rather, Shawkānī and his Traditionist forebears are taken to represent "true" Zaydism, when in fact they had leveled the most severe criticism at the school in their writings. For the muftī Zaydism is on par with Sunnism and, as in it, all Companions were to be honoured. The traditional teaching, however, on the status of the Companions in Zaydism is far more complicated and problematic than the muftī would admit.

Traditionists forbid the belittling of the Companions of the Prophet and insist on the principle that all Companions were righteous persons of moral integrity (Ưḍūḥ). In the same vein, Shawkānī insisted in all his works on the probity (adāla) of all the Companions, who were the first transmitters of the

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4 Taqī, Kitāb al-Fatāwā al-shar'iyya, pp. 409 - 412.
ḥadiths of the Prophet. Any derogation from their status would lead, in his estimation, to undermining the canonical corpus of ḥadiths, hence the Sunna, and ultimately the Shari’a.

The attitude one adopted towards the Companions, especially in the charged atmosphere of Yemen in the late 18th and early 19th century, where Traditionists vied with Zaydi-Hādawīs over proper belief and legal practise, raised a series of related issues. The first and perhaps most important has to do with their probity (‘adāla). Are they to be regarded as having all shared in this quality, or is the probity of some of them to be questioned and therefore also their standing as upright Muslims? Underlying this first question is the thorny issue of the right of succession to the Prophet. Zaydiš universally claimed ‘Ali’s superiority over the other Companions and his right to succeed on the basis of the Prophet’s implied designation, but were not agreed about the probity of those who had sided against him. Traditionists, like Sunnis generally, ranked ‘Ali fourth, reflecting the historical order of his rule as Caliph, and refrained from discussing the conflicts which arose amongst the Companions. The stance one took on the disputes between ‘Ali and the other Companions was crucial to the issue at hand. The centrality and importance of ‘Ali, and consequently the position accorded to Abū Bakr, ‘Umar and ‘Uthmān, who had at first taken his place, in all the debates described here can not be overstated. Second is the question of which Companions are to be considered valid transmitters of the Prophet’s sayings, since without probity, a Companion could not be considered a reliable transmitter, just as a witness lacking this quality could not provide testimony in court. Third is the question of whether the Companions are to be considered legal authorities in their own right. Finally there is the issue of the proper attitude and etiquette one should have towards the Companions, both collectively and individually. Namely, what formula of blessing should one utter after a Companion’s name? Is it ever allowed to curse a Companion? And what is the punishment for a person wrongfully cursing the Companions or a Companion?
This chapter will present Shawkānī’s views on the Companions as well as the various Zaydi positions on this matter. This will be followed by an analysis of two treatises, one by Shawkānī and another by his Hādawī opponent, Ismā’īl b. ‘Īzz al-Dīn al-Nu’mī (d. 1220 / 1805), which are part of a polemical exchange regarding the question of the Companions and the proper attitude a Muslim must adopt towards them.

Shawkānī and the Companions:

Differences exist among Muslim jurists over the definition of a Companion of the Prophet. Some, like Shawkānī, adopted a very broad and inclusive definition whilst others insisted on restrictive conditions like a certain length of time spent in the Prophet’s company, that they actually saw him, and that they were of mature age in his company. Shawkānī cites approvingly what he considers to be the majority opinion (al-jumhūr), which defines a Companion as anyone who as a believer met the Prophet at least once even for a short time. He held that both God and the Prophet had accorded all the Companions the status of ‘adāla, relying on Qur’ānic verses such as III: 110 “you are the best nation ever brought forth to men”; II: 143 “Thus we appointed you a midmost nation”; and XLVIII: 29 “and those who are with him are hard against the unbelievers, merciful one to another.” From the ḥadīth, he cites the most oft quoted ones in praise of the Companions, e.g. “the most excellent [persons] are my generation, then the following [generation], then the following [generation]” (Muslim, Sahih, 5 Irshād al-fuhūl, p. 62 - 3. Cf. Goldziher, Muslim Studies, vol. II, p. 222.

Shawkānī also quotes the following Qur’ānic verses: II: 143 and XLVIII: 18. Also see Irshād al-fuhūl, pp. 61- 2 and Shawkānī, al-Qawl al-maqbūl fī radd khabar al-majhūl min ghayr sahābat al-rasul, MS. photocopy from the Ma’had al-ʿĀli li-l-Qāḍā’ in Sanaa, fol. 26b - 28.

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VII: 185); “do not defame my Companions; for even if one of you were to spend [an amount of] gold equal in size to Mount Uhud, this would not bring him the reward they are given for spending the price of a bushel of wheat--or even their reward for spending the price of half a bushel” (Bukhari, Ṣaḥīḥ, fāḍil aṣḥāb al-nabī 5); “I commend to you my Companions, then those who follow them and those who follow them, after which lying will spread” (Tirmidhi, Fitan 7); and “My Companions are like lodestars; by imitating anyone among them you will find the right path.”

By adopting the broadest definition of Companionship and insisting on their universal probity, Shawkānī was trying to bolster the claim of authority for the Sunnī ḥadīth collections, on which his epistemology and legal/theological views were primarily based. Shawkānī thus asserted that accepting the probity of all the Companions required acceptance of their transmission (rifwāya) and abstention from probing into the status of any Companion. This acceptance is based on their truthful speech and their being safeguarded against lying. On the basis of the aforementioned Traditions, he says that the Companions and the two generations of Muslims after them did not lie, and the least they deserve is the status of ʿadāla in view of their numerous virtues attested in sound proof-texts. Their own role as purveyors and preservers of the Prophetic Traditions was important.

For me, and for any just person, the truth lies in accepting and using the transmission (rifwāya) from anyone who has been proven to be a Companion. The Prophet of God--may God’s peace and blessings be upon him--has accorded them probity (ʿadīlahum) when he said: ‘the most excellent [persons] are my generation’. [Regarding] the conflicts which arose between them, even if it is

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8 Shawkānī, al-ʿAdhb al-namīr, p. 83.
9 Implicit in this Tradition is the notion that decline will set in with time and that the most pristine period was that of the Prophet’s lifetime. Whilst admitting to this, Shawkānī also posits a countervailing argument, claiming that mujtahids can have the status of Companions in that they can interpret the core texts of the Qur’ān and Sunna in an unmediated fashion, as was pointed out in chapter four.
possible to know the correct party through proof-texts (*adilla*), the
incorrect party is still bestowed with the merit of Companionship
(*suhba*). Taken generally, the explicit proof-texts (*umūm al-adilla
al-nātiqa*) protect them (*yadfa‘ anhuni*) from the errors [they may
have] committed... . Extolling them, acknowledging their
importance and the loftiness of their rank over all other generations
is the concern of every Muslim who glorifies the Shari‘a and
prophethood. To endeavour [highlighting] their defects and faults,
which attach to them through lies and slander, is the concern of
every forsaken person.¹⁰

Shawkānī admits here that some of the Companions may have committed
errors and were not infallible, and that it was possible, in some cases, to know
which Companion’s opinion was correct by examining the proof-texts for that
opinion. This conforms with his textualist approach which posits the texts of the
Qur’ān and the canonical ḥadīth collections as the ultimate references for truth
which any *mujtahid* could consult and verify. But Shawkānī also insisted that it is
wrong to delve far into the Companions’ differences for this would lead to
undermining the Shari‘a. This implied that a Muslim must not discuss the matter
of ‘Ali’s alleged superiority over the other Companions or his right to succeed the
Prophet in leading the community, both central tenets of Zaydī dogma. Thus he
says about the question of the succession:

Each of the Rightly Guided Caliphs did his utmost for the benefit
of Muslims... and if one of them committed what appears to be a
mistake then his noble status demands that he be considered in the
best possible light. God--the exalted--has generally accorded the
people of that generation the highest moral status and so has the
Messenger... . We worship God according to the obligations in the
Shari‘a... and it is not incumbent on us to know that a person was
the Caliph at time x or that y was not the Caliph at time z. All will
be judged by God Who will show who was right and who was
wrong. We must not delve into the matters of those who are long
gone.¹¹

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According to Shawkānī, not even the conflict that arose between ‘Alī and Muʿāwiya should be discussed by a believing Muslim. However, in this regard a slight distinction must be drawn between Shawkānī’s early opinion and the one he adopted in later life.

In his early writings he took the position that ‘Alī had been designated by the Prophet as a legatee (wāṣī), and that in the conflict between ‘Alī and Muʿāwiya the latter had been at fault. His later writings do not accord ‘Alī a preeminent place amongst the Companions, and, in this regard, he becomes indistinguishable from Sunnī authors. The difference between his two views reflects Shawkānī’s development from a Zaydī educated scholar acting in a Zaydī environment to a mature scholar with wider claims and an awareness of the larger Sunnī world. It also shows how Shawkānī’s opinions, as he became an established figure in the state structures of the imāmate, grew more distinctly Traditionist and anti-Hādawī.

The Early and Mature Shawkānī on ‘Alī and Muʿāwiya:

On the 3rd of May 1791, when Shawkānī was slightly over thirty years old and recognized to have become a mujtahid, he completed a treatise entitled al-ʿIqd al-thamīn fī ithbāt wīṣāyat amīr al-muʾminīn (The Precious Necklace Proving the Legateeship of the Commander of the Faithful). The treatise is a response to a question put to him by sayyids of the Tihāmī town of Zabīd, about the Tradition in which ‘Āʾisha, the Prophet’s wife, denies that the Prophet had designated ‘Alī as his wāṣī. The sayyids in question are not mentioned by name, but they were certainly Sunnīs given their home town, and most likely were members of the

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12 This work was published in 1990 in Sanaa by Maktabat Dār al-Turāth, a pro-Zaydī publishing house.
13 This hadith can be found in the Sahīhayn of Bukhārī and Muslim: “They mentioned to ‘Āʾisha that ‘Alī—may God be pleased with them—was the legatee. She said: when did he designate him as such? I was holding him against my chest—or she said my lap—and he asked for the washbowl then went limp in my lap and I did not feel him pass away. So when did he designate him?”
Ahdal family with whom Shawkānī maintained a lively correspondence. Coming from Sunni sayyids, the question was probably not unmotivated, since it goes to the heart of the Zaydī, and more generally Shi‘ī, claim about ‘Ali’s right to succeed the Prophet. At the time, Shawkānī was the rising scholarly star in Sanaa, and the question was perhaps intended as a test of his adherence to Zaydī teachings, and, more generally, was an attempt to gauge the pro-Sunnī scholarly climate in Sanaa. The Zabīdī sayyids were not to be disappointed with the answer they received.

Shawkānī’s response is in three parts and avoids the thorny issue of ‘Ali’s succession right. In the first section he disputes ‘Ā’isha’s denial on both jurisprudential and personal grounds. He argues that the saying of Companions, of whom she was one, does not constitute legal proof (hujja), that according to usūl al-fiqh an affirmative statement (muthabbit) takes precedence over a negating one (al-nafi), and that ‘Ā’isha was known to be hasty in rejecting whatever contradicted her own opinion. So far Shawkānī would seem to be defending the Zaydī position. In the second section, Shawkānī quotes an impressive number of Traditions proving that the Prophet had made various general testamentary recommendations (waṣāyā muṭlaqa) to his community, such as the “offering of zakāt after prayers,” and “that no two religions should remain in the Arabian Peninsula.” In the last section Shawkānī cites further Traditions in which the Prophet makes specific mention of ‘Alī as his legatee. For example, he misquotes a Tradition, claiming that it is in ʿAbd Allāh b. Hanbal’s Musnad, in which the Prophet says: “my legatee (waṣīyyī), my inheritor and the one who will accomplish my promise is ‘Alī b. Abī Ṭālib.” This Tradition is not to be found in Aḥmad’s collection. In fact many of the Traditions quoted by Shawkānī here are among those which in his later work--particularly in his al-Fawa’id al-majmu’a li

**al-ahādīth al-mawdū‘a** (The Sum of Beneficial Things about the False Traditions)--he claimed were false and did not constitute valid proof-texts.\(^{15}\)

In concluding the treatise Shawkānī explains that “it is incumbent upon us to believe that [‘Ali]--peace be upon him--is the legatee of the Prophet--may God’s peace and blessings be upon him and his family--[but] it is not necessary for us to engage in the details of the legateeship... we do not engage in giving preference (*tāfālī*) [to one Companion over another], but the Prophet said that he was his legatee, so we say that he is his legatee...”\(^{16}\) Shawkānī thus avoided the issue of whether ‘Alī was designated by the Prophet as his successor by taking the term *waṣī* to mean testamentary legatee in a specific matter, like his command to ‘Alī to fight the “violators, the unjust and the heretics,” or that ‘Alī should bathe him after he died. However, it remains important to note that Shawkānī should have accepted ‘Alī to be a *waṣī* on the basis of weak Traditions. Also notable is his dismissal of ‘Ā’ishah’s ḥadīth which is considered sound by Sunnīs since it is reported in the *Sahihayn* of Bukhārī and Muslim.

Concerning the conflict between Mu‘āwiyah and ‘Alī, only one reference in Shawkānī’s works can be found where he explicitly takes the side of ‘Alī. Again this is from one of his earlier works, the well known compendium of ḥadīth-based legal rulings entitled *Nayl al-awtār* which was written at his teachers’ behest and completed in 1210 / 1795.\(^{17}\) Shawkānī there quotes the Tradition found in

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\(^{16}\) Shawkānī, 1990, *al-‘Iqdal-thamm*, pp. 18 - 19. It may be noted that Shawkānī’s intellectual forebear, Ibn al-Amīr, wrote a work in praise of ‘Alī which is entitled *al-Rawda al-nadiyya fi sharh al-tuhfa al-‘alawiyya* and in which he discusses the same ḥadīth and reaches the same conclusion as Shawkānī, namely that one should not delve into the details of ‘Alī’s legateeship. Cf. al-Amīr, n.d., *al-Rawda al-nadiyya*, n.p.: al-Maktaba al-Islāmiyya, pp. 96 - 97. This work was originally published in Sanaa in 1371 / 1952 by the Ministry of Education (*Wizārat al-Ma’ārif*), during the reign of Imam Ahmad Hamīd al-Dīn. The intention behind its publication was probably to show the love that Traditionist scholars like Ibn al-Amīr had for ‘Alī and the Prophet’s family and to affirm the special status the latter enjoyed in Islamic history. A *fatwā* is appended to the edition of the *Rawda* (quoted above, p. 264) which explains the Yemeni practise of referring to the descendants of al-Ḥasan and al-Ḥusayn as *sayyids*. This practise, the *fatwā* explains, is followed merely as a sign of love and respect for the Prophet.

\(^{17}\) Cf. Badr, II : 214.
Muslim in which the Prophet states: “my community will consist of two factions; a heretical faction will emerge out of one of these, after which they will be killed, and the first of the two is just” (Muslim, Ṣahīḥ, Zakāt, 151). Shawkānī says this about the Tradition:

In the statement ‘the first of the two is just’ is an indication that ‘Alī and his partisans were in the right (al-muḥiqqūn), and Muʿāwiyah and his partisans were in the wrong (al-muḥṭilūn). This is a matter that no fair person would doubt and only a presumptuous deviant would reject. There is enough evidence of this in this Tradition.¹⁸

In his later works Shawkānī departed from this opinion and adopted a position of neutrality (imsāk, lit. refraining from taking sides) in regard to the conflict between Muʿāwiyah and ‘Alī, and he accorded ‘Alī the same rank of precedence as given to him by Sunnīs, namely the fourth in chronological order of succession to the caliphate. Ibn Ḥanbal, and Ḥanbalis generally, adopted the position of imsāk regarding the conflicts between Companions, and specifically the one between ‘Alī and Muʿāwiyah.¹⁹ In a fatwā-tiqātī written in Shawwāl 1222 / December 1807 Shawkānī responded to a set of questions posed to him by a pro-Wahhābī scholar, Shaykh Muhammad b. ʿAbd al-ʿAzīz of ʿAsīr, ²⁰ one of which was about the conflict between ‘Alī and Muʿāwiyah. Shawkānī responded as follows:

Refraining from discussion of this matter (al-imsāk ‘an al-kalām) is best... the sayings of the factions in this matter are known, (XXIII : 53) ‘each party rejoicing in what is with them’... . Those who gave allegiance to ‘Alī were the same as those who had given it to Abū Bakr and ‘Umar, [whereas] those who did not give it to him did so without legal proof (ḥujuṭ sharʿīyya)... and it has been attested in the Ṣahīḥ [of Bukhārī] that the Prophet--may God’s peace and mercy be upon him--said about al-Ḥasan [his grandson from ‘Alī]: ‘my son here is a lord (sayyid) and through him God will make...”

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¹⁸ Shawkānī, Nayl al-aʿwāṭār, vol. 4, section 7, p. 348. Ibn al-Amīr adopts the same opinion in his al-Raʿwāt al-nadīyya, see p. 76.
²⁰ For his biography see Nayl, II : 225 - 226.
peace between two great Muslim factions’. To sum up, no benefit can come from prolixity in this matter. Each [side] has presented what they had to say and God does not oblige us to accept any of it; rather, he has advised us by what he said in his great Book:

(LIX : 10) ‘And as for those who came after them, they say, ‘Our Lord, forgive us and our brothers, who preceded us in belief, and put Thou not into our hearts any rancour towards those who believe.’ God forgives a man who says good things and [then] falls silent.21

In yet another treatise, one in which he was asked about ‘Ali’s special standing considering the Tradition in which the Prophet says: “I am the city of knowledge and ‘Ali is its door,” Shawkānī denies that ‘Ali is the sole transmitter of religious knowledge to the exclusion of the other Companions; rather, he says, they are all transmitters. He then specifies that the “knowledge” which the Prophet had been referring to was ‘Ali’s ability to predict future events as attested by numerous Traditions, some of which he then quotes. In the final lines of the treatise Shawkānī states that he did not probe into the issue of the soundness of the Tradition although he suspected its authenticity and considered it to be weak (da’īf).22 In one of his later works entitled Darr al-sahābā fī manāqib al-qarāba wa-l-saḥābā (The Copious Flow of the Cloud Regarding the Virtues of the Prophet’s Relatives and Companions, completed on 13 Jumādā al-Ūlā 1241 / 23 December 1825), Shawkānī ranks the Companions according to precedence and enumerates the Traditions in praise of each one under his or her name. His ranking is consistent with Sunnī doctrine which ranks the caliphs according to the historical order in which they ruled. As the title of the work suggests, however, Shawkānī was attempting to appease the Ahl al-Bayt by according them in his

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21 Shawkānī, al-’Adhb al-namīr, p.82. For similar statements by Shawkānī see his other treatise in the same collection entitled Irshād al-sā il lā da’īl al-masā il where he reiterates that it is best not to probe into the disputes of the Companions. He maintains, however, that those who fought ‘Ali were to be considered rebels (bughā), and that he was in the right and they were in the wrong. Mu’āwiyah is not mentioned here, and Shawkānī explicitly states that “only an inquisitive person, who has no concern for his religion, would go beyond this limit.” Cf. Shawkānī, Kitāb al-Fath al-rabbānī, p. 322 - 323.

22 Shawkānī, Bahth fī hadāth anā madīnat al-‘ilm wa ‘ali bābuhā in his Kitāb al-Fath al-rabbānī, pp. 207 - 213. For his criticism of this Tradition see his Darr al-sahābā, p. 203 and his al-Fawā'id al-majmū’a fī al-abhādith al-madū’a, pp. 373 - 374.
classification a place second only to that of the ten Companions who were promised by the Prophet a place in paradise (al-‘ashara al-mubashsharini), and also by not giving Mu‘awiya any place in the work at all. Ultimately, however, this did not bridge the gap between the two sides because the Shi‘ite position is based squarely on ‘Ali’s and his family’s excellence.

The Companions as mujtahids:

A final point about Shawkānī’s views on the Companions must be raised before examining the possible reasons for the difference between the young and mature Shawkānī. In order to exonerate the Companions from the guilt of error (e.g. not choosing ‘Ali over Ābu Bakr) Ash‘arīs, among others, held that the Companions were mujtahids.23 The basis for this claim was the Tradition that “if a mujtahid arrives at a correct opinion he will receive two rewards in the world to come whereas if he errs he will receive one reward.”24 Shawkānī upholds this position. In a passage of his Irshād al-fuhūl, he cites approvingly the opinion that some of the Companions were mujtahids and that this exonerated them from any guilt for the wars among them.25 It must be noted, however, that he did not believe that each and every one of the Companions was a mujtahid, because he states that the less learned ones asked those who were mujtahids and knew the texts for an opinion on a given matter.26 On this hinges, in part at least, his argument that the opinion of a Companion was not necessarily authoritative and that it was necessary to consult the proof-texts in order to ascertain its validity.

25 Irshād al-fuhūl, p. 61.
26 Irshād al-fuhūl, p. 237
Accounting for the Difference in Shawkānī’s Works Regarding ‘Alī and Mu‘āwiyā:

‘Abd Allāh Nūmsūk, an Indonesian-born graduate of the Islamic University in Medina who has written a voluminous work on Shawkānī’s credal thought, claims that his increased knowledge of the ḥadīth sciences in later life led him to realise the error of his earlier opinions in the matter of ‘Alī versus Mu‘āwiyā, as these were based on weak Traditions in favour of ‘Alī.²⁷ Nūmsūk, like a number of recent Saudi graduates who have worked on Shawkānī, has tried to graft him onto the Salafi/Wahhābī tradition and finds it embarrassing whenever one of his opinions does not conform with the latter.

Whilst the argument that Shawkānī’s knowledge increased with age cannot be denied, he was none the less thirty years old in 1205 AH when he wrote al-ʿIQD AL-THAMIN, and thirty-five when he finished Nayl al-awtār in 1210 AH, and by his own admission had attained the rank of mujtahid before thirty. To argue, therefore, that he did not know the difference between various degrees of ḥadiths is unfounded. Rather, it might appear that the Zaydī imprint left by his early education was more evident in his youth than in his mature years. This explanation would find support in a cursory reading of Nayl al-awtār, where Shawkānī regularly presents the legal opinions of Zaydī imāms on nearly all the issues covered in the work. In Nayl al-awtār, Zaydī opinions still mattered; but this may be because he was requested to write it by his mainly Zaydī teachers, perhaps as a pedagogical work, which had to be comprehensive and attest to his having become a full-fledged mujtahid with knowledge of all the Schools. There is yet another answer which may provide a better explanation, namely that as Shawkānī became a powerful figure in the state—after his appointment as qādī al-quḍāt—he became bolder and more forthright in his anti-Hādawī opinions. From his earliest days Shawkānī displayed pro-Sunnī and Traditionist tendencies, but it

was not until he felt safe from attack by the Hādawīs that he conspicuously did so. This would explain his initial manipulation of the issue of ‘Alī and the wasīyya as well as his condemnation of Mu‘āwiya; these can be seen in light of his efforts to stave off Hādawīs from attacking him. His assumption of the chief judgeship was a watershed in that it accorded him the protection he needed.

Shawkānī’s Condemnation of the Rāfiḍa:

In Adab al-ṭalab and al-Badr al-tāli‘ Shawkānī presents himself as a victim of attack and persecution by strict Hādawīs, those he called the Rāfiḍa. These were people whose love for ‘Alī and the Ahl al-Bayt was in his view so excessive that they rejected the caliphates of Abū Bakr and ‘Umar and cursed them and all those Companions who had sided against ‘Alī. As we shall see, the Zaydīs in Yemen held a variety of opinions on the subject of the Companions who had opposed ‘Alī: some were generally approving whilst others maintained a rejectionist attitude; all claimed, however, to represent “true” Zaydism. In the 17th century the most notable examples of the rejectionist or strict-Hādawīs were Imām al-Mahdī Ahmad b. al-Hasan (d. 1096 / 1685) and a number of his retainers, among them al-Hasan b. ‘Alī al-Habal (d. 1079 / 1668). In Shawkānī’s time men with a similar attitude included (suprisingly perhaps) the minister ‘Ali b. Ḥasan al-Akwa‘ (d. 1206 / 1791), and most notably Ismā‘īl b. ʿIzz al-Dīn al-Nu&utm al-Muḥammad b. Ṣāliḥ al-Samāwī (d. 1241 / 1825). However, the main difference between al-Mahdī Aḥmad’s time and that of the late 18th century was that the imāms now sided unequivocally with the Traditionist scholars, protecting them and punishing the stricter Hādawīs.

28 The name was said to have been given initially to those who had forsaken Zayd b. ‘Ali when he refused to declare Abū Bakr and ‘Umar unbelievers. Cf. Kohlberg, 1984, “Some Imāmī Shī‘ī views on the Sahāba” in JSAI, no. 5, p. 146. In 18th century Yemen this was a label given by the pro-Sunni scholars to anyone who questioned the probity of the Companions or rejected the Caliphates of Abū Bakr or ‘Umar and even to those who condemned the use of the canonical Sunni hadith collections.
Although all Zaydis, and in particular Hādawis, would in principle have raised questions about the probity of some of the Companions, it was against the more rejectionist type that Shawkānī was most vituperative. He and many who have followed in his tradition tried to argue that true Zaydism is represented in the "moderate" wing of the school and that the rejectionists were not representative of the school’s teachings; rather, these were beyond the pale, belonging to the more extreme Shi‘īte sect of the Imāmiyya. The two leitmotifs in condemnation of the latter group were their alleged practise of the cursing of the Companions and their refusal to refer to the canonical Sunnī hadīth collections. It must be borne in mind that few Hādawis openly cursed the Companions (other than Mu‘āwiya who is consistently cursed), but many voiced disapproval of actions taken by Abū Bakr and ‘Umar and condemned them without cursing them. The lines quoted at the beginning of this chapter by al-Habal are therefore not representative of the whole school, but of a vociferous minority within it. Shawkānī tends to give the mistaken impression that those who condemn also curse, and in so doing he places all Hādawis into the Rāfīdis camp.

For Shawkānī those who cursed the Companions were Rāfīdis and their action was tantamount to atheism (ilhād) and heresy (zandaqa). They were enemies of Islam who used the issue of love for the Prophet’s family to engender hatred for the Companions, and ultimately were out to undermine and negate the Shari‘a. Shawkānī says of them:

It is no wonder that the origin of the Rāfīdi manifestation is one of atheism (ilhād) and heresy (zandaqa). It is performed by one who secretly desires to undermine Islam, so he manifests love and allegiance to the House of the Prophet of God--may God’s peace and blessings be upon him and his family--in order to attract the hearts of people... and then he explains to the people that the rights of the [Prophet’s] kin (qarāba) can not be had except by forgoing the rights of the Companions... . All he wishes is to undermine and negate the Shari‘a because the Companions--may God be

29 See for example al-'Amrī, 1990, al-Imām al-Shawkānī rā' id ‘asrīh, pp. 95ff.
30 For a contemporary attack of this sort see Hijar al-'ilm, I : 238 ff. and Hijar ab‘ ilhm, IV : 2196 ff.
pleased with them—are the ones who related to the Muslims the knowledge of the Shari’a from the Book and the Sunna. Were this concealed heretic and openly declared Rāfidī to accomplish slandering the Companions, declaring them to be infidels and judging them as apostates, the Shari’a in its entirety would be nullified because they [the Companions] are its transmitters and narrators from the Prophet... .

The above accusation is commonly made by Sunnis against Shi‘ites, in particular against the Ismā‘īlis and the Imāmīs. Indeed, Shawkānī goes on to mention the Ismā‘īlis in the passage cited. From his perspective, even to tolerate the cursing of the Companions, who were the first transmitters of the ḥadīths, would lead to undermining the whole corpus. Hence, like most Sunnī jurists, he considered the cursing of a Companion a major offence (kaḥīra) which rendered the curser (sābb) a reprobate (fāṣiq). Generally, Sunnī jurists considered the sābb a fāṣiq and as a result denied him the right to be a witness. Few went as far as to declare the sābb an outright infidel (kāfir), for the repercussions of this were quite severe, possibly implicating the one who practises the takfīr with kufr himself. Shawkānī expected a Muslim to have a good opinion (ḥusn al-zan‘) of his fellow Muslims, and he explicitly forbade any defamatory statement (ghība), in whatever situation, by one Muslim about another.

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31 Adab al-talab, pp. 71 - 72.
32 Cf. Albert Arazi, 1987, “Ilqām al-hajar li-man zakkā sābb Abī Bakr wa-‘Umar d’al-Suyūṭī,” in JSAl, no. 10, p. 222 ff.; Kohlberg, 1976, “Some Zaydī views on the Companions of the Prophet,” p. 96, fn. 37; Cf. Lutz Wiederhold, Spring 1997, “Blasphemy against the Prophet Muhammad and his Companions (Sabb al-Rasūl, Sabb al-Sahābāh),” pp. 39 - 70. The last reference is a study of a treatise on the sābb of the Prophet and the Companions by the Shāfi‘ī jurist Taqī al-Dīn al-Subkī. In it Subkī appears to break ranks with the majority Sunnī opinion on the judgement of a curser of the Companions by advocating that such a person be declared a kāfir and be executed. Subkī’s opinion was perhaps meant to be an ex post facto justification for a judgement of takfīr which had been passed in his time after a Shi‘ite cursed Abū Bakr, ‘Umar and ‘Uthmān in the Umayyad mosque in Damascus.
Zaydī Opinions on the Succession to the Prophet and on the Companions:

The early Zaydis in Kufa were broadly divided into two groups, the Batriyya and the Jārūdiyya. Reflecting a moderate Shi‘ism, the Batriyya were those who claimed that ‘Alī was the most excellent of men after the Prophet but who nonetheless accepted the caliphates of Abu Bakr, ‘Umar and the first six years of ‘Uthmān’s. They accepted the leadership of the less excellent (al-ma‘dul) despite the presence of the more excellent (al-a‘fdal). By contrast, the Jārūdiyya reflected the more radical views of the Imāmiyya and rejected outright the caliphates of Abū Bakr, ‘Umar and ‘Uthmān, claiming that the Prophet had invested ‘Alī as his executor/legatee by designation. They asserted that the designation did not mention ‘Alī explicitly by name but did describe him (bi-l-wasf), and declared all those who did not accept this to be offenders (fussāq). The Jārūdiyya also rejected the Traditions and legal opinions transmitted by such Companions whereas the Batriyya would accept these.34

Jārūdiyya tenets, as Madelung has shown, came to dominate in Zaydī circles from the 3rd/9th century onwards and influenced such Imāms as al-Qāsim b. Ibrāhīm and his grandson al-Hādi Yaḥyā b. al-Ḥusayn. In a departure from al-Qāsim’s opinions, however, al-Hādi held that Abū Bakr and ‘Umar were apostates (murtaddim) deserving the death penalty.35 The Zaydis in Yemen have had to contend with this uncompromising position adopted by the founder of their imāmate, and throughout their history individuals would emerge reminding others of this and calling for application of the principle in practice. Later, in the 4th/10th century Zaydis appear to have softened their position with regards to the

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opponents of ‘Ali. They continued to hold that ‘Ali and his two sons by Fātima, al-Ḥasan and al-Ḥusayn, had been invested by the Prophet through designation, but that this designation was obscure (khāli) and needed investigation (nazar) to be discovered. This allowed them to lessen the sin of the early Companions, and in particular that of the caliphs Abū Bakr and ‘Umar.\(^{36}\)

Perhaps owing to the increasing influence of the Muʿtazila, many of whom were Sunnis and whose teachings came to predominate in Yemen from the 6th / 12th century onwards, Zaydīs adopted an even more moderate stance towards the Companions and many advocated the practise of stating the formula “may God be pleased with him” (tardiya) after mentioning a Companion’s name.\(^{37}\) But this practise remained controversial, and many Zaydī imāms preferred to abstain from adopting it, favouring instead the neutral stance reflected in the practise of tawaqquf (lit. remaining silent after the mention of a Companion’s name). The motive behind this was the suspension of views on what God’s judgement would be of the Companion who had defied ‘Ali.

The basic problem confronting the Zaydīs with regard to those Companions who had opposed ‘Ali was the legal status of their act of insubordination against the legitimate successor of the Prophet. A distinction was made between Companions such as Abū Bakr and ‘Umar who usurped the Caliphate after the Prophet’s death and those other Companions, like Muʿāwiya, who opposed ‘Ali’s becoming Caliph after ‘Uthmān’s death. It appears that Zaydīs unequivocally considered Muʿāwiya to be an apostate and most would systematically curse him. But with regard to Abū Bakr and ‘Umar the question arose for later Zaydīs as to whether they were to be declared apostates in accordance with al-Hādī’s practise? Or were they to be deemed grave sinners (fussāq) since their action of usurping power constituted a major offence (kabīra)? Or was one to suspend judgement about them and remain silent about their status?

\(^{36}\) Madclung, “Imāma,” in EI², III: 1166.

Or were they to be exonerated by declaring that they had committed a pardonable error (*khāta*)? Different Zaydis appear to have adopted all of these four positions. Some stated that Abū Bakr and ‘Umar committed an error (*khāta*) or an odious deed (*qabīḥ*) and an act of rebellion (*ma’ṣiyya*), but not *fisq*. These generally adopted the practise of *tardiya*. Others refused to state their opinion on the matter and practised *tawaqquf*. And yet others continued to uphold the Jārūdī and Hādawī positions or some variation of these. This last group of strict Hādawīs condoned the cursing, but did not systematically practise it, feeling that it was not generally appropriate for believers to practise cursing (*la’n, sabb*).39

The use of the canonical Sunni ḥadith collections was closely entwined with the position a Zaydi adopted on these matters. The ones who were more accepting of the Companions would incline to using them and consider them authoritative. Stricter Hādawīs either rejected them outright or if they cited them, did so selectively, reflecting the dubious nature of their authenticity. In the Yemeni highlands, it was only the Traditionists, like Ibn al-Wazîr and Shawkânî, who advocated their exclusive use and considered them the most authoritative sources after the Qur’ān. For this reason, the degree to which a scholar used and gave these sources primacy determined where he fit along the spectrum running from strict Hādawī-Jārūdī to Traditionist.

**Al-Mu’ayyad Yaḥyā b. Ḥamza: an example of the moderate Zaydi scholar**

Reflecting the early position of the Batriyya, a number of medieval Zaydi scholars who were also greatly influenced by the Mu’tazili school adopted a moderate attitude to the Companions by practising *tardiya*. A key figure in this

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moderate tendency was Imam al-Mu’ayyad Yaḥyā b. Ḥamza (d. 749 / 1348), whose treatise on the question of the cursing of the Companions entitled *al-Risāla al-wāzi’a li-l-mu’tadin ‘an sabb saḥābat sayyid al-mursalin* (The Missive which Restrains the Aggressors from Cursing the Companions of the Lord of the Messengers) has recently been edited and published.\(^{40}\) The treatise consists of a set of answers to questions posed by ‘Abd Allāh b. Mas’ūd al-Dhubyānī\(^{41}\) about the imāmate of ‘Alī, the judgment of the Caliphs who had opposed him and whether they would enter paradise, and finally the question of who are the Zaydis.

In this work Yaḥyā affirms that ‘Alī was the best of men after the Prophet because of the explicit virtues (*fāḍā’īl zāhira*) God had bestowed on him and that his imāmate, as well as that of his two sons, was determined through designation (*nāṣ*). He then enumerates twenty of ‘Alī’s virtues among which are that he was the first to believe (*al-sabq bi-l-imān*) and his closeness in kinship to the Prophet (*al-qaraba*).\(^{42}\) Having established ‘Alī’s excellence, Yaḥyā turns to the judgment of Abū Bakr and ‘Umar. After summarizing five different positions\(^{43}\) adopted by various Shiʿite groups on the issue he states unequivocally that what we see as being the Law (*al-shar*')... and what we command those who read this book to follow is the road of soundness for the fair-minded. This is that their [the Companions’] contravention of the textual designations [in favour of ‘Alī], even if these are absolute (*qāṭi’a*), does not entail their infidelity (*kufr*), grave sinfulness (*fīsq*), apostasy (*khurūj ‘an al-dīn*) and does not necessitate severing [one’s] loyalty (*muwalat*) to them. For their belief is sound... it is the path chosen by the most


\(^{41}\) I could not find his biography but the name indicates that he belonged to the Bakīli tribe of Dhubyān which bordered Arhab in the northern Yemeni highlands.


\(^{43}\) The five groups mentioned are first the Imāmiyya and Rāfīḍīs who declare those who opposed ‘Alī to be infidels because they contravened the Prophet’s intention (*qasād*), which is obligatorily known (*ma’lum bi-l-darūra*). The second group are the Jārūdiyya who declare the proof of ‘Alī’s designation to be definitive (*qāṭi’a*) and that therefore anyone who opposes it is a grave sinner (*‘ājāb*). The third group are the Sālīhiyya (= Bāṭriyya) who accept the caliphates of Abū Bakr and ‘Umar but not that of ‘Uthmān. The fourth group, who are unnamed, accept Abū Bakr and ‘Umar but declare ‘Uthmān to be an infidel. The fifth group are the ‘Abbāsiyya (= Nizārī Ismā’īlis) who declare Abu Bakr and ‘Umar to be infidels, cf. Ibid., p. 26.
eminent among the Ahl al-Bayt and the [most] accomplished among their followers... .

The imamate is for the Zaydis a principle of religion (asl dīn), just as are God’s unicity (tawḥīd) and justice (ʿadl). According to Zaydi theology every Muslim must believe in these principles after undertaking a process of personal investigation (nazār) which leads to certain knowledge (ʿilm) of these tenets of faith. This did not, however, imply giving total freedom to the investigator to arrive at any conclusion; the Muslim was expected to acknowledge the doctrines established by the school, and in practise the process of investigation was expected to be perfunctory since a majority of Muslims were not scholarly enough to wade through the conceptual field of usūl al-dīn. For the Zaydis, to reject any one of these principles meant renouncing the faith. This posed a problem with regards to those Companions who opposed the imāmate of ‘Alī. This was to be the argument levelled by the strict Hādawīs against the Traditionists, who not only accepted the imāmates of Abū Bakr and ‘Umar but also held that the Companions, even those who had fought against ‘Alī, had moral probity (ʿadāla) and were the best generation of Muslims and worthy of emulation. The moderate Zaydi position was not so extreme in its veneration of the Companions, but it nonetheless tried to exonerate most of the Companions from the sin of opposing ‘Alī, with the exception of Muṭawiya and some whose bitter enmity to ‘Alī was explicit.

In his treatise al-Muʾayyad Yahyā adduces statements of the early Zaydi imāms, starting with ‘Alī b. Abī Ṭālib, in favour of the Companions, focusing in particular on Abū Bakr and ‘Umar. The gist of Yahyā’s argument is that none of the early Zaydi imāms had declared any of the Companions to be infidels (kuflar) or grave sinners (fussāq) despite their contravention of definitive texts (nusūṣ qāṭiʿa) about ‘Alī’s precedence and right of succession by some of them. Ijmāʾ

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44 Yahyā b. Ḥamza, al-Risāla al-wāziʿa, p. 27.
requires the existence of definite proof (*dalāla qaṭʿiyya*) before declaring a Muslim to be an infidel or a grave sinner, and this is not present here. The legal proof only indicates that a mistake was committed by the Companions in the process of examining (*khataʿ fi al-naẓar*) the texts of designation (*nuṣūṣ*).47 Yahyā makes the argument that while the indication for 'Ali’s imāmāte is definite and the truth in it is one and is not a matter open to reasoning (*ijtihād*), one must still have a good opinion of the Companions who committed an error when contravening these definite texts. This is because the indication of these texts is open to reasoning and entails obscurities and subtleties and one cannot, therefore, consider the Companions infidels or grave sinners.48 ‘Ali himself had given the first caliphs his allegiance and did not treat them the way he treated Mu'āwiya, ‘Amr b. al-'Āṣ, Abū al-A'war al-Sulamī and Abū Mūsā al-Ash'arī, whom he had cursed and from whom he dissociated himself (*tabarraʾa*).49 With the exception of these latter, ‘Ali had treated all the Companions with love, friendship, assistance and support. Yahyā then claims that no statement has been transmitted from either of ‘Ali’s two sons, al-Ḥasan and al-Ḥusayn, in which Abū Bakr or ‘Umar are cursed, impugned, or declared infidels or grave sinners. There follows the well known story about Zayd b. ‘Ali refusing to dissociate himself from the two Shaykhs (*al-shaykhayn*), as Abū Bakr and ‘Umar are known, for which refusal most of the people of Kūfā rejected his leadership, thereby becoming known as the Rāfīḍīs.50 Moderate Zaydis and Traditionists, like Shawkānī, often use this report about Zayd to claim that the early Zaydi spirit was tolerant and most worthy of emulation.51

47 Yahyā b. Ḥamza, *al-Risāla al-wāziʿa*, p. 27.
48 Yahyā b. Ḥamza, *al-Risāla al-wāziʿa*, p. 44.
49 Yahyā b. Ḥamza, *al-Risāla al-wāziʿa*, p. 29. A similar argument is made by Śārim al-Dīn al-Wazīr who advised Zaydis to make a choice on the matter of the *tardiya* whilst keeping in mind that ‘Ali had used it.
After narrating more reports about the positive attitude of early imāms towards Abū Bakr and ‘Umar, Yahyā reaches the more intransigent position taken by al-Qāsim b. Ibrāhīm, al-Hādī’s grandfather. Al-Qāsim is said to have been asked about the two Shaykhs and to have responded with the Qur’ānic verse: (II : 134) “That is a nation that has passed away; there awaits them what they have earned, and there awaits you what you have earned.” Yahyā sees this as an indication of al-Qāsim’s refusal to defame them and relegating their fate to God. Another indication for him of al-Qāsim’s refusal to insult and curse Abū Bakr and ‘Umar is a report that al-Qāsim had disavowed their action of preceding ‘Alī to the Caliphate and had become angry. Yahyā emphasises that he did not exceed this to share in the words of the Ṭāfīdīs, viz. to curse them. It is notable that al-Hādī’s opinion is not mentioned anywhere in Yahyā’s treatise, but is placed together with that of his grandfather, and the only later imāms mentioned are the Caspian imāms al-Nāsir al-Uṭrūsh and al-Mu’ayyad Aḥmad b. al-Ḥusayn. Al-Nāṣir is reported to have said the tardiya whereas al-Mu’ayyad practised tawaqquf in his youth but later in life said the tarahhum after the names of Abū Bakr and ‘Umar.

After establishing that none of the early Zaydī imāms had declared the Companions infidels or grave sinners, Yahyā asserts that there were two groups amongst the Zaydīs regarding the Companions. The first and preponderant group was the one which practised the tardiya and tarahhum and included among its members ‘Alī, Zayd b. ‘Alī, Ja’far al-Ṣādiq, al-Nāṣir al-Uṭrūsh, and al-Mu’ayyad Aḥmad. Their practise, Yahyā says, is what he chooses to adhere to. The basis for this group’s position is that the Companions’ belief is certain and that their contravention of the textual evidence constitutes a mere error (khata) and can not be construed as constituting either a major or a minor act of disobedience. The second group practises tawaqquf, i.e. abstains from saying the tardiya or the

52 Yahyā b. Ḥamza, al-Risāla al-wāzi‘a, p. 35.
53 Yahyā b. Ḥamza, al-Risāla al-wāzi‘a, pp. 36 - 37.
tamarhum, and includes al-Qāsim, al-Hādī, his children and al-Manṣūr ‘Abd Allāh b. Ḥamza. Yaḥyā says the reason for this is that they were not sure whether the error committed by some of the Companions was major or minor, although they did forbid the practise of declaring them infidels or grave sinners. He criticises the second group by saying that it would have been better for them to have asserted the certainty of the Companions’ belief and that the error did not constitute a major sin.⁵⁴ In the last section of his treatise Yaḥyā provides the questioner with a definition of Zaydisim, but before that he asserts that the Companions, even those who opposed ‘Alī’s initial succession, would enter paradise on the basis of their deeds which excel those of other Muslims and he cites the Tradition that they are the best generation. He finally condemns those who refuse to pray behind those who believe this to be the case.⁵⁵

Al-Mahdī ʿĀḥmad b. Yaḥyā al-Murtadā (d. 840 / 1436) is another representative of the moderate Zaydis on this issue. He also held that those who had preceded ‘Alī to the caliphate had committed a definite error because they had contravened an explicit text. In his opinion, however, they were not grave sinners because what they did was not out of rebellion but rather because of a doubt (shubhah). He insists that saying the tarḍiyya for them is permissible because their belief is certain.⁵⁶

Hādawī Opinions of the Companions:

Yaḥyā b. Ḥamza’s division of Zaydis into those who practised tarḍiyya and those who practised tawaqquf reflects their major split in opinion over the Companions who had opposed ‘Alī, with the exception of Muʿāwiya and his associates whom Zaydis unanimously condemned as having been grave sinners.

⁵⁴ Yaḥyā b. Ḥamza, al-Risāla al-waḍi‘a, pp. 40 - 41.
The group which practised tawaqquf included many of the great figures of Zaydism in Yemen and can be said to represent the majority opinion down to the Qāsimī period. An early example of such a scholar is Ḫumaydān b. al-Qāsim b. Yahyā (7/13 century) who called for a return to the earlier Zaydī doctrines of al-Qāsim b. Ibrāhīm and al-Hādī whilst rejecting the preponderant influence the Başran Muʿtazilī school had acquired in Yemen at his time, and in particular the highly scholastic discussions it engendered. Like al-Hādī, Ḫumaydān held radical Shīʿīte views regarding the Companions: he rejected the argument that as mujtahids their sins were forgiven and he allowed the cursing of those whose sinfulness had been established, namely Muʿāwiya and his followers.57 Other examples of scholars who held this position on the Companions, although not necessarily agreeing with Ḫumaydān’s anti-scholastic stance, were al-Mutawakkil Ahmad b. Sulaymān (d. 566 / 1171), al-Manṣūr ʿAbd Allāh b. Ḥamza (d. 614 / 1217) and al-Qāsim b. Muḥammad (d. 1029 / 1620), the founder of the Qāsimī dynasty, amongst others.

The founder of the Qāsimī dynasty upheld the doctrine of tawaqquf and criticized the position which called for accepting the probity (ʿadāla) of the Companions without exception.58 In his Kitāb al-Asās, al-Qāsim states that those Companions who did not realise (lam yaʿlamū) that ʿAlī was more deserving of the caliphate, even after investigation, had not committed a sin (ithm). Whereas, he maintains, those who did realise this and did not side with him committed a major sin (kabīra), because of the consensus (ijmāʿ) that whoever opposes the righteous imām transgresses against him (baghāʿ alayh), and this constitutes fisq. The difficulty lies in knowing who among the Companions had realized this. Since this was not easily discernible, many of the Zaydī imāms chose to practise

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tawaqqut.\(^{59}\) Al-Qāsim, however, cursed Mu‘awiya.\(^{60}\) He also rejected the argument made by the moderate Zaydis that the certainty of their belief requires their acceptance as faithful Muslims (al-asl al-īmān fa-l-natawallahum) because, according to al-Qāsim, the ambiguity (iltibās) of their sin (ma‘siya) abrogates the knowledge of their explicit belief (ḥusul al-iltibās nasakha al-‘ilm bi-īmānīhim fī al-żāhir).\(^{61}\) Al-Qāsim’s son, al-Mutawakkil Ismā‘īl, was perhaps more moderate because he says in his creed, al-‘Aqīda al-ṣaḥīха wa-l-dīn al-naṣiḥa, that “it is necessary to be devoted to the Companions—may God be pleased with them all—and [to uphold the position] that none of them were hypocrites (munāfiqūn) or grave sinners (fussaq).” The following statement, however, is somewhat vague for he says: “the sound Tradition says that they are not Companions for the mischief they have caused” (wa fī al-ḥadīth al-ṣaḥīḥ annahum laysū bi-ṣaḥāb limā aḥdathūh).\(^{62}\) Were Abū Bakr and ‘Umar to be stripped of Companion status according to al-Mutawakkil? It remains unclear because he seems to leave the door open for that possibility.\(^{63}\) It is reported that he did prevent the Ḥadrāmis from saying the tardiya on the Shaykhayn when Hadramaut came under his control.\(^{64}\)


\(^{60}\) al-Qāsim b. Muḥammad, 1994, Kitāb al-Asās, p. 156.


\(^{62}\) See my edition of this text in the appendix.

\(^{63}\) One of the leading jurists in al-Mutawakkil’s court, Aḥmad b. Ṣāliḥ b. Ābī al-Riḍāl (d. 1092 / 1681) has written a treatise on this issue as well entitled ‘lām al-muwālī bi-kalam sadatihī al-na‘lām al-muwālī, British Library, MS. OR. 3852, fols. 36 - 59. In this work Ibn Abī al-Riḍāl argues against cursing because, he says, it is not becoming for Zaydis to do so, but he also argues that all Zaydis are Jārudīs and that there is no doubt that those Companions who did not side with ‘Allī have committed a sin. He criticizes Yaḥyā b. Ḥamzah’s assertion that a consensus exists among Zaydi imāms against declaring the Companions sinners. However, he appears to leave open the choice of whether one should practise the tawaqqut and tabri‘a or the tardiya of the Companions. One can probably assume that Ibn Abī al-Riḍāl’s views here reflected those of al-Mutawakkil.

In the Qāsimī period scholarly conflicts over the issue of the status of the Companions took place on various occasions, and treatises were written on the subject by both those who advocated accepting their probity and those who rejected it. Yahyā b. al-Ḥusayn b. al-Qāsim (d. 1100 / 1688-9), the famous historian and author of Anbā’ al-zaman, was known for his pro-Companion stances. He wrote a treatise against the strict Hādawī Qādi Ahmad b. Sa’d al-Dīn al-Maswārī, a retainer and court official of the early Qāsimī imāms, in which he defended the scholars of hadīth, and also a treatise entitled al-Īḍāḥ limā khāṣīya mina al-ittilāq ‘alā taʿzīm ṣaḥābat al-muṣṭafā (Making Clear the Concealed Consensus about the Veneration of the Companions of the Prophet). Shawkānī claims that because of his pro-Sunnī opinions Yahyā b. al-Ḥusayn faced many trials and tribulations with the Hādawīs of his age. A cousin-once-removed of his, who is confusingly also called Yahyā b. al-Ḥusayn (d. 1090 / 1679), held quite the opposite view on the Companions, allowing them to be cursed.

In a slightly later period the same issue arose and again treatises on the subject were written. The defender of the Companions this time was Sayyid Ṣalāḥ b. Ḥusayn al-Akhfāsh (d. 1142 / 1730), the prayer leader at the Dāʿūd mosque in Sanaa, who wrote a treatise entitled Risāla fī masʿalat tanzih al-ṣaḥāba (A Treatise on the Matter of the Exculpation of the Companions). ‘Abd Allāh b. ‘Alī al-Wazīr, a close advisor of the reigning imāms and a Hādawī, wrote a rebuttal to al-Akhfāsh’s treatise which was entitled Irsāl al-dhū’ābā bayna janbay masʿalat al-ṣaḥāba (Loosening the Lock of Hair from Within the Question of the Companions).  

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65 This treatise is also known by the title Muntahā al-iṣāba fīmā yajibu min rīʿāyat ḥuquq al-ṣaḥāba, MS. Sanaa, Great Mosque Library, Majmuʿ no. 106. See al-Ḥibshi, Masādir al-fikr, p. 131 and Badr, II : 328 - 29.
66 Badr, II : 330.
67 See al-Ḥibshi, Masādir al-fikr, pp. 134 - 35. Al-Akhfāsh’s treatise is in Sanaa’s Gharbīyya Library, MS. Majmuʿ No. 124, fols. 28 - 35 and al-Wazīr’s response is in the margin. I would like to thank Mr. Zayd al-Wazīr for providing with a copy of both treatises. Cf. Badr, I : 295 - 96; Nashr, 1 : 789. Akhfāsh also wrote a treatise entitled Ṣāḥat al-fawāḥīṣ fī al-radd ‘alā shīʿat Muʿāwiyah al-kilāb (MS. Gharbīyya Library, Majmuʿ, no. 91), which indicates that he may have later changed his views.
These clashes involved larger issues than the probity of any particular Companion. They were about what it meant to be a Zaydi, the role and special standing of the Ahl al-Bayt as religious and political leaders of the Muslim community and what constituted an authoritative source of law and belief. A strict Hādawī opponent of Shawkānī states:

They [Shawkānī and his peers] say: we are the Ahl al-Sunna, we follow those ḥadiths we consider to be sound. To accomplish their evil intention they have promoted the ‘adāla of all the Companions, even if one of them manifests an evil, and they follow a ḥadith which has been transmitted by a single one of them even if it is contrary to the Qurʾān... . The Ahl al-Sunna adhere to this evil belief, that of the ‘adāla of all of them, because of what we have pointed out, namely the accomplishment of their intention to cling to the ḥadiths which they [i.e. the Umayyads and ‘Abbāsids] have fabricated for them. Such as, the ḥadiths about the visio beatifica (al-ruʿya), predestination (jabr), anthropomorphism (tashbih), that believers will not remain eternally in hell and other false beliefs. Were they to relinquish this belief in their probity, most of them [the Companions] would be found to be unreliable... .

One point must be borne in mind when considering these late Hādawī attacks on those who argued for the ‘adāla of the Companions and the practise of tardiya. The debate was not just between moderate and strict Zaydīs but between Sunna-oriented Traditionists, like Shawkānī, and Hādawīs who saw their own opinions as consistent with those of the early Qāsimī imāms and even those of earlier scholars like Ḥumaydān.

Shawkānī’s Irshād al-ghabi:

The issue of the proper attitude towards the Companions brings into sharp relief the way in which the Sunni-oriented Traditionist scholars were now defining proper religious belief and practise, and the alliance they had struck with

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the state which brought to bear its coercive powers on these matters. The scholarly debates over the status of the Companions in late 18th century Sanaa give a much fuller picture of the tensions between the strict Hâdawîs and the Sunni-oriented scholars as well as the issues at stake; namely, what constituted being a Hâdawî and what role should the state be playing in promulgating and defending the Hâdawî cause. In their specific arguments about the Companions, Shawkâni and his Traditionist peers asserted that true Zaydism is represented by its “moderate” scholars—an argument already seen in the work of Yahyâ b. Ḥamza—and that no Zaydi imâm had ever cursed or allowed the cursing of the Companions. The Traditionists ignored the opinions of stricter Zaydi-Hâdawî imâms, like those of al-Hâdı and the early Qâsimîs, who did not adopt a moderate stance. They also traded on an ambiguity by treating the Companions as a homogeneous group, including the more problematic ones like Muʿawiyah together with Abû Bakr and ʿUmar, whom the Zaydiş had treated in more nuanced terms. The strict Hâdawîs, on the other hand, invoked the more hard-line position of al-Hâdı and other Yemeni imâms, such as al-Mansûr ʿAbd Allâh b. Ḥamza and the early Qâsimî imâms, as being representative of true Zaydism. Cursing, they said, was not the habit of the followers of the Ahl al-Bayt as it was not becoming, except in the case of Muʿawiyah and his companions. However, they also went on to condemn Abû Bakr and ʿUmar for their disregard of the rights of the Prophet’s family without outrightly cursing them. They accused the Traditionists of wanting to undermine the Zaydî daʿwa altogether and complained bitterly about the Sunni direction the state had taken, seeing Shawkâni, whom they described as a Nâṣîbî (an opponent of ʿAlî and the Ahl al-Bayt), as the sower of the destruction of Zaydism.

In the year 1208 / 1793-4 Shawkâni received a question from scholars about the cursing of the Companions. His answer was a treatise which is entitled ʿIrshâd al-ghâbi ila madhhab ahl al-bayt fi suhb al-nabi (Guidance to the Ignorant
about the Doctrine of Ahl al-Bayt Concerning the Companions of the Prophet. The questioner’s name is not known, and the treatise is in the form of a long argument addressed to an imagined strict Hādawi interlocutor with the aim of convincing him that there is a consensus (ijmā’) among the Zaydi imāms against cursing the Companions, and that indeed doing so constitutes infidelity.

Shawkānī’s main sources in the Irshād al-ghabī are Yaḥyā b. Ḥamza’s al-Risāla al-wāzi’a and Yahyā b. al-Ḥusayn’s al-Iṣḥāḥ. He goes beyond Yaḥyā b. Ḥamza’s treatise, however, in adducing statements positive in their appraisal of the Companions by Zaydi imāms who came after those quoted there. In the introductory remarks Shawkānī claims that in his day Zaydism and its literary sources were no longer known by those who purported to be its followers, who would now only study a single abridgement. Because of this much confusion had ensued and false opinions were attributed to their imāms. The situation had become such that many were now attacking the Companions’ honour and claiming that this was in accordance with the teachings of the Ahl al-Bayt. Shawkānī proposes to show the truth of the matter by relying exclusively on Zaydi sources and to prove that the noble Zaydi centres of learning had indeed disintegrated (indirās ma’āhid ‘ulūmihim al-sharifa fi ṣaddihih al-azmina). The tenor and content of his answer is provocative and patronizing.

The crux of Shawkānī’s argument is, as noted, his claim that an established consensus exists among the imāms of Ahl al-Bayt which prohibits the cursing (sabb) of the Companions as well as declaring them to be infidels (takfir) or grave sinners (tafsiq). He then sets out to cite thirteen Zaydi authorities to prove that this consensus exists. The first authority is the Caspian imām al-

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69 See my edition of this work in the appendix.
70 Irshād al-ghabī, p. 1.
71 Irshād al-ghabī, p. 2.
Mu‘ayyad Ahmad b. al-Ḥusayn al-Ḥārūnī (d. 411/1020), who is quoted as reporting that all his forefathers had forbidden the cursing of the Companions.

The second authority is al-Manṣūr ʿAbd Allāh b. Ḥamza (d. 614/1217), a more important imām for the Zaydis of Yemen and a more problematic figure concerning the Companions for he appears to have expressed two different opinions in his works. Al-Manṣūr advocated tawāqquf in his major work Kitāb al-Shāfi, whereas he adopted the more lenient practise of tardiya in his treatise Jawāb al-masā’il al-Tihāmiyya. This ambiguity in al-Manṣūr’s opinion was pointed out by Yahyā b. Ḥamza in his al-Risāla al-wāzi‘a, where the latter criticized those who claimed that al-Manṣūr had held that true Zaydis were Jārūdis, and that he had stated: “do not pray behind the one who says the tardiya on them [i.e. Abū Bakr and ‘Umar], and ask the one who curses them for his evidence [allowing such practise].” Yahyā b. Ḥamza retorts by saying that al-Manṣūr had meant that Zaydis had adopted the Jārūdī claim that the imāmate of ‘Alī was valid through designation (thābita bi-l-nāṣṣ), not that they took on the Jārūdī practise of declaring the Companions grave sinners. Moreover, he adds that al-Manṣūr had not made the above statement but the following one: “do not pray behind the one who curses them and ask the one who says the tardiya for his evidence.”

Shawkānī pursues this line of argumentation, quoting passages from al-Manṣūr’s writings to the effect that the Zaydi imāms had not cursed Abū Bakr and ‘Umar, rather they had considered them the best people after the Prophet, ‘Alī and Fāṭima. They had committed an error (khata’) and an act of disobedience (maṣiṣiya) in preceding ‘Alī which only God can judge, yet deserved to be pardoned because of all their previous good deeds. Shawkānī goes on to cite passages from the works of Yahyā b. Ḥamza to argue that the majority of Zaydi imāms practised tardiya. He then cites other authors such as al-Ḥādī b. Ibrāhīm

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73 Yahyā b. Ḥamza, al-Risāla al-wāzi‘a, pp. 41 - 43.
74 Irshād al-ghabi, pp. 2 - 3.
al-Wazîr and Yaḥyâ b. al-Ḥusayn b. al-Qâsim (d. 1100 / 1688 - 89), followed by a list of the names and works of the remaining thirteen authorities. All the citations present the Zaydî imâms as having prohibited or condemned the practise of cursing the Companions. Shawkânî seeks to argue that the “moderate” Zaydî position on the Companions, as espoused by Yaḥyâ b. Ḥamza and ʿAhmâd b. Yaḥyâ al-Murtâdâ, was representative of the school’s teachings, and in so doing he ignores the fact that the early Qâsimî imâms were not in that tradition since they had adopted a more uncompromising position on the issue of the Companions.

In the next section of the Irshâd al-ghabi Shawkânî begins a debate with an imaginary strict Ḥâdâwî interlocutor who is a curser of the Companions. He argues with the curser that he cannot base his practise of cursing on the Qur’ân, the Sunna, the writings of Zaydî imâms, those of the ulema of the Ḥâdîth or the four Sunni schools since in none of these can a statement be found allowing this practise; rather, the Companions are unequivocally praised in all these sources and considered to be “the best generation” and “the people of paradise.” As to the scholars of Ḥâdîth and the Sunni schools, Shawkânî approvingly says that they all considered the curser a reprehensible innovator (mubtadi’), with some declaring him a grave sinner whilst others outrightly condemned him as an infidel.75 The only source upon which a curser can base his practise, Shawkânî says, is that of the extremist Imâmis (ghulât al-Imãmiyya; the Twelver Shi’ites), who are the Râfîda, and who are condemned by all Muslim scholars, including the Zaydis. By taking the case of the curser and labelling him an Imâmî, Shawkânî has adopted the most uncompromising position on the question of the status of the Companions, which does not allow for any middle ground or subtlety in the matter.

75 Shawkânî’s source here is the Shâfi’i Egyptian scholar Ibn Ḥajar al-Ḥaytamî (d. 974 / 1567) whom he quotes as saying that “many imâms have declared those who curse the Companions to be infidels,” cf. Irshâd al-ghabi, pp. 6 - 7.
Shawkānī now quotes from Zaydi imāms who condemn the ṭalīda and later delves into the definition of this appellation. He first cites Aḥmad b. Yaḥyā al-Murtadā, who declares that the ṭalīda are those who curse the “two shaykhs” and are to be considered grave sinners. This is followed by a quotation from al-Ḥādī Yaḥyā b. al-Ḥusayn’s Kitāb al-Ḥakām in which al-Ḥādī condemns the Imāmiyya and cites the ḥadīth “O ‘Alī, at the end of time there will be a group who have a sobriquet by which they are known. They are called the ṭalīda. Kill them should you chance upon them, God has killed them for they are polytheists.” To bolster his argument, Shawkānī emphasizes that this ḥadīth is the only one in al-Ḥādī’s work which has a full chain of transmission (iṣnād) back to the Prophet, implying that if there is an opinion of al-Ḥādī’s which is truly founded on certain authority then this is it. To prove that the ṭalīda are those who curse the Companions, Shawkānī now narrates the story which gave rise to the name ṭalīda relying on Fayruzābādi’s dictionary, the Qāmūs, where they are described as those who rejected the imāmate of Zayd b. ‘Alī because he refused to dissociate himself from Abū Bakr and ‘Umar (abā an yatabarra’a min al-shaykhayn). Zayd’s refusal is interpreted by Shawkānī to mean that he refused to curse them. The Imāmiyya, Shawkānī asserts, not only curse the “two shaykhs” and the majority of the Companions (jumhūr al-ṣahāba) but also all Muslims including Zayd b. ‘Alī. This is in fact not true; moreover, the Imāmiyya’s rejection of Zayd can be seen in less polemical terms as their having chosen Ja’far al-Ṣādiq as imām instead of Zayd after Muḥammad al-Bāqir’s death.

The Irshād al-ghabī continues in this polemical style, making the point that ‘Alī had not cursed but had practised the tardiyā, and he quotes Sārim al-Dīn Ibrāhīm b. Muḥammad al-Wazīr’s (d. 914 / 1508) historical poem about the Zaydi imāms, al-Bassāma, in which the author says:

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The poem reflects the compromise position of some Zaydis, like Şārim al-Dīn Ibn al-Wazīr, who believed that Imām ‘Alī had been accepting of Abū Bakr and ‘Umar because of their earlier merits in the cause of Islam (sawābīq). Such “moderates” neglected al-Hādi’s opinion which had been more severe. Indeed, both the tawaqquf and tardiya positions deviated from al-Hādi’s more severe position, the former being less so than the latter. Because of these differences amongst Zaydis Shawkānī could highlight the opinion of the “moderate” Zaydis while neglecting that of the stricter ones and conveniently ignore that all approved of the cursing of Mu‘awiya. His focus also turned to some of the issues of early Islamic history which had long been the subject of polemics between Sunnites and Shi’ites. One such matter was Fadak, an oasis which Shi’ites believe was left by the Prophet as an inheritance to his daughter Fāṭima and which was denied her by Abū Bakr. According to the standard accounts, Abū Bakr, when approached by Fāṭima for her inheritance, claimed that he had heard the Prophet say: “We [the prophets] do not have heirs. Whatever we leave is alms (sadaqa). The Family of Muḥammad can eat from that property.” Upon realizing that she had been disinherit ed, Fāṭima is reported to have become angry and henceforth kept away from Abū Bakr not speaking to him until she died six months later.

Fadak is a shibboleth for the strict Hādawīs. Where one stands vis-à-vis Abū Bakr’s judgement determines for them whether he is a Hādawī or whether he has crossed over to the other side. Shawkānī would, however, highlight the fact

78 Cf. Badr, 1:31-32. The Bassāma has been edited by Mr. Zayd al-Wazir, who has kindly provided me with a copy. It author, Şārim al-Dīn Ibn al-Wazir, exemplifies a “moderate” Zaydi, advising the practise of tardiya for Abū Bakr and ‘Umar though he is explicit about the need to curse Mu‘awiya and his companions whom he considers Nasibis.

that the “moderate” Zaydis had indeed approved of Abû Bakr’s ruling. In his Kitâb al-Qalâ‘id, Ibn al-Murtaḍâ says that “Abû Bakr’s ruling on Fadak was sound, against the [opinion] of the Imâmiyya and some of the Zaydî Mu’tazîlis. According to me, had the ruling been false ‘Alî would have refuted it, and had it been unjust the Banû Hâshim and the Muslims would have disavowed it.”

Shawkâni also points out that in his Kitâb al-Shâmil, Yaḥyâ b. Ḥamza backed the same view when he said: “He [i.e. Abû Bakr] asked her [i.e. Fâṭima] to present the evidence for her claim [of ownership of Fadak], upon which she proferred ‘Alî and Umm Ayman [as witnesses]. He [then] said: ‘a woman with a woman or a man with a man’. She got angry because of this; justice made her angry (al-ḥaqq aghdâbah).”

The idea here is that Fâṭima did not adhere to the Islamic rules of witnessing, which require either two male witnesses or one male and two females, and therefore her evidence was rejected by Abû Bakr who then presented his own in the form of the hadith mentioned above. The approval by these scholars of Abû Bakr’s ruling, Shawkâni says, proves they believed he had the probity (‘adl) required for his acting as a judge in this matter.

Shawkâni fails to mention that al-Qâsim b. Muḥammad, the founder of the Qâsimî dynasty and a figure of great prestige in late Zaydism, held the opposite view. Al-Qâsim stated that as one of the disputants Abû Bakr could not rule as judge in the matter, and moreover, since ‘Alî was the legitimate imâm at the time and had not acquiesced in Abû Bakr’s reign (wilâya), the latter’s judgement could in no way be accepted. Furthermore, Fâṭima was already in possession of the property and therefore could not be asked to provide evidence of ownership.

80 Not all “moderate” Zaydis approved of Abû Bakr’s ruling as can be gleaned from the Ibn al-Wazîr’s Bassâma where he says: “they [i.e. Abû Bakr and ‘Umar] preceded Haydar [i.e. ‘Alî] in rule and usurped by force the inheritance of the meritorious and shy [i.e. Fâṭima].”


82 Irshăd al-ghabi, p. 9.

Al-Hādī makes the same arguments in his *Tathbīṭ al-imāma* and outrightly condemns Abū Bakr as a detestable apostate for his ruling on Fadak. Al-Manšūr thus was indeed closer to al-Hādī’s teachings than either Yahyā b. Ḥamza or Ibn al-Murtada. Concealing this fact, Shawkānī in the next section of the *Irshād al-ğabī* quotes al-Hādī as upholding the very opposite views. In a letter which is most likely apocryphal al-Hādī is said to have written to the people of Sanaa:

I do not hate any of the Companions--may God be pleased with them-- the sincere or the ones who follow them, because of the good deeds of the believing men and women among them. I support all those who emigrated and those who provided refuge and supported. For me anyone who curses a believer, holding it to be licit, has committed infidelity; and anyone who curses, holding it to be prohibited has strayed and committed a grave sin. I only curse those who have broken the pledge (*naqāḍa al-‘ahd*). Those will always be defeated. [I curse] the ones who were ventured into heresy and who time and again rebelled against the Messenger and boldly defamed his family...  

This letter is not to be found in either al-Hādī’s *Ṣīra*, his collected writings (*Majmū‘*) or in van Arendonk’s study of him. Even on the assumption that it is not apocryphal, the last sentence has a sting which can be understood as allowing the cursing of those who were opposed to the Ahl al-Bayt, which would include Abū Bakr and ‘Umar in al-Hādī’s estimation. In any case, Shawkānī uses the supposed quotation to tell his interlocutor that the Hādawī school considers the curser of the Companions to be either an infidel or a straying grave sinner.

After citing some more “moderate” Zaydi on the matter Shawkānī continues his argument by enumerating ḥadīths from the canonical Sunnī ḥadīth collections which warn against cursing fellow Muslims, declaring them infidels and grave sinners or making defamatory statements (*ğiba*) about them. In one of his concluding arguments Shawkānī maintains that according to the Zaydi school the matter of cursing and declaring others to be infidels or grave sinners is

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85 *Irshād al-ğabī*, p. 10.
86 *Irshād al-ğabī*, pp. 11 - 12.
not a matter in which taqlid is permitted; rather, one must attain the rank of mujtahid before expressing an opinion, since the issues at hand are not derivative (masā'il far'iyya), but ones in which certain knowledge (‘ilm) is required. Therefore, even if an opinion from a Hādawī authority could be found approving of the cursing it would not be permissible to follow it. In stressing the need for ijtihād, Shawkānī displays his disdain for his Hādawī opponents whom he considers ignoramuses.

In his conclusion, Shawkānī laments the situation in his day where strict Hādawīs label as Nasibīs all those who do not curse the Companions and those who read the canonical Sunnī ḥadīth collections and study the ḥadīth sciences as well as the scholars of ḥadīth and the Sunnīs generally. This, Shawkānī says, means declaring all Muslims to be infidels, since to be a Nasibī is to hate and show enmity to ‘Alī, which constitutes infidelity according to many ḥadīths. Yet to declare a single Muslim to be an infidel is an act of infidelity in itself. The Hādawīs who have called others Nasibīs thus have in fact unwittingly declared themselves to be infidels and have joined the ranks of the Khawārij. Finally, Shawkānī give thanks to God for

relieving [the believers] from the Nasibīs and the Khawārij and those who tread their path, for only a small group of them is left in Oman and a minuscule one on the edges of India who are called the Ibādis.87

In respect to the labelling of the scholars of ḥadīth and the readers of the canonical collections as Nasibīs by the strict Hādawīs, Shawkānī says:
	his is a calamity which leads to the unbelief of the one who is lax in these matters; and it is only one of two people who would do this: either one who is ignorant and does not know the meaning of nasb or what a Nasibīs, or one who takes no heed of unbelief.88

The reactions to Shawkāni’s *Irshād al-ghabī*.

Over twenty responses were written against *Irshād al-ghabī*. In describing the events, Shawkāni states that his enemies tried to persuade government ministers as well as the Imām al-Manṣūr ‘Alī to imprison or exile him, and some even advocated entering his home and confiscating all books containing legal opinions which were against the Hādāwī school. They argued that he sought to replace and nullify the school of Ahl al-Bayt; however, the imām, Shawkāni says, “remained silent and impartial, fearing God, and wishing to protect the ulema (ahl al-‘ilm) and to defend those who proffer proof to the faithful.” The imām’s decision to take Shawkāni’s side at this juncture reflects his pro-Sunnī stance and his willingness to forgo Hādāwī teachings which formed part of its early foundations.

Shawkāni goes on to report that after writing *Irshād al-ghabī* the general atmosphere in Sanaa was filled with danger for him and that he was advised not to continue teaching in the Great Mosque. He insisted on doing so, however, because of his students’ ardent desire to learn. Some Hādāwīs now came to the mosque to intimidate him: one evening they stood along his route as he was going home from the mosque and just stared at him. At a later date an unnamed Rāfīḍī minister sent slave troops into the mosque to cause fitna. In his account, Shawkāni presents the conflict as one between himself, a victimized upholder of the Sunna, and fanatics who were opposed to his teaching the Sunnī sources.

They arrived when the last evening prayers were still being held. They entered the mosque in a disguised manner [but] I saw them arrive. After the prayers were over, a group of my acquaintances mentioned that it would be best if I did not teach *Bukhārī* this evening [but] I was not convinced. Asking God’s aid and relying on Him, I sat in my usual place and some of my students attended whilst others absconded, seeing the troops there. Once I began the lesson and started reading I saw them circling the study circle from

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90 *Adab al-ṭalab*, p. 31.
side to side making noise with their weapons and striking their swords against one another. Then they left and nothing happened thanks to God’s help, bounty and protection.91

Very little is known about the events described here from sources other than those of the official chroniclers of the period and Shawkānī himself and his devoted students. In these his Hādawī opponents are invariably described as fanatics and extremists, and the view has been accepted by most contemporary authors writing on the period.92 The paradoxical fact that a Zaydi-Hādawī state would persecute Hādawīs and that its imām would take the side of Sunna-oriented Traditionists are either presented in an unproblematic fashion or explained away as reflecting the obvious righteousness of Shawkānī’s claims, which were recognized by the imāms. Be that as it may, the responses to Irshād al-ghabī sought to inflame the pro-Zaydf sentiments of the masses against him and the Sunna-oriented scholars who were depicted as destroying Zaydism with the collusion of the rulers. Several of these treatises have been compiled into one volume which is entitled Lzhār al-khabī fī al-radd ‘alā irshād al-ghabī (Exposing the Hidden Deceit in Answer to the Guidance to the Ignorant), and they throw light on the other side of the controversy.93

Amongst those who responded was Sayyid al-Ḥusayn b. Yaḥyā al-Daylamī (d. 1149 / 1834) who wrote Durr al-la ’ālī fi ḥujjat da’wat al-batūl li-fadak wa-l-‘awālī (The Glittering Pearls proving Fāṭima’s claim to Fadak and the ‘Āliya lands [of Medina]).94 Al-Daylamī was a close friend of Shawkānī’s, sharing his Sunni outlook and was an important figure in Dhamār at this time.

91 Adab al-ṭabāb, p. 32.
93 Al-Ḥibshi in his Masādir al-fikr, p. 141 states that a copy of the Irshād al-khabī is in the Ambrosiana library. However, the only printed reference to it which I could find is in the catalogue of the Sharqīyya Library of the Great mosque in Sanaa under Majmūʿ no. 90 (see Fihrist Makhtutat Maktabat al-Jamiʿ al-Kabīr, vol. 2, p. 532).
94 A copy of al-Daylamī’s treatise, which I have not seen, is in the Gharbiyya Library of the Great mosque in Sanaa, Majmūʿ no. 140, fol. 25 - 32.
His refutation of the *Irshād* must have come as a surprise. Shawkānī, however, explains that al-Daylāmī was impelled to respond because of the pressure which was brought to bear on him by the Ḥādawīs of Dhamār to show his enmity to his friend. He also asserts that upon closer reading, al-Daylāmī’s treatise is in fact supportive of his claims and that the Ḥādawīs were fooled by believing otherwise. In his only response Shawkānī wrote a rebuttal to al-Daylāmī’s work which he entitled *al-Durr al-munāḍḍad fī manāqīb Āl Muḥammad wa mathālīb man ṭaghā‘alayhīm wa tamarrad* (The Well Strung Pearls Regarding the Virtues of Āl Muḥammad and the Defects of Those who Oppose and Rebel Against Them). 95

Another responder was Qāḍī ‘Abd Allāh b. Ismā‘īl al-Nihmī (d. 1228 / 1813), who had been one of Shawkānī’s teachers, and Shawkānī explains that al-Nihmī did this because of the prompting of some government ministers. 96 A study of all these treatises would be beyond the purview of this thesis. Only the most significant rebuttal will be analyzed here, namely the treatise of the aforementioned Ismā‘īl b. ‘Īzz al-Dīn al-Nu‘mī (d. 1220 / 1805), who was exiled to the prison island of Zaylā’ after the second riots for having read this text in the Great Mosque. It is entitled *al-Sayf al-bātir al-mūdī‘ li-kashf al-ihām wa-l-tamwīh fī irshād al-ghabī* (The Luminous Sharp Sword which Reveals the Deception and Distortion in the Guidance to the Ignorant). 97

Ismā‘īl al-Nu‘mī’s *al-Sayf al-bātir*:

*Al-Sayf al-bātir* is a very long vituperative Shi‘ī response to Shawkānī’s *Irshād al-ghabī* in which the latter is called a *Nāṣibī* and is accused of hating the Ahl al-Bayt and the Āl Muḥammad and of wanting to destroy Zaydīsm by spreading false theological beliefs, mainly by teaching Sunnī texts in Zaydī

95 Adab talab, p. 34; *Badr*, I : 234. I could find no trace to this work but a rebuttal of it can be found in an addendum to al-Nu‘mī’s treatise which is edited here in the appendix.


97 Al-Nu‘mī’s treatise is edited in the appendix here along with a shorter response by al-Ilasan b. Muhammad b. ‘Abd Allāh. The latter is a response to Shawkānī’s response to al-Daylāmī’s response.

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mosques. The attack on Shawkānī is highly personal and refutes his *Irshād* point by point, quoting Ḥadawī authors, such as Ḥumaydān b. Yaḥyā, who had advocated a very strict stance on the Companions. The quotations, as in the case of the *Irshād al-ghabī*, are selective: whereas Shawkānī chose to highlight the opinions of “moderate” Muʿtazilī-influenced scholars like Yaḥyā b. Ḥamza and Ibn al-Murtaḍā, al-Nuʾmī chooses to dispute these by quoting those who maintained a commitment to al-Ḥāḍī’s strict opinions. Al-Nuʾmī even refuses to accept the veracity of Shawkānī’s quotations and implies that he is a liar. In effect, the argument and counter argument proceed by marshalling as many opinions of previous imāms and scholars as possible in order to bolster opposing claims about what “true” Zaydī beliefs are.

The weak Arabic in the *Sayf al-bāṭir* betrays al-Nuʾmī’s lack of scholarly ability. It is evident that he did not have a good grasp of grammar because the text is replete with errors such as incorrect gender and case endings. In places, it is corrupted rendering it impossible to understand what the author meant. The work is an exhortatory pamphlet by a “low-grade” scholar which was intended to be read out loud, as it had been in the Great Mosque prior to the riots of 1216 / 1802. It consists of emotive and largely rhyming prose, as well as poetry, which was aimed at moving listeners into lamenting the fate of Zaydism and evoking hatred for Shawkānī as an enemy of the Āl Muḥammad and their cause. It harps extensively, for example, on emotionally charged Shiʿīte accounts, such as the usurpation of Fadak by Abū Bakr, by which he disinherited Fāṭima and left her angry until her death. It also provides an example of the way in which the Ḥadawīs articulated their doctrines, what they understood to be Zaydism, and what they saw as the proper role of a Zaydī state in defending these doctrines. Al-Nuʾmī’s argument is circumlocutory and difficult to summarize. Indeed, the text was not written in the form of a scholarly argument, but more as an *ad hominem* attack on Shawkānī intended to stir Shiʿīte sentiments and spur the listeners to some sort of action.
As the full title of *al-Sayf al-bâtîr* suggests, al-Nu‘mî is basically accusing Shawkânî of deceiving (*îhâm*) and distorting (*tamwîh*) the teachings of the Ahl al-Bayt. He accuses him of “maligning the Ahl al-‘Adl wa-l-Tawḥîd with falsehood (*zûr*) and slander (*buhtân*), of [claiming] that the followers of the Family (*qarâba*) curse the rightly guided (*râshidîn*) among the Companions... of attributing to them religious ignorance (*ghabâwa fi al-dîn*)... and of instilling the belief that the Āl Muḥammad and their partisans are Râfidîs and the people of sin and error.” 98 All this, al-Nu‘mî says, amounts to Shawkânî’s infidelity (*kufî*).

A constant refrain repeated throughout the work is that the Ahl al-Bayt and their followers do not curse, “for cursing is not in their character, which [instead] lies in the pursuit of knowledge, being patient and chivalrous, and their habit is to persevere... and be patient if a matter befalls them.” 99 This, however, does not mean that they do not consider the likes of Abû Bakr and ‘Umar, not to mention Mu‘âwiya and his partisans, to be grave sinners and even infidels. Here, al-Nu‘mî comes to his second major point, which is to reject Shawkânî’s claim that a consensus exists amongst the Zaydîs against declaring the Companions to be grave sinners or infidels. To prove this, al-Nu‘mî cites the works of Ḥumaydân and Sayyid Muḥammad b. Idrîs (d. 736 / 1335) to the effect that the one who shows enmity or rejects ‘Alî is to be considered an infidel. He also quotes al-Manṣûr al-Ḥasan b. Badr al-dîn (668 / 1270) and Abûl’-Jârûd according to whom Zayd b. ‘Alî stated “the imâmate and the consultation (*shûrâ*) are only valid for us [i.e. the Ahl al-Bayt]” and that “every banner which was raised in Islam for others than us is a banner of error.” Then he quotes, to the same effect, Aḥmad b. ‘Abd al-Ḥaqq al-Mikhlâfi and Yâḥyâ b. al-Ḥusayn b. al-Mu‘ayyad Muḥammad (d. 1090 / 1679). 100 The latter belonged to a group of strict Hâdawîs who coalesced around Imâm al-Mahdi Aḥmad b. al-Ḥasan (d. 1092 / 1681) in the...
17th century, and represented thereafter for people like al-Nu’mî the true ideals of Zaydism out of which the Qâsimî “summons” was created and which it was meant to propagate. After citing these authorities, al-Nu’mî asks Shawkânî rhetorically about the consensus he claims to exist, and states that if the latter rejects the proof provided here he will consider him a heretical Nasibion a par with the hadîth scholars Shams al-Dîn al-Dhahabl (d. 748 / 1347) and Yahyâ b. Ma’in (d. 233 / 848). No doubt is left about al-Nu’mî’s stance vis-a-vis the caliphs preceding ‘Ali when he says:

Notice how Abû Bakr, ‘Umar and ‘Uthmân all superseded him, [despite] his being designated textually by God and His Messenger. They tried to kill him,... they took Fadak from the daughter of God’s Messenger... 101

They were to be considered fussâq and infidels; cursing them, however, was another matter, but only because it is not becoming for Zaydîs to do so.

In the following section al-Nu’mî attacks Shawkânî for dividing the Zaydi imâms into two camps--those who practise tardiya and tarahhum versus those who practise tawaqquf--and says that doing so is like dividing the Prophets. The Ahl al-Bayt are as “one body in their beliefs and are agreed that Abû Bakr was not the caliph after the Messenger of God; he was not appointed by the Imâm [i.e. ‘Alî] and was not suitable.”102 He then quotes a major Hâdawî scholar of the Qâsimî period, Sayyid Dâwûd b. al-Hâdî (d. 1035 / 1625), who had taught many of the central figures in the early Qâsimî state (e.g. Sa’d al-Dîn al-Maswârî). Sayyid Dâwûd blamed the Mu’tazîla for promoting the tardiya doctrine.

The people of tardiya have weak proofs and narrations which do not accord with those of the elders of the Ahl al-Bayt. They were taken from the writings of the Mu’tazîla about the tardiya which have no basis or soundness with the elders. Rather, what is known from the [early Zaydî imâms] is their grave accusation and

101 Sayf al-bâtîr, fol. 3a.
102 Sayf al-bâtîr, fol. 5a.
condemnation of the crime committed by the Shaykhs [Abū Bakr, 'Umar and 'Uthmān].

Although al-Nu‘mān does not acknowledge it, passages like these highlight the difference of opinion which existed among Zaydīs over these issues. The more Mu‘tazilī-influenced scholars inclined to a moderate stance, whereas the early Qāsimī scholars, including all the imāms of the 17th century, had taken the stricter position of tawaqquf. A few—such as al-Mahdī Aḥmad b. al-Ḥasan and al-Ḥasan al-Habal—went as far as al-Nu‘mān by going beyond tawaqquf and accusing the Companions of outright infidelity. The latter group were closer to the spirit of the early and stricter Qāsimīs than the imāms of the second half of the 18th century, under whom Shawkānī served, and who in fact had abandoned the doctrines of their forebears on this issue and others.

Occasionally al-Nu‘mān employs technical legal rules in his argument, as when he notes that the specific (al-khāṣṣ) always specifies (yukhāṣṣī) the general (al-‘āmm). He argues then that the Shi‘ī proof-texts regarding the offences perpetrated by Abū Bakr and ‘Umar specify, and thus partially negate any ḥadīths about practising tardiya of the Companions in general. Another technical argument he posits is that ‘Alī’s sayings constitute a proof (hujja) which supersedes all other opinions. So, for example, ‘Alī’s corroboration of Fāṭima’s story that Fadak had been given to her is testimony enough for her ownership and invalidates any other claims or rulings on the matter.

Such arguments, however, remain marginal to the main content which consists of emotive stories about the special role accorded to the Ahl al-Bayt by God and the Prophet and about the injustices perpetrated against them. Al-Nu‘mī, thus, narrates the story of hadith al-thiqalayn and that of Saqīfat Bani Sā‘ida; the first is seen by Shi‘ītes as a key instance of the designation of the Ahl al-Bayt, and

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103 Sayf al-bāṭir, fol. 5a.
104 Sayf al-bāṭir, fol. 6a. The latter position is consistent with the teachings of al-Qāsim b. Muhammad. See his al-Iṣḥāq ilā sabīl al-rashād, pp. 78 - 81.
more specifically 'Ali, to succeed the Prophet; the second is the story of Abū Bakr’s usurpation and the collusion which took place stripping 'Ali of his right while he was busy attending to the Prophet’s funeral. However, the largest space, about a third of the treatise, is occupied by the story of Fadak.

Highlighting his attachment to the opinions of the early Rassid imām, al-Nu‘mī states that the only legitimate stance on Fadak is the one taken by al-Qāsim b. Ibrāhīm, who said: “we have a mother who was Righteous, the daughter of the Righteous one, and who died feeling angry, and we are angry because of her anger.” 105 Al-Nu‘mī then accuses Shawkānī of vilifying Fāṭima and of hating the Ahl al-Bayt in approving of Abū Bakr’s judgement about Fadak, and disputes his claim that Zayd b. ‘Ali, Yahyā b. Ḥamza and Ibn al-Murtadā had also approved it. The intricacies of Abū Bakr’s judgement on Fadak are discussed in great detail and al-Nu‘mī presents quotations refuting it. Amongst these is one which adduces proof from the Qur‘ān and the Sunna that Prophets do leave inheritances, and that Abū Bakr had based his judgement on a single Tradition (khabar āḥād). This type of hadith, al-Nu‘mī says, cannot invalidate judgements based on the Qur‘ān because of the consensus of the Companions and the Ahl al-Bayt disallowing this. 106 Al-Nu‘mī then adduces an extensive quotation from al-Hādi’s Tathbīt al-imāma on the issue of Fadak to prove his point that Abū Bakr’s ruling was unjust and cruel, and more importantly that neither Abū Bakr nor ‘Umar were fit to rule as they were not the legitimate successor of the Prophet. He emotively criticizes Shawkānī for quoting imāms like Yahyā b. Ḥamza on Fadak.

How dishonourable and horrible is this deception! Or, is this faqīh’s [Shawkānī] highlighting the errors of the [Zaydī] imāms—God’s peace be upon them—like the fly which hovers around garbage or the crow which pecks at wounds? ... Take heed, O believers in God, of this grave matter, and of this serious claim that Fāṭima, the daughter of Muḥammad, the lord of mankind—God’s blessing and peace be on him and his family—died feeling angry and was denied justice. Has any Muslim ever made the claim [that

105 Sayf al-bātir, fol. 10a.
106 Sayf al-bātir, fol. 15a.
she was treated justly]? He [Shawkānī] has rebelled against his Lord, violated His commands, and harmed his Prophet by attacking his daughter— the Batūl, mistress of the worlds’ women. What a calamity it is to violate the lord of Messengers. Did you know, O faqih, that God gets angry when she is angry? It is not an exaggeration to say that you do not believe in her, or her children or the Traditions relating her virtues and theirs. This you do in imitation of al-Dhahabī and Ibn Ma‘īn. For according to you the sound [Traditions] are those which they have claimed to be sound, and the unsound are those they have said were unsound. This is what constitutes blindness, forsakenness, falsehood and slander. God is the grantor of all assistance.107

The last third of al-Sayf al-bātir consists of an extensive critique of the canonical Sunnī ḥadīth collections, the science of isnād criticism, and the scholars of ḥadīth. Al-Nu‘mān argues for prohibiting the reading and teaching of these sources in Zaydī mosques. The debate over which sources were to be considered authoritative is central to the polemic which raged between the Sunna-oriented Traditionists and the Hādawīs. The Sunnī sources were brought into Yemen and were used selectively by the Zaydīs from the 12th century on, with imāms such as al-Mutawakkil Ahmad b. Sulaymān (d. 566 / 1171) being amongst the first to use them. The effect of this on Hādawī Zaydism was in the long-term destructive: once their use became legitimate, Sunnī doctrines and opinions were adopted by individual scholars, who then criticized the inherited tradition, threatening the integrity of the school’s teachings. From the perspective of the strict Hādawīs, Shawkānī came to symbolize the culmination of the process of accepting these sources, because he rejected the Zaydī sources altogether, relying exclusively on the Sunnī ones. He came to be considered, even by today’s Hādawīs, to be a Ḥashwī: a person who narrates ḥadīths on the authority of transmitters who are considered to be zanādiqa, and who interprets them literally; hence, he is accused of anthropomorphizing God, claiming that the Qur‘ān was not created, and believing in determinism among other matters.108 This explains the vehemence of al-Nu‘mān’s attacks on the use of these sources.

107 Sayf al-bātir, fol. 15a.
108 Cf. al-Murtada, Munya wa-l-amal fī sharh al-milal wa-l-nihal, p. 121ff.
After criticizing the Sunnī ḥadīth scholars for excluding Shi‘ītes from their chains of transmission, al-Nu‘mān explains the pernicious effect of using the Sunnī ḥadīth sources.

According to the Āl Muḥammad, whoever reads these books and believes in them has strayed into error. Amongst their beliefs are predestination (jabr) and anthropomorphism (tashbīḥ). They also believe and prove in their books that Abū Bakr is better than ‘Alī b. Abī Ṭālīb: the spirit (nafs) of the Messenger—God’s peace and blessing be upon him. They also prove the visio beatifica above which God is highly exalted. They affirm determinism (khalaq al-afāl), and claim that the wrongdoing Muslims (al-muwahhidūn al-zālimūn) will come out of hell on Judgement Day... in the collections of ḥadīth is what al-Tirmidhī transmitted... that the Prophet said to Mu‘āwiyah, the rebel, ‘God make him a rightly guided leader.’ They fabricated Traditions from the Prophet, they have led others astray and have strayed themselves [from the right path]. God have mercy on the ignoramus who has such ḥadīths read to him without knowing their significance (dalāla). He will think well of Mu‘āwiyah b. Abī Sufyān, the rebel... . O the error and blindness! For whoever believes Mu‘āwiyah to be a rightly guided leader is truly a Nāṣībi without a doubt. The claim, [therefore], which is made by the majority of Zaydis that whoever reads the works of ḥadīth is a Nāṣībi is indeed true.¹⁰⁹

In the last section of al-Sayf al-bāṭir we find al-Nu‘mān lamenting the state of affairs in his day with the Qāsimī imāms allowing the reading of these sources, thus betraying the cause of their forefathers. He asks the question: “how is it that the rulers of the Āl Muḥammad are not condemning the readers of these works in the Zaydi mosques?”¹¹⁰ Elsewhere he writes:

But oh, but oh where are the rulers who defend the honour of their fathers, the pure imāms? Here is Fāṭima, the daughter of Muḥammad the beloved of God, who has been dishonoured by him [Shawkānī] and nothing has happened to him. Only recently, he was made one of the rulers’ judges, adjudicating over the small and the great. He is [even] rewarded for what he has done to Fāṭima and the imāms of the Prophet’s house. This has become the custom of today’s imāms... [who] facilitate and do not rebuke this grave error, so that now many of the religious students in the Great Mosque in Sanaa and other mosques are devoted to reading these books, believing what is in them. They have neglected the books of Ahl al-Bayt, the pure, and they have strayed and become

¹⁰⁹ Sayf al-bāṭir, fol. 24a.
¹¹⁰ Sayf al-bāṭir, fol. 27a.
amongst the forsaken... If a student is seen to study the books of Ahl al-Bayt or often mentions ‘Alī b. Abī Ṭālib--God’s blessings be upon him--his rights are trespassed upon and enmity is shown to him. Their great Shaykh [Shawkānī] is the author of this false treatise, who has caused pain to the heart and prevented sleep. Where are the defenders and the people of religion? Where are the fortunate Zaydis? By God, should the reins be loosened for this faqih he would surely issue a fatwā like that of al-Dayba’ which made licit the blood of Āl al-Ḥasan.  

Al-Nuʿmān then provides examples of previous imāms who prohibited the use of these works in mosques in order to prove this was common Zaydi practise. The earliest imām he cites is a pre-Qāsimī imām called al-Mahdī ‘Alī b. Muḥammad b. ‘Alī (d. 773 / 1371) who is reported to have ordered that “whoever sits in Zaydi mosques teaching from their enemies books and refuting the sayings of the Family (‘ītra) will be stopped, and restrained should he continue to pursue this.”  

More significantly, al-Nuʿmān claims that this was also the practise of the 17th century Qāsimī Imāms al-Mu’ayyad Muḥammad and al-Mutawakkil Ismā’il. The latter had apparently prevented the Sunnī collections from being taught in Sanaa’s Great Mosque. Al-Mu’ayyad Muḥammad, the second Qāsimī imām, appears to have included in his letter calling on people to accept his imāmate (risālat ilā ahl allāh) the decree which was issued by the Caspian Imām al-Dā’i al-Ḥasan b. Zayd in 252 / 866 to his governors. Exemplifying the Zaydi spirit of these early Qāsimīs the decree says:

We command you to rule over the people in your domain in accordance with the Book of God, the Sunna of his Messenger--God’s blessings and peace be upon him--and those Traditions which are sound from the Commander of the Faithful ‘Alī b. Abī Ṭālib--God’s blessing be upon him--in matters of the principles of religion and the law. [You must] show that he is better than all other imāms. Prevent them, in the strictest possible way, from believing in predestination, anthropomorphism, from antagonizing the believers who uphold God’s justice and unicity, from picking fights with Shi‘ites, from transmitting stories that give preference

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112 Sayf al-bāṭir, fol. 31a.
to the enemies of God and the Commander of the Faithful--God's peace and blessings be upon him. Command them to say in prayer 'bism allâh al-râhmân al-râhim'; to perform the qunüţ [i.e. an invocation] in the daybreak prayer; to say the wîtr [an invocation] from the Qur'ân; to perform five takbîr over the dead; to stop wiping their shoes (mâsh ala khuffayn) [during ablution]; to say 'hayya alâ khayr al-'amîn' in the call to prayer; to say the call to prayer and the announcement of its commencement repeating them (al-âdhân wa-l-iqâma muthanna muthanna). Warn those who disobey our commands for their punishment will be death and the violation of their rights...  

For al-Nu'mî the use of the Sunnî collections entailed forgoing certain Hâdâwî legal opinions (e.g. prayer practises, etc.) in addition to credal beliefs. It was the entirety of the Hâdâwî madhîhab which was at stake here. By pointing out that the early Qâsimîs had been stricter Zaydîs, he was drawing a contrast between them and the imâms of his day. The early imâms had embodied Zaydî doctrines about the righteous rule of the Ahl al-Bayt and defended their doctrines while sustaining an ever expanding state; those of the late 18th century had not only given up on Zaydism in al-Nu'mî's estimation but sponsored and protected those who, like Shawkânî, were striving for its demise. In one of his final statements al-Nu'mî refers to Shawkânî by making allusion to a much earlier foe of the Hâdâwîs, Nashwân b. Sa'îd al-Ḥimyarî (d. 573 / 1178), and says "truly every age must have its Nashwân." The historical continuities of this conflict were very long-term indeed.

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114 Sayf al-bâtîr, fol. 32a.
CHAPTER VII

Hādawī Reactions to Shawkānī

O who wants confirmation for himself and certainty of his belief in God; tread the path of Āl Muḥammad and ask us, the ships of salvation, to ask Yāqūt; don’t substitute for others Āl Muḥammad, for can pebbles be compared to sapphire?

al-Manṣūr al-Qāsim b. Muḥammad

Shawkānī’s efforts in appointing his students and spreading his methodology throughout the realm engendered much resistance from Hādawīs who saw in them an attack on their school’s views and teachings. Others took exception to him for less ideological reasons; he had simply become too influential. But whatever the case, Shawkānī was perceived by many, especially those who were not in power, to be an enemy of Zaydism. This chapter will describe some of the Hādawī reactions to Shawkānī himself and to the shift towards Sunnism which the state had taken. The disputes which took place went beyond the theoretical aspects of Islamic law and took on important political and social dimensions.

The Sanaa Riots of 1210 / 1796 and 1216 / 1802:

In the month of Shawwāl 1210 / April 1796 an anti-Sunnī riot took place in Sanaa. The immediate occasion was that a slave called Sindraws al-Ḥabashi, who was owned by the Imām al-Manṣūr ‘Alī’s son ‘Abd Allāh (d. 1229 / 1814), was in the habit of cursing Muʿāwiya whenever he met another slave called Sultān al-Ḥabashi, who was owned by Imām al-Manṣūr ‘Alī. Some slaves, like Sindraws

1 Al-Manṣūr al-Qāsim b. Muḥammad is the founder of the Qāsimī dynasty. The term Yāqūt, which normally means a kind of precious stone like a sapphire or ruby, is probably an allusion to the Prophet or ‘Alī. This poem is quoted in Badr, II : 50.
and Sultan, were official functionaries of the state, either with the army or in the administration, and their political and religious views often reflected those of their masters. The latter commonly used these slaves to advance their interests in court politics.  

One evening Sindraws met Sultan at the door of the Taqwa mosque and again cursed Mu'awiya. This time Sultan did not hold back, as was his habit, but fought with Sindraws who was injured in his upper arm. When the story of this altercation became public the following happened:

the reason [for the fight] spread among the commoners, and the mob (ghawghā') and scoundrels (al-awghād) rioted. At night they shouted curses against Mu'awiya and the tardiya for 'Ali b. Abi Talib--may God be pleased with him. They headed to Qubbat al-Mahdi 'Abbās in lower Sanaa, for in it were people of the Hāshimites who were then praying the late evening prayer. They continued cursing Mu'awiya and headed for Bustan al-Sultan where Sindraws al-Habashī was. Here they implored [God] that he recover quickly and went on. Every time they passed in front of a house belonging to those who follow the Sunna they would stone it. They also stoned the houses of the Qurayshites who were ministers of the imām. All this took place at night for fear that the government would know who they were. Sayf al-Islām Ahmad, the son of the Commander of the Faithful, sent some of his troops who imprisoned the two slaves. The fervour of the rioters did not abate, [however], and people continued to curse Mu'awiya and his partisans. They also cursed Sulaymān, the commander of the troops sent out, and his companions. The clamour increased, so Sayf al-Islām placed Sulaymān and his companions in prison [too] in order to quell the riot...  

The story does not end here, for as a result of the riot a number of sayyids from the Āl al-Maswari and the Āl Luṭf al-Bārī families lost the religious posts to which they had been appointed by al-Mahdi 'Abbās, al-Mansūr 'Ali's father. A short while later, the properties of the minister Muḥammad b. Ahmad Khalīl were expropriated by the imām because he was thought to have had a hand in the

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3 Luṭf Allah b. Ahmad Jahāf, Durar nuhur hūr al-'in, fol. 171. The Hāshimites mentioned here are sayyids (i.e. descendants of Ḥasan and Ḥusayn), whereas the Qurayshites were people of Umayyad descent.
troubles. The exact involvement of these people in the riot is not clear from the chronicle whose author, Jahhāf, was an official court historian of the period. It is significant, however, that the houses of people of Quraysh, which in this context refers to people of Umayyad descent, were targeted by the rioters. Al-Manṣūr ‘Ali had appointed as minister al-Ḥasan b. ʿUthmān al-ʿUlufl (d. 1216 / 1802), who is described as an Umayyad in the sources. This was resented by some members of the ruling house as well as by a sayyid minister, Aḥmad b. Ismāʿil Fāyiʿ (d. 1219 / 1804), who had been demoted whilst al-ʿUlufi’s star rose in government. However, it is not clear whether ‘Abd Allāh, the imām’s son and Sindraws’ master, had incited his slave because of a grudge against his father or, as seems more likely, against Shawkānī. ‘Abd Allāh had been appointed by his father as a supervisor over the affairs of the court (dīwān), and stood in for his father on the council of judges, which met twice weekly and acted as the last court of appeal reviewing cases from all over Yemen. As chief judge, Shawkānī was performing much the same functions, and this may have led to friction between the two men.

Whilst personal rivalries between ministers may have played a role in the events described here, it is certain that this was a period of intense Sunnī-Shīʿī friction in Sanaa, with the imām unequivocally taking the side of the Sunnis against opposition both from within the ruling house and from outside it. The account of the incident also indicates that the Qubbat al-Mahdī mosque was a centre of Ḥādawī influence at this time. It is telling that a later Ḥādawī Imam, al-Nāṣir ‘Abd Allāh b. al-Ḥasan (d. 1256 / 1840) rose from the teaching circles of this mosque. The zeal of the commoners also indicates that Shiʿīte sentiments

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4 See his biography in Badr, II: 124 - 6.
5 These ministers were called Umayyads because they were said to be descended from the Umayyad ‘Abd al-Malik b. Marwān (d. 86 / 705). For al-ʿUlufi’s biography see Nayl, I: 342 - 343.
could be whipped up easily and constituted a form of protest against the rulers, whose commitment to the Zaydī tradition was seen as nominal.

An even more serious riot took place on 12 Ramadan 1216 / 11 January 1802. Shawkānī reports that in Ramadan of this year he was teaching Bukhārī’s Šahīh in Sanaa’s Great Mosque after the evening prayers (šalāt al-‘ishā’ al-ākhira) and many learned scholars and ordinary people were attending his lectures.7 This, he says, aroused the ire of an unnamed Rāfīḍī minister, who then requested Sayyid Yahyā b. Muḥammad al-Ḥūthī, one of Shawkānī’s former teachers, to teach a pro-‘Alī Zaydī work. A chair was installed for al-Ḥūthī in the Šalāh al-Dīn mosque with numerous candles lit around it. From it al-Ḥūthī read out a work entitled Tafrij al-kurūb by Ishāq b. Yusuf b. al-Mutawakkil Ismā’īl (d. 1173 / 1759), which extolled the virtues of ‘Alī.8 Shawkānī adds that al-Ḥūthī went beyond what was contained in the work by cursing some of the Companions (salaf), at the behest of the Rāfīḍī minister who wanted to irritate the Umayyad government officials of the time. It appears that many commoners came to see and listen to al-Ḥūthī and they would shout out with him curses against the Companions.9

The situation became grave when al-Ḥūthī started reading the work in Sanaa’s Great Mosque, the major centre of teaching where the Sunnī-oriented scholars appear to have held sway at the time. Upon hearing of this, however, Imām al-Manṣūr ‘Ali sent word to his minister of religious endowments (awqāf), Sayyid Ismā’īl b. al-Ḥasan al-Shāmī, to order al-Ḥūthī back to the Šalāh al-Dīn

7 Shawkānī was trying to establish the practise of reading and teaching the canonical Sunnī hadith collections in mosques during the month of Ramadan, with special emphasis being given to Bukhārī and Muslim. It seems that since his time this has indeed become a common practise for scholars in Yemen to do.
8 Ishāq b. Yusuf also wrote a book entitled Ijābat al-dā‘i ilā nafy al-ijma’ fi anna Abā Bakr alīll min amīr al-mu’minin ‘Alī, MS. Gharbiyya Library, Majmu’a No. 22 and 37. Cf. Badr, I : 135 - 37 where Shawkānī says that he inclined to justice (insāf) in the matter of the Sunna versus the Ḥadawī school and was not fanatical in favour of the latter, but that he did not show this out of fear of retribution from the strict Ḥadawī (al-jamidm min al-fuqaha’).
mosque. Al-Shāmi in turn asked Āhmād b. Muḥsin Ḥātim, the head muezzin at the Great Mosque (raʾis al-maʿdhana), to inform al-Ḥuthī. When those who had been listening to al-Ḥuthī arrived at the Great Mosque that evening and discovered that al-Ḥuthī had not come because of the imām’s order, they rioted “raising their voices, cursing and preventing the evening prayer from being performed.” Soon “those who were suspicious of the government and those who had been concealing their ṭalī [i.e. their Shiʿite sentiments]” joined them and all left the mosque shouting.¹⁰ A detailed description of what happened next is provided in Jahāf’s chronicle which will be quoted in extenso.

In the year 1216, in Ramadān, the common people rioted in factional fashion and the Shiʿites revealed their hatred. The mob shouted in the streets and markets curses against Muʿāwiya and blessings on ʿAlī—may God be pleased with him. This took place on Monday evening the 12th of Ramadān in the first third of the night. They left the Great Mosque of Sanaa after ignorantly and stupidly preventing the prayer leader from approaching the mihrāb. They went to the house of Ḥasan b. ʿUthmān, the Umayyad, and threw stones at his windows... They did this until he [Ḥasan] ordered his slaves and companions to shoot at them with rifles. Fear of the bullets and of death forced them to leave and they went to the house of the minister al-Ḥasan b. ʿAlī Ḥanash, which was close by. [The latter’s] companions threw stones at them which hit the rioters and they returned to Ibn ʿUthmān’s, shouting curses against him and Muʿāwiya. The imām was in his palace perplexed about the commoners’ revolt. A faction of the rioters then went to the house of the minister of endowments, Ismāʾil b. ʿHasan al-Shāmi—the Ḥāshimī—and threw stones at it, striking fear in the hearts of the women of the Prophet’s family inside. [The women] screamed about their distress and destruction whilst the rioters threw stones and shouted curses at Muʿāwiya. ... Some of the rioters heard the women screaming, whereupon they told them that they would not stop throwing stones until they, too, cursed Muʿāwiya. This they did and then the rioters ceased throwing. ... The rioters then headed for the Imām Sharaf al-Dīn school because the minister of endowments (nāẓir al-awqāf) was [hiding] there. He was [truly] from among the best of ʿAlī b. Abī Talib’s descendants... They wanted to kill him, but he locked its doors and fled through its eastern gate. They broke down the western door and entered but did not find him. Then the rioters massed and went to the imām’s palace screaming curses against Muʿāwiya, and many people also massed around the house of the Umayyad minister. This led the imām to dispatch his son Muḥammad with

¹⁰ Badr, II : 345.
his troops to save the minister Ibn ‘Uthmān, and when the people
saw him coming, they dispersed... 11

Unlike Shawkānī who presents the Rāfidī minister as playing a key role in
these events, Jahḥāf blames the riot on the actions taken by the muezzin Aḥmad
Ḥātim, who, he claims, was envious of ‘Ali b. Ibrāhīm al-Amīr’s success with the
public. The latter, a grandson of Ibn al-Amīr, was one of Sanaa’s leading popular
preachers at this time. He held pro-Sunnī views and his house was also stoned in
the events described above. 12 Jahḥāf says that the muezzin, Ḥātim, was trying to
reduce al-Amīr’s popularity by getting al-Ḥūthī to preach in the Great Mosque.
Later, however, Ḥātim was forced to obey the imām’s orders. Whatever the case,
Shawkānī, who comments on the events, says that ‘Ali al-Amīr’s house was
attacked because “he was not an ever cursing Rāfidī (lam yakun rāfidīyyan
la‘ānan),” and in al-‘Ulufī’s case it was because “he was of Umayyad descent
(Umawī al-nasab),” whereas in that of Ḥanash it was due to his “manifesting the
Sunna and dissociating from rāfī’d (mutaẓāhīran bi-l-sunna mutabarri‘an min al-
raﬁ’).” 13

One can only guess who the unnamed Rāfidī minister was. The most
likely candidate is Sayyid Aḥmad b. Ismā‘īl Fāyi‘, who had been a minister in al-
Maṃṣūr’s government overseeing the revenues from Hodeida, Ḥayma, Bilād
Ḥarāz and most of Lower Yemen. In 1196 / 1782 the imām was informed by the
governor of Hodeida that Fāyi‘ was asking for more than the customary monthly
revenue of 3,000 riyals from the port. The common practise for the Tihāmī port
towns was similar to that in Hodeida which supplied Sanaa with 3,000 riyals per
month and the remaining tax revenues--anywhere from 4,000 to 12,000 riyals--
would remain in savings at the port. 14 The imām could then draw on these
savings in case of an emergency elsewhere. As a result of this information about

11 Jahḥāf, Durrar nuḥūr, fols. 223 - 224
13 Badr, II : 346.
14 Cf. Nayl, I : 73.

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Fāyiʿs doings the imam took away his supervision rights over Hodeida, and, for reasons unknown, in 1206 / 1791-2 took away Fāyiʿs supervision rights over the Ḥarāz regions, giving these to al-ʿUlufi, the Umayyad. 15 Perhaps jealousy or resentment led Fāyiʿ to incite Sayyid al-Ḥūthi to recite a Ḥadawī work in the Great Mosque, which was a factor in instigating the riots during which al-ʿUlufiʿs house was stoned. However, the riots cannot be blamed solely on the actions of a single individual, as Shawkānī implies. They must be seen in the context of the religious tensions in Sanaa at this time as reflected in the scholarly debates. Only so can the draconian measures taken by the state against the strict Ḥadawīs, many of whom where not involved in the riots, be explained.

The evening after the riot the imam summoned his ministers, military commanders and Shawkānī, his chief judge, for counsel and decided to put everyone in prison: al-Ḥūthi, ʿAlī al-Amīr, al-Shāmī, Ḥātim and Ismāʿīl b. ʿIzz al-Dīn al-Nuʿmī. The last had not been involved in the incidents but was imprisoned, by Shawkānīʿs own admission, for his extremist Ḥadawī beliefs. 16 Shawkānīʿs role was decisive. He advised the imam not only that all strict Ḥadawīs be imprisoned, but that an investigation be undertaken to discover all those who played a part in the riots. The rest of the month of Ramadan was taken up with this. Shawkānīʿs justification for al-Nuʿmīʿs arrest reveals his perception of the threat posed by the strict Ḥadawīs.

Amongst the most extreme was Ismāʿīl b. ʿIzz al-Dīn al-Nuʿmī who was a committed Rafidi in addition to being a great ignoramus. His extremism led to a kind of madness. He started collecting passages from the books of the Rafida, which he would read in the mosque to those who were even more ignorant than he was. He sought to divide the Muslims and to delude them [into believing] that the great ulema were Nasībīs, who hated ʿAlī--may God honour him. In fact, he compiled a work in which he mentions the greatest ulema and tries to make people hate them.

15 Nayl, I: 71 - 73. Ismāʿīl al-Akwaʿ also suspects that it was Fāyiʿ who was behind the specific events here, cf. Hijar al-ʿilm, IV: 2252 - 2253; also al-ʿAmrī, 1988, pp. 74 - 77.
16 The initial reaction of the imām of imprisoning all the parties concerned was common practise for the Qāsimī imāms. Justice in the form of physical punishment, exile, execution, financial penalty or release would only come later after the dust had settled.
At times he refers to them as Sunnis, and at others he calls them Nasibis. Despite this, he does not know grammar, morphology, the principles of jurisprudence and theology, normative law, Qur'anic exegesis and hadith... He does not know anything except what he has read in the works of the Imamī Rāfīdīs. Like al-Nu'mi, but more ignorant, was Dirghām, a slave belonging to our lord the Imam—may God preserve him. His greatest interest lay in reading some of the works of the Rāfīdīs in which the caliphs are cursed along with others among the great Companions. He would sit in the mosque and teach the cursing of the caliphs to those who were more ignorant than him. These matters are the reason for what we just mentioned [i.e. the riots]. 17

Shawkāni presents being a strict Ḥadawi as being ignorant of the truth embodied in sources which only a scholar of his abilities and education is able to interpret and disseminate. For their part, the strict Ḥadawīs not only held that they were being faithful to their own sources, but that the issues at hand were ultimately about one’s political and metaphysical commitment to the cause of the Ahl al-Bayt and as such transcended considerations of learning and scholarship. The punishment meted out to the perpetrators of the riots and those strict Ḥadawīs highlights the influence Shawkāni had garnered with the Imam and the extent to which the latter now came to identify with the Traditionist ulema. Ḥadawism had become a mobilizing ideology against the state and its authorities, much as it had always been whenever a rival claimant to the Imamate rose to challenge a reigning incumbent, with the exception that now the state was perceived by the Ḥadawīs to have become Sunni by allowing Sunni works to be read in Zaydi mosques and by preventing Zaydi works from being taught there.

On 4 Shawwal 1216 / 7 March 1802 the Imam ordered nineteen of the imprisoned scholars who had incited the riot to be brought before his palace window where they were severely flogged. On the following day, another 42 prisoners, this time commoners involved in the riot, were brought out and also flogged. Five of them, who were accused of stealing from al-‘Ulufi’s house, had drums attached to their backs which were beaten while they were paraded around

17 Badr, II : 347.
the town. On 27 Dhū al-Qa‘da / 1 April thirty-two prisoners were manacled of whom sixteen were exiled to the Red Sea island of Kamarān and the rest were sent to the prison island of Zayla’. All were to die in exile, including al-Nu‘mī who passed away sometime before 1220 / 1805. The remaining prisoners, who were either ministers or Sunna-oriented scholars, were freed a few days later, making clear which tendency the authorities preferred. Jaḥḥāf says that the action taken by the imām “resulted in his having strength and inspiring fear and terror. This led people to avoid the roads he took. He could leave his palace with a small retinue and no one would dare look him in the eye.” This was the first time the Qāsimī state turned against and punished Hādawīs on purely doctrinal grounds. It was more than thirty-five years before a Hādawī imām again took the reins of power in Sanaa.

The issues being fought over in this episode go back to the time following the Prophet’s death. In Yemen they were brought up whenever Zaydīs clashed with their opponents. What gives these issues currency in late 18th century Yemen, however, is that just as the first three caliphs were seen to have usurped the rights of ‘Ali, Shawkānī was likewise perceived to be an interloper usurping the authority of the Hādawī-Zaydī scholars within the institutions of the state and in determining doctrine.

Further Hādawī Resistance:

Another example of opposition to the Traditionists was when one of Shawkānī’s long-standing students, Sayyid Aḥmad b. ‘Ali, a descendant of al-Mutawakkil Ismā‘īl, fell into some sort of dispute or competition with other students and felt that Shawkānī had sided with his enemies. As a result Sayyid Aḥmad took one of Shawkānī’s works and spread the word among “the rabble (‘āmma) and those fanatics with little knowledge (al-mutafayqqiha al-muqassirīn

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18 Badr, II : 205 - 6.
19 Jaḥḥāf, Durar nuhūr, fol. 224.
that it upheld loathsome opinions. The work is not named, but in it Shawkānī had argued that the group which would be saved in the hereafter (al-firqa al-nājiya) would be the one which clung to the practise (‘amal) of the Messenger of God and his Companions, and not the people of respective schools of law who all claim that they alone will be saved. In other words, Shawkānī was presented as claiming that only those who follow the Sunna, as the Traditionists understood it, would be saved, and, by implication, the Ḥadawīs who gave less credence to the Sunnī ḥadīth works and more to their school’s doctrines would not. The ramifications of such an allegation were serious indeed since nothing less than eternal salvation was at stake.

The imāms Shawkānī served were seen by the Ḥadawīs to partake of Shawkānī’s Traditionist approach and were therefore accused of being anti-Zaydī. In Zaydism one of the doctrinally valid ways in which to react to what one sees as corrupt or unjust rule is to “emigrate,” performing what is referred to as hijra. This is what took place now with many Zaydis leaving Sanaa and heading to northern tribal areas or to towns like Sa’da where they attempted to garner support against the regime in Sanaa. The first scholar of note to do this was Sayyid Ismā’il b. Aḥmad al-Kibsi (d. 1250 / 1834), whose nickname was Mughallīs and who “emigrated” with some of his supporters in 1220 / 1806 to Ḍafir Ḥajja where he made his “summons” (da‘ā ila nafsihi), taking the title al-Mutawakkil ‘alā Allāh. His “summons” was not generally recognized except, it

21 The practise of emigrating (hijra) is an established doctrine which was already clearly elaborated by the early Zaydis. Imām al-Qāsim b. Ibrāhīm held that the Qur’ānic injunction to the early Meccan Muslims to sever their ties with the unjust and emigrate constituted a permanent obligation for all the faithful, who also had to emigrate from the “abode of injustice (dar al-zulm),” understood as the neighbourhood of the wicked and the oppressors, even though the neighbours were nominally Muslims too. Cf. Madelung, 1965, p. 138 f.; idem, 1985, “A Mutarrifī manuscript,” reprinted in Religious schools and sects in medieval Islam, XIX, London: Variorum Reprints, p. 77.
22 Ismā’il b. Ḥusayn Jaghman, al-Durr al-manẓūm fi tarājim al-thalāth al-nujūm, fols. 1 - 2. I would like to thank Mr. Zayd al-Wazīr for providing me with a copy of this unique manuscript which consists of three biographies of the Ḥadawī scholars Ismā’il b. Aḥmad al-Mughallīs, Aḥmad b. ʿAlī al-Sirājī, and al-Ḥusayn b. ʿAlī al-Mu’ayyadī. The first revolted against al-
seems, by a few in Sa’dā whereupon he left for there and tried on successive occasions to raise the tribes of Baraṭ against the government in Sanaa, apparently without much success. Although not abandoning his claim to the imāmate, Mughallis returned to his home town of Hijrat al-Kibs after spending seventeen years in Sa’dā. Here he taught and preached, and later he died in Dhamār.

Muḥammad b. Ṣāliḥ al-Samāwī (d. 1241 / 1825):

The most serious attempt to take Shawkānī to task for his Traditionist views came from a Hādawi scholar called Muḥammad b. Ṣāliḥ al-Samāwī (d. 1241 / 1825), who was nicknamed Ibn Ḥarīwa. As explained earlier, Ibn Ḥarīwa saw in Shawkānī’s ideas on ḥijtahād, when combined with the power he wielded as chief judge, a threat to the Hādawi school and a means of empowering himself as the supreme legal authority in Yemen. The scholarly clash came with Shawkānī’s writing in 1235 / 1820 of al-Sayl al-jarrār (The Raging Torrent). In it he provides a line by line critique and refutation of the principal legal manual used by the Zaydis in Yemen, the Kitāb al-Azhār (The Book of Flowers). In writing the Sayl, Shawkānī was building on an existing Yemeni tradition of commentaries on Kitāb al-Azhār. Before him, the Traditionists al-Ḥasan al-Jalāl and Ibn al-Amīr wrote similar works, and Shawkānī drew on these, especially al-Jalāl’s Daw’ al-nahār. It would seem, however, that Shawkānī’s criticism was much more vehement and thorough than that of his predecessors.

Ibn Ḥarīwa responded to the Sayl al-jarrār in a work entitled al-Ghaṭamṭamm al-zakhkhār al-muṭahhir min rijs al-sayl al-jarrār (The Vast Ocean which Purifies the Filth of the Raging Torrent). In it he accuses Shawkānī of plagiarizing in all his writings from others, such as from al-Jalāl and, more

Mansūr ‘Alī whereas the latter two revolted against al-Mahdī ‘Abd Allāh. For al-Mughallis’ biography see Badr, I : 141; Nayl, I : 259 - 261.

specifically, from Ibn Ḥajar’s *Talkḥīṣ al-ḥabīr* and *al-phalt al-bārī*. Ibn Ḥaṛīwa further claims that Shawkānī is a deviant from the teachings of the Ahl al-Bayt who hates the Prophet’s family (*al-‘itra*) and suffers from compounded ignorance (*jahl murakkab*). Moreover, in a view shared by some contemporary Hādawīs, Ibn Ḥaṛīwa holds that Shawkānī was out to undermine the Hādawī school by supplanting the *Kitāb al-Azhār* with his own *fiqh* work entitled *al-Durar al-bahiyya* on which he also penned a commentary called *al-Durarī al-mudīyya* (= *al-mudī’a*). Ibn Ḥaṛīwa ends his case by claiming that Shawkānī properly belongs to the school of Muḥammad b. ‘Abd al-Walḥāb. Here is what he says in this regard:

And after you have claimed absolute *ijtihād* (*al-ijtihād al-mutlaq*) and to be competent in all its areas, what is your objective from all the opinions and preferences which you have substantiated in your works? If it is that the people should refer to these for the knowledge which you have and which they do not, then this is the *taqlīd* which you forbade! The *muqallīd* is free to choose; if he prefers your opinion then he must accept it, and if he prefers the opinion of Ahl al-Bayt then he must abide by theirs. So what does your *ijtihād* amount to—assuming it is correct—except the *ijtihād* of one among the *muṭahādídīn*? We have not known a single *muṭahādīd* from this community who claimed that it is incumbent [on others to] accept his opinion or his *ijtihād*, and that it is forbidden to accept the *ijtihād* of anyone else, except those whose school you have joined, by whom I mean the Najdí [Muḥammad b. ‘Abd al-Walḥāb] and Ḥasan b. Khālid... .

Among the things that the Najdí has said is that he is right in matters of dispute (*masā’il al-khilafl*) and that the others are in error. With this he made licit the shedding of the blood of Muslims and the taking of their wealth. You belong to this school in claiming that you are right in disputed matters and that others are in error. Because of this you wish to defile the opinions of Ahl al-Bayt by attributing these to error and you take it upon yourself to circulate your works and opinions and claim that these are the truth.  

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27 *Ghatamatam*, vol. 1, pp. 128 - 129. Al-Ḥasan b. Khālid (d. 1234 / 1819) was a Traditionist sayyid from Hijrat Dāmād in ‘Aṣir. He appears to have shared Shawkānī’s views and was the main advisor to and judge under Sharīf Ḥamūd, who ruled much of the Tihāma until Muḥammad ‘All’s troops finally defeated him. Cf. *Nayl*, 1: 323 - 327.
Ibn Ḥarīwa paid for his stance of principle with his life. An event which took place in Mocha precipitated this. It is reported that a number of Westerners (ifrān) who were in the port town attacked a sharifa (a descendant from the Prophet’s family) from Ta‘izz, wanting to rape her. She screamed for help and a faqīh from Sanaa who was there on his way to pilgrimage in Mecca fought with one of the Westerners, stabbing him. The people of Mocha took hold of the faqīh and handed him over to the governor who then sent him in chains to Sanaa where he apparently remained in prison. Ibn Ḥarīwa was asked for his opinion on this affair and he wrote a vituperative answer in which he criticized Imām al-Mahdī ‘Abd Allāh for holding the faqīh, who had done an honourable deed, and for the lamentable state of affairs and his laxity in religious matters. This antagonized al-Mahdī and number of jurists took advantage of this and goaded the imām to punish Ibn Ḥarīwa for his insolence. On the 16 Dhū al-Ḥijja 1240 / 1 August 1825 the imām ordered that Ibn Ḥarīwa be taken from his house. He was then paraded through the streets of Sanaa with drums attached to his back and was whipped and pelted with refuse. After this he was sent to the island prison of Kamarān and shortly thereafter brought back to prison in Ḥodeida. Some scholars (it is not mentioned who) issued a fatwā for his execution and he was beheaded on the 10 Muḥarram 1241 / 25 August 1825. His body was then crucified and it is said that his head continued to recite verses from the Qur’ān well after the event.28

Though the dating of Ibn Ḥarīwa’s execution to the 10 Muḥarram may be apocryphal and intended to coincide with that of al-Ḥusayn’s death in Karbala, the story has become the stuff of legend and modern politics among Ḥādawīs in Yemen. They consider him a martyr (shahīd) who was killed by an oppressive ruler and point the finger of blame at Shawkānī for the fatwā. In discussing this matter Aḥmad al-Shāmī reports that Shawkānī said in his last testament that he would forgive all who transgressed against him, except those who accused him of

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having had a hand in Ibn Ḥarīwa’s death. Yet, al-Shāmī adds, it is impossible to believe that Shawkānī could not at least have saved him from this fate given the privileged status he enjoyed in al-Mahdī ‘Abd Allāh’s court. Be that as it may, Ibn Ḥarīwa’s fate became a cause célèbre and led to serious attempts to topple the existing order.

Sayyid Aḥmad b. ‘Alī al-Sirājī (d. 1248 / 1832):

The Hādawī revolts continued after Mughallis. In Ṣafar 1247 / July 1831 one of Sanaa’s Hādawī scholars, Sayyid Aḥmad b. ‘Alī al-Sirājī (d. 1248 / 1832), emigrated from Sanaa, again with a number of students and supporters, because of the oppression (ẓulm) and the mismanagement of the religious endowments (awqāf), among other matters. Before al-Sirājī could make the “summons” he traveled to Hijrat Kibs to discuss matters with Mughallis in order to clarify the matter of who was to be imām given that the latter had earlier claimed the title for himself. The result of the discussions appears to have been that Mughallis desisted from his claim, thus allowing al-Sirājī to make his own “summons.” That al-Sirājī felt it necessary to seek Mughallis’ permission is indicative of the fact that Hādawīs considered that the legitimate imāms were not those in Sanaa. It is as if a parallel imāmate existed, one with greater claims to legitimacy than that in Sanaa but politically and militarily ineffectual. One senses this also in Hādawī historical works, like Majd al-Dīn al-Mu’ayyadī’s al-Tuḥaf sharḥ al-zulaf or Ismāʿīl Jaghmān’s al-Durr al-manzūm, who provide their own lists of “legitimate” imāms, ignoring totally that there were rulers in Sanaa who claimed to be imāms too and held the reins of effective power.

29 al-Shāmī, 1988, Nalāḥāt wa latāḥāt, p. 404.
30 There is some confusion about the exact date of al-Sirājī’s emigration in revolt from Sanaa. Some sources claim it was in 1247 / 1831 and others claim it was two years later in 1249 / 1833. Cf. Nayl, I : 151; al-Jirāfī, 1987, al-Muqtataf, p. 263; al-ʿAmrī, 1988, p. 237; Jaghmān, al-Durr al-manzūm, pp. 10 - 11.
A short while after his trip to Hijrat al-Kibs al-Sirājī made his “summons” and rose in rebellion against al-Mahdī ‘Abd Allāh (d. 1251 / 1835), claiming the imāmāte for himself with the backing of the tribes of “Khawlān, Arḥab, Nihm and others from the lands of Ḥāshid and Bakīl.”32 The rallying point of al-Sirājī’s revolt was the execution a few years earlier in 1241 / 1825 of Shawkānī’s bitter enemy Ibn Ḥarīwā.33 The Hādawī ire against Shawkānī is reflected in the following few lines from a poem written by one of al-Sirājī’s supporters and biographers, Ismā’il b. ʿUsayn Jaghāmān (d. 1256 / 1840).34

They have killed Muḥammad b. Ṣāliḥ [Ibn Ḥarīwā] insolently // and he is the critical and perspicacious imām
He has no blemish other than silencing // the Nāsībīs whom he describes as impudent
He loved Taha [the Prophet], the waṣī[‘Ali], and Fāṭīma // and their boys who are the pride of the proud
his edifice for the Al [the family of the Prophet] is glorious and lofty // [it is] the Ghatamān [Ibn Ḥarīwā’s commentary attacking Shawkānī’s al-Sayy al-jarrār] which abounds in [goodness] for men in it is the proof from the Book and Sunna // to which both the nomads and the urban have witnessed
the riffraff have gathered in quite a gathering // seeking [to please] the Ghimr [Imām al-Mahdī ‘Abd Allāh], and they are duffers they tortured him, may evil befall them for their deed // it is fitting for us to seek revenge from them it is necessary for us to punish them for their actions // repeatedly, till the tyrant/butcher tires of them [we will] parade the despot as the oppressed // one was paraded, him [Shawkānī] and his Sayy al-jarrār [even] in disgrace this [crime] will never be undone // and let the pious be optimistic.35

Al-Sirājī’s revolt ended in failure because the tribes who had come with him to attack Sanaa abandoned him, allegedly after being paid off by al-Mahdī ‘Abd Allāh. In 1248 / 1832 he was assassinated, and his supporters claim that his

34 For Jaghāmān’s biography see Nayl, I : 270 - 273.
35 Ṣagī, 1887, al-Durr al-manzûm, fol. 20.
assassin was an agent sent by “the government of Sanaa” (dawlat Șan‘ā’).\textsuperscript{36} The use of the term dawla here deserves noting since it highlights the view held by Hādawīs of an illegitimate regime in power.

Despite al-Sirājī’s failure a number of his students were now active in the mosques of Sanaa, especially in the Qubbat al-Mahdī Mosque by the Sā‘īla (the dry river bed running through the city). These students and scholars met in the month of Rābi‘ (presumably al-Awwal) in the year 1249 / 1833 and secretly gave their allegiance (bay’a) to Sayyid ‘Abd Allāh b. al-Ḥasan b. Ṭāhir b. al-Mahdī ‘Abbās (d. 1256 / 1840), who was an eminent student of the religious sciences and a scion of the Qāsimī family from a branch which had been superseded in rule by another headed by al-Manṣūr ‘Alī b. al-Mahdī ‘Abbās.\textsuperscript{37}

The Rise of Imām al-Nāṣir ‘Abd Allāh b. al-Ḥasan (d. 1256 / 1840):

Shawkānī passed away late in 1250 / 1834 and the last imām he served, al-Mahdī ‘Abd Allāh, died a year later on 6 Sha‘bān 1251 / 27 November 1835.\textsuperscript{38} In a fashion now consistent with precedent, al-Mahdī’s son ‘Alī became imām on the day after his father’s death and took the title al-Manṣūr; the post of Qāḍī al-Quḍāt was inherited by Shawkānī’s brother Yahyā (d. 1267 / 1851). For a while it seemed as if the order established by Shawkānī, with its network of judges and students, would continue.

\textsuperscript{36} Jaghmān, al-Durr al-manzūm, fol. 12; cf. al-‘Amrī, 1988, pp. 236 - 239.
\textsuperscript{37} Hawliyyāt Yamānīyya, p. 60. Among the other Hādawīs who also “emigrated” from Sanaa was Sayyid Ḥusayn b. ‘Alī al-Mu‘ayyadī, who left for Sa‘da in 1251 / 1835 after he was invited by its people to perform the obligation of “ordaining the proper and forbidding the improper,” cf. Nayl, I: 392 - 94, Nayl, II: 89 - 90; Jaghmān, al-Durr al-manzūm, fols. 22 - 30. Al-Mu‘ayyadī, however, did not claim the imāmāte for himself. Other Hādawīs in Sanaa who were active in their opposition to the rule of al-Mahdī ‘Abd Allāh were Qāḍī ‘Abd Allāh b. ‘Alī al-Ghālibī and Sayyid ‘Abd al-Karīm Abī Tālib. Their main teacher was Imām Ahmad al-Sirājī, who in turn was taught by ‘Abd al-Rahmān b. ‘Abd Allāh al-Mujāhid.
\textsuperscript{38} Al-Jirāfī considers al-Mahdī ‘Abd Allāh to have been “the last imām of the Qāsimī state to have had the [qualities] of complete authority and leadership,” cf. al-Muqtataf, p. 264.
Al-Mansūr ‘Ali’s reign lasted just over one year, however, ending with a rebellion of his troops because of a delay in the payment of their wages. Late on Wednesday 3 Dhu al-Qa’dā 1252 / 9 February 1837 the soldiers, led by a slave commander named Farḥān Śālīḫ al-‘Uluf, attacked al-Mansūr’s palace, Bustān al-Mutawakkil, and imprisoned him and his uncle Muḥammad. The chronicle al-Ḥawliyyāt Yamāniyya states that a consensus had developed, presumably among the troops, that Sayyid ‘Abd Allāh b. al-Ḥasan would be made imām. Upon this, Sayyid ‘Abd Allāh b. al-Ḥasan, who had been secretly nominated imām four years before by a group of Hādawī students and scholars, made his da’wa and took the title al-Nāṣir. Nearly 90 years after Imam al-Mahdi ‘Abbās’ accession, which ushered in the dominance of Traditionist scholars, the strict Hādawīs finally had an imām in power. They now sought to redress the wrongs they felt had been made in the past, and in particular by Shawkānī.

Unlike the imāms who preceded him, al-Nāṣir ‘Abd Allāh was a scholar in his own right. He was well versed in the Islamic sciences and especially in Zaydī works. Though not a mujtahid, he acted more like the paragon of a Zaydī imām since he gave the Friday sermon and led the communal prayers himself. According to the Ḥawliyyāt, many were pleased at al-Nāṣir’s accession thinking he would be a “renewer” (mujaddid) who would enforce the Shari’a. Until he

39 The story behind the rebellion is complicated. It would seem that some Barātī and Arḥābī tribes under the leadership of Husayn b. Yālībā b. ‘Abd Allāh al-Barātī attacked the fortress of ‘Uṭṭān south-west of Sanaa and began causing troubles in the area in the hope that they would be paid off by the imām. Al-Mansūr ‘Ali refused to pay them, and instead called upon the tribes of Khawlān to come to his aid against the Barātīs and Arḥābīs. The arrival of Khawlān, however, corresponded with a period of tension between the imām and his troops because of a delay in the payment of their wages. The troops in fact had cut the road in front of the imām upon his return from Friday prayers, and were under the impression that the Khawlānī tribesmen had been called in to replace them. Faced with this threat the troops then revolted and replaced al-Mansūr ‘Ali with al-Nāṣir.

40 Slaves often carried the last name of their masters as in the case here with Farḥān who was owned by someone from the Āl al-‘Uluf.


42 For his biography and education see Nayl, II : 70 - 73. Also see al-Jirāfī, 1987, al-Muqattatāl, p. 264, and Hawliyyāt Yamāniyya, pp. 73 - 74.
assumed the mantle of the imāmate he had been the prayer leader in the Qubbat al-Mahdī mosque, where he had a circle of students and scholars who shared his strict Hādawī views. With his assumption of power, these supporters now came to the forefront in the imāmate’s judicial and ruling structures.

The extent to which this new elite wished to eradicate the traces left by the old guard can be seen in a series of actions taken by al-Nāṣir. In addition to imprisoning the previous imām, al-Manṣūr ‘Ali, and his uncle Muḥammad, al-Nāṣir also imprisoned all the governors, waqf administrators (nuzzār), and judges, including Shawkānī’s brother Yahyā, his son Ḍahm as well as his students (e.g. Muḥammad b. al-Ḥasan al-Shijnī). The Hawliyyāt mentions that the intention was to replace all these with new people, presumably ones who were Hādawī in orientation, such as Sayyid Muḥammad b. Ḍabd al-Rabb (d. 1262 / 1846), who was appointed chief judge in the diwān.43

Al-Nāṣir’s antagonism toward his predecessors, and Shawkānī in particular, took extreme proportions. He ordered Jews to stand over the grave of al-Mahdī Ṭabd Allāh and read the Torah, and initiated plans to exhume Shawkānī’s corpse and burn it.44 However, he abandoned the last idea on the advice of certain learned people. There was also fear that the tribe of Khawlān, to which Shawkānī had belonged, would attack Sanaa if the exhumation was carried out.45

Al-Nāṣir’s attempts to punish the scholars and judges who were seen as being anti-Hādawī did not end here. After waging a campaign in Lower Yemen against a number of recalcitrant tribes, and also against an Egyptian army which

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43 Hawliyyāt Yamānīyya, pp. 73 - 74; Nāyl, II : 282 -283.
44 Hawliyyāt Yamānīyya, pp. 73. Shawkānī was later exhumed in the republican period 1386 / 1966 and re-interred as a Republican hero in the Fulayhī mosque. This event and all that it represented for the new republican order will be discussed in the last chapter.
45 Shawkānī was of the Qādī estate and therefore would not be considered a tribesman. However, he did hail from Shawkān which was in Khawlān territory and as such would have had some claims to the protection of that tribe. It is unlikely that this protection would extend posthumously. The threat of tribal attack may have been made by pro-Shawkānī scholars who wished to frighten al-Nāṣir into desisting from the exhumation.
was now in control of the Tihāma and Taʿizz, he returned to Sanaa defeated in 1253 / 1837. Once in Sanaa, al-Nāṣir sought to rid himself once and for all of his predecessor and rivals, the former Imām al-Manṣūr ʿAlī and his uncle Muḥammad, by having them executed. To accomplish this al-Nāṣir felt he needed the support of the leading scholars, judges and notables of Sanaa. He therefore invited them to his dīwān, but soon realized that they would not grant him what he desired. He then desisted from carrying out the executions because rumours began circulating that such an act would lead to great civil unrest. He was obviously in a weak position and could neither garner the support he needed nor impose his wishes by fiat. This is in marked contrast with his predecessors who were able to have their Ḥādawi critics silenced either through execution, as in the case of Ibn Ḥarīwā, or through imprisonment on the Red Sea islands of Zaylaʿ and Kamarān, as in the case of Ismāʿīl al-Nuʿmī.

Thwarted by those assembled before him, al-Nāṣir claimed that the reason he had invited the scholars to his palace was in order to diminish the number of judges, who had become too numerous. To accomplish this, he posed a legal question about the validity of prayer in mosques which had been built by oppressive rulers (al-zalama). The answer each scholar gave would determine whether he remained in his post. The author of the Ḥawliyyāt, who is narrating the story, makes it clear that he finds the question risible and indicative of al-Nāṣir’s stupidity (humq). He says that the Zaydis were never troubled by this issue and pray in, among other places, the Great Mosque of Sanaa, parts of which were built by the Sulayhids, who were Ismāʿīlī. The question, however, is telling of al-Nāṣir’s strict Shiʿite views, since what in fact he was asking was whether Zaydis were allowed to pray in non-Zaydi mosques. In other words, were Sunni mosques to be considered valid places of worship?

The scholars were not put to the test on this issue because Ahmad b. Zayd al-Kibsî (d. 1271 / 1854), one of those present, was able to give an answer which appears to have circumvented the matter and avoided causing embarrassment to the imām. From the perspective of Hādawī law the question seems unusual since Zaydis have been known to pray in mosques regardless of their original builders. This is corroborated by the Sharḥ al-azhār in which it is stated that the imām is explicitly forbidden to tamper with a mosque either built or in any way contributed to by someone unjust or oppressive. Zaydī history, however, does offer examples of Zaydī imāms destroying mosques built by those they considered heretics, as when al-Manṣūr ‘Abd Allāh b. Ḥamza (d. 6147 / 1217) ordered the demolition of the Mutarrifi mosque in Sanā‘ in 611 / 1214-5 after destroying their principal centre, the hijra of Waqash. It was perhaps to this tradition of more extreme Zaydī intolerance that al-Nāṣir was alluding in his question. It seems, however, that al-Nāṣir was again thwarted in his desire to punish the Sunni Traditionist scholars.

The matter did not end here, as on the following day al-Nāṣir sent two of his supporters, Qādī Ismā‘īl Jaghman and Sayyid Yaḥyā b. Muḥammad al-Akhfash (d. 1262 / 1845), to test the judges and decide for themselves who would be stripped of their posts. The author of the Hawliyyāt tells us that they proceeded to find fault with certain judges on such grounds that “he knows the Sunna of the Messenger of God whereas for us only the madhhab (i.e. the Hādawī school) is valid,” and “he loves the Companions of the Prophet.” Jaghman was a staunch Hādawī and one can imagine him leading this purge of judges; al-Akhfash, however, had been Shawkānī’s student and protégé and it is not likely

47 See his biography in Nayl, I : 101 - 104. His entry offers a good example of a scholar who was well versed in both the Zaydī as well as the Sunni ḥadīths.
51 Hawliyyāt Yamāniyya, p. 88.
that he would have participated in such activity, rendering this report somewhat
dubious. But whether historically true or not, the story does reflect the intense
antagonism between staunch Hādawīs and Traditionists in Sanaa at the time.

In the month of Rābi‘ al-Awwal 1256 / May 1840 al-Nāṣir was ambushed
and brutally killed in Wādī Dahr by Ismā‘īlīs of the Hamdān tribe. He had ruled
for a period of three years and four months, and his death signaled the end of the
last serious Hādawī challenge to the predominance of the Traditionist scholars and
jurists, who consisted mostly of Shawkānī’s students. The upper hand now
returned to the Traditionists, who despite the period of great turmoil which
Yemen was to witness (a period referred to in the Arabic sources as “the period of
disorder,” fāṭrat al-fawḍā) were to dominate the judicial scene and irrevocably
diminish the influence of Hādawism in Yemen.

The Period of Disorder:

The imāmate in Sanaa effectively lost the coastal regions of the Tihāma
from 1832 onward and was never to recover them. This was severe blow to the
government’s treasury which relied to a great extent on revenues generated from
trade in the Tihāmī ports. In a letter written in 1818 to Khalil Bāshā—the
commander of Muḥammad ‘Alī’s forces, who occupied the Tihāma on two
separate occasions from 1811 till 1819 and from 1832 till 1840—Shawkānī urged
him to lower the 200,000 riyals in remittances the Egyptians demanded from the
imāmate’s treasury for the return of the coastal region. He argued that without the
ports of the Tihāma the imāmate could not pay the sum demanded because the
state’s expenditures far outstripped its revenues from the highlands. The
Tihāma was returned to the imāmate in 1819, but only to be occupied again by the
Egyptians in 1832. Eventually the Egyptians left the Tihāma in 1840, leaving it
this time under the control of the ruler of Abū ‘Arīsh (i.e. Mikhlaf al-Sulaymānī).

Sharif Ḥusayn b. ‘Alī Ḥaidar (d. 1293 / 1876). He was to control it until 1849 when troubles led him to invite the Ottomans to re-occupy it.

In Sanaa a number of imāms succeeded each other at short intervals. After al-Nāṣir’s death al-Ḥādī Muḥammad b. al-Mutawakkil Ahmad (d. 1259 / 1843) took control in Sanaa. He ruled for nearly four years and led a series of campaigns in Lower Yemen, most famously bringing to an end the rebellion led by a Sufi called Faqīh Saʿīd in the region of Ibb. Al-Ḥādī was succeeded by ‘Alī b. al-Mahdī ‘Abd Allāh, who had already ruled previously under the title al-Manṣūr. His reign lasted two-and-a-half year until he was ousted by his cousin al-Mutawakkil Muḥammad b. Yaḥyā who had made an alliance with Sharif Ḥusayn. The pact broke down within two years and al-Mutawakkil led a force into the Tihāma to regain control over it from the Sharif. A series of battles ensued in which al-Mutawakkil was ultimately defeated, forcing him to flee back to Sanaa. Sharif Ḥusayn, however, was unable to regain full control and this led him to formally invite the Ottomans to claim the region for themselves. The Ottomans dispatched three thousand soldiers who arrived in Hodeida in Jumādā al-Ūlā 1265 / April 1849. The Sharif was given a stipend and was allowed to retire in Mecca where he later died. In June al-Mutawakkil Muḥammad traveled to Hodeida in order to come to terms with the Ottoman commanding officer. Yemen was declared part of the Ottoman empire and al-Mutawakkil its representative in the highlands.

An Ottoman force of fifteen hundred men entered Sanaa on 6 Ramaḍān 1265 / 26 July 1849, but no sooner had they arrived than the people revolted, surrounding the force and the imām in the citadel. ‘Alī b. al-Mahdī ‘Abd Allāh was called upon by the notables to make his “summons” and he claimed the imāmate for the third time, taking the title al-Ḥādī. The new imām made arrangements for the Ottoman force to return to the Tihāma and a few months

53 Nayf, II : 226 - 228.
54 Hawḥiyāt Yamānīyya, pp. 175 - 177.
following that had his predecessor, al-Mutawakkil, executed.55 Al-Hādī gave up his claim to the imāmate after nine months, however, because of a rival claimant called al-Manṣūr Ahmad b. Hāshim al-Waysī.56 The latter took Sanaa but his rule did not endure for more than a few months and ‘Alī b. al-Mahdī ‘Abd Allāh was again asked in Rabī’ al-Ākhir 1267 / February 1851 to become imām for the fourth time. Four months later, while the imām was on campaign in Lower Yemen, his cousin Ghālib, the son of the slain al-Mutawakkil, claimed the imāmate in Sanaa, taking the title al-Hādī. The rest of the 1850s were taken up with at least six rivals each claiming the imāmate for themselves. Authority in Sanaa devolved to two successive local shaykhs, Aḥmad al-Ḥaymī and Muḥsin Muʿīd.57 This lasted until the Ottomans were finally recalled to occupy Sanaa in 1269 / 1872 to end the period of disorder.

55 Hawliyyāt Yamāniyya, pp. 183 - 184; Nayl, II : 347.
CHAPTER VIII

Tracing Shawkānī’s Legacy into the 20th Century

Exhuming a Grave:

In 1966, four years after the September revolution which ended the reign of the last imām in Yemen, bulldozers were clearing Sanaa’s famous Khuzayma cemetery to build an Officers’ Club (nādy al-dubbāt). Qādī Muḥammad b. Ismā’īl al-‘Amrānī happened to be passing by and realized that the graves of the city’s most eminent scholars were being destroyed, including Shawkānī’s. Al-‘Amrānī immediately informed the minister of education Qāsim Ghālib Ahmād. They located Shawkānī’s grave and had his remains exhumed. This done, an official procession and reburial ceremony took place and Shawkanī was interred next to the Fulayḥī mosque in the old city, where his present grave site is precisely indicated as lying west of the westernmost dome. Republican officers would now mingle over the asphalt and concrete covered remains of past generations of Sanaa’s ulema. Only Shawkanī was spared this indignity. A new age had dawned.

Since the revolution Shawkanī has been repeatedly lionized by the Yemeni republic and by its jurists and intellectuals, all of whom have included him in the state’s pantheon of heroes. The largest public hall in Sanaa, and therefore probably in Yemen, is named “Shawkanī Hall” (it is in the police academy). One of Sanaa’s main avenues running off Zubayrī Street in the direction of the old airport is called Muḥammad b. ‘Alī al-Shawkānī Street. Schools and religious institutes bear his name as well. The Yemen Centre for Research and Studies, an official state organ intended to be like the Centre National de Recherches Scientifique in France, organized a conference on Shawkanī in February 1990 and
published some of its papers. One of these was entitled “Shawkānī’s liberated thought and his liberation from the madhāhib,” another was entitled “Imām Muḥammad b. ‘Alī al-Shawkānī, the scholar, the mujtahid, the Qur’ānic exegete.” The republican literature on this servant of the Qāsimī imāms is large.

In order to understand how this came to pass one must look at Shawkānī’s legacy, at how his “students”2 propagated his ideas and works, and at the juridical and political roles they have played in the last century of Yemeni history. One must look at the Ḥamīd al-Dīn imāmates (the last before the republic was established) to see the extent to which their forms of rule were influenced by the general shift towards Sunnism described in earlier chapters, and by the Ottomans who ruled highland Yemen from 1872 till 1918. One must also look at the way Shawkānī’s life and works have been depicted in recent times, how he has been re-invented, and for what reasons. These enquiries illuminate much about how contemporary Yemeni intellectuals define religious identity and reappropriate “tradition” for political and nationalist ends.

Shawkānī’s legacy in the last two centuries of Yemeni intellectual and juridical history has been overwhelming. His injection of Traditionist Sunnī ideas, and legal and pedagogical methodologies into the Zaydī scholarly milieu has irrevocably changed Zaydism, and prevented renewal of its pre-Qāsimī agenda. Zaydism has not been able to escape his looming intellectual presence nor the forms of government he envisaged and embodied during his period as chief judge. This legacy was perpetuated by his students, who played important political roles in the period of turmoil which set in after his death.3 The

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2 In referring to Shawkānī’s students I am not only referring to those who studied with him directly. I also include in this category his “generational students,” i.e. those who studied with his immediate students and, more generally, all the scholars who shared his Traditionist views.
Ottomans, who were ultimately invited to rule in Sanaa so as to end the state of disorder which prevailed from the late 1840s till the early 1870s, attempted to introduce administrative and legal reforms—associated with the *Tanzimat* and the *Majalla*—which attracted certain members of the learned elite, some of whom were Shawkānī students. The reforms initiated by the Ottomans appear, however, to have failed, largely because they were not accepted by the local population.⁴

After the Ottomans left, these “generational students” continued to occupy equally important posts in the Ḥamīd al-Dīn imāmāte, later to be called the Mutawakkilite Kingdom of Yemen. They played a seminal role in giving expression to modern notions of Yemeni nationalism. After the 1962 revolution, which ended the rule of the Ḥamīd al-Dīn imāms and with it a millennium of Zaydi rule in Yemen, Shawkānī’s importance assumed even greater proportions. Since then, Republicans have continuously evoked his works and memory in a conscious effort to undermine the doctrinal legitimacy of the Zaydi imāmātes of the past, and Zaydism itself. In republican writings he is presented as a model jurist, who upheld and promulgated a “moderate” (*mu’tadil*) and a “liberated” (*mutaharrir*) version of Islam which, it is claimed, informs republican Islam and state ideology.

**Studying Sunni Works and Other Sunni Developments:**

Yemeni biographical dictionaries of the last two centuries give the sense that Traditionist scholars such as Ibn al-Amīr and Shawkānī caused a rupture in the educational curricula pursued by highland scholars: becoming learned now necessarily entailed studying Sunni works, especially the canonical Sunni ḥadīth

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⁴ Cf. Istanbul, Basbakanlik Arsivi / Sura-yi Devlet 2264/32, doc. 9.1, 9.2. This is a document which was written in 1898 by a number of leading Yemeni jurists (mainly Shawkānī students), making recommendations to the Sublime Porte for improving Ottoman administrative practise in the country. I would like to thank Mr. Thomas Kuhn for providing me with a copy of this document.
collections, alongside Zaydi books. Echoing Shawkâni’s exclusive preference for the science of hadith and the cardinal role it had in his teachings, ‘Abd Allâh b. ‘Abd al-Karîm al-Jirâfi, a 20th century scholar and a scion of Shawkâni’s school says:

The science of hadith is a science of great worth and importance. Scholars have said that it is the most elevated of sciences, of most certain foundation, of greatest benefit and of greatest reward...  

Yet another development was that these scholars, but also at times imâms, were given the epithet renewer (mujaddid) or renewer of the century (mujaddid al-qarn), which again had not been employed in traditional Zaydism. A further new development was that a succession of scholars, starting with Shawkâni’s son Ahmad, took on the title of Shaykh al-Islâm, a custom which lasted well into the present century. In addition, students began writing eulogistic works (something resembling a hagiography) about a single great teacher, for example the al-Tiqsâr which al-Shînjî dedicated to Shawkâni or the Tuhfat al-ikhwân which al-Jirâfi dedicated to al-Îhusayn b. ‘Alî al-‘Amrî. These give an elaborate biography of the teacher, and list his own teachers, the books he studied and who his students were. In addition, they report notable incidents and stories in the teacher’s life. This constituted a new genre in the Zaydi context, where similar, though not identical, types of written works had been produced about the imâms.

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5 The main biographical dictionaries for this period are for the earlier period Muhammad Zabâra’s Nayl al-watar and for the last century-and-a-half Zabâra’s Nuzhat al-nazar. Another important work is ‘Abd Allâh b. ‘Abd al-Karîm al-Jirâfi’s Tuhfat al-ikhwân.


9 For a list of such books which were written in Yemen see Tuhfat al-ikhwân, pp. 5 - 6.

10 A notable exception to this is the hagiographic account by sayyid Yahyâ b. al-Mahdî b. al-Qâsim al-Husayni of the life of his shaykh and founder of a moderate Sufi order amongst the Zaydis, İbrâhîm b. Ahmad al-Kaynâ’î (d. 793 / 1391), entitled Silat al-ikhwân fi îliyat barakat ahl al-zamân, MS. Ambrosiana D 222. However, being a Sufistic work it constitutes an exception in itself in Zaydi writings.
Scholars generally became more hadith oriented and were concerned to acquire licenses (*ijāza*) in both the *musalsalat* hadiths and the works which fell under the rubrics of *masmū‘āt* or *marwiyyāt*. There was a desire to belong to a wider, Sunnī, world where such licenses were issued, linking scholars to others beyond their local region or tradition. In the biography of nearly every scholar mentioned in *Nuzhat al-nazar*, the last great Yemeni biographical dictionary of the scholars of the 14th century h. (published in 1979), the *ijāzas* they received are mentioned in detail. Earlier biographical dictionaries, such as *Maṭla‘ al-budūr*, do not make such systematic mention of *ijāzas*. Earlier Zaydī scholars, it seems, were more locally trained and more interested in acquiring the standard works of the Hādāwī school. The pedagogical system after Ibn al-Amīr and Shawkānī became effectively Sunnī as evinced by Ibn al-Amīr when he says:

> When I learnt that the *ijāza* was one of the ways taken by the Sunnī scholars, a path among the paths of action which is the way to paradise, I expended my utmost in reading its books [i.e. books of *ijāzas*], amassing the pearls from its sea.  

Here is an explicit acknowledgment that Zaydī scholars discovered a wider, more developed world of scholarship with more authoritative epistemological and pedagogical methodologies than those traditionally found in the highlands. Zaydism, in its older forms, seems to have been considered too parochial by these scholars.

This is not to say that staunch adherents of Hādawism were no longer found in the highlands in the post-Shawkānī period. Muḥammad b. ‘Abd Allāh al-Waẓīr (d. 1308 / 1891) is a good example of a scholar who was in the Hādawī

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11 A *musalsal* Tradition is one were a ḥadīth is transmitted from a teacher to student accompanied by some saying or action in addition to the text of the ḥadīth. The *masmū‘āt* are works which the student either reads to or “hears” from his teacher. The *marwiyyāt* are works that have not been read or studied with the teacher, but whose *isnād* the one receiving an *ijāza* can transmit on.

mould, despite having studied with Shawkānī.\(^{13}\) He made his “summons”
declaring himself Imām al-Manṣūr in 1270 / 1854. This was a period of great
political instability, during which a number of men claimed to be imāms within a
divided Yemen. Al-Manṣūr al-Wazīr’s domains were confined to his home area
of Wādī Sirr, where it is said that he “ordained the good and prohibited the
evil.”\(^{14}\) Being imām in a single valley did not diminish him or the institution of
the imāmāte in any way; what mattered was that he considered himself the
righteous ruler.

Another Hādawī in this period was al-Hādi Sharaf al-Dīn b. Muḥammad
(d. 1307 / 1890). He made his “summons” in 1296/1879 and based himself in
Sa’da. From here he waged a war against the Ottomans until his death.\(^{15}\) Īmām
Sharaf al-Dīn’ son, Muḥammad, was also a Hādawī but in his later years
developed an affinity for the Sunna and rejected taqlīd. He refused to become
imām after his father’s death and this opened the way for Muḥammad b. Yaḥyā
Ḥamīd al-Dīn to make his “summons,” taking the title al-Manṣūr. Muḥammad
Sharaf al-Dīn became the imām’s deputy in Sa’da and held this post until Imām
Yaḥyā Ḥamīd al-Dīn “turned the imāmāte into a kingship,” whereupon he retired
to a life of scholarship in al-Madān.\(^{16}\)

One cannot claim that all those who advocated Traditionist views were
pro-Ottoman and against the imāms, nor for that matter can one claim that all
Hādawīs refused to collaborate with or accept posts from the Ottomans. Sayyid
Aḥmad b. ‘Abd Allāh Al-Kibsī, for example, was a ḥadīth scholar who fought
alongside Imām Yaḥyā in the war against the Ottomans. After the truce of Da‘‘ān

\(^{13}\) Cf. Muḥammad b. Ismā‘il al-Kibsī, 1988, Jawāhir al-durr al-maknūn wa ’ajā’ib al-sīr al-

\(^{14}\) Nuzhat al-nazar, pp. 539 - 40. For his sīrā see Muḥammad b. Ismā‘il al-Kibsī, 1988, Jawāhir
al-durr al-maknūn. Another example of a Hādawī scholar in this period is Zayd b. Aḥmad al-

\(^{15}\) Nuzhat al-nazar, p. 313; Hijar al-’ilm, IV : 1983 - 1984; Muḥammad Zabāra, 1376 / 1950,
fl.

\(^{16}\) Hijar al-’ilm, IV : 1985 - 1986; Nuzhat al-nazar, p. 532; Tuḥfat al-ikhwān, pp. 118 - 119.
(1911) he was ordered by the imām to be a sermoner and teacher in Hijrat Sinā', south of Sanaa. Later, in 1344 / 1925, he was appointed to teach ḥadīth works in Sanaa’s Madrasa ‘Ilmiyya, a school established in 1924 to train jurists. Whilst in Sinā’, al-Kibsī compiled a work of hadīths entitled al-Amāna in whose introduction he laments the fact that non-Zaydī texts, namely the ḥadīth collections, were still being ignored by strict Hādawīs. Echoing Shawkānī he says:

I have excluded from my book all ambiguous ḥadīths which require great effort to interpret. What has spurred me to compile it is that the people of our age avoid the books of the [Muslim] nation (qawm, i.e. the Sunni collections) because these contain ḥadīths which are suspected to contradict Zaydism (madhhab al-ṣadiyya). So they have stopped reading the beneficial ḥadīths in these works, fearing the rise of doubts in their hearts from certain obscure ḥadīths (al-mutashābihā), which they do not know how to interpret and which only the very knowledgeable can safely understand literally. So my intention with this abridgment is to bring the beginner closer [to hadīth] and to remind the graduate [of it] and to make known the ḥadīths of the Lord of Messengers which have sound chains of transmission.17

His use of the word qawm is significant, not only because it intimates a pan-Islamic sentiment but also because it manifests the feeling of Zaydism being somewhat parochial. It is in such statements that one gets an inkling of how the more universal Traditionist discourse would later be seen to fit with ideas about a unified Yemeni nation, transcending differences between Zaydīs and Shāfī‘īs.

The point which must be borne in mind is that scholars were now being trained fully in Sunnism as well as in traditional Zaydī works. It remained up to individuals whether to claim allegiance to one or other tradition, or to choose which of the two was appropriate in a given context. Often a scholar’s denomination is unequivocal and can be detected from formulae embedded in his biographical entry: “gave preference to proof-texts” (‘murajjih li-l-dalil), for example, or “he inclined to the Sunna and gave preference to proof-texts” (māla

*ilā al-sunna wa tarjīh al-dalīl* imply the person was a Traditionist by inclination.\(^{18}\) Such statements as “he based himself on the *madhhab*” (*kāna ‘alā al-madhhab*) or “he ordained the good and prohibited the evil,” by contrast, would denote a Hādawī scholar. One can also look at the books a scholar has studied and with whom. A certain degree of hybridization is evident in some scholars however, upholding Zaydī credal beliefs like the doctrine of the imāmate, whilst applying Traditionist legal methodologies in deriving legal rulings—Aḥmad al-Kibsī seems to fall in this category. What is incontrovertible is that Sunnī works were being widely studied and the appeal of the science of ḥadīth was widespread, even among some who considered themselves Hādawīs.\(^{19}\)

**Muftī Aḥmad Zabārā’s General License:**

The developments mentioned above can be illustrated from the “general license” (*ijāza ‘āmma*) which the incumbent Grand Muftī of Yemen, Sayyid Aḥmad b. Muḥammad Zabārā, issues to petitioning scholars from around the world. Muftī Zabārā was born into a scholarly family of Sayyids. His father, Muḥammad b. Muḥammad (d. 1380 / 1961), was the author of numerous Yemeni chronicles and biographical collections, and held important posts in the reign of Imām Yaḥyā Ḥamīd al-Dīn (d. 1948). The latter allowed him to publish several Yemeni works, namely those by Shawkānī and other Traditionists, in Egypt in the 1920s and 1930s in a bid to portray Zaydism as doctrinally and juridically close to Sunnism (we shall say more on this later).\(^{20}\) Aḥmad b. Muḥammad, the present Grand Muftī, was born on 21 Dhu al-Hijja 1325 / 25 January 1908, and was likewise an official in the court of Imām Aḥmad, whose daughter he married.\(^{21}\)

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18 Cf. *Nuzhat al-nazar*, p. 158.
21 Cf. *Ḥijār al-‘ilm*, II : 603 - 610.
After the revolution and the ensuing civil war, which resulted in the permanent establishment of the republic, President ‘Abd al-Rahmān b. Yaḥyā al-Iryānī (1967 - 1974) asked him to become the muftī of Sanaa. This post was later formalized with the establishment of Dār al-Ifṭā’ -- translated on his official letter-head as “Casuistry House” -- and he took on the official title of Grand Muftī (al-muṭṭī al-‘āmm) of the republic, the form used on his letter-head and stamp.22

Zabārā’s ijāza offers a window onto the educational curriculum of a Zaydī scholar in the early decades of this century. By tracing and cross-referencing the biographies of the scholars whom Zabārā mentions, a picture can be formed of what was being taught from the latter half of the 19th century through the first half of the 20th. The ijāza shows clearly that Zabārā had not only studied the major Zaydī-Ḥadawī texts but also many important Sunnī ones, in particular the ḥadith collections and the works produced by Shawkānī and other Yemeni Traditionists. What is more remarkable is that contemporary Sunnī Muslims consider Zabārā to hold one of the strongest isnāds to such works as the Šahīḥayn of anyone alive. This is because only two individuals separate him from Shawkānī, who in turn is considered to have a very strong isnād.23 Hence, Zabārā’s ijāzas are much sought after by Sunnī scholars worldwide. The Muftī now issues his licenses in template format, with blanks at the top and bottom where the name and professional background of the supplicant receiving the ijāza (al-mujāz) are to be filled in.

The importance that Zabārā has for Sunnīs today begs several questions. How “Zaydī” was the Ḥamīd al-Dīn imāmāte if its leading jurists were also fully educated as Sunnīs? Did the Ḥamīd al-Dīn imāms deliberately put to use Shawkānī’s Traditionist legacy in accommodating modern concepts of nationalism, Arab nationalism and pan-Islamism? Did the competence in

22 Nuzhat al-nazar, pp. 148 - 151. See the appendix for a copy of one of his ijāzas.
23 Cf. Ḥusayn al-Dīn b. Salīm al-Kīlānī, n.d., al-Amālī li a‘lā al-asānīd al-‘unwālī, Aleppo: Dār al-Qalam al-‘Arabī, p. 23. I am told that only one living member of the Aḥdal family in Zabīd has a shorter isnād to Shawkānī, with remarkably only one person separating them.

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reformist Traditionist methodologies and discourses of scholars assist the Ḥamīd al-Dīns in presenting Zaydism to the larger Sunnī world? To what extent was all this also useful in bridging the gap between Shāfīʿīs and Zaydīs within Yemen? Zabāra’s education may perhaps explain how he has been able to hold key posts in the pre-revolutionary Zaydī imāmate as well as in the republic without feeling compromised by these two very different forms of government, although the republic’s major claim to legitimacy is the imāmate’s overthrow.

In his ījāza Zabāra lists all the works he studied and with which teachers. Then he gives his chains of transmission to a number of registers (thabat) or books of isnāds for which he himself has received an ījāza. It is this last category which links him to the major Islamic corpus of written works and ḥadiths, both Zaydī and Sunnī. Two of these registers may be marked out for special mention: Shawkānī’s Ṭabāʿī al-akābīr, which has been discussed in an earlier chapter, and Qādī Muḥammad b. ᴠ Holtmad Mashḥam’s Bulūgh al-amānī min ṭuruq asānīd kutub Āl man unzialt ‘alayhi al-mathānī, which is a Zaydī compilation.²⁴

The two most striking features in Zabāra’s ījāza are the pre-eminent place “Shawkānī’s students”²⁵ have in it as his teachers, and the great number of Sunnī works studied. Respectfully, Zabāra begins the list with his father, who in scholarly families was often a child’s first teacher, as in Shawkānī’s case. After this, the list of teachers is not chronologically organized; rather it is loosely ordered according, it seems, to the scholarly importance of a given teacher. The second teacher mentioned, and therefore the most important, is Qādī al-Ḥusayn b. ‘Alī al-ʿAmrī (d. 1361 / 1942). Zabāra says he studied with him (lāzama) for ten

²⁵ A number of contemporary scholars in Yemen who considered themselves Traditionists refer to themselves as generational students of Shawkānī. For example, Muḥammad b. ᴠ Holtmad al-ʿAmrānī, an eminent muftī and scholar in Sanaa today calls himself a third generation student of Shawkānī’s. By this he means that two scholars separate him, in ījāza terms, from Shawkānī.
years, covering among other works the six canonical Sunnī ḥadīth collections, *Sharḥ al-azhār*, al-Sayāghi’s *Rawḍ al-naḍīr* and Shawkānī’s *Fath al-qadir*.

A second generation Shawkānī student, al-‘Amrī was considered a Shaykh al-Islām and was a prominent judge in Sanaa during the period of Ottoman rule. The Ottomans appointed him supervisor of religious endowments (*nāẓir al-awqāf*) in Sanaa and he later played a crucial role in mediating between the Ottomans and Imām Yahyā during the two uprisings of 1904 and 1911. After the treaty of Da‘‘ān was concluded (1911), one of Imām Yahyā’s prerogatives was the appointment of judges in the Zaydī areas of Yemen. In some sense this signalled the re-establishment of a Qāsimī-like state with religious posts becoming available. Imām Yahyā could nominate the president and members of a court of appeals in Sanaa (*al-mahkama al-shar‘iyya al-isti‘nāfiyya*) and al-‘Amrī was appointed as its first president. Reminiscent of Shawkānī’s role, al-‘Amrī’s duties included overseeing the judgments of all the judges in Sanaa and those in the Zaydī regions.26 This new position seems to have combined very naturally certain Qāsimī interests in state-centred legitimacy and justice with modern bureaucratic concepts. Al-‘Amrī’s appointment, however, also marked the beginning of a long relationship between the al-‘Amrī family and the Ḥamīd al-Dīn imāms. Al-‘Amrī’s son, ‘Abd Allāh b. al-Ḥusayn would later become Imām Yahyā’s first secretary, and was assassinated with him in 1948. ‘Abd Allāh’s son, Muḥammad, would in turn become one of Imām Ḥamad’s principal secretaries. In the republican era another of ‘Abd Allāh’s sons, Ḥusayn, continued the family’s tradition in government service by taking up several ministerial positions, and more recently is Yemen’s representative in London.

The continuity of the Āl al-‘Amrī’s official service from Ottoman times through to the end of the Ḥamīd al-Dīn imāmate deserves noting. It confirms the point, already made by Messick, about educational, legal and bureaucratic

continuities from the Ottoman period into that of the Ḥamīd al-Dīn imāmate. In fact continuities extend further. And what to Messick, with an interest mainly in Lower Yemen, seems simply “Zaydī” tradition, is to those interested in Zaydism in Upper Yemen, a final parting of ways. The traditional Zaydism of the Ḥamīd al-Dīn period is in fact the Zaydism only of the Qāsimīs. The Āl al-‘Amrī were scions of the Shawkānī school, and their patronage by the Ḥamīd al-Dīns underscores a much longer continuity, namely the patronage of Sunna-oriented jurists by the rulers. A longer continuity yet is the domination of the post-revolutionary religious and judicial structures by these scholars.

Perhaps Zabārā’s most eminent teacher after Ḥusayn al-‘Amrī was Qādī Yaḥyā b. Muḥammad al-Iryānī (d. 1362 / 1943), also a second generation student of Shawkānī’s.27 Muftī Zabārā mentions how he was taught Bukhārī’s Ṣaḥīḥ by al-Iryānī in his father’s house during the nights of Ramaḍān. Among the other works he studied with him were al-Suyūṭī’s al-Īṭqān fi ‘ulūm al-qur’ān and Shawkānī’s Tuḥfât al-dhākirīn. Al-Iryānī was famous for the lessons he gave in Shawkānī’s Nayl al-awtār, Jalāl’s Ḍaw’ al-nahār and Ibn al-Amīr’s Minḥāt al-ghaffār at the Fulayḥī mosque, all of which Zabārā attended. This study circle was unambiguously Traditionist and is remembered fondly by contemporary republican jurists such as Muḥammad b. Ismāʿīl al-‘Arabīnī, as a locus of anti-Hāḍawī legal thought. After Muftī Zabārā completed his studies with al-Iryānī, which lasted six years, a “banquet of termination” (walīmat ḥatm) was held in his father’s house. It was attended by all the pupils and some of the teachers and friends, and during it poetry was recited and Zabārā received a general license from al-Iryānī.

Qādī Yaḥyā al-Iryānī was born in the Hijrat Iryān, in a border region between the Zaydī upper highlands and Shāfiʿī Lower Yemen. Imām Yaḥyā

27 Nuzhat al-naẓar, p. 635 - 642; Hijrat al-‘ilm, 1: 71 - 77. Al-Iryānī was a famous poet and a prominent figure in Muḥammad Zabārā’s historical works. He can be seen as a representative figure of the period who differed at times with Imām Yaḥyā’s policies, sending him critical poems.
appointed him judge in Ibb in 1919. He held this post until 1926 when problems with the strict Hādawī governor of Dhamār, Sayyid ‘Abd Allāh b. Aḥmad al-Wazīr (d. 1948), led to his dismissal. In 1931, however, Imām Yaḥyā reappointed him a member of the Sanaa court of appeals, whose president was the Sunna-oriented scholar Sayyid Zayd b. ‘Alī al-Daylami (d. 1366 / 1947). Two years later, al-Iryānī was promoted to president of the court, and held this post until his death in 1943.28

One can see from the biographies of men like al-‘Amrī and al-Iryānī that the politico-juridical alliances which were forged between Sunna-oriented scholars and the rulers already in Shawkānī’s time continued to be a feature of this century. Furthermore, links among certain families with the central government administration were strong. Families, such as the ‘Amris, Kibaṣis and Jirāfīs, in the Ottoman and Ḥamīd al-Dīn period alike represent, as it were, a “civil service.” All of them at least had access to the Ḥamīd al-Dīn court and their advice was often taken seriously. Strict Hādawī scholars, by contrast, were excluded and some were imprisoned by Imām Yaḥyā. The reason for this was probably that their loyalty could not be assured, in part because they would insist on Yaḥyā’s upholding the stipulations of the Hādawī imāmate. If they happened to be sayyids who could independently rally support, they constituted a real threat. At least two examples of this can be found in the biographical dictionaries. The first is Imām Yaḥyā’s defeat and internal banishment of al-Ḥasan b. Yaḥyā al-Dāhyānī (d. 1343 / 1924), a rival claimant to the imāmate who was widely reckoned to be more learned than he.29 The second is Yaḥyā’s imprisonment of Muḥammad b. Ibrāhīm al-Mu’ayyīdī (d. 1381 / 1961 -2) for over thirty years.


simply because of his great popularity and influence in the Sa‘da region.\textsuperscript{30} Popularity had become politically unacceptable.

\textbf{Imâm Yahyâ Ėmîd al-Dîn (r. 1322 - 1367 / 1904 - 1948):}

Conflicting opinions are invariably given by Yemenis about Imâm Yahyâ’s religious and legal orientation. Muṭṭhâhar al-Irîânî, a famous contemporary Yemeni poet, describes him as having been moderate religiously (\textit{mu‘tadîl dinîyyan}) and a scholar in his own right, but continues to say that Yahyâ was in political terms a Zaydî (\textit{zaydî siyâsîyyan}). By contrast, Zayd al-Wâzîr, a contemporary Yemeni intellectual and writer, says that Imâm Yahyâ was Hâdawî in applying the Sharî‘a but politically a Sunnî, because he favoured a monarchic system of rule.\textsuperscript{31} Ismâ‘îl al-Akwa‘ mentions that as a young man Yahyâ had inclined to the science of the Sunna (i.e. ḥadîth) and was greatly influenced by his teacher Aḥmâd b. `Abd Allâh al-Jîndârî (d. 1337 / 1918), a Sunna-oriented scholar.\textsuperscript{32} This annoyed his father, Imâm Muḥammad b. Yahyâ Ėmîd al-Dîn (d. 1322 / 1904), who, by contrast, was a strict Hâdawî. One incident highlights this feature of Imâm Muḥammad’s views. A downpour one day led to water seeping through the roof of his library and a number of books were spoiled. The imâm claimed that had Ibn al-Amîr’s \textit{Subul al-salām} not been in the room (his son Yahyâ had acquired a copy from Jîndârî) this would not have happened.\textsuperscript{33}

Al-Akwa‘ says that upon becoming imâm, Yahyâ ceased manifesting his proclivity for ḥadîth for fear of being attacked by Zaydî \textit{muqallidîn}, and continually combined the mid-day and afternoon prayers (\textit{al-jam‘ bayna al-ṣalâtayn}) as a sign of his adherence to the Hâdawî school.\textsuperscript{34} The issue is

\textsuperscript{31} These statements are based on personal communication with the author by both individuals.
\textsuperscript{32} For al-Jîndârî biography see \textit{Nuzhat al-nazar}, pp. 97 - 104.
\textsuperscript{33} \textit{Hijar al-‘ilm}, III : 1696.
\textsuperscript{34} \textit{Hijar al-‘ilm}, III : 1696 - 1697.
obviously blurred in post-revolutionary writings which depict the Ḥāmīd al-Dīn imāms as reactionary, obscurantist and fanatically Zaydī. Interestingly, perhaps, this depiction was corroborated by the Lebanese traveler Ameen Rihani who visited Imām Yaḥyā in 1922. Of his rule Rihani says:

he invoked the creed of his ancestors against the Shawafe‘ (Sunnis) of the Tihama as well as against the Idrisi. ... I am also of the belief that if the Imām Yahya’s rule were not sectarian, were purely civil, he would realize his highest political ambition without having to wage war, and call it a jehad, against his fellow Muslims. The Shawafe‘ would then have no grievance against him—would cease to be a weapon in the hands of his enemies—would, in fact become his greatest supporters.\(^{35}\)

Not hiding his dislike of the Zaydīs, Rihani says in another passage that “the Zaydī, ..., is the most exclusive, not to say fanatical, of all Muslims.”\(^{36}\)

It is undoubted true that Shafi‘īs, especially the Shafi‘ī peasantry in coastal and Lower Yemen, did not like Imām Yaḥyā’s rule, mainly because of the corrupt taxation policies of his administrators and army. However, Rihani’s assertion that his rule was sectarian and true to the creed of his ancestors is not entirely correct. It cannot be neatly categorized as fitting exclusively in the Zaydī tradition; rather, Yaḥyā’s rule comprised a composite of elements, partly because it had to contend with forces never before encountered by a Zaydī imāmate but also because he opted in the end for dynastic forms. In some respects, however, it obviously did conform to Zaydism. Rihani describes a scene where Imām Yaḥyā was dispensing justice in a mode reminiscent of the rule of the early Zaydī imāms.

There, under the Tree of Justice, was the Image of Perfection, seated on a stool, with one indigo soldier to his right bearing high the sword of State and another to his left holding over his head one of the Imamic umbrellas. Before him sat cross-legged on the ground a scribe, and around him was a crowd of people of every rank and class, in turbans and shawls of all colours as well as in rags, waiting to be heard. And everyone was heard. ... Two full hours sat the Image of Perfection under the Tree of Justice, and

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then ... he went on his regular daily tour of the city, preceded by a platoon of the soldiery and accompanied by a multitude of his beloved subjects. After the tour, he goes into a mosque for the noon prayer and then returns to his home for the noonday meal. His return was heralded as usual with drum and bugle, and the indigos shouted at the top of their lungs the Yo-ho-haw of the national anthem. The sky-blue and belaced mazallah held by a soldier marked his place in the heart of the procession.37

Yahyā here resembles an ideal Zaydi imām, interacting personally and immediately with his people on a frequent and regular basis. Yet Rihani’s account also depicts some of the symbolic trappings which were established by the Qāsimīs in the 18th century, such as umbrellas, drums, seals, flags and standards, a panoply absent in early Zaydi imāmātes.38 In addition, Yahyā’s imāmate had administrative institutions, e.g. a Shaykh al-Islām39 and a standing army,40 which are equally reminiscent of the 18th century. Moreover, his state incorporated several modern aspects, such as a “hybrid” educational system based, in part, on the one the Ottomans left behind,41 and ministries, such as a ministry of education and a ministry of health which were headed by his sons.

Imām Yahyā was a scholar, a mujtahid, unlike his 18th and 19th century predecessors who ruled during Shawkānī’s tenure as qādī al-qudāt. He adjudicated cases personally and issued legal “choices” (ikhtiyārāt) which superseded those of the established Hādawī school. The ikhtiyārāt had a reflexive quality in that they confirmed the mujtahid status of the imām issuing them. As a form of legal rulings by imāms to be enforced by judges, the ikhtiyārāt have a long history among the Zaydīs in Yemen. Al-Manṣūr ‘Abd Allāh b. Ḥanṣa (d. 614 / 1217), for example, issued a set of these in a work

39 The Shaykh al-Islām’s duties were not specified. He appears to have been a aid and advisor to the imām in issuing letters and judgments.
40 Imām Yahyā established a regular army (al-Jaysh al-Nizāmi) which was trained by Ottoman officers who chose to stay in Yemen after 1918. It was armed with the weapons inherited from the Ottomans and with new purchases from Italy. He also had an irregular force called the al-Jaysh al-Dīfā’ or al-Barrānī which consisted mainly of tribal levies.
41 Messick, 1993, pp. 107 - 110.
entitled *al-Ikhtiyarāt al-manṣūrīyya*. Al-Mutawakkil ‘alā Allāh Ismā‘īl (d. 1087 / 1776) also issued *ikhtiyarāt* in a work entitled *al-Masā‘il al-murtadāt fīmā ya‘tamiduhu al-quḍāt.*

When appointing judges to the various provinces and towns of Yemen, Imām Yaḥyā would issue them with a letter of appointment in which he stated which laws were to be applied and what the judge’s duties were. In one such a letter, dated Ramadān 1343 / April 1925, Muḥammad b. Ḥusayn al-Kibsī (d. 1358 / 1940) was appointed as chief judge of the governorate of Hodeida. Al-Kibsī’s biography provides another interesting example of a scholar who was an official under the Ottomans and later became a judge under Imām Yaḥyā. Among the issues covered in the letter are the following:

He [al-Kibsī] should perform the affairs of the Shari’a and establish its straight and exalted paths by separating adversaries and making the one who is wronged win. . . He should rely in his judgments on what accords with the texts of the Noble madḥhab [i.e. the Ḥadawi school], except in those matters where we have a “choice.” [In such cases] agreement with the “choice” is the path to be followed. Our “choices”—and all kindness is from God—have clear proof, and the great and honourable [scholars] of religion have inclined to them. . . We have ordered him . . . to obey God and to obey us, to comply with our commands and prohibitions and to ordain the proper and prohibit the improper. . . He must be committed to providing easy access [to himself] . . . and to refrain from imposing monetary penalties. We forbid him, as we prohibit all our judges and governors, from doing this. . . He is not to take anything from the adversaries in the name of wages, and this holds for all judges of districts and sub-districts; we have provided them with enough [wages] to suffice them. Brother Muḥammad [al-Kibsī]—may God pardon him—should know that we have entrusted him with all the judges of the governorate who are to refer to him immediately. He must tell them what he sees to be good, supervise all their activities and prevent actions which do not conform to God’s wishes and our wishes. Likewise, he should inform us and the governorate’s governor if he should know of a

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44 *Nuzhat al-nazar*, p. 522.
saying or action of a district administrator which is not satisfactory. ... He must uphold the rules of God’s Shari'a and make them the arbiter in all incidents. He must teach the ordinary folk the morals of religion and what God has commanded regarding prayers and ablution... . He must guide people to what will make them like the rule of the Prophet’s family, informing them of the expected reward and victory which comes through loving and heeding them. ... In the event of a case arising which necessitates imposing a legal punishment entailing an execution, the severance of a body part or a canonical punishment, then we command him to take permission from us [in this] and to present the judgment to us [before applying the penalty].

Imām Yaḥyā’s judicial system was hierarchically ordered, but ultimately tied every judge and potentially every judgment to himself. It was a micro-managed system and the role of men like Ḥusayn al-‘Amrī, the president of the court of appeals who was in effect the qādī al-qudāt of earlier days, was not clearly defined. He acted as an aide to the imām, who was himself a judge and a mujtahid.

The ikhtiyārāt which Imām Yaḥyā issued were promulgated gradually, corresponding to actual cases which were brought before him and recurring issues which needed definitive guidelines for resolution. They all fall under the rubric of transactional law (mu‘āmalāt) and lists of these “choices” were drawn up and sent to judges throughout Yemen. They were the fruits of the imām’s own ĕjtihād and by definition they either contradicted an established opinion in the Hādawī law books or provided an opinion not contained there. By promulgating the ikhtiyārāt Imām Yaḥyā achieved several aims. They helped, at least, in dealing with real problems facing the judiciary. For example, one “choice” provides clear terms for when a woman can have her marriage annulled in the event of a husband absenting himself. The marriage could be ended if no one had heard from him in four years and he, or members of his family, had not provided the wife with any form of sustenance. Another prohibits all legal tricks (hiyal)

45 See the edited text of the letter in the appendix. Similar letters can be found in Rashād al-‘Allimī, n.d., al-Taqlīdiyya wa-l-ḥadāthā, pp. 272 - 275; Sayyid Muṣṭafā Sālim, 1985, Wathā’iq Yamaniyya, pp. 357, 359.
46 See for example, ‘Allimī, al-Taqlīdiyya wa-l-ḥadāthā, pp. 258 - 259.
which were intended to suspend the law of pre-emption (shu'fa). Yet another states that written documents are to be accepted as authoritative in court if either the author is known to others for his probity or the script itself is self-evidently ancient thereby securing the document's authenticity.47

At least one of the "choices" had national political dimensions and implied clearly to Yemenis that Imām Yahyā was not juridically a strict Hādawī.48 This ikhtiyār stipulated that "equality" (kafā'a), as a condition for enacting a marriage contract, had no validity if the woman had attained maturity and consented. Hādawī law stipulates that "equality of descent" (al-kafā'a fī al-nasab) is a condition in marriage.49 In practise this often had the effect of prohibiting men who were not sayyids from marrying women of the Prophet's family and created a source of tension between the Sāda and the Qūdāt. The latter, since the revolution, have presented this condition as an example of the racism of the Hādawīs.50 By effectively repealing it with his ikhtiyār, Imām Yahyā signalled that differences in origin among Yemenis would have no legal consequences—all Yemenis were equal before the law.

Imām Yahyā's ikhtiyārāt were eventually put in verse form and were commented on by Qāḍī 'Abd Allāh b. 'Abd al-Wahhāb al-Shamāhī (d. 1406 / 1985). This work was published in 1356 / 1937 in Sanaa by the Ministry of Education Press (Maṭba'at al-Ma'rīf), a hold-over from Ottoman days. In his commentary al-Shamāhī offers the legal arguments and textual bases for the ikhtiyārāt. Interestingly, the Şahīhān are constantly cited and the opinions of Ibn

48 A noteworthy example of a leading Shafi'i scholar who commented approvingly on Imām Yahyā's ikhtiyārāt is 'Abd al-Rahmān b. 'Ali al-Haddād (d. 1340 / ) whose commentary entitled al-Intisārāt naẓm al-ikhtiyārāt is extant in the Gharbiyya Library, Majmū' no. 11, fols. 81 - 83. Cf. Messick, 1993, pp. 48, 272 fn. 30.

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al-Qayyim, al-Maqbalī and Shawkānī are highlighted and cited on certain issues. Only the opinions of Imām Zayd b. ‘Alī receive special attention from among the Zaydī imāms, and those of al-Hādī are ignored completely. Given that these ikhtiyārāt superseded Ḥadawī views, the lapse in mentioning al-Hādī’s opinions need not appear unusual. However, given the importance of the politics of citation in this legal tradition, it is noteworthy that the opinions of Ibn al-Qayyim and Shawkānī are mentioned because it shows the extent to which Imām Yahyā was willing to depart from his own school’s teachings.

In al-Shamāḥi’s introduction one sees that the concept of nationalism had crept into Yemeni legal discourse. He tries to appeal to Zaydī tradition to justify rulings which contradict those of the school, but he also makes appeal to Yemeni nationalism and the fact that Yemen, through the imāms, has not succumbed like other Muslim nations to adopting positive laws of foreign origin.

We, the Yemeni nation (ummā), thank God for the success granted by Him and His guidance for making the Qur’ān and the Sunna of the chosen Messenger a law (qānūn) unto us whose authority we only obey and are only guided by its proofs [which have been] preserved among us by the Prophetic family (al-‘itra al-nabawīyya) and the Fāṭimī descendants until this crucial time when many peoples have been overcome by whims (ahwā’) and deviation from religion towards laws which are like the web of a spider, but even more fragile. God, who is most kind, has protected our Yemeni people (shābuna al-Yamanī) from the flow of this sweeping torrent through the son of the Seal of Prophets Abī Shams al-Dīn Ahmad, our lord, Commander of the Faithful, al-Mutawakkil ‘alā Allāh Yahyā b. Muhammad, son of God’s Messenger. He has renewed (jaddada) through his determination and knowledge that which has been extinguished from the distinguishing features of the Muhammadan lordly religion. Following the path of his forefathers, which is connected to his grandfather al-Muṣṭafā—May God’s blessings and prayers be upon him—and who are the lords of valour and purity. For he [i.e. Imām Yahyā], may God support him and reward him for [his actions on behalf of] Islam, has risen to renew (tajdid) through the sword and the pen, rendering to the Qur’ān judgment among his people, his community and himself in all that is specific and general. He has made it what lowers, raises, brings near, renders far, the educator, and that which restrains. [Legal aspects of] social interaction (al-mu‘āmalāt) are a necessity for life and also for the foundations of

51 Cf. al-Shamāḥi, 1356 / 1937, Ṣirāt al-‘arīfīn, pp. 6, 17, 24, 33, 51; also see Muhammad b. Ismā‘īl al-‘Amrānī, 1984, Nizām al-qadā‘ fī al-islām, pp. 225ff.
The Legislator (al-shari') has not neglected anything, for he has lit the way of interaction and the manner in which it is to be conducted. And by this light, the ulama of the Zaydi School have been guided, as others have been too, to establish principles (usûl), branches (furû') and issues (masâ'il) in [the realm of] social interaction which are clearer in the sky of the true Islamic Sharia than the sun at mid-day. It is incumbent on the Yemeni community and their imams to accept and adhere in knowledge and in practice to what they have established as issues and to their proofs. They are not to restrict ideas from roaming the realm of examination (nazâr), ijtihad, and making choices (ikhtiyar) and criticism, given that every mujtahid is correct (kull mujtahid musîb). "This is God’s bounty, He awards it to whomever He pleases" (Qur. LXII: 4). We mention this since the Commander of the Faithful, may God support him, has ordered adhesion (ilzâm bi-mulâzamat) to the Noble School [i.e. the Hâdawi School] in all [rules of] interaction except in certain issues. [In these exceptional matters] his mind, and the vastness of the circle of his knowledge, have led him to exempt them on the basis of derived proof from the Book and the Sunna, as is the prerogative of any mujtahid. He is a just imam who watches over the interests of his community (umma) and the defence of his people (sha'b) and nation (waṭan).

Messick has described how Imam Yaḥyā reacted to nationalist ideas by, among other things, authorizing the writing and publication of official national histories of Yemen, using forms and idioms which were completely new. Until ‘Abd al-Wâsî b. Yaḥyâ al-Wâsî’î’s “unofficial” history which was published in 1346 / 1927-8, historical writing was either localized to a geographical region or town, to scholars of a madhhab, to an individual or was delimited by a fixed period of time. These new histories conceived of Yemen as a single cohesive geographical and cultural unit—-as a nation.

It is clear that Imam Yaḥyā had to contend with currents in the wider Islamic and Arab worlds. Rihani had come to Yemen to promote Arab nationalist ideas and got a hearing from the imam, though to little practical effect. Pan-Islamic ideas appear to have been given more serious consideration. By allowing certain Traditionist works to be published in Cairo, it appears that Imam Yaḥyā was promoting the notion that the Zaydis were a “moderate” sect no different in

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52 al-Shamâhî, 1356 / 1937, Sirât al-ârîfîn, pp. 3 - 4.
essence from the Sunnī madhhabs. This skewed conception of Zaydism as a “fifth Sunnī school,” or as being “moderate,” continues to pervade modern writing on Yemen. It trades on crucial areas of ambiguity, minimizing the fundamental differences between Zaydī and Sunnī theology, as well as notable differences in normative rulings, especially in the realm of the ‘ibādāt (religious duties and obligations in relation to God).

The roots of this argument probably lie in the publication of the works of the Traditionists Ibn al-Wazīr and al-Maqbalī in the first years of the 20th century by Egyptians in Cairo. These immediately received the attention and praise of modern Islamic reformers such as Rashīd Riḍā, and were seen to represent a spirit of openness in Zaydism which had continuously allowed for the practise of ijtihād. This, it was argued, would in turn allow for the much needed reform (islāh) and renewal (tajdīd) of Islam in modern times. Ibn al-Wazīr’s work entitled Īthār al-haqq ‘alā al-khalq was published as early as 1318 / 1900 and was very favourably reviewed in Riḍā’s journal al-Manār.55 Eleven years later, in 1911, al-Manār Press published an edition of al-Maqbalī’s al-‘Ālam al-shāmikīh and its addendum al-Arwāḥ al-nawāfīkh.56 In 1915 Riḍā expressed great enthusiasm for Shawkānī’s works and listed him in a lineage of Traditionist scholars whose works “provided the best substance for effecting reform.”57 Here is what he says:

No one emerged after Ibn Ḥazm excelling or equaling him in terms of breadth of knowledge and strength of argument ... except Shaykh al-Islām, the renewer of the 7th century, Ahmad Taqī al-Dīn b. Taymiyya. ... [Then] the imām Abū ‘Abd Allāh Muḥammad b. al-Qāyyim inherited the knowledge of his teacher Ibn

57 It must be noted that a number of Shawkānī’s and Ibn al-Amir’s treatises were also first published in Egypt in 1343 / 1924 and later 1346 / 1927 by Muḥammad Munīr at Idārat al-Tība‘at al-Munirīyya. These appeared, along with other works by Traditionists such as Ibn Taymiyya, in two volumes entitled Majmū‘at al-rasā’il al-munirīyya. It seems that Munīr was Rashid Riḍā’s brother-in-law and an Azhari scholar himself.
Taymiyya] and was his elucidator. ... The most beneficial work by a supporter of the Sunna which was thereafter produced is Fatḥ al-bārī sharḥ saḥīḥ al-Bukhārī by the all encompassing dictionary of the Sunna, the hāfiz, Ahmad b. Ḥajar al-‘Asqalānī. ... Also among the most beneficial books in hadith-based law is Nayl al-awtār li sharḥ muntaqa al-akhbār, as is Irshād al-fuḥūl li taḥqīq ‘ilm al-usūl on the principles of jurisprudence, both of which are by the great imām, the renewer and mujtahid of Yemen of the 12th century Muḥammad b. ‘Ali al-Shawkānī. 58

The conjuncture of discourses and interests between modernising Islamic reformers and Traditionist scholars in Yemen did not escape the attention of the imām nor that of certain Yemeni ulama, who would now consciously highlight this.

Riḍā felt that Imám Yaḥyā was the ideal candidate for the caliphate after the abdication of the last Ottoman sultan in 1924. Yaḥyā, he argued, was of impeccable Qurayshite descent, was a mujtahid and had most importantly maintained his country’s independence from Western occupation and influence. 59

It is not clear how Imám Yaḥyā reacted to Riḍā’s views. Perhaps he did toy with the idea of being caliph for several types of coins were struck as early as 1344 / 1925 which bore the inscription “struck in the Abode of the Mutawakkilite Caliphate, Sanaa Yemen” (duriba bi-dār al-khilaṭa al-mutawakkiliyya Ṣan‘ā’ al-Yaman). 60

Riḍā met with Yemenis such as ‘Abd al-Wāsi’ al-Wāsi’ī (d. 1379 / 1960), who were actively publishing Zaydī works in Cairo, namely Kitāb al-Azhār and its principal commentary the Sharḥ al-azhār, both published in 1921. 61 His spirit

59 Henri Laoût, 1938, Le Califat dans la doctrine de Rasid Riḍā, pp. 6, 90, 92, 119 - 120.
61 al-‘Amrī, 1987, p. 124; Tuhfat al-ikhwān, p. 94; Nuzhat al-nazar, p. 411; Hijār al-‘ilm, III: 1675. There is some discrepancy over the publication date of these works. In the Sharḥ al-azhār it is stated that ‘Ali Yaḥyā al-Yamānī paid the costs of its publication and that it was published in Egypt with Matba’at Shārikat al-Tamaddun in 1332 / 1914, cf. vol. 1, p. 1. It is perhaps noteworthy that the manuscript copy on which the edited edition of Sharḥ al-azhār was based was none other than Shawkānī’s own personal copy of the work.
of reform, however, greatly influenced such men as Muḥammad Zabāra and Imām Yahyā’s son Muḥammad (d. 1350 / 1928). These two embarked on a grand project of publishing the works of the Yemeni Traditionists. Starting in 1929, they published Shawkānī’s biographical dictionary *al-Badr al-tālī* and this was followed by his *Tuḥfat al-dhākirīn* and *al-Fāṭḥ al-qadīr*. Zabāra also published Ibn al-Wazīr’s *al-Burhān al-qāṭi‘*, *Tarjih asālīb al-ṭurāq‘ān ‘alā asālīb al-yūnān, al-Rawd al-bāsim* and finally Husayn al-Sayāghi’s commentary on Zayd b. ‘Alī’s *Majmū‘* entitled *al-Rawd al-naḍīr* as well as collection of treatises entitled *Majmū‘at ar-rasā‘il al-Yamāniyya*. Ismā‘īl al-Akwa’ says that the publication of these works “had a great influence in making Yemen known to Muslim scholars elsewhere, and led them to believe that the Zaydi madhhab was not very different from that of Ahl al-Sunna.”

The argument that the Zaydī-Hādawī school was like Sunnism continued to be made by Yemeni scholars throughout the Hāmid al-Dīn imāmate. Qādī Muḥammad al-‘Amrānī, for example, published an article entitled *al-Zaydiyya fi-l-Yaman* in 1369 / 1950 in which he says “... the Ḥanafī madhhab and the Hādawī madhhab are brothers. Indeed, I can state to the reader that the Ḥanafī madhhab is closer to the Zaydi or Hādawī madhhab than it is to the Ḥanbalī madhhab.”

Drawing on the Traditionist legacy he later says in the same article:

...the Zaydis in Yemen are not as many who are ignorant of their state and law imagine. Indeed, if they practised *taqlīd* they would be imitating the imāms of their school, which does not exclude them from the schools of their brothers the Sunnis, especially the Ḥanafīs. As for those who practise *ijtihād* and become liberated (*taharrūr*), such as the *ijtihād* of al-Wazīr, al-Maqbāl, al-Amīr, al-Jalāl and al-Shawkānī, no one knows the worth of these ulema except after becoming knowledgeable in all their precious works.

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They are like the scholars who belong to the other Muslim schools in being faithful to the rightly guided caliphs, and in glorifying them as the ministers and supporters of the Prophet—may His peace and blessings be upon him. Those who seek to diminish their worth are either from among the ignorant masses or from the fanatical elite.65

It is obvious that by focusing on the legacy of their Traditionists, Yemenis were now claiming an identity of interests and ideology with a wider, pan-Islamic movement of reform. Yemen was not a cultural backwater but at the forefront of judicial and religious change.

Imam Yahya held a pragmatic view of the Traditionist legacy and its scholars, who had a long history of working for the state. Though a Zaydi imam, he does not appear to have been dogmatic or to have based his policies on strict Hadawi beliefs. 'Abd Allah al-Shamahi, whom we saw earlier writing on the imam’s ikhtiyarat, claims in a historical work published after the revolution that Imam Yahya encouraged and supported Sunna-oriented ulema until the Saudi-Yemeni war of 1934, because of their social weakness and politically subservient attitudes. After the war, in which the Yemenis were defeated in the Tihama, Shamahi says that the imam veered in the direction of conservative Zaydism because of the support the northern Zaydi tribes had offered him during the war.66

This is a rather dubious claim, firstly because the relevance of Zaydism to the tribes is not immediately evident, and secondly because it is not borne out by the facts elsewhere. Imam Yahya continued to appeal to his Shafi’i subjects by celebrating with them the first Friday of Rajab, which is believed to be the day on which the Prophet invited Yemenis to accept Islam. This was intended to balance Hadawi celebrations of Yawm al-Ghadir and the Tenth of Muharram.

Furthermore, the Sunna-oriented judges were maintained in their posts after 1934, as in the case of Qadi Yahya al-Iryani, who continued to teach Sunni works in

mosques and schools, namely the works of Shawkānī and Ibn al-Amīr which were also taught at the Madrasa 'Ilmiyya.\(^{67}\) It is true, however, that Imāms Yaḥyā and Aḥmad both felt the teaching of Shawkānī al-Sayl al-jarrār was problematic because of its thoroughgoing critique of the Hādawī school and they feared this would stir public passions.\(^{68}\)

The Issue of \textit{wilāyat al-‘ahd}:\(^{69}\)

As was mentioned earlier, Zaydīs have consistently opposed the idea of kingship (\textit{mulk}) or that an incumbent imām should officially nominate his successor. Interestingly, this is reflected on two of Imām Yaḥyā’s coins, which were struck in the early years of his rule, which bear the inscription “There is no God but God, Kingship belongs to God, Lord of the worlds” (\textit{la ilāha ila allāh al-mulk li-llāh rabb al-‘ālamīn}). In practise it has often been the case that son succeeded father, though the process was never formalized. Under Imām Yaḥyā, however, an effort was undertaken to nominate his son Aḥmad as crown prince (\textit{walī al-‘ahd}). Moreover, it is also notable that Imām Yaḥyā, who at first was loath to take on the title of “His Majesty the King” (\textit{jalālat al-malik}), later accepted its usage in reference to himself. These two instances provide an example of a shift in conceptions of rule which took place at this time and signal another departure from traditional Zaydism.

Muḥammad Zabāra, who wrote a chronicle of Imām Yaḥyā’s reign, reports that in 1342 / 1923 the governor of Sanaa, the commander of its garrison and the governor of Bilād al-Rūs raised with Imām Yaḥyā the matter of nominating his eldest son Aḥmad successor to the supreme imāmāte (\textit{al-imāma al-})


\(^{68}\) Qāḍī Muhammad al-‘Amrānī, for example, was prohibited by Imām Ahmad from teaching the \textit{Say} in the Fūlayḥī mosque (taped interview with Qāḍī ‘Amrānī). Cf. Qāsim Ghalib Ahmad, 1969, \textit{Min a’lam al-Yaman}, p. 72.

Yahya answered that it was up to them to pursue the matter, given that it was a known fact that the supreme imamate was a matter for the great ulema to decide. In Muḥarram 1343 / August 1924 a group of Aḥmad’s retainers asked many of the great ulema of the age for their opinion in the matter. All those who were asked were Shawkānī students who held official positions in government, such as Ḫusayn al-‘Amri, Zayd al-Daylamī and ‘Abd Allāh al-Yamānī. On 20 Muḥarram 1343 / 21 August 1924, these scholars collectively issued a statement arguing for the nomination of Aḥmad as wali al-‘ahd. The language of the statement is purely Sunnī. Among the claims they make is that there is a consensus among Muslim scholars which necessitates the designation of an imām who will act as the Prophet’s caliph (ajma‘u ’alā ijab naṣb imām khalīfā li-rasūl allāh). The statement also argues for obedience to rulers and cites ḥadīths such as “obey those who perform the prayer duty among you,” “obey those who establish amongst you the Book of God,” “the one who dislikes a matter in his commander must be patient; should he rebel against a sultan even [the breadth of] one hand-span, he will die a death of the Jāhiliyya,” and “the one who wishes to divide this nation, and they are many, sever their heads off with a sword.” The statement then argues in nationalistic and anti-imperialist terms by asserting that the best means of protecting Yemen’s bounties, which the imāms of the Prophet’s House have preserved from the depredations of foreign states, whose only aim is to spread corruption and to divide Muslims, is to maintain the post of imām among Imām Yahyā’s children. These ulema finally advise Imām Yahyā to designate his son, Sayf al-Islām Aḥmad, as successor and they state explicitly that such designation is consistent with the teachings of the four Sunnī schools.⁷⁰

Imām Yahyā reacted to this recommendation at first with caution, because he knew it contravened the tenets of the Hādawī school. De facto, however, Aḥmad was henceforth called wali al-‘ahd, a first in recent Zaydī history. Some

Zaydi scholars objected to the innovation and were critical of Imām Yahyā for remaining silent about it. 71 Surprisingly, however, direct written criticism came from a group of ulema in Calcutta, India, who possibly considered the caliphate to reside in Yemen. They sent a letter to Imām Yahyā and the Yemeni people in which they found fault with the imām for nominating a successor on the grounds that the imāmate in Yemen is not a hereditary institution and, more specifically, they criticized the choice of Aḥmad whose morals make him unfit to rule the Yemeni people. 72 Again Imām Yahyā did not react to this but appointed his son to official military and governorate posts in a bid to show that Aḥmad was indeed fit.

Another innovation which drew the censure of some ulema was Imām Yahyā’s taking on the title of “His Majesty the King of the Mutawakkilite Kingdom of Yemen” as well as calling Yemen a kingdom. The first time this title was officially used was apparently in the treaty which Yemen signed with Italy on 24 Ṣafar 1345 / 2 September 1926. The governor of Ta’izz, ‘Alī b. ‘Abd Allāh al-Wazīr (d. 1367 / 1948), is reported to have reacted to this by saying “we did not fight the Turks for the sake of a kingdom, for they were kings; [we fought] for an Islamic caliphate.” 73 It is reported that Imām Yahyā calmed some of the fears by explaining that such usage did not change the essence of his rule and was intended to accommodate international requirements.

Another indication of this shift in the nature of the forms of Ḥamīd al-Dīn rule can be gleaned from a passage in two different editions of al-Wāsi’ī’s “unofficial” history entitled Tārikh al-Yaman. In the first edition published in 1346 / 1928, al-Wāsi’ī says the following:

72 For the text of this letter see Hijar al-‘ilm, II : 822 - 826. The link between the Indian scholars and Yemen which led to this statement being issued is not yet established.
73 al-Wazīr, 1987, Ḥayāt al-amīr, pp. 212, 298. Another scholar who is reported to have objected as well is ‘Alī b. Ḥusayn al-Shāmī (1372 / 1952), saying that the word “majesty” belongs to God alone and that even God had not used the plural pronoun We (nahmu) which Imām Yahyā was now using. Ibid.
Notice

The kings of this age are given the title His Majesty King so and so. However, because the people of good taste feel dejected at the use of this title, I have avoided in this book using the title His Majesty when referring to our Lord the Imam of Yemen. He does not approve of it [anyway], because of his great godliness, knowledge, merit and his fidelity to the character of his grandfather the Lord of Messengers--may God's peace and blessing be upon him. I have restricted myself to using the title he uses for himself and the title of his early forefathers, the imāms of Yemen: Commander of the Faithful, al-Mutawakkil 'alā Allāh Lord of the Worlds. The exception is what I found in the Italian treaty which I have rendered as it was written. 74

Interestingly, in the second edition of al-Wāsi‘ī’s history, which was published in 1367 / 1948, this notice has been removed. The matter of imāms being called kings was no longer a public issue.

Imām Ahmad’s Reign (r. 1367 - 1382 / 1948 - 1962):

Imām Yaḥyā was assassinated in 1948 and for three weeks a “Constitutional government” ruled in Sanaa, headed by Imām ‘Abd Allāh b. Aḥmad al-Wazīr. The new regime aimed to establish a more representative form of government and claimed it rejected the autocratic ways of the Ḥamīd al-Dīns. Ahmad vowed to avenge his father’s murder and declared himself imām, taking the title al-Nāṣir. 75 He attacked Sanaa, deposed its fledgling government and allowed his tribal supporters to loot the city. The rival imām and some of the main leaders of the constitutional government were executed, a good number were imprisoned, and Aḥmad set up his capital in Ta‘izz, where until recently he had been governor.

74 ‘Abd al-Wāsi‘ī b. Yahyā al-Wāsi‘ī, 1346 / 1928, Tarikh al- Yaman, p. 279. I would like to thank my supervisor Dr. Paul Dresch for pointing this “notice” out to me.

75 An exchange of telegrams took place between the Imām ‘Abd Allāh al-Wazīr and Imām Ahmad which shows clearly the dynastic conception of rule which Imām Ahmad now subscribed to. Claiming to be the rightful imām, al-Wazīr asked Ahmad to offer his allegiance and the latter gave a vituperative response, beginning with a list of his forebears who were imāms. Cf. Hijar al-‘ilm, II : 838 - 839.
Aḥmad’s reign can be seen as an extension of his father’s, except that Yemen had to contend with the forces of the outside world, especially the turbulent politics of the Arab world, to a much greater extent than before. Aḥmad had to operate much more like an Arab statesman, and traditional notions of being imām of the Zaydīs or caliph of Islam were no longer as meaningful. The opposition forces that played a role in his father’s demise, the Free Yemenis, were directly influenced by ideas of reform and progress from abroad. As pointed out earlier, this influence goes back to the 1920s, to such men as Mūḥammad Zabāra who had traveled to Egypt, Mecca and Jerusalem where they met Muslim reformers like Riḍā and Shawkat ʿAlī. Furthermore, the Muslim Brotherhood in Egypt had sent a representative, al-Fudayl al-Wartalānī, to effect reform in Yemen, and he played a key role in advising the Free Yemenis. The world had changed and impinged much more directly on Yemen.

Recognizing this, Imām Aḥmad initially promised constitutional reforms. His first official announcement upon taking power stated that his rule would be based on an ordered consultative government (ḥukūma shūrawiyya munazzama), and that he would establish a Higher Islamic Council (majlis islāmī aʿlā) which would include ministers, notables, ulema, literary figures and tribal leaders. Little came of it, however. It is important nonetheless that he recognized that new forms and idioms of rule had to be used and perhaps instituted. His choice, however, fell on an avowedly monarchic system of rule. The issue of whether Yemen was a kingdom, which was noted earlier, was now simply taken for granted. His first official statement, indeed, was addressed from the “court of His Majesty Imam Ahmad son of Imam Yahya son of Muhammad Ḥamīd al-Dīn, the venerated King of Yemen.” The first Yemeni coinage with the inscription “the Mutawakkilite Kingdom of Yemen” was issued by him in the year of his accession.76 The 3 Jumādā al-Ulā, the day of his accession, became a national

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holiday called the “Day of Victory” (‘Īd al-Naṣr). His son al-Badr Muḥammad was called wali al-‘ahd from a very early date after 1948, and the imām’s brother, al-Ḥasan, was designated prime minister.

Yet Ahmad remained in some respects a Zaydī imām. He was considered a scholar but not of his father’s stature. He issued ikhtiyārūt, some of which restated those made by his father. They are most notable, however, for the added rights he gives women in matters of marriage annulment, divorce and inheritance. In this regard, Ismā’īl al-Akwa‘ claims that he opposed his father’s opinion on the invalidity of kalā‘a fī al-nasab, confirming it instead as a condition for enacting a valid marriage. Furthermore, he depicts him as having been a fanatical Zaydī, oppressing the Shāfi‘ī population of the Tihāma during his campaigns against the Zarānīq tribe (1927 - 1929), ordering that ḥayyā‘ alā khayri al-‘amal be said in the call to prayer and demolishing the dome over Ahmad b. Mūsā al-‘Ujayl’s tomb in Bayt al-Faqīh. This assessment, like that of many post-revolutionary republican authors, is too polemical and skews reality by depicting the rule of the Ḥamīd al-Dīn as determined more by doctrine and sectarian sentiments than by pragmatism and Realpolitik. It is not evident that Imām Ahmad took decisions along sectarian lines. His actions in the Tihāma were taken while he was crown prince, and they were directed at a rebellious tribe

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77 Cf. Hijar al-‘ilm, pp. 841 - 846.
78 Cf. Ahmad b. Muḥammad al-Shāmī, 1965, Imām al-Yaman Ahmad Ḥamīd al-Dīn, Beirut: Dār al-Kitāb al-Jadīd, pp. 12 - 13. In the preface dated 1954, Ahmad Muḥammad Nu‘mān (d. 1997), who was an important figure among the Free Yemenis, says that al-Badr was referred to by then as wali al-‘ahd. It is also interesting to note that Nu‘mān here praises Ismā‘īl Yāhiyā for bringing to Yemen such modern reforms as establishing ministries, a council of ministers, a formalized system of succession, a royal court, modern schools, hospitals, systems of communication, newspapers, publishing, international diplomatic relations, bringing in some of the modern sciences as well foreign experts and technical consultants, and sending delegations of students abroad. He then goes on to praise Imām Ahmad for building on and expanding these reforms and for making the system of rule stronger than it had been before. Yemen, he says, has become a member of the international community of nations under these imāms.
79 I have edited these and placed them in the appendix. So far no commentary elucidating his reasoning or the bases of these rulings has come to my attention. However, Ahmad al-Shāmī has informed me that Muḥammad b. ‘Abd Allāh ‘Umu, the Ḥanafī muftī of Zabīd, composed a mnemonic poem of these ikhtiyārūt, cf. Nuzhat al-nazat, p. 547.
80 Hijar al-‘ilm, 11 : 817, 828.
which was presumed to have British support from Aden. It is doubtful whether his admittedly brutal policies in this instance were motivated by religious zeal.

In looking at Imâm Aḥmad’s judicial and administrative appointments, one sees that they did not conform to a clearly defined policy of favouring Zaydis exclusively. Loyalty was an important determinant, as was the fear of rival contenders or possible opponents with an independent power base, much as it had been in his father’s reign. He would not forget that the al-Wazîrs, who were sayyids and had been appointed governors, had led the plot to assassinate his father. This made him wary of appointing sayyids of politically influential families to high administrative posts. The picture which emerges is not one of a transparent system which conformed either to ideological or doctrinal considerations; it was, to say the least, opaque. Sayyid Yahyâ b. Muḥammad b. ʿAbbâs (d. 1962), for example, had been one of Imâm Yahyâ’s judges and military commanders. He was loyal and sided with Imâm Aḥmad in 1948, playing an important role in defeating the constitutional forces, and was therefore rewarded with the presidency of Sanaa’s court of appeals. Al-Akwa’ reports that Sayyid Yahyâ was an ʿAdnâni fanatic who was in favour of the *kalaʾa fi al-nasab* and had opposed the appointment of Qaḥṭânis to high posts, namely that of Qâdî Aḥmad b. Aḥmad al-Sayâghî, who was the imâm’s representative in Ibb.\(^8^1\) Again, however, this claim is misleading since it does not seem that Imâm Aḥmad was prejudiced against those of Qaḥṭâni descent in deciding his appointments. A number of them, including Shâfiʿis, were given posts by him. Al-Sayâghî, for example, had been appointed commander of the governorate of Ibb by Imâm Yahyâ in 1357 / 1938, and because of his loyalty in 1948 he was reappointed by Imâm Aḥmad as his representative there and held the post until 1961.\(^8^2\)

\(^{81}\) *Hijar al-ʿilm*, II : 1104; cf. *Nuzhat al-nazar*, pp. 643 - 644. Sayyid Yahyâ and his grandson were shot dead by a republican officer on 26 September 1962.

\(^{82}\) *Hijar al-ʿilm*, III : 1533ff.
By contrast with Sayyid Yaḥyā’s appointment, that of Qāḍī ‘Abd al-Raḥmān b. Yaḥyā al-Irānī (later President of the republic from 1967 till 1974), who belonged to the lineage of Shawkānī students and was a supporter of the Free Yemenis, deserves noting. Imām Ahmad made him member of the judicial council (al-hay’a al-shar’īyya) in Ta‘izz, a post he held till the 1962 revolution despite his collaboration with the constitutional government in 1948 and with a failed attempt to depose the imām in 1955. Both times he was imprisoned but was later released and reinstated in his post. Court politics and intrigues, rather than ideology, offer reasonable explanations for Aḥmad’s policies.

Codifying Hādawī Law:

During the reigns of Imāms Yaḥyā and Aḥmad processes were undertaken to present Hādawī law in simplified terms and code-like structures. These processes are first reflected in the last major commentary on Kitāb al-Azhār of this century. This is the four volume work by Qāḍī Aḥmad b. Qāsim al-‘Ansī (d. 1390 / 1970) entitled al-Tāj al-mudhhab li-ahkām al-madhhab (The Gilded Crown regarding the Judgments of the School). It was published in stages over a period from 1938 until 1947 and reflected several significant developments. In the preface the author states that he wrote it in order to make it easier for students to study law because the compendium which was traditionally used, the Sharḥ al-azhār, had become too cumbersome. Its study, he says, demanded a great deal of time from students because of all its marginal glosses and its rendition of opinions and differences among the various schools of law and which occur rarely. He, therefore, sought to simplify matters and present them in an organized fashion by dividing the book into two clearly delineated sections: the first on the ‘ibādāt and
the second on the *muʿāmalāt* (transactional law). Each section is then divided into numbered subsections for easy reference and cross-referencing.

Another novel feature of the work is the author's use of footnotes, a first in Hādawī commentaries, which elucidate points in the text or make cross-reference to other relevant subsections. Furthermore, the author points out in the footnotes whenever an opinion in the text corresponds to one of Imām Yahyā's *ikhtiyārat* and justifies this by saying:

So as to complete the benefit [of this work], we have deemed it necessary to decorate this crown [i.e. this book] with the jewels of the *ikhtiyārat* of the Imām of our age, our Lord, the Commander of the Faithful al-Mutawakkil 'alā Allāh Yahyā... He has ordered adherence to the Noble School in all transactions barring those matters where his knowledge in the sciences has led him to make exceptions for the benefit of all and in accordance with proofs from the Book and Sunna. [This is] as it should be with any mujtahid and just imām, who is concerned with the welfare of his subjects and who looks after the rights of his community. This is why the Noble School has stipulated that a condition for a proper "summons" (*daʿwa*) to the imāmate—as we shall see in *siyār* [i.e. public law] sub-section 456—is that it should be made by a mujtahid in the sciences. This condition does not mean that he [i.e. the imām] should be able to impose the Sharīʿa in accordance with its laws, since he can do this through taqlid. Rather, what is meant by the stipulation of *ijtihād* is that he should be just, not a fanatic of one school or sect. Only the mujtahid can be like this. And the one who is like this is the one who fulfills the Prophetic role, who interprets it, ruling by its sanctions and will [therefore] be accepted by Muslims regardless of their school affiliation as long as they disregard obduracy and make justice their guide to the Book of God and the Sunna of his Prophet—may God's blessings and prayers be upon him.

The *ikhtiyārat* were thereby directly incorporated into a code-like version of Hādawī law. By denoting his mujtahid status, they acted to reinforce the imām's claim to being a “full imām” in accordance with Hādawī stipulations. But by the same token, they were also intended to show that he transcended sectarian differences.

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A second work which had even more the qualities of a code was commissioned by Imam Aḥmad. This work is entitled *Kitāb Taysīr al-marām fī masāʿil al-ahkām li-l-bāḥithīn wa-l-ḥukkām* and was produced by the three scholars, Qāsim b. Ibrāhīm, ‘Alī b. ‘Abd Allāh al-Ānisī and ‘Abd Allāh b. Muḥammad al-Sarḥī, who completed it in 1951. However, it was not published until after the revolution and appears to have been used in manuscript form until then. This work deals exclusively with transactional law, and though based on the sections in *Kitāb al-Azhār*, it is presented in simple and clear Arabic as a numbered code without any explanation of the legal arguments underpinning the rules. In the preface the authors explain that they wrote the work because Imam Aḥmad felt that legal questions were too numerous for a jurist to master, that only a few men knew how to apply judgments properly, and that many judges, even those who had studied law, would often make mistakes. The *Taysīr* was therefore intended as a quick and easy reference for judges. The authors also argue that though the work is based on a *Kitāb al-Azhār* and its *Sharḥ*, Zaydism is much like the other Sunni schools and, moreover, all the imāms of the schools were mujtahids and therefore their opinions are correct.

It is interesting to note that in many respects the 1962 revolution caused no rupture in legal practise. The years of the civil war (1962 - 1970) were a period of judicial stasis, and no significant reforms took place other than the closing down of the Madrasa ‘Ilmiyya. This was done by the Republic’s first minister of education, Qāsim Ghālib Aḥmad, a Shāfi‘i from Lower Yemen, who justified this on grounds that it was a bastion of Zaydi thought, reproducing Zaydi jurists. The net effect was that no jurists were trained until the creation of the Higher Institute of Justice (al-Ma’had al-‘Āli li-l-Qadā’) in the early 1980s.

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88 In the early 1970s a faculty of law (*kulliyat al-shariʿa wa-l-ğānūn*) was established at the University of Sanaa but its graduates were not considered sufficiently qualified to act as judges.
trained under the Ḥamīd al-Dīn continued to run the judicial structures of the state and continue doing so today. It was not until 1971 that the Ministry of Justice issued a list of 68 rulings (qarārāt), and judges were instructed to follow these. 89 A full third of the qarārāt were identical to the Ḥamīd al-Dīn ikhtiyārāt.

The Tāḥ al-mudhhab was assigned to students at Sanaa University’s faculty of law in the early 1970s and the Tayṣir al-marām was published and is presently taught in the Maḥād al-‘Ālī li-l-Qaḍā'. In other words, the works which were produced under the Ḥamīd al-Dīn were incorporated into the Republic’s educational curricula, though these now also include a greater number of Sunni works as well as modern legal text books.

By 1975 measures were being taken to establish legal codes similar to those in other Arab countries, especially those of Egypt. A commission of eleven members was established and foreign advisors, mainly Sudanese and Egyptian, were recruited to help in drafting new codes. The first of these was the civil code of 1979. A public prosecutors office (al-niyaba al-‘āmma) was also established, as was a Higher Judicial Council (al-Majlis al-Qaḍā’ al-‘Ālī) to act as the supreme court. The process of instituting and making acceptable these new forms of law and procedure is still unfolding. Many of the jurists who were trained in the Ḥamīd al-Dīn era view them with suspicion, preferring to use the old manuals and commentaries.

The 1962 Revolution:

The political and religious rhetoric which the Free Yemenis, such as Muḥammad Maḥmūd al-Zubayrī and Muḥammad Aḥmad Nu‘mān, had leveled against the Ḥamīd al-Dīn whilst in opposition became part of official state

by the existing judicial hierarchy who were trained under the old system, mainly in the Madrasa ‘Ilmiyya. Cf. al-‘Alīmī, pp. 174 - 175.


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propaganda against the *ancien regime*, whose defenders during the civil war (1962 - 1970) were labeled royalists (*malikiyyin*). The Ḥāmid al-Dīn and the Zaydī imāms of past eras were castigated for being despotic, racist, sectarian and anti-egalitarian. The new revolutionary leadership was made up of several distinct groups: military officers, modern educated political activists, tribal leaders, and ulema who were mainly from the *qudāt* estate. In the first five years after the revolution the decision-making processes were dominated by military officers and modern-educated political activists, who had Egyptian military and political backing. Men like Vice-President ‘Abd al-Rahmān al-Baydānī and Minister of Education Qāsim Ghalib Aḥmad took the lead in the ideological fight against the royalists. Among other things these men criticized the sayyids for being the historical oppressors of the Southern Arabs, the Qahtānīs, and on these grounds a number of sayyids were summarily executed or persecuted.

Al-Baydānī, an Egyptian-born Shāfi‘ī whose family was from al-Baydā’, had been involved with the Free Yemenis before the revolution and was noted for his vitriolic attacks against the sayyids from Cairo’s Voice of the Arabs radio station. The Free Yemeni leader, Qādis Muḥammad Maḥmūd al-Zubayrī, had also engaged in the Qahtānī versus ‘Adnānī debate but had tempered his attack against the sayyids by focusing more on the Ḥāmid al-Dīn family, arguing that there were poor sayyids who suffered equally at the hands of the royal family. Al-Zubayrī seems to have objected to the crudeness of al-Baydānī’s rhetoric and therefore refused to cooperate with him whilst still in opposition in Egypt.

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90 A good account of the events which took place during and after the revolution can be found in J. E. Peterson, 1982, *Yemen: the Search for a Modern State*, London: Croom Helm.
Al-Zubayrī can be seen to represent the ulema members among the initial republican leadership. In his writings, he attacked the Ḥāmid al-Dīn regime and the Zaydī imāms for being obscurantist, reactionary, and for being sectarian by stressing differences between Zaydis and Shāfiʿīs, giving preference to the former. He is also perhaps the first to have mentioned Shawkānī and Ibn al-Amīr in this context. An example of al-Zubayrī’s critique can be found in one of his pamphlets entitled “The Imamate and its menace to Yemeni Unity.” Here he presents the view that the imāms had throughout Yemeni history played a divisive role, splitting regions and tribes and discriminating against the Shafiʿī population. He further claims that they circumscribed the practise of *ijtihād*, and incited the tribes against such mujtahids as Ibn al-Amīr and Shawkānī. This was not so; in fact, the imāms, who ruled in the time of Ibn al-Amīr and Shawkānī, had done the very opposite by providing both with protection and support. Furthermore, it is implicit in al-Zubayrī’s pamphlet that mujtahids like Ibn al-Amīr and Shawkānī were politically opposed to the Zaydī imāms. This again is a fabrication since both, though at times critical of certain measures taken by the imāms, had accepted posts in their governments. It appears that what was at issue here was al-Zubayrī’s need to find historical figures who had in their time opposed Hādawī teachings and with whom he could identify. By doing this, he could present himself, and like-minded ulema, as latter-day equivalents of figures like Shawkānī. The republican ulema obviously needed exemplary predecessors, especially non-sayyid ones, and found them in the Traditionist scholars of the past. In doing this they obscured the crucial fact that though these scholars had opposed Hādawī law and theology, they had not opposed the imāms politically--indeed, Shawkānī was explicit that rebellion against rulers, even those who were tyrants, was not allowed.

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94 This text has been commented on and translated by R. B. Serjeant, *supra.*
Qāsim Ghālib Ahmad, the modern-educated Shāfi‘ī Minister of Education, took up al-Zubayrī’s views and was perhaps the first after the revolution to raise the banner of Ibn al-Amīr and Shawkānī as opponents of the imāms. He wrote what is possibly the first book to be published under the Republic (in 1964), entitled *Ibn al-Amīr wa ‘asruhū: šūra min kifah sha‘b al-Yaman* (Ibn al-Amīr and his Epoch: an illustration of the struggle of the Yemeni people). In it he presents Ibn al-Amīr as a fervent antagonist of the Zaydī imām, who tries to unite the Yemeni people by calling them back to the Qur’ān and Sunna.95 The book crudely attempts to “republicanize” Yemeni history by appealing to the notion of a “people” who are represented by Ibn al-Amīr in their fight against imāmic oppressors. Ibn al-Amīr was a sayyid and it appears that Ahmad’s intention was to present royalist sayyids with an example of one of their own who was purportedly against the imāms. Ultimately, however, by virtue of being a sayyid Ibn al-Amīr was not a model with whom most republicans could fully identify; a non-sayyid had to be found to fill this role and the focus shifted to Shawkānī.

Ahmad’s second work which followed up on some of the themes already stated in his earlier one was entitled *Min a‘lām al-Yaman: shaykh al-islām al-mujtahid Muḥammad b. ‘Alī al-Shawkānī* (From the Distinguished of Yemen: the Shaykh al-Islām, the Mujtahid, Muḥammad b. ‘Alī al-Shawkānī). Here Shawkānī is presented in a similar light to Ibn al-Amīr: as an anti-Zaydī ‘ālim trying to unite Yemenis by preaching *ijtihād* and a return to the Qur’ān and Sunna. The thorny issue of Shawkānī’s acceptance of the position of *qāḍī al-quḍāt* is explained away with the claim that he accepted the post because he wanted to spread his liberating message. Whereas, in appointing him, the imāms sought to conceal themselves behind his fame and uprightness as well as to occupy their subjects with his message of *ijtihād*.96 Republicans were obviously also attracted to him because of

his critical stance toward Zaydi jurisprudence and his advocacy of a return to the Qur'ān and the Sunnī hadīth collections as the only sources of law. They depicted him as an enemy of the imāms who was able to separate the power of legislation (tashrī') from their grip, returning it “to God’s Book and the Sunna of His Prophet,” sources all Yemenis consider to be authoritative. Linked to this was Shawkānī’s criticism of the established madhāhib, a criticism one could invoke to transcend religious differences and establish unity among Yemenis. Again, what remained unstated was that the process by which this took place entailed a rejection of Hādawi teachings in favour of Sunnī ones. Unity, therefore, would be clearly one-sided.

Unlike the earlier work on Ibn al-Amīr, ʿAlīmād’s clear antipathy for sayyids becomes evident here. He refers to Shawkānī’s South Arabian stock, and draws his intellectual lineage to include Nashwān al-Ḥīmyārī (d. 573 / 1178) and al-Ḥasan b. ʿAlīmād al-Hamdānī (d. circa 336 / 947), both famous Yemenis, of South Arabian stock, who held critical stances toward the Zaydi imāms. ʿAlīmād says in this regard:

... al-Shawkānī, like al-Hamdānī and Nashwān al-Ḥīmyārī and others is proud of Yemen and of Yemen’s free-thinking ulema. They [all] wish the unity of Yemen.99

In doing this, Ahmad inserted Shawkānī into a 1960s polemic against the “northern Arabs,” the Ḥāshimīs, who were depicted as having divided a naturally united Yemen and exploited in particular the Shafi’ī populations and regions.100

Although historically untenable, ʿAlīmād’s characterization of Shawkānī and Ibn al-Amīr as courageous opponents of the imāms and Zaydism has

97 Ibid., p. 35.
100 al-Baraddūnī, 1994, p. 20.
pervaded modern Yemeni political rhetoric. As such, both scholars have been used effectively as anti-imamic symbols in republican ideology. The republican ulema felt, however, that Aḥmad’s characterization and use of Shawkānī was too crudely functional, and that his works were full of obvious errors. Qāḍī Muḥammad b. Ismā‘īl al-‘Amrānī, for example, says of Aḥmad’s book on Shawkānī that the reader should beware as “it contains ... historical errors and attacks on the people of Shawkānī’s era and on the society and judges of that period.” Aḥmad was not a member of the republican ulema or the quḍāt estate, and one senses that the latter resented his appropriation of Shawkānī since they felt themselves to be the inheritors of his legacy as his disciples and students. We see in the 1970s and 1980s a number of historical works written by these ulema and by scions of quḍāt families which appropriate Shawkānī in ways reflecting their own concerns and are, in certain respects, more historically informed than Aḥmad’s works.

The year 1967 was a watershed in Yemeni politics as it was in other countries of the Arab world. It spelt the end of Egyptian influence and of the ideology promoted by such men as al-Bayḍānī and Aḥmad. In their stead, republican ulema now came to the fore, as seen in the elevation of Qāḍī ʿAbd al-Raḥmān al-Iryānī to the office of president of the presidential council of the republic. Men like al-Iryānī, Muḥammad and Ismā‘īl al-Akwa’, and Muḥammad al-‘Amrānī had a profound knowledge of Yemeni history and of the role men like Shawkānī played in it. And unlike modern-educated political activists they did not wish to condemn the past in its entirety; they were culturally and educationally products of the imāmic era. One sees in their written works, therefore, an attempt to distinguish between the rule of different imāms and a

more historically grounded attempt to situate scholars like Shawkānī in the political and social configurations of his time.

Republican ulema depict the period of Shawkānī’s tenure as qādī al-qūdāt as one of juridical autonomy, when he and jurists more generally were free to impose the sanctions of the Shari’a with the result that order and justice prevailed.\textsuperscript{103} Muḥammad al-Akwa’, for example, has this to say about this period:

The mutual trust between al-Mahdī [‘Abd Allāh] and his peer Shawkānī was one reason why the foundations of his kingdom became firm... .

As to what transpired between Shawkānī and [society’s] other strata, in whose lead were the ulema, the leaders and the other members of the imām’s family, they all trusted him in regard to their honour, dignity and corporate duties. Likewise, all the people felt secure about their property and lives and there was complete conviction in society that Shawkānī was the sole valve [securing] all this.

In Shawkānī’s age the arts and sciences flourished and opened their sleeves, spreading especially the science of the Sunna, the sciences of the Prophetic hadīth and the science of its transmitters. The lighthouse of the Sunna was raised and the collections of the \textit{Sīhāh} and \textit{Sunan} were taught in the congregational mosques and in smaller mosques after [a period] when their voice had been low or totally absent.\textsuperscript{104}

Al-Akwa’ goes on to describe how Shawkānī’s school (madrasat al-imām al-

Shawkānī) went on to produce a multitude of ulema who were judges and muftīs all upholding the science of the Sunna. They were, he says, a living example of rectitude, honesty, purity and justice and among their benefits was:

that relations between Zaydī and Shāfi’ī ulema became harmonious in all regions, as in the towns of Zabīd, Ta’izz, Ibb and other places. Visits were exchanged and they studied with each other by reading, teaching, auditing and through \textit{ijāzas}. They became loving brothers drinking from the same source—that of the school of Muḥammad b. ‘Abd Allāh, may God’s blessings and peace be upon him.\textsuperscript{105}


\textsuperscript{105} al-Akwa’, 1987, p. 63.
One can see that al-Akwa' is describing a vision of society in which the ulema govern. Moreover, he exults in the role Shawkānī and his students have played in sustaining the more profound religious and intellectual unity of Yemen despite the country's political upheavals. His vision is ultimately a reflexive one too, since he and other Shawkānī students now held many of the country's leading administrative and judicial posts.

A younger generation of Yemeni scholars, who can be described as the intellectuals of the republican state, have also focused on Shawkānī, writing studies of his life and works and depicting him as a religious, legal and educational reformer for having advocated the practise of *ijtihād* and the rejection of *taqlīd*. An example of this is the work by 'Abd al-Ghani al-Shar'ābī, head of the department of education at Sanaa University, entitled *Imām al-Shawkānī hayātuhu wa fikruhu* (Imām Shawkānī: his life and thought).106 In it al-Shar'ābī describes Shawkānī's pedagogical views as laid out in his work *Adab al-talab* and situates him among those who contributed to the movement of Islamic awakening (*al-yaqqa al-islāmiyya*). The work is in essence an extended eulogy of the man and al-Shar'ābī concludes that, if taken seriously, Shawkānī's comprehensive vision of Islamic education could redress many of the faults in the modern and westernized system of education which suffers from confusion and loss of identity. He does not, however, explain how this can be brought about.

Another eminent Yemeni intellectual who has written on Shawkānī is 'Abd al-'Azīz al-Maqālīh, rector of Sanaa University and director of the Yemen Centre for Research and Studies. In his work entitled *Qirā'a fī fikr al-zaydiyya wa-l-mu'tazila* (A Reading in the thought of the Zaydiyya and the Mu'tazila), al-Maqālīh entitles the section in which he writes about Shawkānī *Salafiyyūn lākin ahrār* (Salafis yet Free Thinkers). The term *ahrār* is republican and denotes that Shawkānī is to be considered a forebear of the Free Yemenis who led the

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opposition to the imāmate. Here al-Maqālīḥ reviews Adab al-talab and accepts uncritically all that Shawkānī says about his opponents, a feature he shares with all the Muslim and Yemeni authors who have written on Shawkānī (except for the Hādawīs of course). He comes to the conclusion that Shawkānī was an “Islamic thinker who fought fanaticism and the sectarian attitudes which divided Muslims and violated the Islamic creed” and asserts that he devoted his life to “liberating mankind’s thinking from the prison of taqlīd and fanaticism.”107 Al-Maqālīḥ then justifies Shawkānī’s acceptance of an official post in the imāmic government by referring to Ayatollah Khomeini. He explains that Khomeini made it an obligation to accept office if in so doing the scholar can make Islam and Muslims victorious or if he can curb acts of injustice. Shawkānī, al-Maqālīḥ says, was therefore justified in taking up an official post since his aim was to eliminate fanaticism and to establish justice, both of which he accomplished by becoming qāḍī al-quḍāt and by having good relations with the imāms.108 The only criticism al-Maqālīḥ levels at Shawkānī comes from a passage in Adab al-talab in which the latter argues that the people of lowly professions, such as tailors, bloodletters and butchers should not study the religious sciences or frequent the ulema since this would only lead them to becoming haughty and ultimately would reflect badly on the ulema themselves.109 Al-Maqālīḥ laments that Shawkānī was not able to transcend social and class distinctions which contradict the egalitarian spirit of Islam, but exonerates him for being a product of the imāmic age in which such attitudes were prevalent. He ends by praising the September revolution for finally getting rid of all discrimination and making education a right for all citizens regardless of social origin.110

Perhaps the most prolific Yemeni to write about Shawkānī is Ḥusayn al-‘Amrī, a scion of the Āl al-‘Amrī whom we saw earlier playing an important role in perpetuating the Shawkānī legacy as well as holding important posts in the governments of the Ḥamīd al-Dīn imāms. Al-‘Amrī’s writings are perhaps the most historically informed, though they pursue rather the same view as the republican writings on Shawkānī described above. He describes him as a liberated and fair (munsīf) thinker and reformer calling for the reawakening and unity of the Muslim umma through ihtihād. Moreover, al-‘Amrī is quick to condemn Shawkānī’s Ḥādawī opponents; he sees him as having “led the free Zaydīs... and faced fanatics who were for the most part supported by the rabble.” The question of whether Shawkānī is a Zaydī at all is not clarified by al-‘Amrī, and it is only Ḥisma’īl al-Akwa‘ who unequivocally says that the Traditionist scholars of Yemen, from Ibn al-Wazīr down to Shawkānī, “had severed their ties with the Zaydī-Ḥādawī school after rejecting taqlīd.” It is this element of rupture, however, which makes the Traditionist so appealing to republican authors who wish to dissociate the new era from the imāmic past which had based itself on Ḥādawī teachings. Moreover, republicans have highlighted the legacy of the Traditionist scholars because of its appeal in the wider Muslim world, where they are seen as pre-modern reformers and renewers whose views presaged concerns of the modern period. Shawkānī’s works are read and referred to everywhere in the Sunni world, and through him republicans have sought to make wider claims for Yemen’s cultural and historical importance as a place of learning from which ideas of universal relevance emerged.

Shawkānī’s Influence on Yemeni Law:

Yemen’s leading jurists claim that Shawkānī’s legal opinions have been very influential in the reform and development of modern Yemeni law. It has already been noted that under President ‘Abd al-Rahmān al-Iryānī the Ministry of Justice promulgated a set of 68 rulings which were binding on the judges of the Republic. Qādī Muḥammad al-‘Amrānī has pointed out that fifteen of the sixty-eight rulings correspond exactly with Shawkānī’s opinions, and some of these have enormous practical significance.\(^\text{114}\) For example, “rule 21” denies the neighbour the right of pre-emption (shuf’a) and accords it only to the partner. This is in direct contradiction to Ḥādawī law which does accord the neighbour this right.\(^\text{115}\) Shawkānī restricted the right of pre-emption by excluding the neighbour on the basis of hadiths found in the Sahīhayn and the Musnads of Abū Dāwūd and Ibn Mājah.\(^\text{116}\) In the years after the revolution, when Sanaa was growing rapidly in part because of rural-urban migration, “rule 21” allowed for the relatively quick sale of land by denying neighbours the right to interfere.\(^\text{117}\) Both the 1979 Yemen Arab Republic civil code and the 1992 civil code of the Republic of Yemen have maintained that pre-emption is a right accorded solely to a partner and not to a neighbour.\(^\text{118}\)

Qādī Muḥammad b. Ismā‘īl al-Ḥajjī, who headed the commission of jurists who drew up the 1979 civil code, and who describes himself as belonging to “madhhab al-Shawkānī,” stated that the methodology used in drafting the civil code was consistent with Shawkānī’s legal methodology. The commission, according to al-Ḥajjī, looked at the legal opinions of all the Islamic schools of law

\(^{114}\) al-‘Amrānī, 1984, pp. 232-244.


\(^{117}\) This is based on an interview with Qādī Muḥammad al-Ḥajjī, Vice-President of the Higher Judicial Council.

and chose only that which conforms with the Qur'ān and Sunna. Furthermore, al-
Hajjī stated that many of Shawkānī's opinions influenced the 1979 civil code, e.g.
the division of contracts into the two categories of *ṣaḥīh* (valid) and the *bāṭīl* (vain) instead of the Hādawi division of contracts into the three categories of
*ṣaḥīh, bāṭīl and fāṣid* (invalid). Although one can differ with al-Hajjī about the
extent of Shawkānī's actual influence on the 1979 civil code given that it is
remarkably similar to the modern Egyptian civil code, it is worth noting the
importance al-Hajjī gives to al-Shawkānī's imprimatur.

Fatwās have been another means through which Shawkānī's opinions have
been made relevant in Yemeni legal life. This has been accomplished mainly
through the medium of the radio, and more recently television. In 1969 'Abd al-
Rahmān al-Iryāni set up a radio programme called *Fatawā* on which jurists read
out their *fatwās* in answer to questions sent them by the public. Muḥammad b.
Ismā'īl al-'Amrāni has been issuing his *fatwās* for the last twenty four years on
this programme. His *fatwās*, he says, conform to Shawkānī's *ijtihād*
methodology. Here is a recent *fatwā* he gave in answer to a question about
whether a man and a woman had the right to marry having both been nursed by
the same wet-nurse only once. The answer:

If you want the *fatwā* in accordance with the Zaydi-Hādawi
*madhhbah*, then the marriage is prohibited because their only
[prohibiting] condition is the arrival of the milk to the abdomen,
even if only once. And if you want the answer in accordance with
the Shāfi‘ī *madhhbah*, the Shafi‘is say that the marriage is not
prohibited unless they have sucked five times, because of a hadith
from 'Ā'isha [the Prophet's wife] that “the five nursings prohibit.”
And this corresponds to Shawkānī's *madhhbah*. So, you are free to
choose between the two. As to my opinion, [I say that] only the
five [suckles] prohibit because the hadith which specifies the five
is sound (*ṣaḥīh*). And God knows best.

120 This information is based on an interview held with al-Hajji.
122 Al-'Amrāni read this *fatwā* out to me after writing it in preparation for the radio programme.
The importance of this fatwa arises not simply because Shawkānī’s opinion on the matter is stated, which it often is, but also because his methodology is being applied. The mufti justifies his opinion through a ḥadīth which has a high degree of authority and which is drawn from the Sunnī collections. Therefore, not only is the mufti offering the questioner authoritative proof, but he is also extracting the proof for himself from a principal source -- the Sunna. One can also see in this fatwa how Shawkānī’s opinion on the matter, as well as the mufti’s, is presented as transcending the sectarian differences between Zaydīs and Shāfī’īs because of its substantiation by a sound Tradition which supersedes the opinion of any one school of law. It is worth noting, however, that this fatwa, like most others which conform to Shawkānī’s methodology, legitimates Sunnī ḥadīth works as the authoritative source for the Sunna while Zaydī texts remain unmentioned.

A Coincidence of Views:

The attraction evinced by republican authors and jurists towards the Traditionist scholars, and in particular towards Shawkānī, is shared by many in Saudi Arabia. The Traditionist Yemeni view of Islam bears a close resemblance to Wahhābism, despite certain important differences. This fact has not gone unnoticed by ulema in both countries. ‘Abd al-Raḥmān al-Īrānī has even leveled the accusation at a Saudi prince that he published one of Shawkānī’s works under Muḥammad b. ‘Abd al-Wahhāb’s name.123 More specifically, and perhaps more honestly, Saudi Arabian universities have in the past two decades produced a significant number of works which focus on Shawkānī, highlighting in particular the affinities between Wahhābism and the Traditionist legacy in Yemen.124

The relationship between Saudi Arabia and Yemen is too complex to enter into here, but nonetheless it is important to highlight the extent to which the Saudis have been able to propagate their views in Yemen, not least by focusing on the Traditionist legacy.\(^{125}\) The Saudis have officially had a significant presence in Yemen since the early 1970s. They have funded the establishment and running of the “scientific institutes” (al-

\[\text{al-\'ahid al-\'ilmiyya}\]), a parallel system to the national schools, which place greater emphasis on the study of religious subjects. The curricula of these institutes can definitely be categorized as Traditionist.

Muḥammad Ṣubḥi Hallāq is a Syrian member of the Muslim Brotherhood presently living in exile in Yemen and teaching at one of these institutes in Sanaa, which significantly is called the Muḥammad b. ‘Alī al-Shawkānī Institute. He has been prolific in editing a number of Shawkānī’s major works and smaller treatises.\(^{126}\) Saudi universities have also graduated Yemeni students in the religious sciences who have returned to Yemen and spread Traditionist views. The most notable example is Muqbil al-Wāda’ī, a graduate of the Islamic University of Medina. He has based himself in his home village of Dammāj, which is close to the town of Sa‘da, establishing there a seminary for ḥadīth studies. Since his return he has engaged in virulent attacks against the Zaydis, amongst others, through the medium of cassette tapes and written works. Al-

\[\text{Wāda’ī’s students, who call themselves Salafīs, have gone to other regions of Yemen where they have established their own centres of instruction and become sermoners and imāms of mosques. Among these is one Shaykh ‘Aqīl b. Muḥammad al-Maqṭari, who is presently based in the Camp area of Ta‘izz.}\]

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\(^{125}\) I am using the term Saudi in a very general sense. Depending on the context, it may refer to official persons and efforts but also to unofficial people who may have studied in Saudi Arabia or maintain contacts there.

\(^{126}\) He has for example edited Shawkānī’s \textit{Wabl al-ghamām} and Siddīq Ḥasan Khān’s \textit{al-Rawda al-madiyya} which is a commentary on Shawkānī’s \textit{fiqh} manual entitled \textit{al-Durra al-bahiyya}. 292
Maqtari is a great devotee of Shawkānī’s and has edited a number of his treatises. When a leading member of the Salafis was questioned about the specific appeal of Shawkānī, he answered that Shawkānī was a great Salafi and a mujaddid. He also added that giving the example of Shawkānī was very effective in helping convince Yemenis, especially in the rural areas, of their teachings because like them Shawkānī was a Yemeni who was also a Salafi.  

The Zaydi Reaction:

Republican state ideology which, as we have seen, valorizes the Traditionist legacy and excoriates certain Zaydi-Hādawī elements of the past has led to the effective political and social marginalization of distinctively Zaydi ulema. With few notable exceptions, these have not benefited in terms of administrative or political appointments. Zaydis often speak of a combined onslaught by the state and by the Wahhābīs whose influence has been especially significant in Ṣa‘da province. The only organized effort by Zaydis to reclaim influence has come belatedly with the establishment of Ḥizb al-Ḥaqq (The Party of Truth) in 1990. Al-Ḥaqq’s general secretary, Sayyid Aḥmad b. Muḥammad b. ‘Alī al-Shāmī, does not mince words in explaining why the party was established. He says:

Wahhābism is a child of imperialism and is its spear-head in our country. Both are one and the same thing. How do we stand up to an enemy we don’t see? We are seeing imperialism in our country in its Islamic guise. In reality, we are fighting something which is more dangerous than imperialism: its legitimate son. Wahhābism is readying conditions in order to colonize us indirectly for [the] imperialist [cause].  

And:

127 Based on an interview with Mr. ‘Ar al-Kawl, the financial director in Sanaa of the Yemeni Wisdom Benevolent Association (Jam‘iyat al-Ḥikma al-Yamaniyya al-Khayriyya), which is run by the Salafis.

Look, Saudi Arabia is pouring lots and lots of money into Yemen to promote its own version of Wahhābī Islam. This is actually an irrational and uncompromising version of our religion, which we can do without. So, we need to counter those efforts... and to fight intellectual advances by Wahhābism into Yemen. ¹²⁹

It is implicit in these statements that the republican government has allowed this to take place and is therefore guilty by association. Politically, al-Ḥaqq has proved ineffectual. They won only two seats in the 1993 parliamentary elections and none in 1997. In part, this is due to the ambiguous nature of a Zaydi political party operating in a republican context. In an unsuccessful attempt to clarify matters al-Shāmi and other Zaydi scholars issued a statement (bayān sharʿi) in which they abandoned the very institution of the imāmate. ¹³⁰ Here they argued that the imāmate is a historical construct whose time has passed and no longer has any present-day validity. They state that the most important matter for the present age is to attend to the welfare (ṣalāḥ) and the betterment (īṣlāḥ) of the conditions of the Muslim community, which alone has the right to appoint a leader, who is not an imām in the strict sense, but a hired servant (ajīr). Finally, they state that this protector may be descended from any lineage and may belong to any race as long as the affairs of the umma are safe and sound. ¹³¹ An institution which once defined Zaydism was thus done away with in a few pages. Not all Ḥādawī scholars agreed with this, and some therefore remained formally outside the party. Ḥizb al-Ḥaqq maintained that it represented a Yemeni view of Islam, but without the imāmate it was difficult for outsiders to understand what that view consisted of.

¹³⁰ It appeared in al-Wahda newspaper on Wednesday 10 Jumāda al-Ūlā 1411 / 28 November 1990, issue No. 26. I have a hand-written photocopy of the same statement which was being circulated in Sanaa before publication and which I have included in the appendix.
Ideologically, the response of Zaydí to the Sunní onslaught has been meager. They have tried to fight back through the publication of books and pamphlets and the setting up of schools and institutes where Zaydí works are taught. Ša’dá has been their most active centre, though schools have also been established in Sanaa and the Jawf. It is interesting to look at some of the symbols they have used. They have, for example, established a teacher training institute in Ša’dá which is called Ma’had al-Shahid al-Samawi (The Institute of the Martyr al-Samawi). The person referred to here is Shawkání’s opponent, Muḥammad b. Šāliḥ al-Samawi or Ibn Ḥariwah, who was executed at the order of al-Mahdī ‘Abd Allāh and, the Zaydí claim, with Shawkání’s fervent approval. They have also edited and published Ibn Ḥariwah’s critical response to Shawkání’s al-Sayl al-jarrār, entitled al-Ghatamṭam al-zakhkhar. In so doing they hope to undermine the state’s most praised scholarly figure and to present an alternative vision to that generally accepted. On the whole, their efforts have been defensive and are on terms set by the state. The story of Shawkání and the Zaydí continues to unfold but the outcome appears to have been determined in the late 18th century when the state chose to support the Traditionist scholars -- for reasons which in the modern era are all too obvious.

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العِقيدة الصَّحِيحَةُ والدِينُ النَّصِيحَةُ
للإمام المتولِّكٌ على الله إسماعيل بن القاسم بن محمد١

قال مولانا أمير المؤمنين المتولِّك على الله رَبّ العالمين إسماعيل بن أمير المؤمنين المنصور بالله القاسم بن محمد بن ُابَيّ الله نصره، وأناَفذه أميره هذا عِقِدتنا وعِقْيَدة آبائنا عليه السلام، فمن قَبَلها فقد استمسك بالأُروة الوُلُوِّشة من الدُّين، ومن أبى قَبولاً بغير حجة فهو من الخاسرين، وحجة واضحة بلغها إلينا فحنها قابلون، وبالحق إِنّ شاء الله قَائلون، وبالعلم النافع عاملون، والله حسبنا ونعم الوكيل وصلِ الله على سيدنا محمد وآله وسلم.

بسم الله الرحمن الرحيم

الحمد لله الذي هدانا هذا وما كنا لهندي لولا أن هدانا الله، وأشهد أن لا إله إلا الله وحده لا شريك له وأشهد أن محمدا رسول الله، والصلاة والسلام على محمد وعلى آل محمد، الذين هم دعاة الحق إلى الحق وسفن النجاة.

أما بعد، فهي عقيدة الفرقة الناحية³ والطائفة التي على الحق ظاهرة. وهي الدين الذي شرعه الله محمد المصطفى ووصّي به نوحًا وإبراهيم وموسى وعيسى وحتم الاجتماع عليه واقامته، وحرم الاختلاف فيه وفرقته.

1 أنظر الحبيبی، “مصادر الفكر العربي الإسلامي”، ص 620 - 623. وحكم المتولِّك إسماعيل من سنة 1054 إلى 1079 هـ / 1644 إلى 1668 م. وفي الأصل مقدمة للرسالة تقدم ناسحها مهدي بن محمد المها (ت 1070 هـ / 1666 م)، وكان معاصراً للمتولِّك إسماعيل، نسخها ما يلي: هذه النسخة المباركة هديته إلى السيد العلم الوحيد المفيد المستفيض جمال الإسلام علي بن أحمد بن أمير المؤمنين زين الله به أندية السادة ورفع به أهل الرغبة والإفادة. من الفقير إلى الله مهدي من محمد الملاع على الله علِه، وقد أجرته له أن يرويها عني بقراءتي لها على مؤلفها حفظه الله ماراً. والمستبجاز هو السيد علي بن أحمد بن الإمام القاسم بن محمد (ت 1121 / 1709) الذي تولى أعمال صعدة وبلادها في أيام عمه المتولِّك إسماعيل. أنظر "دليل القدر الطالع"، 2 : 155 - 157.
2 أنظر دليل القدر الطالع، 2 : 217 للحصول على ترجمة مهدي بن محمد الملاع.
3 يقصد هنا فرقة الزيدية.
وهي أن الذي خلق العالمين وهو الله الواحد الذي لا إله إلا هو الحجي القبود عالم الغيب والشهادة.
" وأنه هو الأول والآخر وهو على كل شيء قدير ، وهو العزيز الحكيم والسميع البصير والغني الحميد ".

وأنه ليس كمثله شيء ٤، «ولا تذكره الأنصار ولا يذكر الأنصار»، وهو اللطيف الخبير.

وأنه العدل فلا يظلم ربك أحداً، وأنه لا يريد ظلماً للعالمين وأنه لا يريد ظلماً للعباد.

وأنه الصادق في وعده ووعيده ومن أصدق من الله حديثاً لا يبدل القول لديه، وما هو ظلماً للعبيد، فقيل «لا تزر وازرة وزر أخرى»، «وأن ليس للإنسان إلا ما سمع»، «إن الله لا يظلم الناس شيئاً ولكن الناس أنفسهم يظلمون».

فلا يعاقب أحداً ولا ينسى إلا بعمله، وإنه لا يكلف الله نفساً إلا وسعها ولا يكلفها إلا ما أتاه، وأن الأعمال منسوية إلى من نسبها الله إليه في خل该项: «من عمل صالحاً فاتنله ومن أساء فعليها»، وأن ما كلفنا الله به تستطيع القيام به كما قال: «ف أعطوا الله ما استطعتم»، وترتكب العاصي وهو مستطيع خلاله كما حكي الله عن المناقفين «وسيحللون بالله لو استطعنا اخترنا معكم».

وأكدتهم تعالى وذكّهم بقوله تعالى: «بهاكون أنفسهم والله يجعلهم كاذبين»، وأنه لا يريد ظلماً للعباد، ولا يحب الفساد، وأنه لا يرضى لعباده الكفر وأنه لا يقضي إلا بالحق، وأنه لم يخلق الجن والأنس إلا ليعبدوهما وما أراد منهم من رزق وما أراد أن يطعموه، وأنّ من تعدد حدود الله

الcontrariwise : 11
الألفام : 103
الأأنعام : 164 ; الأعراد : 15 ; فاطر : 18 ; الزمر : 7 ; النجم : 38
التختم : 39
بونس : 44
فضلت : 46
النعاس : 48
النبوة : 42
النبوة : 42
أنظر الداريات : 56 - 57

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فله غذاب النار خالداً فيها، وأن الشفاعة لم ين ارضى، وَوَمَّا لِلظَّالِمِينَ مِنْ حَمِيمٍ وَلَا شَفِيعٍ يَطَاعُونَهُ،
وَأَنَّ الجَنَّةَ مِنْ ابْتِغَى، وَأَنَّ الحَمِيمَ مِنْ طُفِقَ، وَأَنَّ اللَّهَ يُبِّعْنَ مِنْ القَبْرِ، وَأَنَّ مِنْ عَمَلِ سُوَءً فَهُوَ
مُجَزَّى بِهِ لَا تُنفِّهُ الأمانِي، إلَّا مِنْ تَابٍ وَأَمْنِ وَعَمَلٌ صَالِحٌ وَمِنْ دَخُلِ النَّارِ فَهُوَ خَالِدًا فِيهَا
وَمَا هُمْ مِنْهَا مُخْرِجُونَ١٥، فَأَفْنِمْ حَقّ عَلَيْهِ كَلَّمَةُ الْعَذَابِ أُفْقِنَتْ تَنْزَلُ مِنْ فِي النَّارِ١٦، وَقَالُوا
لَنْ تَسْتَنْتَ بِالنَّارِ إِلَّا أَيَامًا مَعْدُودَةً فَقَلْ أَخْذُمْ عَنْ اللَّهِ عُهْدًا فَلَنْ يَحْلِفَ اللَّهُ عِهْدَهُ إِنْ تَقْولُونَ عَلَى اللَّهِ مَا لا
تَعْلُمُونَ بِلِي مِنْ كَسْبٍ سَيِّئٍ وَأَحَاطَتْ بِهِ حَضْتُهُ١٧ فَأَوْلَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ١٨،
لَيْسَ بِأَمَانِيَّكُمْ وَلَا أَمَانِيٌّ أَهْلُ الْكِتَابِ مِنْ يَعْقِلُ سُوَءًا يَيْجَزَّهُ بِهِ وَلَا يَجِدَ لَهُ مِنْ دُونِ اللَّهِ وَلِيًا وَلَا
نصِبَ١٩. وَمِنْ دَخُلِ النَّارِ فَهُوَ خَالِدًا فِيهَا وَرَضُّ فِيهَا نُعْيمٌ مَقْيَمٌ٢٠، وَوَأَنَّ ما بِالْمَخْلُوقِينَ مِنْ نَعْمَة
فَنَّ اللَّهِ وَأَنَّ الرَّزْقَ مِنَ اللَّهِ وَأَنَّ الْإِيمَانَ اعْتِقَادُ بِالجَنَّةَ وَقُولُ اللَّهَ مَا مَضَيْتُ وَاعْمَلُ فِي الرَّكَانِ، وَيَرِيد
وَيَنْصِبَ٢٠ فَأَمَّا الَّذِينَ آتَيْنَاهُمْ فَرَادَتِهِمْ إِلَيْهِمْ إِلَيْهِمْ٢١، وَأَنَّ الْأَبْنِاءَ حَقًا، وَأَنَّ كَبِيرَ اللَّهِ حَقًا، وَأَنَّ مِنْ بَعْضٍ غَيْر
الإِسْلَامِ دَينًا فَلَنْ يُقِيلَ مِنْهُ، وَأَنَّ مُحَمَّدًا صَلِّى اللَّهُ عَلَيْهْ وَرَحِمَهُ الَّذِينَ خَاتَمَ النَّبِينَ، وَأَنَّ مَا يَنْتَلِقُ عَن
الْحَوْى٢٢ إِنَّهُ إِلَّا وَحِي يُونَى١٨. وَأَنَّ الأَخْبَاهِ مَعْصِمُونَ عَنْ العَصِيَّةِ وَأَنْهُمْ لَوْ خَالَفُوا لَعَفُوا١٩ كَمَا قَالَ عَلَّامٌ: "فَقَلَ إِنَّ اعْتِبَتْ رَيْبَ غَيْرِ عَذَابٍ عَظِيمٍ٢٠، وَلَقَدْ كَذَّبَتْ مَتَّى إِلَيْهِم
شَيْئًا قَليلاً إِذَا لَأَذْنَفْكُ ضَعْفَ الحَيَاةِ وَضَعْفَ المَمَاتِ ثُمَّ لَا يَجِدُ لَكَ عَلَيْنَا نَصِيرًا٢١، وَأَنَّ الْقُرْآنَ مَعْجِرٌ

١٤ غَافِرٌ : ١٨
١٥ الحَمِيمُ : ٤٨
١٦ الزَّمَرُ : ١٩
١٧ في الأصل "حَضْتُهُ".
١٨ البَقَرَةُ : ٨٠ - ٨١
١٩ النَّسَاءُ : ١٢٣
٢٠ النَّوْعَةُ : ٢١
٢١ النَّوْعَةُ : ١٢٤
٢٢ النَّجْحُمُ : ٤
٢٣ الأَمَامُ : ١٥
٢٤ الإِسْرَإِيِّلُ : ٧٤ - ٧٥

٢٩٩
لن يقدر أحدٌ على الآيتان بمثله۲۵ ولا بسورة من مثله وان الله هو الذي جعله قرآناً عریباً۲۶، وأنه ذكر محدث محفوظ لا يأتي الباطل من بين يديه ولا من خلقه تنزيل من حكيم حميد۲۷، وأن الله جعله نذيراً من بلغه من الملكلين۲۸ وأورثه الذين اصطفى هم عباده وهم ذرية نبيه كما جعل في ذريته إبراهيم النبوة والكتاب جعل في ذريته محمد صلى الله عليه وسلم عليهم السلام والكتاب وجعلهما نبيه صلى الله عليه وسلم عليهم السلام فقال: "إني تبارك فيكم ما إن تضلوا من بعدي أبداً كتاب الله وعترتي أهل بيتي۲۹، إن اللطيف الحبيب نبائي أنهم لا يفترون حتى يردوا عليّ الحوض". وأن الله حصراً الولاية للمؤمنين في قوله تعالى: "فإذاً وليك له ورسوله والذين آمنوا الذين يقيمون الصلاة ويتذرون الزكاة وهم راضعون۳۰. فلايلة وهي الإمامة لم جعلها الله ووصفه بأبناء الزكاة وهو راكع ولم يفعل ذلك أحد غير أمير المؤمنين علي بن أبي طالب عليه السلام، فهو السابق إلى الإمام لا يسهو بفضل سكينة الحاج ولا عماره المسجد الحرام۳۱ وما دونهم من الفضائل، فلafia فضل من السباق إلى الإمام بالله وبرسله، فهو أفضل الناس بعد الرسول وأكثرهم بلاء فلم يكن في سريًّا مؤثراً عليه إلا أن يكون رسول الله ﷺ فيها، فمن كان رسول الله ﷺ مولاه فعليّ مولاه وهو أحدث ووصية وهو من مدنية هاجر من موسي إلا في النبي، وهو أقرب الناس منزلة من رسول الله ﷺ صلى الله عليه وسلم أن وصل في جميع خصائص الفضل، والأفضل هو الأحق بالإمام بإجماع الصحابة واحتجاهم على الأنصار به وصدوقاً، ولكنه أخص منهم بذلك وأولاهم به، واحترست العزة المآمور بالتمسك بها مع الكتاب في الحسن والحسين عليهم السلام، وقال النبي صلى الله عليه وسلم "فهما الحسن والحسين إمامان قاما أو قدما، وأبوهما خير منهما"، واحترست في ذريتهما من بعدهما، فأيام الوراثة لهم شاهدة٣۲، وأيام المروة٣۳ والتطهير٣۴ عليهم عائد، فهم الشهداء على الناس بدليل قوله تعالى: "قلتَ"۳۵

۲۵ أنظر الإسراء : ۸۸.
۲۶ أنظر الزخرف : ۴۹.
۲۷ فصلت : ۴۲.
۲۸ أنظر الفرقان : ۱.
۲۹ التوميدي، المناقب رقم ۳۷۲۰ والمناقب رقم ۳۷۱۸.
۳۰ المائدة : ۵۵.
۳۱ أنظر النوبة : ۱۹.
۳۲ فاطر : ۳۲.
أبيكم إبراهيم هو من كَمَّا كَمَّم المسلمين من قبل، وفي هذا ليكون الرسول شهيداً عليهم ويتكونوا شهداء على الناس، ولا يختلف أحد في أن غيرهم من سائر ولد إبراهيم من اليهود والمسيحيين، وإلا نرى مركزي لستاً، فتعين الرئاد فيهم، فكانا هام الأحق بها الأولى لأنهم لا ينافون في أنهم يختلفون في خلاف وغيرهم ففيهم الخلاف، فكان أهلهم لها بالدليل القاطع خلاف غيرهم، وأنه لا يستحقها منهم إلا من كان جامعاً لمشروطها الخلقية والأخلاقية، وأنه يجب تولي الصحابة رضوان الله عليهم أجمعين، وأن ليس منهم المنافقون ولا الفاسقون، وفي الحديث الصحيح أنهم ليسوا بصحاب ما أحدنوه، وأن الأمر بالمعروف والنفي عن المنكر واجب على كل مكلف، وأن المعاصي محظيات رفع الصورة فوق صوت النبي وما فوق من المعاصي إلى أكثراً ذا الذي هو الشرك، وأن الله رضوان الله تعالى عرفة الرئيسي أن عمله وأن الله ورد الاجتماع في الدين، والاعتصام بحكم الله الشريف والاستمساك بمروة الوطئ التي هي كلمة التقوى، ونهى النفس عن الهوى، واتباع الأدلة وترك التقييد في أصول الدين إلا مع وضوح الحجة، وأن مولاية المؤمنين واجبة، ومعاداة الفاسقين لازمة، وأنه لا يحل لمؤمن يرى الله يُعَصى فيطرف حتى يُعَرَّف أو يَتَنُقُّل مهاجراً، وهم يهاجر في سبيل الله، يجذب في الأرض، وتماماً كثيراً وسعاً، وأنه لا يحل للذين أوتوا العلم لَمْوَهَم، ورد الخلاف إلى صحيح السنة ومحمَّد الكتب فرض لا يزور وتحل واضحة على جميع أولي الأئمة، والحمد لله رب العالمين وصلى الله على سيدنا محمد وآله وسلم. 37

33 الشروى: 21
34 الأحزاب: 33
35 الحج: 78
36 النساء: 100
37 كتب ذلك مهدي بن محمد المهلا (ت. 1666 / 1670) حامداً الله وشاكرًا ومليماً مسلمًا على سيدنا محمد وآله وسلم، وآله وعذر بالأمر بالمعروف والنهى عن المنكر. الله يزاده المغفرة والرحمتين. أنظر ذيل "البدر الطالع" 2: 217.
رسالة إرشاد الغبي
إلى مذهب أهل البيت في
صاحب النبي صلى الله عليه وعلى آله وسلم
للقاضي العلامه محمد بن علي الشوكاني رحمه الله تعالى

بقلم


أضاف هذا القاضي محمد بن إسحاق العمراوي الثاني: ويحسن أن يسمي براءة أئمة المذهب الزيدى من بعده
فحولت بسب ذلك الخطاب والخلط من الجمل الغفيرة، ونسب إلى أهل البعث من المسائل ما يخالف قول كبيرهم وصغيرهم، وكان من جملة ذلك مسألة تعريض القرابة للصحابة فإن كثيراً من العلماء على العلوم ينتحراً على ثلم أعراض جماعة من أكابر خبر القرنون. فإذا عزوب في ذلك قال هذا مذهب أهل البعث، وذلك فرقة صانائهم الله [عنها] فإنهم عند من له أدنى إمام بمذاهبهم مبرون عن هذه الحضرة الشنيعة.

// 2 // فاجبت بيان مذهبهم في هذه المسألة تخصصها لأنها هي التي ورد فيها السؤال من بعض أهلا العلم ليست بين ذلك على صحة ما ذكرنا ممن اذى معارضة ملأ علومهم الشريعة في هذه الأزمة وقد اقتصرت على مقدار بسير من نصوصهم لأن الاكتئاب من دواعي الإبل واله لا مشغول بإبراز الأفلاط لأن غرض المسائل ليس إلا بيان ما يذهبون إليه في ذلك.

فأقول قد ثبت إجماع الأئمة من أهل البعث علّى تحريم سبب الصحابة وتحريم التكفير والتفصيل لأحدهم منهم إلا من اشتهر تفاوت الخلافة الدين والمعاندة لسنين سيد السلام، فإن الصحابة ليست نموذجاً لوصفها من تصف بها على ما ذهب إليه الجمهور بل هو إجماع كما حققنا ذلك في الرسالة المسماة بالقول المفروض في رد رواية الهجوب من غير صحابة الرسول. وهذا الإجماع الذي قطعنا ذكره من أهل البعث مروي من طرق ثابتة عن جماعة من أكابرهم. الطريق الأول هو الإمام المؤيد بالله أحمد بن الحسين الهاروني 8 فإنه روى عن جميع آبائه من أئمة آل التحريم سبب الصحابة حكى ذلك.

عن الصاحب حواشي الفصول. الطريق الثاني قال المنصور بالله عبد الله بن حمة 10 في رسالته في جواب المسائل التهامية بعد أن ذكر تحريم مبسط الصحابة ما نفذوه: وهذا ما يقضي به علم آبانا إلى علم عليه السلام، ثم قال فيها ما نفذوه: وفي هذه الجهاء من يرى خص الولاتي 11 سبب الصحابة رضي الله عنهم والإبراء منهم فيتبنا من محمد صلى الله عليه وعلى آله وسلم من حيث لا يعلم. شعر: فإن كنت لا أرمي وترمي كناني تُصيب جائحات النّبل كنفسي ومنكم

7 في النص "بتحاري".
8 إمام دمياطي (333 - 411 هـ) وله كتاب شرح التحريد في فقه الزيادة.
9 ورما هو السيد خميس الدين أحمد بن محمد بن فلمن الحسيني (ت 1039) والكتاب إسمه "حاشية الفصول الملوثة" وهو في أصول الفقه (مؤلفات الزيادة ج 4:408).
10 الإمام عبد الله بن حمراء (614/1185-1217) أنظر زياره، "آئمة الرسول" ص 108-143.
11 في النص "الذي".
انتهى. قال في الترجمان، عند شرح قوله في البسامة: "ورضٌ عنهم كما رضى أبو حسن" إلى آخر
ما لفظه: قال المعصور بالله عبد الله بن حمره ولا يمكن أحده أن يصحح دعواه على أحد من سلفنا
الصالح أنهم تألوا من المشاهب أو سببهم بل يعتقدون فيهم أنهم خير الخلق بعد محمد وعلى فاطمة
صلوات الله عليهم وسلم. ويقولون قد أخطأوا في التقدم وعلى اختلفا لا يعلم قدرها إلا الله
سبحانه和他的 الخطايا لا يبأ منه // ص 3 // إلا الله تعالى وقد عصى آدم ره فغوى فإن حاسبهم الله
بذنب فعولوا وإن عفون عنهم فهو أهل الغفر وهم يستحقونه جمهور سوابقهم انتهى.
الطريقة الثالثة،
قال المؤيد بالله يحيى بن حمرة: "عليه السلام في آخر التصفيه" ما لفظه: تنبية: أعلم أن القول في
الصحابي على ثقيفين. القول الأول مصرفون بالترجم عليه وسلم وترجمة وهذا هو المشهور عن أمير
المؤمنين وعن زيد بن علي وجعفر الصادق والناصر للمجو والمكي بالله فهؤلاء مصرفون بالترجمة
والترجمة والنازلة. وهذا هو المختار عندنا وذكروا عليه وذكرنا أن الإسلام مفطرون بي لا محالة وعوض
ما عرض من الخطايا في مخالفة التصوص ليس فيه إلا الخطايا لا غير. وأما كونه كفرأ أو فسق، فلم تدل
عليه دلالة شرعية، فلهذا بطل القول به هذا الذي اختياره وترجمية مذهبا وخب أن تلقى الله به وحن
عليه. والفريق الثاني متوقفون عن الترجمة والترجمة وعن القول بالتكفير والتفصيق وهذا دل على
كلام القاسم والهادي وأولادهما، وإليه يشير كلام المعصور بالله. فهؤلاء يحكمون بالخطايا ويقتوون به
ويتوقفون في حكمه. فالمقال بالتكفير والتفصيق في حق الصحبة فلم يؤثر عن أحد من أكابر أهل
البيت عليهم السلام وأفضلهم كما حكيناهم وقرأنا وهو مدرج على ناقلته انتهى. وقال الإمام يحيى

12 تأليف الفاضل محمد بن أحمد المُفْتَرِج الحمدي (ت. 926/1519). اسم الكتاب: الترجمان المفتي للسمرات كنائب
البستن.

13 البسامة (جوهر الأخبار في سورة الآية الأُخْبَار)، نظم: صارم الدين إبراهيم بن محمد الوزير الصغراني (ت.
1508/914). موعد الكتاب في المكتبة الشرقية (ق44م و 1696) وتخير مؤلفات الربيعة، ج 1: 206 - 207.

14 (ت. 749/1349).

15 الإمام يحيى بن حمرة. كتاب تصفية القلوب عن ذر الأوزار والذنوب، صنعاء: دار الحكمة اليمنية، 1408 / 

16 سقطت الكلمة "عليه" من المخطوطة.
بن حمزة في رسالة إلى المعتمدين عن اثرب أصحاب سيد المرسلين 17 بعد أن حكى عن أهل البيت أنهم لم يكتملو ولم يفسقو من القليل بإمام أمير المؤمنين وخفيف عنه أو تقده، ما لفظه: لم أن لهم بعد القطع بعدم التفكر والتفسير مذهبين. الأول مذهب من صرح بالازعج والرضية عنهم.

وهذا هو المشهور على علي وزيد بن علي وعياض الصادق والباقر والنصير والمؤيد بالله وغيرهم وهو المختار عندنا. قال المذهب الثاني من توقف عن الرضية والازعج والإفكار والتفسير وإلى هذا يشير كلام القاسم والهادي وأولادهما والنصور بالله لأنهم لم يقدروا على الخطأ ولم يدل دليل على ع_CTXهم فيكون الخطأ صغيرا في حقهم جاز أن يكون حظا كبيرا // ص 4 // فنذكر توقفا عن جهر الترضية. قال ويفقه أنه قاطعون ينكرهم قبل هذه المعاصية فنستصحب الأصل ولا ننجز عنه إلا لدلالة قاطعة تدل على كفر أو فسق. قال وما روي عن النصر بالله أنه قال من رضى عنهم فلا تصلوا خلفه ومن رضى عنهم فاسألوا ما الدليلان، الريادة المشهورة من سببهم فلا تصلوا خلفهم ومن رضى عنهم فاسألوا ما الدليلان الذاهبين كلام الإمام يحيى عليه السلام. وقد بالغ في كتابه المسمى بالتحقيق في الإفكار والتفسير في الاستدلال 20 على جهر الترضية وكذلك في سائر كتبه الكلامية. قال العلامة يحيى بن الحسين بن القاسم في الإيضاح 21 واعلم أن القائلين بالرضية على الصحابة من أهل البيت هم أمير المؤمنين والحسين والمحسن وزيد العبادين علي بن الحسين والباقر والصادق وعبد الله بن الحسن ومحمد بن علي بن الله النفس الركية وإدريس بن عبد الله وزيد بن علي وكان كلامهم 22 من أهل البيت، ومن المتآخرين سادة الجيل والدبلومؤد بالله صينو أبو طالب.

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17 طبعت في صنعاء عند مكتبة دار الناائي عام 1411/1990.
18 المنصور بالله عبد الله بن حمزة (538 - 614/1145 - 1217).
19 في النص توقف.
20 يحيى بن حمزة، التحقيق في الإفكار والتفسير، المكتبة الشرقية من الجامع الكبير في صنعاء، رقم 587. نظر م. ز.
21 يحيى بن الحسين بن القاسم (ت 1100 / 1688): "الإيضاح لما خفي من الانتفاض على تغيير صبحة المصطفى"، صنعاء، المكتبة العربية، جموع رقم 106. أنظر الجيسي، مصدر، ص 131 والشوكاني، البدر المطاع، ج 2 ص 328.
22 القدامى.
ومن المتآخرين باليمن الإمام المهدئ أحمد بن بيجي 23، والسيد محمد بن إبراهيم 24، وصموه الحادي والإمام أحمد بن الحسين وولده الحسن بن عز الدين والإمام شرف الدين وغيرهم. وسائر الأئمة يتوقف كالهادي والقاسم مع أن في رواية الحادي الترضية، والمتصور بله الله بحرجة له قولان التوقف في كتابه الشاق والترضية كما في الجوانب النهائية. وكثر منهم لا حاجة لنا إلى تعداد 25 أعيانهم لأنه يكفي في ذلك القول الجملي بأن أئمة أهل البيت كافة بين متوقف وموضوع لا يرى أحد منهم السب للصحابة أصلا يعرف ذلك من عرف انتهى بلفظه. الطريق الرابعة، حكى السيد الهادي بن إبراهيم الوزير 26 في كتابه المعروف بتشكيك الأدباب أن سُلِّل الإمام الناصري محمد بن علي المعروف بصلاح الدين من المتقدمين لأمير المؤمنين وسائرين من خاله، فأجاب بأن مذهب الزيدية القول بالتحطمة 28 لم تُقَدِّم أمير المؤمنين، / ص 5 / قال ولهؤلاء فرقان: فرقة تقول باستمتاع الخطا وتفوقون في أمرهم، وفرقة بيدَلُّونهم ويقولون بأن حطامهم مغفر في جنب مناقشهم وأعمامهم وحجابهم وصلاحهم. قال وهذا القول الثاني هو الذي نراه، إذ هم وجه الإسلام ويدور الطالب. وحكى السيد الهادي في ذلك الكتاب عن الإمام المهدئ علي بن محمد يعلى والد الإمام صلاح الدين أن سُلِّل عمن تقدم أمير المؤمنين أو خاله فأجاب أن مذهب جمهور الزيديين أن النص وقع على وجه يحتاج في معرفة المراد به إلى نظر وتأويل، ولا يكفر من دافعه ولا يفسحون إلى آخر كلامه في ذلك. ولا يخفي أن حكايته لذلك عن جمهور الزيدية [لا] 29 تأتي حكايته.
لا يمكنني قراءة النص العربي من الصورة المقدمة. إذا كنت بحاجة إلى مساعدة في شيء آخر، فلا تتردد في طرحه لي.
ومنحنى متناقض ومحاسن أفعالهم فرضت إلى الدعاء لهم. وإن قلت اقتديت بسبعة رسول الله صلى الله عليه وسلم وعلمه وفؤاده المذهبة فامن في وجه دعوات الباطلة العاطلة ما في كتب السنة الصحيحة من مؤلفات أهل البيت وغيرهم من النصوص المصرحة بالنهي عن سبيله وعن أدب السلف الصالح صلى الله عليه وسلم وليânه بذلك وأنهم خير الصناديق وأنهم من أهل السنة، وأن رسول الله صلى الله عليه وسلم إنهم مات وهو راضٍ عنهم. وما في طلّي الديفان الحديثي من ذكر متناقضاتهم الحجمة كجهادهم بين بدي رسول الله صلى الله عليه وسلم ويعيبهم تفسيرهم وامَّواتهم من الله ومفارقتهم الأهل والأوطان والأديان، وعمراً للدين، وقراً من مستقبلي الملاحدين. وكما يعد العاد 37 من هذه المناهب التي لا تنس هي الأحاديث. ومن نظر في كتب السير والحديث عرف من ذلك ما لا يملي لله الحصر. وإن قلت أيها الساءل لخير هذه الأمة من أصحاب أنك اقتديت بآية أهل البيت في هذه القضية الفضيحة، فقد حكينا لك في هذه الرسالة إجماعهم على خلاف ما أنت عليه من تلك الطرق. وإن قلت أنك اقتديت بمعلم الحديث أو علماء المذاهب الأربعة أو سائر المذاهب فالتانا بواحد منهم يقلل مثل مثنىك. فهذه كتبهم قد مالأت الأثر وأتباعهم على ظهر البساطة أحياء. وقد أتفق كلمة متقدمتهم ومتأخرهم على أن من سبب الصحابة مبدع وذهب بعضهم إلى تفسيقه وبعضهم إلى كفرهم كما حكى ذلك جماعة من علمائهم منهم ابن حجر الهاشمي. فإنه / ص 7 // ذكر في كتابه المعروف بالنصب عار الهوس أن كثيراً من الأئمة كفره من سبب الصحابة. وفي البحر في كتاب الشهادات في قوله قولان: والخلاف ضرور ما لفظه: وضرب بقصد الفسق لا غير كخلاف المشايخ الذين يسبون علياً والروافض الذين يسبون الشيوخ جرأتهم على ما علّم قصيده قطبًا أحقه. وإن قلت أيها الساءل أنك اقتديت بفقرة من غلامة الإمامية، فقول صدق فإنهم فرق خيال تصرح بسبب أئتور الصحابة وقد أجمع على تمثيلهم جميع علماء الإسلام من أهل البيت وغيرهم. وهو الرافض الذي رويت الأحاديث في ذمهم. فمن جملة من روى ذلك الإمام الأعظم الهادي يحيى بن الحسين عليهم السلام فإنهم رويا في كتابه الأحكام في كتاب الطلاق منه بسنده

37 في النص، "وكم بعد المعاد".
38 في النص الفضيحة.
39 عامل شافعي مصري (ت 974/1567) وقد عادى الشيعة ومن كتبه "الصواعق المحرقة في وجه على الله الريح والرندفة".
40 انظر أحمد بن يحيى المرئي، كتاب البحر الزحاء، ج 5، ص 25.
المتمثل بآياته الأئمة الأغلام إلى أمير المؤمنين على عليه السلام أن النبي صلى الله عليه وآله وسلم قال له: يا علي يكون في آخر الزمان فرقة ضعيفة يعرفون به ينالهم الراقصة، فإذا أدركهم فاقتله قتلهم الله فاقتلهم فإنما كفركون أو كما قال. فهذا الإمام الأعظم يروى هذا الحديث عن أبيه الأئمة.

حتى قبل أن أن لم يكن في كتابة الأحكام حديث مستقل من أول إسناده إلى آخره بابا، إلا هذا الحديث. ذكر ذلك العلامة محمد بن الوزير وغيره. وفي التصريح يذكر فيكم اتفقت أنها المغروض في مثل هذه المسألة النبي هي مرحلة الأقدام بعلل هذه الفرقة، وكيف تزعم إنك منبوع لأهل البيت وهم مخالفون للإمامية ومصيرون بسبيهم ومتوجومن من اعتقاداتهم الفاسدة. ولقد بالله المؤيد بالله في ذلك حتى صرح في كتابه المعرف بالإفادة بأنها لا تقبل الأحكام المروية من طريقهم قال:

لأنهم يعتقدون أنه كل ما يروى عن كل من ينقل إليه من أئمتهم يجوز أن يروي عن رسول الله صلى الله عليه وآله وسلم. وقد بالله الإمام الهادي في التروج عنهم في كتابه. فإن قلت من أين لك أنهم الرافضة، فقول قال في القاموس الرافضة فرق عقلية يابعو زيد بن علي ثم قالوا تاركاً من الشيخلين فإنهم وقال "كاتبا وزيرى جدي" فتركوه ورفضوا وارفضوا عنه والنسبية رفضي // ص 8 //

// انتهى. فتقرر بهذا أن الروافض من رفض ذلك الإمام لتركه لسبب الشيخلين. والإمامية يسوم الشيخلين وجماع الساحبين بل وسائر المسلمين ما عدا من كان على مثل اعتقادهم. ويسوم أيضاً زيد بن علي كما يعرف ذلماً له الإمام بكتبه. وقال النوروي في شرح مسلم في مباحث المقدمة ما لفظه: وسُموا رافضة من الرفض وهو الذكاء، قال الأصمعي وغيره لأنهم رفضوا أين يوم وتركوه التنهى. وهكذا صرح جماعة من العلماء بأن الرافضة هم هؤلاء. وصرح جماعة أيضاً بأن...

الإمام الهادي إلى الحق يحيى بن الحسين، كتاب الأحكام، المجلد الأول الصفحة 455. "يا علي يكون في آخر الزمان فرومهم نبت يعرفون به ينالهم الراقصة، فإن أدركهم فاقتله قتلهم الله فإنما كفركون.

41 في النص "بابه".

المؤيد بالله أحمد بن الحسين الهاروني (ت 411 / 1020)، الإفادة كتاب في الفقه، أنظار م، ز. 1 : 138.

42 في النص "يروى".

43 في النص "فانا".

44 حمد بن يعقوب الفيروزابادي (ت 817 / 1602)، القاموس المحيط، بيروت: مؤسسة الرسالة، 1987 ص 831 - 830.
الرافضة هم الذين يسبّبون الصحابة من غير تقبيده. ويقال: "لا يرضاه بلى إلى ما هو على خلافه كما أسلفنا عن الإمام مكي أن أمير المؤمنين حوار الوطية. وقد حكي الإمام عبد الله بن حنبل في كتابه الكاشف للإشكال الفارق بين التشيع والاعتدال ما لفظه: "والمسلك الثاني أن أمير المؤمنين هو القدوه، ثم لم يعلن من حاول عليه السلام ملتحق. من القيادة ولا التبُّراز". ومنهم ولا تفسيراً بعينه المشايخ قال، وهو قدوتنا فلا نريد على حدّه الذي وصل إليه ولا ننصب شيئاً لأنه إمامنا وإمام المتقيين وعلى الآباء اتباع آثار إمامه ومقاله فإن تعدى خلافاً وظلماً ينتهج. وقد حكي هذا الكلام بالفاظه السيد ال ثاني بن إبراهيم الوزير في كتابه المعروف بشرح أبيات اللباب. وحكي في البيسامة أن علّياً على عليه السلام كان يرضى عليهم فقال شعرًا:

ورضوُنِّهمَّ كما رضى أبو حسنٍ أو قفَّ عَنَ السِّبَّ إِمَّا كَتَبَ ذَا حَزَرٍ

وروى الإمام المهمِّد في يوحيت السرير عن حنين مات أبو بكر قال على عليه السلام "رضي الله عنه" لقد كنت بالناس رؤوفاً رحيمًا". وذكر أنها أثما الحديث والسيرة عن أمير المؤمنين أنه كان يرضى على الصحابة ويرحم عليهم ويدعمهم ويدعمهم في النزاع. وذلك أمر معلوم عند أهل العلم ولكننا نقصنا عن نقل كلام أولئك الأمة من أولاده لأن روايتهم أقطع لفرق الشبك وأحسنت لداء المحتاج من رواية غيرهم. فهل يليق من يعتقد نفسه من شيعة أمير المؤمنين أن يجادلهم هذه المحاكمة فيقع من كان يرضي عنه ويرحم عليه؟ وهل هذا إلا من المعاناة له عليه السلام والاختلاف؟ 

ص 9 // هذين القويمين والخزرج عن الضراط المستقيمين؟ فأكبر في تشيع يُعْضى إلى ميل يوقع في المملكة كما ورد أنّه سبيلت فيه فقنان محبة غالب وبغضٍ قال: "وفرقة الإمامية هي الفرقة التي غثت

في النص "التبرع".

السيد ال الثاني بن إبراهيم الوزير (ت. 822 هـ) وقد كتب ضد ابن عربي (البدر الطالع 2: 316-317).

"تلميذ الألفاظ في شرح أباب اللباب، وهذا شرح لзнظهرة اللباب الصغيرة. في نظم مسائل الخلافة (كلام).

"الإمام المهمِّد أحمد بن محمد بن المرتضى (ت. 840 هـ): يوافق السير في شرح سيرة سيد البشر وأصحابه العصرة الغرر والأئمة المتخبِّين الزهر، وهو الجزء الخامس من "غيات الأفكار ونهبات الأفكار".

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في المختصر فهلكت. فمن أقدم بهم فهو من جملة أهل الكين بتصويف الأحاديث الصحيحة وتصريح علماء الدين. فيما من يدُعي أنه من أتباع الإمام زيد بن علي كيف لا تقتدي. في ذلك المذهب الجلي؟

الأن تراه رضي مفارقة تلك الجيوش التي قامت تنصره على مباينة سلطنان الجوهر ولم يسمح بالتيز من الشهيد أنبياء بكر. وعمر بث احتض الراضيه بانتهاك كاتة ومبيري رسول الله صلى الله عليه وآله وسلم. ولا شك أنه يؤث الرحل ما يؤث وزره. ومن أهلا الوضر فقد أهان السلوان. وهذا قال المصور بالله عليه السلام في كتابه الشافيق إن من ثور ان من الصحبة فقد تبرأ من محمد صلى الله عليه وآله وسلم. ولقد قال الإمام المهدي في الفلاند. إن قضية أنبياء بكر في ذلك والصواب صحيح.

وروى في شرح هذا الكتاب عن ريد بن علي أن قال لمو كنت أبي بكر لما قضت لا ما قضيت إلا ما قضي.

فتصحيح الإمام المهدي لقضاء أنبياء بكر وقول ريد بن علي بهذه المقالة يدل على أنه عندهما عدم مرضي. ولو كان عندهما على خلاف ذلك لما كان حكمة صحيح. وقال الإمام يحيى بن حمره في كتابه الموتى بالخليج 56 في فلم الكلام عند تكملة ما نقص على أنبياء بكر في إضراب فاطمة: إنما طلب منها إقامة البيبه. وقد جاءت 57 يعني وأمن أن قال امرأة من الإمام أعظم مع الإمرأة أو رجل مع الرجل. قال الإمام يحيى: "فطغنى لأجلها فللح وأغبيها". هذا كتاب الإمام يحيى بن حمره في ذلك الكتاب. وقد حكاه أيضًا السيد الهادي بن إبراهيم في كتابه المعروف بهيئة التمييز في إزهار التمييز. 58 فانظر.

51 في النص " almult ".
52 في النص " يقتدي ".
53 في النص " والبرب ".
54 الإمام المهدي بن يحيى بن المرتضى (ت 840 / 1436): كتاب الفلاند، في تفسير المقولات، تحقيق البتر نادر، بيروث: دار المشرق، 1985، ص 144. وهو الكتاب الثاني من كتاب البحر الزمام.
55 في النص " فصي ".
56 المؤلث بالله يحيى بن حمره (ت. 749 هـ): الشامل لحقوق الأدلة العقلية وأصول المسائل الدينية، في 3 مجلدات.
57 في النص " جات ".
58 وهو كتاب في العقائد وشرح قصيدة ميسية للهادي نفسه (الجامه الكبير 74 م، سنة 1080). انظر مؤلفات السيدات، المجلد 3: 133.
كيف صوبَ هذا الإمام أبا بكر في حكمه. ولو كان غير عدل عده لكان حكمهُ يالداً سواءً، وافق الحق أو خالفه لأن العدالة شرط في صحة الحكم. وقال محمد بن المنصور بالله من فضله:

"يفتحر بها على حفلان، ومنا أبو بكر وصاحبُه الذي على السُنَّةُ الغرِيبةُ يغضبُ".

ولو كان أبو بكر وعمر عندها السيد الجليل من الظلمة المتغلبين لما افتخروا بهما. والوصف بالغضب على السُنَّةُ الغرِيبةُ من أباب المتقنين الناصرين لها. وبأ مَن ص 10 // يدعي أنه من أتباع الإمام الهادي يحيى بن الحسين هذا سلوك سلوكه ومشيّة على سائر مذهبه. وقَلَّتُ كما صح عنه التوقف بما سلفنا من حكايته الإمام الأجل يحيى بن حزيمة عنه. وذهب عملا بكلامه الذي صرح به عليه السلام في كتابه الذي كتبه من المدينة جوابًا على أهل صنعاء. قال فيه ما لفظه: ولا أبغض أحدَ من الصحابة رضي الله عنهم الصادقين والتابعين لهم بإحسان المؤمنين منهم ومؤمنات أئذٍ.

جميع من نادر وماؤوه منهم ونصاره. فمِن سب مومنا نعيد استحلالا فقد كفر، ومن سبده استحراوا فقد ضلَّ عندي وقت وفسق. ولا أسب إلاإن من نقض العهد والعزة وفي كل وقت له حرمة سائر الناس. فلتي استغفر الله لأمهات المؤمنين اللواتي خرجن من الدنيا على بقين وأجعل لعنة على من يتخوين. لا يستحقون من سائر الناس أجمعين انتهى كلامه.

فأت بينه للسَّبب المذُعي أدرك من أتباع هذا الإمام يضرب في كلامه هذا إما كافأ أو ضال فاسق. وهذا الذي صرح به عليه السلام هو مذهب أتباعه من الهاوية إلى الآن. قال ابن مظهر في النص "سوى".

"بعلي عمر بن الخطاب.

"في النص "مسعا".

"في النص "ولأ".

"في النص "وا".

"في النص "حجزوا".

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البيان مُدرَّساً قراءةً هذه الأزمنة ما لفظه: مسألة قال الإمام يحيى ولا يصح الانتهاء بوافق التأويل ولا من يُفسّر الصحابة الذين تقدموا عليها السلام انتهى. ولم يجعله خلافاً لأحد. قال في البحت، قال عليه السلام، يعني الإمام يحيى، إن من يُفسّر الصحابة فهو فاست تأويل لأنه اعتقد ذلك لشيئه طرأت عليه، وهو تقدمهم على أمير المؤمنين. فلا تصح الصلاة خلف من يبسوهم لأنه جرأة على الله واعتداء علىهم مع القطع ب تقديم إمانهم واحترامهم بالصبحة لرسول الله صلى الله عليه وآله وسلم، والفضل، الجملة وكارة النشاء عليه من الله سبحانه ومن رسول الله صلى الله عليه وآله وسلم، وأكثر الأئمة وعلماء الأمة. ولا دليل قاطع على كفرهم ولا فسقهم. فأما مطلق الخطاء فهو، وإنقطع به، لا يكون كفرًا ولا فسقاً إذ لا بد فيهما من دليل قطعي شرعي وقد قال صلح الله عليه وآله وسلم "لا يؤمنكم ذو جرأة في دينه" وأي جرأة أعظم من اعتقاد هلاك من له الفضل والسبق إلى الإسلام والهجرة // ص 11 // إحراز الفضل والمراتب العليا والإنفاق في الجهاد.

في النص "الإعتماد".

65 يحيى بن أحمد بن منظفر (ت 875 / 1470)، كتاب البيان التسائي المتعلق من البرهان الكافي، 4 أجزاء، صنعاء: مجلس القضاة الأعلى، 1984، جد 1، ص 282. ويحيى هذا الإمام يحيى بن حمزة.

66 الفاضل، محمد بن أحمد منظفر (ت 925 / 1519)، البحت في شرح البيان، المكتبة الشرقية من الجامع الكبير في صنعاء، رقم 1230. نشر م. ز. جد 1، ص 207.

67 في النص "لا".

68 في النص "قرن".

69 في النص "عردة".

70 في النص "القلابيل".

71 في النص "الناء".

72 في النص "علما".

73 في النص "الخِطأ".
وابد النفوس والأموال لله ورسوله". وقد قال صلى الله عليه وآله وسلم "لو أنفق أحدكم مثل أحد ذهاب ما بلغ مدة أحاديثه". فنعود بالله من الجهل والخذلان انتهى لفظه.

وقال المنصور بالله في كتابه الكاشف للأشكال الفارق بين التشيع والاعتزال ما لفظه: إن الفهم، يعني الصِّحابة، لهم حسنات عظيمة تمشي مذهب النبي صلى الله عليه وآله وسلم، ونصرهما والقيام دونه ومعاداة الأهل والأئم في نصرة الدين وسيقهم إلى الحق.

وحضر المشاهد التي تزعم فيها الأسوار وتبلغ القلوب الحرجاء إلى آخر كلامه.

وعلى الجملة فإن: إذا لم يقطع النبي لأهل البيت، وما أسلفناه من إجماعهم ونصوصهم فهو إما جاهل لا يفهم ما يخاطبه ولا يدرى ما هو العلم، وإما مكبر. فقد أعنى التعصب بصره بصنيعته واستجوده على الشيطان فقادة يرام الغي والطمغان إلى هذه المصيبة التي هي مهملة الأديان، بإجماع حملة السنة والقرآن. وكلا الرجلين لا يضعوا التشبيه والاستنكار من نقل نصوص الأئمة. ومن صراع القائد الأديان. فلتقتصر على هذا المقدر فإن: من لم يثبت به لم يتقن به أكثر منه. فالعقل الواضعي لحفظ دينه إذا لم يعلم بما ورد في الصحابة الراشدين من نصوص القرآن والسنة الفاضية بأنهم أفضل من غيرهم من جميع الوجوه أن ينكه منيلة سائر المسلمين. وقد ثبت عنه صلى الله عليه وآله وسلم في الصحيح أن قال المسلم كفر وسببه فسوق. وثبت عنه في الصحيحين أن لم يهمه كفنبه. وثبت عنه صلى الله عليه وآله وسلم في صحيح مسلم أنه لا يكون اللعنة على شفعاء ولا شهداء.

75 أبو داود، كتاب السنة 4039.
76 في النص "ورا".
77 في النص "حظر".
78 في النص "إيام".
79 في النص "صرايح".
80 أنظر البخاري، كتاب الإيمان 46، وأيضاً البخاري، الأدب 5584، الفن 6549؛ ومسلم، الإمام 97، الحج 2137.
81 أنظر البخاري، الأدب 5640 وأيضاً البخاري الإمام والنذور 6161؛ ومسلم، الإمام 160.
82 في النص "شعاع".
83 في النص "شهد".
يوم القيامة. 

وفي سنين أبي داوود أن صلى الله عليه وآله وسلم قال "إن العبد إذا لعن شيئاً صعدت
اللغة إلى السماء فنقلق أبوبها ثم تأخذ يميناً وشمالاً فإذا لم تجد مساعاً رجعت إلى الذي لعن. فإن
كان أهلًا لذلك ولا رجعت إلى قائلها. 

وفي سنة أحمد وصحيح البخاري وسنن النسائي أن
النبي صلى الله عليه وآله وسلم قال "لا تسروا الأموات فإنهم قد أفضوا إلى ما قدروا". وفي
حديث آخر رواه أحمد والنسياني "لا تسروا أمواتنا فأنتم أحياء". /ص 12// وفي صحيح مسلم
وسنن أبي داوود والترمذي والنسياني أن الرسول صلى الله عليه وآله وسلم قال: "انظروا ما الغيبة؟
قالوا الله ورسوله أعلم قال ذكرك أحلماً بما يكره قال وإن كان في أخي ما أقول قال إن كان في
أخيك ما تقول فقد أعطته وإن لم يكن فيه ما تقول فقد بهته". قال الثرمذي حديث حسن صحيح
وفي سنين أبي داوود والترمذي أن عائشة ذكرت صفية فقالت: "إنها قصرورة"، فقال النبي صلى الله
عليه وآله وسلم: "كلمة لو مرتت بنا البحر لمجرحت". وفي سنين أبي داوود أن النبي صلى الله عليه
وآله وسلم قال: " لما عرج بي مررت على أقوامها أظفنا من خاصي يخمنون وجهوههم وصودرهم.
فقلب من هؤلاء يا جليل؟ فقال هؤلاء الذين يأكلون خبوم الناس ويعرون في أعراضهم. والأحاديث
في هذا الباب كثيرة وهي متناولة للأموات تناولًا أوليًا وبعضها نص في الأموات.

تبنيه، ربما قال من يطمع على ما سفنه من الأموات القاضية بإجماع أهل البيت على عدم
سبب الصحابة أنه قد وجد في مؤلف لفرد من أفرادهم ما يشتره بالسبب. فقوله له، إن كان ممن
يعقل الخطاب، هذا الفرد الذي تدعى أن له وجد في مؤلفه ما يشتره بالسبب إن كان عصره متقدماً على
عصر الأئمة الذين رويا منهم إجماع أهل البيت فمن البعيد أن يحكموا الإجماع عن جميعهم. وتم فرد
خلافهم للقطع بأنهم آخرهم من غيرهم يعلم بعضهم بعضاً. فدعواهم الإجماع من دون استثناء مشروعة

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84 مسلم، الب. والصلاة 4702.
85 في النص "النساء".
86 في النص "النار".
87 في النص "قايلها". أنظر أبو داوود، الأدب 4259.
88 أنظر البخاري، جنائز 97، رقاص 42، فضائل أصحاب النبي 5، فضائل الصحابة 221، 222، أبو داود، سنة 10.
89 في النص "مانع".
90 في النص "المرويات".

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لا يوجد نص يمكن قراءته بشكل طبيعي من الصورة المقدمة.
أن النصب بغض أمر المؤمنين عليه السلام. قال في القاموس ما لفظه: النواصب والناصبة. وأهل النصب المتذوّبون بغضب على رضا الله عنه لأنهم نصبوا له أي عادوه انتهى. وإذا ثبت أن الناصبي من بغض عليه السلام، فقد ثبت بالأحاديث الصحيحة الصريحة في كتاب الحديث المعتمدة أن بغضه كرم الله وجهه نفاق وكفر. فمن ذلك ما رواه مسلم وصحيحه وابن أبي شيبة والحمادي وأحمد والزمدي والنسائي وابن ماجه وابن حبان وابن تيمية في الحاشية وابن أبي عاصم عن علي عليه السلام قال: "والذي فلق الحين وبر الإسم المبتدأ لعهد النبي الأمي إلّى أن لا يخنسني إلّا مؤمن ولا بغضني إلّا منافق". ص 14/ وأخرج خور النزمني وعبد الله بن أحمد في زيادات المسند عن أم سلمة والدليمي عن ابن عباس والخطب في تأريخه عن أنفس. وثبت أن من أغضه عليه فقد أغض الله ورسوله. وغضب الله ورسوله كفر. فمن ذلك ما رواه الطبراني وابن عساكر عن عمر بن ياسر والدارقطني والحاكم في مستدركه والخطب عن علي كرم الله وجهه والطبراني عن أبي رافع وأخرجه ابن عساكر عن عمر وقال إن حسن رجاءه مشاهير غير أبي عيسى المعروف ببلبل، فإنه غير مشهور. وأخرجه أيضًا ابن الحارث عن ابن عباس. وفي 이야기 أحاديث كثيرة من طريق جمعة من الصحابة. وفي هذا المقدار كيفا، فإنَّ به ثبت أن الناصبي كافر وإن من قال: "الرجل يا ناصبي فكانه قال له يا كافر. ومن كفر مسلمًا كفر كما تقدم وقد أحسم من قال: "علي يقولون بي بعضاً فهذا سوي الكفر ظله بي".

وحذ أرأى الله سبحانه من النواصب والخوارج ومن سلك مسلكه. فلم يبق منهم أحد إلا شرذمة يسرّة يعذبون وطائفة حثرة بأطراف الهوى يقال لهم الإباقي. فلتتحذّر المتحذف من إطلاق مثل هذه النفوذ على أحد من أهل الإسلام غير هؤلاء. فإنه ب مجرد ذلك الإطلاق يخرج عن الإسلام، وهذا ما لا يفعله عاقل بنفسه.

ما يبلغ الأعداء من جاهل ما يبلغ الجاهل من نفسه

97 في النص "الناصبة".
98 في الفيروزآبادي، القاموس المحيط، ص 177.
99 في النص "النسائي".
100 في النص "مومن".
101 مسلم، الإيمان 113.
ومن العجب أن نسمع من جهالته عصرنا من يطلق اسم النصب على من قرأ في كتب
الحديث، بل على من قرأ في سائر علوم الاجتهاد. ويطلقونه أيضًا على أئمة الحديث وأهل
المذاهب الأربعة. وهذه مصيبة مهلكة لفدين من تساءل في ذلك. ولا يكون إلا أحد رجليه: إنا
جاهل لا يدري ما هو النصب ولا ما الناصبي أو غير مبال بهلاك دينه. ومن كان بهذه المنزلة
ينفع تمثل هذا النصيح الذي ودعاه هذه الرسالة. وليس علينا إلا القيام بعهدها البيان للناس الذي
ص 15 "أوجيه الله ورسوله عليه. ليهلك من هلك عن بينته. اللهم ارشد الحاصل من عبادات والعام
واسلك ما سبيل السلام انتهى. وصلى الله وسلم على سيّدنا محمد وآله ه.

102 في النص "قرى".
103 في النص "قرى".
104 في النص "بحة".

في آخر النص: لم نقل هذه الرسالة الكبرى من خط مؤلفها شيخ الإسلام الحافظ العلامة محمد بن علي
الشوكاني رحمه الله الموجودة في مكتبة الجامع الكبير بصنعاء، والحمد لله رب العالمين، بتاريخ 29 شهر خامم الحرام
سنة 1408 هـ. خط المتقي إلى رحمة الله محمد بن علي بن المصور رحمه الله.

الحمد لله

كانت طباعة هذه الرسالة في يوم 6 شعبان سنة 1410، الموافق مارس سنة 1990. وقد كنت طالعتها في نسخة
أخرى قبل نيف وأربعين عامًا. كما طالت الرسالة الواطعة للإمام بحري بن حمزة قبل نيف وخمسين عامًا. وما
أحق هذين الكتابين بأن نطبعه ونبشي وقد صممت أن وزارة الأوقاف ستطبع هذه الرسالة بعد تحقيقها. ومع العمل
الذي نعمله. ويحسن أن يكون عونان هذه الرسالة (بِرَاءة أئمة المذهب الزيدي من بدعه الرفض). والله ولي
النوفق. [خادم] السنة النبوية، محمد بن إسماعيل العماري.

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In editing this treatise I have relied on two different copies of the *Sayf al-bātir* from the Gharbiyya library of the Great Mosque in Sanaa. The first copy, which I refer to as “A”, is in al-Nu’mān’s own hand and is in *Majmū‘* no. 188, fols. 1 - 36. He completed it on the 27 Shawwāl 1208 / 27 May 1794. The second copy, which I refer to as “B”, comes from *Majmū‘* no. 91, fols. 55 - 77 and was completed on 26 Dhū al-Hijjah 1339 / 30 August 1921. I have used copy “B” here because it is clearer than “A” and consequently is easier to read. The copyist’s name is not mentioned in “B”. Copy “A” has an addendum which comments on al-Husayn b. Yahyā al-‘Daylāmī’s *Iršād al-ghabi* and quotes a short response against Shawkānī by al-Ḥasan b. Muḥammad b. ʿAbd Allāh b. al-Mu‘āyyad, whose biography I could not find. I have kept the variants in the body of the text in order for the reader to compare. These will be removed and placed in the footnotes in the event of publication.

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وأحتجَّ الله عز وجل ³ ودعا إليه بالموعظة البالغة والحكمة الجامعة واجتهاد في أمره واحتمال الأذى في 
ذنبه وأنصرف على كل مما جاء وقعت حتى قضيه الله عز وجل إليه وقد رضى ففعله وشكر سعبه وغفر 
لله أفعاله كلهما؛ فصل الله عليه وعلى آله سادات الدين والملوك الأخرى. أما بعد فإنّي أطعت على 
الرسالة المسماة "إرشاد الغبي إلى مذهب أهل البيت في صِحْبِ النبي" للفقيه العلامة محمد بن علي 
الشوكيتى غفر الله له، فأول ما تصرف فيه من زُحف القول وغفرته بقوله: فلا تكاد ترى إلا رجلاً 
قد رغب عن جميع أصناف العلم وزهرة حسناته ودعا نفسه بالأشغال منطرقاها ومفهوما، أو 
آخر قد هجر من علوم العصر المظلمة الحديث والقديم واشتغل بعض إشتغال بعلم غيره فلم يفرق 
بين الصحيح والسقيف، أو رجلاً يتحل باباهم واتناسب إلى مذاهبهم، ولكنه قد قنع من البحر 
المدفع ببطرة، وقصر همته على الأشغال المتصلة من مقتراصات كتبهم فلم يحظ من غيره بنظرة، 
فحصل بسبب ذلك الخطيب والخليط من الجمّ الغفير، ونسب إلى أهل البيت (علمهم السلام) مسال (أو) B + 
ما شرحه في هذه الرسالة وزرهرفه [[من]] زحف القول غورًا. فقد تلك له أئمه العاقل من قوله عفان الله عنه أنه لا عالم سواء والصحيب ما 
نتجت به قرين ووراء وتلاه (تاء A) بنفسه معيجًا بالفاطمة حتى رماه كيْره عليه ففأده. و(حتى) تراهم 
بين جلالةه يتنزّل الورى بينه متنيحة أوداه وشدقاه غافلًا عنه قول ربه ومولاه الذي أرسله على 
نبيه وصطفاه (وَمَا أَنْتَ مِنْ الْعَلَمِ إِلَّا قَلِيدٌ) (الإسراء 85) وتعلمه له بقوله (فَغَفِّلْ رَبُّ ذُبَّى 
عَلَمَهُ) (20 ط 114) وَلَبِّ حَامِل فَقَهُ إِلَى مِنْ هُوَ أَفْقُهُ مَنْهُ، وترك التواظب الذي هو شأن العلماء 
الهداة، ويا لابنه ترك ما لا يعبيه في نهابه ومبادئ (ميمنة B). ولكنّه زاد به النبي والخليط، وسوّلت 
له نفسه والحبيبُ الشيطان، أن يرمي أهل العدل والتوحيد بالزور والهبتن، وأن أتباع القرابة يسبون 
الراشددين من الصحابة. // 
الآلا أتى أيثين الإنسان هل سمعت أحدًا في هذه الديار من 
أتباع آل محمد الأطهار، يتبع بسبيل الرأديين من الصحابة الأخبار، في طريق أو في مسجد من 
مساجد الزيديين الأفقار؟ حتى (أنّ) B + نسب إليهم الغباوة في الدين وتجارًا على ثلب أعراض 
مقطع "و" في B. 
M ³ مقطع "و" في B. 
M أنظر مسند ابن ماجه، المقدمة 43، ومسند أحمد، مسند الشاميين 19165. 
M وهنا وضعت "من" بدلاً "من الأصل. 
M وهنا وضعت "حين" بدلاً " حين" من الأصل.
الموحدين، فسارعت بالتوبيعة أيها المغزور، بما رميته هؤلاء الأمثال من اليهود والزور، وححرفته هذه الورقات، لتلوهم أنَّ الله قد وعى من أهل الرفظ والاذم والإثم والضلال، فخسركم رب الأرض والسموح، فأبي ذنبي أعظم من هذا الذنب وأي سب أعظم من هذا السب، وسبب المؤمن فسق وقثانه كفر. لقد رميته أهل العدل والتوحيد بالبهت العظيم حتى شملك فول المصطفى المختار صلى الله عليه وعلى آله النجوم رجوع المعاندين الأشرار، بقوله: من بهت مسلماً أو قال فيه ما ليس فيه أوقفه الله على تل من نار يوم القيامة حتى يخرج مما جاء به، إلى آخره 9. فرح لله لقد جاء شيئاً إذا وسُود صاحبه جدًا، فأقول سبحانك هذا بهتان عظيم، شعر 10: [المتقارب]

أحلف بالله رب الأنام // مُثُرْتُ لله ضياءً سُداً ولكن خُلقت لنا فتنة // لكي تثبتَ إفك أو تثبتُ فأخفف الطمع والأحتقار للعلماء وسائر المسلمين هو شعار التكفرين، وما هنّج به أيضاً في هذه الرسالة من الإهانة العظيمة والظلم 11 البهين من دعوى إجماع أهل البيت المتطرفين بقوله قد ثبت إجماع الأكمة من أهل البيت عليهم السلام على تخريج سبّ الصباحة وتحرير النفق حسب وذكره من القول الفظيع. وأيما الإجماع والسيد حمّidan 12 رضوان الله عليه في مجموعه قد شفي وكتبه في روايته عن الإمام الإمام العمومي المتصور بالله عبد الله بن حمرة قندي الله روحه في رسالته 13

fol. 57 B // الناسخة 13 الله روى عن آبائه الطاهرين قوله صلى الله عليه وعلى آله من ناصب علينا الخلافة فهو كافر ومن أبي فقد كفر أيضاً، ومن الذكرية الفاخرة 14 ما لفظه: خبر عنه صلى الله 

8 وقعت كلمة "شملك" من B.
9 انظر إلى سورة مريم.
10 الأصل "شعراً".
11 أو "الظلم".

12 هو أبو عبد الله محمد بن يحيى بن حمّدان القاسمي (أنتظر م. ز. 2 : 429). مجموع السيد حمّidan (في العفائد) مكتبة الجامع الكبير (955) سنة 1041 هـ. أنظر العمري، مصادف، ص 175 - 172 الحينشي، مصداق، ص 108.

13 المتصور عبد الله بن حمرة (ت 614 / 1217) وهذه الرسالة أحدث ثلاثة بنس قسم، أنظير الحينسي، مؤلفات حكام اليمين، تكوين الكتب نبوئية - بحري، ص 42 - 43.
14 الأصل "الذكرية" وهي الذكرية الفاخرة (أو الزاهرة) في مناقشة العزة الظاهرة، تأليف السيد محمد بن إدريس بن ناصر الحينزي الصصاعني (ت 736 / 1335). أنظر مولاده الزريدة 1 : 496، البدر الطالب 2 : 126 - 127.
عليه وعلى الله أنه قال من ناصب عليه الخلافة بعد فهم كافر ثم هو كاذب وقد حارب الله ورسوله ومن شئ في على كفر كافر رواه في الصحيح لأبي المخالفي الشافعي (روجته الله) وأبو سعيد مولى بن أسعد أنه رأى رواه أبو عبيد الصادق تيمية من الفاسقين (أبو البكر الصديق) وأبي ذر رفعه الله سمعت رسول الله صلى الله عليه وسلم وقال، وقال: نعم، إني قد تقدم عني أبو بكر وعمر وعثمان وهو منصوص عليه من الله ورسوله وهم ذكر في مسألة على ما رواه ابن البلاط على السلام غرير من المخالف والمؤذن، وأخبرنا فدكأ على بنب رسول الله صلى الله عليه وسلم وقال، الفرّاح في الطويل: النَّاسُ، بِكِتَابِ عَلَيْهِ مَحْذَرٌ، لَا يَدْعُونَ لِلْجَزَاءَ.  

ولأيام معين في الرجال مقالة،، سُسِّيماً عنها والمَلِيكُ شُهِيدَ، فإنَّكَ صَبَعَ فَمَتَّعَةً غَيْبًا، وإنَّكَ كُذِّبْتَ فَمَتَّعَ شَهِيدٌ.


ويظهر لي أنه كان جارو في العقائد. 

الأصل بالله، أبو.  

من النحّاب أن النمّهي يلفظ عبرة "عليه السلام" بعد اسم ابن عباس.

وهما من علماء الحديث: يحيى بن معين (ت 848 / 233) هو صاحب "المرافع الرجال" و"الجهر والتعديل"، وحبيب الدين محمد بن أحمد النحوي (ت 1347 / 748) هو صاحب "الزبيدة الحقيقة" و"الموانع العبد في تقد الرجال".

أظهر كتاب أحمد بن يحيى المريضي "المثل الأعلى في شرح الملل والحلل"، ص 123.
البارقي عن الإمام الأعظم أبي الحسن زيد بن علي عليه السلام قال: الإمامة والشريعة لا تصلح إلا فاين. تأمل وكذلك أيضا قوله عليه السلام ما رواه أبي الجارود رحمه الله وهو أن المعتزلة قالتا لأمير المؤمنين أبي الحسن زيد بن علي عليه السلام: سلم لم مضى من الصحابة وننكرك، فقال عليه السلام: كل لواء عقد في الإسلام لغيرنا فهو لواء ضلالة. فانظر وتأمل قول هذا الإمام العظيم، والمنهج الواضح المستقيم، أن من مضى من أهل السنة وأهل الجمل ومعاروا اللغين ونأتيهم، من المارقين والقاطنين ومن إخوانهم الروافض الغالبين ومن تابعهم من التابعين تحت لواء الضلالات إلى يوم الدين، فأين الإجماع من هذا وهذه الأقوال فلولا الأمة من الأئمة قاضية بالكرم والفضل؟ فانظر أين عليها القائم بهذا الإمام من دعوة إجماع أهل البيت سادات الأئمة، وما يويد أيضاً ما حكناه من بطalan دعوة الإجماع ويقاطع به إن شاء الله تعالى وأتى يخط الكافر العلامة أحمد بن عبد الحق الملحاني. 

19: أو روا "يوك" في A.
20: المنصور الحسن بن بدر الدين (ت 668 / 1270)، أنظر الخبيشي، مؤلفات حكام اليمن، ص 52 - 53.
21: هو الخاكم الحزامي.
22: في A "يوك".
23: في A "يوك".
24: لم أجد له نسخة مستقلة إلا ذكره إسحاق الأكوون من ضمن رفقة الحسن الهيل ويجي بن الحسن بن مؤيد الذين كانوا جاروديين المذهب، وفي جماعة الإمام أحمد بن الحسن. أنظر الأكوون، هجر العام 3: 1566 وأيضًا 1: 244.
25: وهو يجي بن الحسن بن الإمام المؤيد بالله محمد بن الإمام القاسم بن محمد الشهري (ت 1090 هـ / 1679 م).
27: الأسل "علي بن محمد الرضي" وهذا خطأ لأن المقصود علي بن موسى وهو الإمام الثاني عند الشيعة الإمارية.
الإمام الشافعي

الإمام الشافعي، أشهر الفقهاء في الفقه الشافعي، كان له تأثير كبير في صياغة القواعد الفقهية وتألقه في صناعة القواعد الأصولية. وقد تركزت أبحاثه الفقهية كثيرًا في شؤون العدالة والمسؤولية، حيث اعتبر أن الحكمة في القضاء تكمن في التحقق من المصلحة العامة و матчية الأحكام الفقهية مع الأحكام الفقهية الأخرى.

كما كان الشافعي هو المؤسس الرئيسي لمجموعة القواعد الفقهية التي تعرف باسم "القواعد الفقهية"، والتي كانت تعتبر من أبرز النواحي الفقهية في العصر الإسلامي.

وكان الشافعي أيضًا من المفكرين الذين جعلوا الفقه الإسلامي أكثر صحة وشمولية، حيث كان له دور حيوي في صياغة القواعد الفقهية وتعزيز دور الفقه في الحياة اليومية.

والإمام الشافعي

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الإجاح في هذا القسم باطل لما قدمه لك من النصوص الماضية عن زيد بن علي وممن والاه من العهدة الركية، كيف تكون الترضية والتحريم والموائمة لأساسهم تحت لواء الصلالة عدته وعند إخوانه [من]
العهدة الركية كما حققناه للأنف. فانظر أن نعيَّنا القائل كيف عكس الحكيم ورمى هؤلاء الأئمة الأخيار بمواصلة الصلالة والفسوق والعصيان. فكيف وإن البيت عليه السلام بروز الروايات الواضحة في إيضاح الحق والبرهان على أعداء الدين ويبين سيف المجاهد على أعتاق الظالمين والخالقين لأن البيت الطاهرين فسُمهم لمواصلة الظالمين. فما أفتح ما تقصصته بن من هذا الفعل القبيح، وأشع ما تصرِّبت به من القول القبيح، حتى عكست الحكيم تعكس، وجفت بالغابة من المنليم، فإذا قيل بالترضية والموائمة مع هذا التجريم العظيم منهم سلام الله عليه فيكون كما قال القائل:

ويل لناي القرآن في ظلم الله / وطَوْيُ ليَغْصَبُ الوَقْتُ
فلا تثور أيها الموهوم فأهل البيت عليه السلام في اعتقادهم كالمسلم الواحد وإنهم جميعن أن أبا بكر ليس بالخليفة بعد رسول الله صلى الله عليه وعلى آله ولا بالمتصوب من قبل الإمام ولا بالصلاحية. فسقط ما جاء به هذا الفقه من الإهاب على العوام. نعم، وما القسم الثاني من أقسامه فهم القذى في الغن كن ناصبي وشأنه فهما القاسم بن إبراهيم الرشي وابن أمير المؤمنين الهدائي إلى الحق القويبين بن الحسين بن القاسم بن إبراهيم وأولادهم عليه السلام لا يقولون بالترضية ولا بالتحريم، وأناهز قوله ولا بالمداومة إلى آخره. فظهر لك من هذا التنوب أنهم مختلفون مفتركون وانهم شبع كل نست منهم في شيء. فانظر هذا النظم العظيم على أمة الدين أولاد رسول وسلاسة حيدره والبتول، أما 36 علما أيها الفقه الغني أن المغرق بين الأئمة المعادين كالمرفوع بين النجوم؟ قال السيد العلاء (التحرير A) حميدان على السلام في مجموعه يروي عن أمير المؤمنين سجاح المعاندين صاحب العلم الغير، والإمام المجاهد الشهير، القاسم العباني 37 عليه السلام أنه قال: المغرق

الأصل "تعكيَّس" وإذا أفضل خويى "تعكيَّسا" ولكن الخطأ في الأصل مقصود لغاية السجع.
33 على هامش النص: "ولقد قال الوليد بن محمد بن إبراهيم (الوزير) في العوام [والقفاوم] أن تقدم المشاهق على أمير المؤمنين عليه السلام معصية وظلم ...؟."
34 الأصل "ضعاف".
35 في "ما.
36 وهو المنصور بالله القاسم بن علي العباني (ت 393 / 1003). وقد حقق عبد الله الحكيم سيرته للقاضي الحسين بن أحمد بن يعقوب وطبعت في صنعاء عند دار الحكمة اليمنية سنة 1996. 37
بين الأئمة الهاضين كالمترفٌق بين البيتين. ولا شك أنّه قد ورد الوقود والوعيد على من فرَّق بين البيتين. وَّلَي‌ٌّ لا فرق بين أحدهٌ منهم وَّلَي‌ٌّ فسمَلّسْمون. فإذا عرف أيّها الفاقي هذَا عرفت أنّ صاحب هذه الرسالة اعتمد في رسالته على الروايات الواقية الباصلة التي رواها38 مثله وأمثاله واختلفوا على أئمة العترة سلام الله عليهم. والكلام على هذا مسروق في مظان89 فما أدرى جهل أو تجاوزاً ما رواه لنا السيد العلامة داود بن الهادي بن أحمد بن المهدي بن أمير المؤمنين في كتابه الكوكب40 الموضوع في ديجور الأغلاص المحلي لغرضام كتاب الأساتذة41 ما نقله: أعلم بأنّ أهل الترضية دائمًا وروايات عن قداماء أهل البيت عليهم السلام مثلى مثل هذه الترتيبات تتجَّه العظمىً / والثائر لما اقترب المشايخ والتهنئة. فأنا ما احتضن به أهل الترضية من الأحاديث المريرة عن النبي صلى الله عليه وعلى آله وسلم منها فهو مشروط في المعتزولة في الترضية ولا صحة لها عن القدماء ولا ثبات بل المعروف منهم عليهم السلام التجلُّب الاستمرار وعدم مقاربة شيء مما يعيب الجيب أو البستر إلى تلك الحال وذلك لا يقتضى استمرارهم إلى المآل الأتى. وأيضًا ما ورد من العمومات فقد خصصت بدلاً تل أظهر من الشمس وأشهر من الصلات الخمس، فسقطت حجة التعلق بها فهي لله42 أُيَّها الفاقي مجاورَّة هذا الفقه والتعلَّق بالعمومات من دون نظر إلى التخصيصات. وما يؤكد أيضاً ما قدمناه أنفساً مما رويت في كتاب المعرفة عن أبي حعرف البار43 عليه السلام قال أمير المؤمنين الوصي عليه السلام "والله لأخصائي44 آبنا بك وعمر إلى رسول الله ﷺ في عهدي، وقول علي حجة عند 38 الأصل "الذي رواها".
39 الأصل "مضانه".
40 الأصل "الكوكب".
41 وهو داود بن الهادي بن أحمد بن المهدي بن غَرّ الدين، من الحسن المويدي (ت 1035/1625). كاتب مقره بجهرة قلعة. وقد شرح الأساس للأعمال القاسم بن محمد وليّي "الكوكب المليء في ديجون الأخلاق المحلي لغرضام كتاب الأساس" وهو مخطوطة في مكتبة شخصية. وكان على مقال الشوكاني "شيخ شيوخ الريدة في زمانه". ومن تلامذته أحمد بن جعفر حسن وعمر بن أحمد بن عبد الله المسوور وأحمد بن علي بن أبي الرجال. انظر الجلبي، مصداق، ص 125، القدر الظاهر 1 : 246 - 247.
42 في "فاطح".
43 وهو محمد بن علي زين العابدين الإمام الخامس عند الشيعة الإمامية.
44 في "لاوحصن".
كلمة أولاده إلا من لا 45 يعلم فلا حجة. قال الأمير الحسين 46 رحمه الله تعالى في حديثه قول أمير المؤمنين وص الله عليه وعليه نبى الله "علي" مع الحق والحق معه" كلاما 47. يذيع قضى النبي صلى الله عليه وعليه، وهو لا يبتعد عن المرأة، بل الحق كله مع علي ومن خالفه لم يكن معه الحق ولن يكون كذلك إلا وقوله عليه السلام حجة لا يجوز مخالفته لأن في مخالفته خروجاً عن الحق لدخول الألف وأمام الإقلاع، فإفادته العلوم 49 ما من حق إلا واستثناء منه 50، قال وهذا الخبر مما تلقته الأمهات بالقبول. قال وقد اشتهرت أخبار في معيى هذا الخبر فيجنب الفقع على أن بعضها صحيح نحو قول النبي صلى الله عليه وعليه "انا مدينة العلم وعليك بالها"، ولقوله صلى الله عليه وعليه "ستكون بعدي فن كأن كن كذل فازمو علي بن أبي طالب فإنه أول من يراني يوم القيامة وأول من يصافحني وهو الصديق الأكبر وفاروق هذه الأمة وهو بصبر المؤمنين وغير ذلك من الأخبار فينب ما قلناه انتهى كلامه عليه السلام. 51 فظهر ذلك من هذا أنهما العقاق كيف يلهم أمير المؤمنين بالمرض والنزاع عليهم، وهو سيصاحبهم عند ربه يوم القيامة، وفهي الأمير على الحوض، ويأتي يوم القيامة واللواء في شمله وهو ينذر أعداء على الحوض، حقاً كما يرواه الشيخان البخاري ومسلم "أنه يؤتي جمعية من أصحابه ذات الوجه فقوله `رب أصحابي`" فيجنب فيقول "يا محمد ما تديرا ما أحدثوا بعدك، فقول "سمحتاء سماحتاء` الويل على بعله" كلا لغير ذلك من الأخبار المروية الكثيرة الواسعة في هذين الكتابين الصحيحين، Durant كأنهم يذّمرون عن الحوض يوم القيامة، وما يظهر ما أوضحنا لهذا الفقه الغربي ما رواه لنا الشيخ أبو
جعفر الحموسي الناصرى في كتاب أصول الديانات عن فضيل بين مرزوق كنت مع أمير المؤمنين الإمام الأعظم الهادى للخلق إلى طريق الحق الأقوم أبي الحسين زيد بن علي عليه السلام بالكِنَّاسة فسألته
رجل عن الشيبخين فأعرض عنه فلَمَّا دخل الليل ووقع به السهم قال عليه السلام أين السائل؟
فأحضره فقال عليه السلام هما رميانهما هما أقمانى هذا المقام وهما أول من ظلمانا52 حقنا وحما الناس على أكتفنا، قدما بنا في رقابهما إلى أن تقوم القيامة انتهى كلاهم عليه السلام والله القائل
وكل مصاب نالاَلْ مُحَمَّدٍ // فليس سوى يوم السقيفة حاليه
// fol. 7 A
فظهر لك من كلام هذا الإمام عليه السلام أنهما اللذان53 علماء وهم اللذان قتلاه.
كيف تصح منه الترضية والترحم والمولاة مع هذا54 الحرم العظيم؟ قبل ما زهقه هذا الفقهي
الغبي من الإيمام والإبهام والإبهام على العلماء. ومن جنس ما قدمناه من الإيضاح ما رواه الحاكم رحمه الله
في السفينة مما رواه عنه الإمام الحسن بدر الدين عليه السلام في أنوار البقين55 قال عن الإمام الأعظم
أبي الحسين زيد بن علي عليه السلام أنه قال: "كان أمير المؤمنين عليه السلام يقول بايع الله
الناس أبا بكر وأنامرة الناس بالناس منه بقيصي هذا، فكَظَمت56 غيظي وانتظرت أمري وألزقت
بالأرض كلها، ثم إن أبا بكر هلك واستخلف عمر. وقد علم والله إبنى أولي الناس بالناس منه
بقيصي هذا، فكَظَمت57 غيظي وانتظرت أمري وألزقت بالأرض كلها، ثم إن عمر هلك وجعلها
شورى وجعلني سادس سنة كسهم الجدة وقال اقتلت الأول، فكَظَمت58 غيظي وانتظرت أمري
والزقت بالأرض كلها حتى ما وجدت إلا القتلت أو الكفر انتهى كلامه عليه السلام. فظهر لك
أنه العاقل من هذا كيف يصح منه الترضية والترحم والمولاة، فبطل ما قاله صاحب هذه الرسالة
الذي زعم أنها إرشاد الغبي، فما أحقها بالتصنيمة بإسلام الغبي والله المستعان. ومن خط القاضي

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العلامة أحمد بن [ناصر بن B] ـ عبد الحق المجلاني رحمه الله ما لفظه: روى في كتاب الأزهر في
مقدمة الإمام الأبرار على الوضاءة الكرار صلى الله عليه وسلم عليه للعامة المحدث الحافظ محمد المقاب
بسم الله: "ليس بن أبي هذين بن سلمة الناصري" 49 رحمه الله تعالى ما لفظه: روى أن الضحى سأل آباه سعيد
الخزدي عما اختلف فيه الناس بعد الرسول صلى الله عليه وعلى آله، فقال والله ما أدرى ما الذي
اختلخلوا فيه ولكن جدح ذلك بحديث سمعته أذننا ووعاه قليل في حاجظه في القتان إن النبي
صلى الله عليه وعلى آله خطينا على منبره قبل موعده في مرضه الذي توفي فيه، لم يجلسنا بعدها، فحمد
الله وأثنى عليه ثم قال أيضا الناس إني نارك فيكم التلقيين ثم سكت، فقام إليه عمر بن الخطاب فقال
ما هذان التلقيان؟ فغضب رسول الله صلى الله عليه وعلى آله حتى أحسى وجهه، فقال عليه الصلاة
والسلام ما ذكرتهما إلا وأنا أريد أن أحيركم بها ولكن أضربني وقع فاستمعت عن الكلام،
وأحدهما فهو النقل الأكبر كتاب الله عن وجل سبب بينكم وبين الله تعالى طرف يده وطرف
بابيك، والنقل الأصغر عنزي أهل بني علي وذرته، والله إن في أصلاب المتضمنين إلى اسم من أرضي
من كثير منكم (التهيأ A). فأنظر أيها الفقيه هذا (هذا B) الخبر الشريف لقد أراح ما جئت به
من التحريف فيكفي لحل القضية وترحم المولى لرجل قد أغضب رسول الله صلى الله عليه وآله
حتى أحسى وجهه، فبطل ما لحقه من الهذيان في هذه الورقات (أهل العدوان A) والله أمير
المؤمنين سلام الله عليه حيث يقول (كامل مرفق)
أسلمك وإن بعد الطريق // فأعلبه ما فيه السلامه
لا تركه إلى الأمو // ولا الحججات // بل الدماء
الغد بفرة بالغض // والحري فتحكة // الملامه
وهما يؤيد ما أوضحنه وبدلال على ما ذكرناه ما ذكره السيد العلامة الهاي بن إبراهيم الوزير رحمه
الله في كتاب تنظيف الألباب في شرح أتباع الكتب (ورأى سقية بني ساعدة هي المحتلة إلى يوم
القيامة، قوله في شرح البيت A)
فلما ذكروا في الإمام أخرجوا // وسمعوا إلى تصريف رأي أبي بكر

59 لم أحد ترجمته له. انظر مؤلفات الزيدية 1 : 113، 2 : 434.
60 في "أبي".
61 في "الملعقة".
62 في "بكره".
63 في "أبي".
إلى آخر الأبيات، قال مولانا في شرح هذه الأبيات ما يؤدي إلى الإطالة، وقد استوعب (حم) جدٌّ المرتبط بحس البهجة الالتباس والذاتية، في أحوال أهل السفينة وما تفرّع على ذلك من التقدم على علي كرم الله و وجهه وأرامل الأذلة على بطلان كلام المعترض في إمام الثلاثة، ورغم ما يمكن به من المتضمنات، فهم على إمامة المشايخ، وأرامل متعلقاتهم في ذلك يوضح الدلائل وأسباب المسائل في شرح دين الأوامر المحمولة في وجوه طاعة أولياء أرامل أوقات ordinances والآمر وفرض المسألة، وهو كتاب مفيد ما عليه في هذا المعنى من مزيد فنّ أراد الإطالة على رغبات الفوائد وغزوات الرائد فعليه بهذا الكتاب، ولا بد من الإشارة إلى شرح كل بيت من هذه الأبيات مما يكشف معناه ويظهر معجزة قوله في البيت:

وساروا على نهج الثلاثة وأتفقوا // مسائلهم في القول والملسلك الذهبي

أراد بالثلاثة أنا بكر وعمر وعثمان والائتماء (الابتداع) والسائل الطريقة، وأراد بالوعر كونه عن أخذه الإمام على صاحبه من وردته فيه النصوص الشيفرة، أخذها بغير دليل نوبي ولا برهان سمائي إذا كان ذلك رابعاً منهم رؤوى ونظرها وترى حتى كلهم هنا مسلكًا وعرًا. وعذراً علينا أن نقول فهناك هذا القول ولكن الحق أحق أن يبيع، والباطل جدير بأن لا يُتبع. وساق الكلام مولانا الهادي باست玩家来说 رحمه الله في هذا الشرح النفيس حتى قال في شرح البيت الذي بعد وهو قوله (العمري):

لقد لاقت سؤالٌ و عابور // على جانب الششري راغية الذهبي

فأراد بإدخال هذا البيت في جملة الأبيات الشريعة إلى عظيم ما كان من خلافة القوم البيتية كانت سبباً للمحتجة وأصلًا للفتنة، لأن بكر وعمر لم يتقصياها لم يذهلا بها إلى عمر، ولو لم يذهلا عمر لم يجعلها في سنة زعم أن أمير المؤمنين (كرم الله وجهه) كأحمدهم. فيا الله وله السبق. كما قال عليه السلام متى اعترض الربيب فيه مع الأول منهم حتى صار يقرر إلى هذه النظارات، ولو لم يتملك عنهم، لم يخرج فيها معاوية بالعين ويتغلب عليها جبرارة بني أمية وطاغية بني مروان، و كان في أبناء ذلك ما كان من الخوادث الكبير، وأصل ذلك كله خرُوج الأمم في أهل رسول الله
صلب الله عليه وآلهه و芙تها ذلك يوم السفقة وما كان من تأخر الخليفة المخصص بالنصوص الشرفية. وقد أحسن العباسي بن عبد المطلب رحمه الله حيث قال:
ما كنت أحسب أن الأمر ينتقل // عن هاشم ثم من جهازه عن أبي حسن
أليس أول من صلى على الله // وأعلم الناس بالآثار والسنن
فما الذي صدكم عنه لعمره // هذا هو يعزمك من أول الفتن
الشعراء 21)، فإن قلتم إنهم لم يخفون كفرتم، وإن قلتم غير ذلك فاللذي أعذر، وبهارون صلى الله عليه إذ يقول ﴿فإن القوم استضعفوني وكادوا يبللوني﴾ (7 سورة الأعراف 150)، فإن قلتم إنهم لم يستضعفوكاً كفرتم، وإن قلتم غير ذلك فاللذي أعذر، ومحمد صلى الله عليه وعلى آله إذ ذهب من فراعة قريش إلى الغار، فإن قلتم إنَّه هرب إلى الغار من غير عنده كفرتم، وإن قلتم غير ذلك فاللذي أعذر. قالوا صدقتم يا أمير المؤمنين انتهي كلام الإمام إبراهيم بن تاج الدين رحمه الله.

وروى مثل هذا في كتاب قواعد عقائد آل محمد، وروى مثل هذا أيضاً الإمام المنصور بإسم الحسن بن بدر الدين في أنوار البقين، وروى أيضاً مثل هذا في الاعتراف مخطوف بن لوط بن يحيى 72. إن أمير المؤمنين يوم السفقة قال له وجدت أربعين رجلاً قاتلهم. وقد روى ذلك في شرح النهج منهم البحراني وغيره. وهذه الحجة التي تدفع والبراهن الذي هو أعنف، فهذه قطرة من البحار اللاحقة من روایات العروة الرزانية الظاهرة قد عرفتها من عرف، وتعتبر عنها من تعسف وناكر. في هذا كفاحاً لله توفق ودرابرة وله ذكر الفاضل العظام علم الدين محمد بن جعفر يرحمه الله صاحب هجرة الحجرة 73. لقد وفي وركني في هذه الأبيات:

قالوا الإمام أبو بكر فقالوا نحن بلا الإمام أمير المؤمنين على قلبه أن آية في الذكر ممكورة باقته لجميع المسلمين ولي ونص أحمد في يوم الغدير بها النص صريحاً حلي القول أي حلي فعّلوا النص بالتأويل والافترار. فهم لغير الهدى ممكورة السبل.

قالوا رأوا من صلاح الدّين أن رفضوا خير البرية من حاف ومنعل سفينة المحترقين حلفها تتحكي سفينة نوح بكل ذلك في الأول.

// fol. 10 A //

لم يركبوا كل غدداء من فيج والهمي // مثل أن ينوح الذي أوى إلى الجبل (A meter broken)

يقولون مات وما أوصى بأبيته // هذا النبي وأوصى جماعة الرسل (B meter broken)

قالوا فهم مات وما أوصى بأبيته // هذا النبي وأوصى جماعة الرسل (Corrected)

حاشاه ما ضعف المختار أمتكم // لكثيرهم غيروا ما خال بالجبل.

72 في "خفف أبو لوط بن يحيي" وفي B "خفف بن لوط بن يحيي" وهذا الأصح.

73 انظر هجر العلم ومعاقته للأوكوع 1: 576 - 577. ولم أجد ترجمة محمد بن جعفر.
هو الوصي، فلا تسمع مقالات في // عدا من الجهال كاهوحا من الإبل.
هذا العبء الذي أرجم النحاة به // والقول بالجناء الخضراء والحلى.
ديني التشيع لا أهوى سيرة وننا // أقول إنني شيخي ومغربي.

وأما يؤيد هذه الأبيات ما روي عن سيد السادات موسى الكاظم، سلام الله عليه في 
كتاب الديهور، الفاخرة ما لفظه: خبر وعن الكاظم عن أبيه عن جده عن صلة الله عليه وعلى آله أنه جمع
المهاجرين والأنصار فقال لهم إنني قد ذهبت وإنني 75 مجيب الداعي وقد اشتفت إلى لقاء ربي
واللحوق باخواتي من الأنباء، وإنني أعلمتكم إنني قد أوصيت وصيتي و لم أهملكم إهال البهائم
و لم أترك من أمركم شيئا سدِي، وإنني رسول الله إني إني أوصيكم بولاية على بن أبي طالب
وطاعته والصديق بولاية، فإن ولايته ولايته ولاية الله، و قد أبلغتكم فليبلغ شاهدكم
غالبكم أن على بن أبي طالب هو العلمن من فضي دون العلم فقد ضلَّ، ومن تقدمه تقدم إلى النار,
ومن تأخره تأخر في النار، ومن صدَّ عن العلم يمنا، أو شملاً هلك انتهى، فظهر لك من هذا أنَّه
العاقل أن أمير المؤمنين على بن أبي طالب سلام الله عليه هو العلمن لأهل الجنة والنار ومن تقدم عليه
صار ضالاً من أهل النار. فما ظلَّ أنبه الفقه في أهل السقيفة حين تقدموا على أمير المؤمنين؟ هل
ينجو من عذاب النار ومتى الجبار كما حاكم هذا الحبر وغادر بعضه، فلا ورد إبنهم
وافعون مذادون عن الحضور يوم القيامة يوم الحشر (الحمرة) والندامة. و غير بعيد أن تذكر هذا
كلمَّة من النصوص الواردة فيه وفي أهل بيت وترمَّي من روى لك هذه الروايات عن أهل البيت
الطاهرين أنَّه من أهل الرفض والإثم والضلالات، تارة تقول فلان باتسني وتارة تقول محب غالب
وتارة تنسب الأخبار إلى قبيح الأفعال مما سلمت من لسانك فائدة الزهراه البول. أما (ما
ترجع إلى الله أنبه الفقه المذيع تحمله من تقدمت هذه الأخطار؟ يا هفي عليك من سخط الجبار،
وأنبت من أهل العفة واللمع، وتحمل الشبان لآل محمد الأخيار. نعم، وأما السبيبة والسباب في
من أخلاق البيت البَيَّة، شأنهم العلم والحلم والاشتغال بالم rhetorical لدائم، إن كل جميل داهم
الإغواء، فإن نابهم أمر صبروا، والله صاحب السماة بقوله:

والصبر شيمية أهل البيت إن طلموا // و هُم يَكُونُ كَرَمًا غَيْر مِصْطَرَفٍ (B) 

74. الأصل "من".
75. في "إنه".
76. (Meter broken in A) وكيف كريم الأصل غير مصطنع (B).
فالسبب والشقيق هو شأن السهءاء من أهل الأسواق كيف والله عز وجل يقول في محكم التنزيل

(ولأ نسمو الذين يدعون من دون الله فسوا الله عذبوا يعزعون) ُكل أمة عملهم لم

إلى رحمته مرجعهم فنيبهم بها كانوا يعمولون ُ(6 سورة الأنعام 108). فلا يسعنا إلا ما وسع أبانا

أمير المؤمنين وأهل بيته الطاهرين من التراجع والتكير على من تقدم على أمير المؤمنين وأوجع قلب

البول بنت حبيب رب العالمين. ولا نقول إلا كما قال أمير المؤمنين القاسم بن إبراهيم الرسلي عليه

السلام "إِنَّمَا لَأَمْ حَدَّثَنَا سَدِيقٌ ثَقِيلٌ مَّعَهُ غَيْبَةَ وَخَنْ غَاضِبِهِ لَغَضِبِهَا".

واعزي علينا أن نفق في أعراضهم أو تندين بسبيهم، معاذ الله أن تكون من المعتدين. كيف وقد

أنزل الله عز وجل على نبيه الأمين (عليه وعليه آل أفضل الصلاة والتسليم) ُ(خِتْيُ الْغَفْرُ وَأَمْرُ

بالعَرْفِ وَأَمْرُ عَنْ الْجَاهِلِينَ) ُ(7 سورة الأعراف 199)، ونسنا بعض ضعوط بأهل السقيفة وحن من

أمة محمد الأمين، ومن أهل بيته إن شاء الله من الناجين، وليس حن من أمة أبي بكر بن أبي مغفر،

إن كنت أبيها العلمي من أمه الذاب عن رعبه المتشكيك في حقه المراحم عن إمامته، فلمرء يحزن مع

من أحب فلا محالة كما قاله صاحب القالحين محمد الصقلي الأمين عليه وعليه آل أفضل الصلاة

والتسليم. فبطل الإشراك والتمويه بما حفزه للك من أقوال العزة الإرثة عن جدد المختار خبر

اليزة وانسخت تلك الطرق فلا مدخل إليها ولا تعول عليها. فلا يقول عليها إلا من أعمى الله

بصيرته وحذفت حفيظته والله المستعان.

ومن جنس ما نقدم ما نجده في kitabı وانطوت عليه سريره في هذه الرسالة من الموقات وما

زخرفه هذا الفقيه من الباطل الكبير في هذه الوثائق فيها ليته اكتفى ببلب أعراض الموحدين من أتباع

آله محمد المطهرين حتى أضاف ما تراه في عرض فاطمة بناء محمد الأمين صلوات الله وسلامه عليهم

أجمعين بقوله: قال الإمام الهادي في القالين أن قضاء أبي بكر في ذلك والعوالي صحيح. وروى في

هذا الكتاب عن زيد بن علي لو كنت أبا بكر لما قضيت إلا ما قضيت. فتصحيح الإمام الهادي

لقضاء أبي بكر وقول زيد بن علي بهذه المقالة يدل على أن عهدنا عدل مرضي، ولو كان عندهما

على خلاف ذلك لما كان حكمه صحيحًا إلى أن قال: قال الإمام يحيى بن حجر في كتابه الموسوم

بالشامل في علم الكلام عند نقلهم على من نقم على أبي بكر من إضعافه لفاظة عليهم السلام إن

الإصل "ابنها". 77

الإصل "إن". 78

وعلى هامش الصفحة: والله القائل ألم تعلم البول غضباً ومرضى، ما هكذا يفعل البون الكرام. 79

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الله يغضب لغضبها ما معناؤها لا حرج على أبي بكر في إعجاب قاطمة عليها السلام وإنما طلب منها إقامة البيئة وقد جاءت نعلًا (بأمر المؤمنين) وآمن إلى، فقال امرأةً مع أرضاً أو رحل مع الرجل فغضب منها لذلك وإنما طلب أبو بكر الحق إذا غضبت لأجلها فاتخذًا ضدها، هذه رواية الإمام يحيى بن حمراء على زعمه في كتابه الشامل. فانظر إنها العقال هذا الإفهام العظيم وأن فاطمة عليها السلام هي المدعية والمرمل البيئة وأبو بكر في الحقيقة هو المدعي لما ليس له ولا بولاعة ولا برقة ولا بوصامة. فلما رأت فاطمة عليها السلام قلب الحقيقة، والإزرام يبغي الإزرام ما يعلم من أهل العصمان أنهم يبجرون الحق باطلًا، والباطل حقًا، كما نطقته به الأخبار ونصوص القرآن.40 فقول فلا يخلو إما (An B) تكون هذه الروايات عن الثلاثة الأئمة سلام الله عليهم صحابة معلومة مروية، فهي محددة بنصوص الكتاب والسنة باطلة ظاهرة البطلان لأنها ليست بمعصومين ولا حجة واضحة (ظاهرة B) مع إجماع العترة الركبة وإجماع الأمان أن فاطمة عليها السلام ماتت غاصبة مظلمة من ميراث أبيها أظهر من ظهور الشمس، وأشهر من الصلوات الخمس، وحكم عليها بغير حكم الله عز وجل. فإن الله ولي الملائكة ولي المسلمين من شيء ما سمعنا به أن فاطمة (عليها السلام) ما رضيت بالحق وزاد ولأخذه يقول قد دعوا إلى الله ورسوله ليحكى بيبتهم أن ينقولوا سبعة وأطعنة (24 سورة النور 51). وفاطمة عليها السلام // fol. 12 A // تقول سمعنا ونصينا، فهكذا يكون العمي والحندان والزور والبهتان والله المستعان. الوجه الثاني أو (An A) تكون هذه الروايات عن هؤلاء الأئمة الثلاثة غير صحية أو تكون مسيرة أو مغمورة أو لا عمل عليها. فما وجه الاستدلال بذلك شييء (الشيء B) باطل أو لا حقيقة له؟ فإن كنت أبنها الفقيه الغربي معتقداً لنقول الأول، كما ظهر، فهو رجل للكتاب والسنcta، ومن رجل الكتاب والسنة فهو ضال قد شمله ما نطق الله به (الله عليه) وعلمه والنص (B) عز وجل في آيات المائدة (ومن لليمكه بما أنزل الله فأولئك هم المكلفون) (5 سورة المائدة 44)، (ومن لليمكه بما أنزل الله فأولئك هم الفاسقون) (5 سورة المائدة 45)، (ومن لليمكه بما أنزل الله فأولئك هم المكلفون) (5 سورة المائدة 47). وإن قلت إنها غير صحية فما وجه (هو A) الاعتدام على أمر غير صحيح. فانظر إنها العقال أبي الرشاد والصديق في هذه الرسالة (إنذا الله وإنذا إليه راجعون) (2 سورة البقرة 165). ولا بد من الإيضاح والكلام بالرد على كل إمام لما هو نقيض ما توهمنه أيها الفقهاء في رسالتهم هذه العجائب العربية. فقول فامًا

40 هذه الحملة غير واضحة لأنه لم يذكر مما فنعت فاطمة بعد رؤية الحقيقة. وعند حدث سقط.
بدأت بكتابة النص:

(النص غير قابل للقراءة بشكل طبيعي، يحتاج إلى مساعدة في التحقيق.)
أبي الحسين زيد بن علي محقوق معلوم في مظلتهما لما علمناه في تنبيه الإمامية جده الوصي علي
المرتضى، 
أقام الحجيج وأبان الحجيج بالحجج القاطعة من الكتاب والسنة حتى سقطت الحجيج التي
روتها 84 أمة أبي (أبو) بكر بن حذافة بن ثيم على إمامته وساق الكلام حتى قال (عليه السلام
(+B): هذا ما اجتمع عليه كل بار وفاجر ومؤمن وكافر، اجتمعوا أن كل ميت موثمة ميرواته لأهل
بيته. فظهر لك من هذا النص له عليه السلام بطلان ما روى عنه وأن الميراث حق لكل وارت 
على ملته، إلا فاطمة بنت محمد عليها وعلى أبنها المصطفى (والله) أفضل الصلاة والسلام لم تتم
إلى ميراثها ولا إلى خلافتة من أبنائها. فظهر لك أن أبيه العاقل بطلان لما حكاه هذا الفقه على إمامه أبي
(أبو) الحسين زيد بن علي عليه السلام وسأل أيضاً أبي 85 الحسين زيد بن علي عليه السلام سائلً
عن فاطمة (عليها السلام) بعد أبيه وكيف كان حاله مع القوم الذين ارتكبوها باغتصابها
(باغتصابها (أ) ما حرم الله عر وجل ورسوله صلى الله عليه وعلى آله فقال أبو الحسين زيد بن علي
عليه السلام أبدا سمعت قول الذي عصر عما في نفسها (قوله) B (شعراءً) 
غادة نادي يا باباً يا ابنا (ب) ما تمزقته // تبادك حتى أزعمت القول بالغدر
وحتى ارتكبنا بالمذلة والأذى // وليس لأحرارنا على الذا من صبر
ولو استقبلنا الروايات عن إمامنا أبي (أبو) الحسين زيد بن علي عليه السلام لطلب الحنطب و
في هذا كفاهة من آرائ الحق والصواب.
نعم، وأما الرواية التي 87 رواها عن الإمام يحيى بن حمره (عليه السلام) على زعمها وأبنها في كتابه
الشامل فهي مختلفة بلا مجال (ممانعة) (A)، وليس لها وجود في الكتاب المذكور، وهل هو إلا كقول
المقال بلاني إن لم أكدب لم أستطع أن أقول وإن لم أقول لم ينثر عنني شيء، وإن لم ينثر عنني شيء
لم يقل الناس إني علمت والله المستعان. فرواية الإمام يحيى بن حمره رحمه الله معروفة مبسوطة في
مظالمها 88 مما ترى في حكم ذلك والحاصل موافقة لما علبه أسلافه الطاهرين سلام الله عليهم ما نقله

84 وقد حقق محمد غزان "تنبيه الوصية" للإمام زيد بن علي، وطبع في صنعاء عند دار الائتام اليمني، 1992.
85 الأصل "الذي رواه".
86 أنظر نو في الأصل "أبو" وهذا خطأ.
87 الأصل "الذي".
88 الأصل "مصانعها".
يُقال الإمام يحيى بن حجرة رحمه الله في كتاب التحقيق ما لفظه: المختار عدنا أمناءً. الأول أن الذي إذعنه فاطمة عليه السلام في فدك والوعالي كان حقًا، قال الإمام يحيى بن حجرة رحمه الله وهو الذي عليه أكثر من أكابر أهل البيت عليهم السلام، واتفق عليه البراء (أهل التاريخ) (A) وأبناؤه جرت بينها وبين أبي بكر المناظرة في فدك والوعالي وافتقت أن الله خلقها أبوها (أباها) (B) صلوات الله عليه، فقال لها أتني برجلين أو رجلين وأمرت بها، فقالت شهودي والله أمير المؤمنين وسيد الوصيين والحركة الصالحة أم آمن النبي 90 اختارها رسول الله صلى الله عليه وعلى آله خدمة ولديه. فقال أبو بكر رحل مع الرجل، أو أمرًا مع الأمة فأعرضت عن ذلك وسكت، فقال أبو بكر إن الله إذا أطمئن نبيه طفوة فهو للخلية من بعده. فلما أمرها بملك رسول الله صلى الله عليه وعلى آله لندك والعوالي فإطاره مقبول فيما (B) كان بها عليه. فقامت: يبحث يا ابن أبي حذافة ترت باباك ولا ترت أبٍ! فاحتل بالحمرة فلمما سمعت ذلك أعرضت فمرت على قبر أبيها صلوات الله عليه وعلى آله الظاهرين // فضرت بيدها عليه وقالت: (البحر البيض) فأم كُانتُ يُبْنِى أَبَاهُ وَهُمْ ابْنَانُهَا (ب) لَوْ كُنتْ شاهدَةَهَا لَكَتْ يَكْتُبُ الحَطِبُ

يُقال الإمام يحيى بن حجرة (رحمه الله (A) وهذه المناظرة بين أهل التاريخ لا يمكن أن يكون لا يذكرها لظدها واشتهرها. الأمر الثاني أنها صادقة فيما إذعنه (B) من ذلك لأن رسول الله صلى الله عليه وعلى آله بشرها بالجنة، وأن منزله ومنزل أمير المؤمنين عليه السلام جبلًا منزلاً في الجنة. وقال صلى الله عليه وعلى آله كمثل من الرجال كثير لم يكمل من النساء إلا أربع: أسماء أمة فرعون، ومريم بنت عمران، وخديجة بنت خويلد، وفاطمة بنت محمد صلى الله عليه وعلى آله. وقال صلى الله عليه وعلى آله "فاطمة بضعةٍ من بني بني نبي، وأيدها ما يودي إليها (أذاها) (B). فكيف لا تكون صادقة في ذلك الدعوى؟ وقد شهد بصدها أمة المؤمنين ولا يشهد إلا الحق (الحق) (B)، إنه كلام الإمام يحيى بن حجرة عليه السلام. فبطل ما حكاه هذا الفقيه من رواية الإمام يحيى بن حجرة عليه السلام وغيره من الأئمة السابقين عليهم السلام. فاعرف أن مما العاقل ما

89 وهو الإمام الهادي إلى الحق عدنا أمناءً. يُقال: "لا يُقال" (الذي).
زوّره وسحره هذا الفقيه من الزور والبهتان على سادات الأنام ممن رأى شهادة أمير المؤمنين عليه السلام.

والله عز وجل يقول في محكم التنزيل: "أما إن كان على بنيّة من ربيّة وتبَّعوّ ناهذه منه" (11 سورة هود 17)، والشاهد الذي منه أمير المؤمنين علي بن أبي طالب عليه السلام كما جاء في بعض التفسير، وهو نفس الرسول صلى الله عليه وعلى آله، وهو المبلغ عنه سورة براءة، ومن الله عز وجل أبا بكر (أبو بكر A) من تبليغها، وارتجع (راجع B) من الطريق حتى توهَّم أنّهُ أنزل.

فإنّ شيخ من القرآن فقال يا رسول الله أنزلت في شيء؟ فقال لا، لا أبلغ إلا أنا أو رجلٌ مدني.

فأعمى الله بذلكة من عمي. وهو مقبول عند الله عز وجل وعند رسوله الأمين. فما لبثت شعري لو قبلا شهادة أمير المؤمنين (عليه السلام) A، كما رواه قول شهادة ذي (ذو) A، وكما رواه أيضاً قول الشهادة من حريمة وأببن الثرى B من الثرى، وأيمن علي (كرم الله وجهه) B، لكان أولى وأحسن من الخطهر العظيم وإغبار فاطمة عليها السلام والله عز وجل، وهو يغضب لغضبها، والله المستعان.

نعم، وإن نسب هذا القول عن الإمام يحيي بن حمزة رحمه الله (عليه السلام) في نهاية التنبوي في إزهاق التمويه، إن صح، وليس بصحيح، وقذ أزال السيد العلامة الهادي صارم الدين (الهادي بن إبراهيم B) رحمه الله هذا التمويه على الإمام يحيي بن حمزة رحمه الله بالحجج القاطعة، فإذا صح فهُو كلام محجوج وليس صححه. فلتفعل هناك فما رجاء الاستدلال به ( بهذا B)، وهو مردوء بالآيات القرآنية والنصوص المحمدية. وهذا نص الإمام يحيي بن حمزة (رحمه الله A) في كتاب التحقيق B قد نزهه عن الشين الميل وحشانه أن يقول غير الحق في جانب أمه الصديقة بنت الصديق البشري (هو +A)

+ B مِلْلِ الرَّزْلِ (شَعْرَتُ)
فبطل بهذه الروايات القاطعة ما ثقل هذا الفقه في هذه الرسالة. فما أدرى أهلهم 97 هذه الرواية عن الإمام يحيى بن حمد رحمه الله في كتاب التحقيج، أو تجاهلها أو أعرض عنها أو تأبه به الكرب والعجب بنفسه وأن العلم كان عليه وأنه قد حرى علمه أن محمد صلى الله عليه وآله وسلم (بجمعها + A) // fol. 15 A // فما أفضح (أقطع B هذا الإهمام وأشبهه، أو صار هذا الفقه // // يتتبع هنوات

الأئمة سلام الله عليهم مثل الديبان براعي موضع الغدُر 98 أو كان دأبة المؤذى منقاره موضع الإفراج. فما لها من زلة غفلته، وقيحة أورشته، قد سار 99 بها الروكبان، إلى جميع البلدان، فانظرنا عباد الله لهذا الأمر العظيم، والحطب الجسيم، أن فاطمة بنت محمد صلى الله عليه وعلى آله SEID البشر على أفضل الصلاة والسلام وعلى آله الكرام مانت وهي غاية مغارقة للحق. فل أحد (فرد A) قال بهذا من أهل الإسلام؟ لقد عصى به وخافى أمره وأذى نسبه في رمي لينته البطل سيدة نساء العالمين، فإن الله ويا للملؤثين من خلافة سيّد المسلمين. أما علمنا أنّه الفقه أن الله يغضب لفضحها، وغير بعيد أن اعتمادها فيها وفي أولادها أن الروايات في فضلها وفضلهم غير صحيحة تقليداً للذين وابن ميعين، لأن الصحيح عنده ما صحوه والباطل عنه ما أبطلوه. فهكذا يكون العمي والخدل، والرير والهتان، والله المستعان.

الحجة الثانية القاطعة المبطلة لما حكىده من الزور الكبير والبهت الشهير قال الأمير الحسين بردر الدين بن محمد بن أحمد بن يحيى الهادي عليهم السلام في كتاب غرة الأفكار 100 وقد ذكر الرد على أبي بكر في غضب صفك، 101 ثم ذكر استدلاله بالخبر عن معاعش الأنباء إلى آخره، فقال عليه السلام أما استدلال أبي بكر بن حن بن معاعش الأنباء لا نورد فغير صحح لوجوه. أحاديثنا أن فاطمة البنت وعلى لها السلام تدعي الهبة وهو يحتج عليها في إبطال (إبطال B) الإرث فلم يتناول نفس

96 97 98 99 100 101

فحما الذي ترضي سحايا كلها // كفى المرء فخرا أن تعد معانيه

وهنا خطأ.

الأصل "أذه جهل".

الأصل "العلل".

"صارت" في B، "صار".

وهو كتاب ثرة الأفكار في أحكام الكفر. أنظر مؤلفات الزيدي، 1 : 352.

100 101

حدث سقط في B هنا.
الدعوية. فجرى في ذلك مجرى من قبل له من أبوك؟ قال علامة شعبه، وكما قالت العامة (قيل (A للإله من أبوك؟ قال علامة الحكمن، لأن الإجاب وغير أن يكون السؤال لم يجري الجميع مجرى قول الشاعر [السريع]

سألته عن جهر واحد // ما كان من قصة حمص

فقال في غاية بنية // فقدلت هذا جهر نادي

ثم ذكر عليه السلام الرجع الثاني. قال وحاصلته أنها عليها السلام ولم ذكرت المرات فجره (فخار (B مصادم للقرآن لقوله تعالى {يرتبط ويرتبط من دال يعفوب} (19 سورة مريم 6) وقوله تعالى {وزف سليمان داوود} (27 سورة النمل 16). (قال على السلام (A وخصصت الكتاب بهذا (الخدر (B) 

(الخدر (A باطل لأنه معارض لما علم من الكتب والسنة لأن الأتباع عليهم السلام كلهامهم في التوادر لإجماع الصحابة على عدم النسخ بأخبار الأحاديث، وكذلك إجماع أهل البيت عليهم السلام انتهى كلامه عليه السلام. فبطل ما حكاه هذا الفقيه عن آية الآل في هذا المقال (الهذيبان (B) 

المستعين.

الحجج في النزلة القاطعة لأعيان المعنين، الرمزية عن إمامنا أمير المؤمنين، القاطع بسيقه رقاب الناصرين والناصرين، الهادي إلى الحق القويم، يحيي بن الحسين بن القاسم بن إبراهيم، عليه السلام في كتابه تبينت الإحالة (B جدته أمير المؤمنين ويعقوب المسلمين، علي بن أبي طالب وصي حبيب ربي العلوي // fol. 65 B // فأوضح عليه السلام الحجج الواضحة والبراهين القاطعة في إيطال إمامه أبي بكر بن حقابة وأنه من جند اسمه ثانياً في ذي القدر إلى اليوم القيامة. فأبان عليه السلام الحجة، وأوضح الحجة، وسباق الكلام في ذلك حتى قال عليه السلام وقد وجدننا أبا بكر أقام نفسه مقام رسول الله صلى الله عليه وسلم وأقامه من أقامه من هذه الفرق، ذلك المقام مستقين منه، // fol. 16 A // زعموا بالصلاح والرشاد والقيام بما في كتاب الله عز وجل وحكم تنزيله من فرائضه والترجمة عنه والقيام بالفسط في عبادة وبلاده وإمهام سنسي نبي صلى الله عليه وسلم للمجيء والابتداء مفعلاً. فكان أول ما نقض أبو بكر مما أسند إليه ما فعل (تفضل B) متحف وأهل بيته عليهم السلام

102 يقول صاحب المؤلفات الزيديّة إنه متنزوع من كتاب "أنوار الألفاظ" للإمام الحسنين بن بدر الدين ولكني لم أجد

103 في نسخة المصنفة هذا الكتاب.
بعد شهادته وشهداء من أقاربه ذلك المقام لرسول الله صلى الله عليه وعليه آله وسلم، فأيْن ما جاء به عن الله تعالى فتح وصدق، ليلجأ لأحد من المسلمين أن يحكم بغير ما في كتب الله عز وجل وبغير ما صبح من سمن رسول الله (رسول الله صلى الله عليه وسلم). فهذا حق العمل به مستحقًا به مطروحاً عليه فكفور.

فكان من أبي بكر إنه أثرى ما في كتاب الله عز وجل وحكم بغير الله عز وجل يقول: "إِنَّمَا يَحْكِمُ الَّذِينُ يَعْبُدُونَ اللَّهَ مِنْ وَاهِبِيْنِ فِي أَمْرِيَ مَعَهُ أَلْسِنَةً مَّنْ أَقْرَبُهُ عَنْهُمْ " (4 سورة النساء 11). أي: جامعةً لم يخرج منها نبأ ولا غيره. فقال أبو بكر إني سمعت رسول الله صلى الله عليه وسلم، وعن أهل العلم "إني معاهدين أن النبي إذ ت กรنها فمكتبه صدقه.

فكان رسول الله صلى الله عليه وسلم وهو نصيحته في أفعاله الذي فلذك في خط الأخب في السيناء (342) في قوله سبحانه "وَإِذْ كَانَتْ وَاحِدَةً فِي الصَّف" (4 سورة النساء 342). أي: جامعة لم يخرج منها نبأ ولا غيره. فقال أبو بكر إني سمعت رسول الله صلى الله عليه وسلم، وعن أهل العلم "إني معاهدين أن النبي إذ تَكرنها فمكتبه صدقه.

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مصدر أحمد 2: 463
محمد صلى الله عليه وسلم. (من A) جميع من رسول الله صلى الله عليه وسلم وعليه السلام مثل ما قال أبو بكر قالوا الله لا. (لا حاجة بعد ذلك B) ثم جاءت 107 من بعد ذلك أسباب جمعها الجهال لغبة التكييف لا يقع عن عائشة وابن عمر. فنظرنا بعد ذلك إلى أصل هذه الأحاديث التي أسندها إلى عائشة وابن عمر. فإذا عائشة تقول مثت أبا بكر (رضي الله عنه B) يقول مثت رسول الله (بقول A) إنما معاشر النبي إلى آخره وابن عمر (كذلك A) يقول مثت أبا بكر يقول مثت رسول الله صلى الله عليه وسلم وعلى آله إنا معاشر النبي لا تترنت إلى آخره. وإذا هذه الأسباب المختلفة ترجع إلى أصل واحد. ولم يوجد واحد من أصحاب محمد صلى الله عليه وسلم وعليه السلام شهد مثل شهادة أبي بكر في المراة. // fol. 17 A // "فديع أبو بكر 108 فاطمة (عليها السلام) عن (A) الله سبحانه وتعالى أثرت أباك ولا أثر أبيه (أبي B) لقد قلت شيئاً فريدًا ثم أنصرفت عنه. ميراثها بهذا الحفظ الذي أسنده إلى رسول الله صلى الله عليه وسلم وعلى آله وهذا الحفظ يقمع كتاب الله عز وجل وحكمه في عباده. فويل من تكل على رسول الله صلى الله عليه وسلم وعلى آله بنقض ما جاء به مكيماً عن الله عز وجل. ولقد كان في كلما فاطمة عليها السلام لأبي بكر ببيان من حلف (حالف الله سبحانه وتعالى). ومن أعجب العجب أن جميع هذه الأمة أعتقد أن من أدعى دعوى لنفسه أو أدعى له فيها حق 111 أن دعاء لا تقبل حتى يشهد على ذلك شاهدان عدلاً لا دعوى فيما فيما شهد فه. وأجاعوا أيضاً أن الإيمان لا يحكم لنفسه بحق دون أن يشهد له (A) غبر. واحتزوا في ذلك (B) بدرع أمير المؤمنين صلوات الله عليه وسلم (صلوات الله عليه وسلم B) سقطت (وسقطت B) منه يوم الجمل فاعترفوا على رجل من النصارى، فقال: درعي لم أدع ولم أدع (B) أمير المؤمنين (عليه السلام A) فخاضمه وحاكمه إلى شريحة. فخاضما إليه، فقال شريحة: من كان في يده شيء فهو أحق به حتى يقيم الدعاء الشديد شاهديك يا أمير المؤمنين. فضحك أمير المؤمنين عليه السلام وقال: والله لا غيرا فلل ما حكمت بين أثين. فأحضر أمير المؤمنين عليه السلام شاهديه فاستحق // fol. 66 B // درعه ثم وهبها
للذي وجدت معه بعد الإسحاق، ثم الناس على ذلك إلى يومنا هذا لا تقبل شهادة الرجل لنفسه، ولا يحكم لأحدٍ أحد في دعوى يدعى عليه إلا يشاهدين عدلين غير فاطمة عليه السلام. فإنه حكم عليها يجلو ما حكم به على جميع الخلق والزمن من يدما ما كانت تملكه وحوزه من ميراث أبيها صلى الله عليه وعلى عهده وما أهله من فاكه المعروف بهما بل أشهد أهواب بك نفسه، وللمسلمين من الصدقة عليهم بأموال رسول الله صلى الله عليه وعلى آله فكان (أبو بكر) (A) المذعري وله وأصحابه أموال رسول صلى الله عليه وعلى آله، ولو أن رجلاً من سلاطين الجور في وقتنا هذا أدعى مالاً لنفسه وأصحابه، ثم قال أنا أشهد لنفسي وأصحابي إذ لم أشهد شاهداً غيري، وأنا أحكم لي وهم إذ لم أجد حاكماً غيري، وأقبض هذا المال لي ولهم فمن يحوزه ومن هو معه، ثم سمع هذا الخبر جماعة لا يعقل أومسي لا يفقه لأنكر ذلك ولعلم ذلك أنه أظلم أظلم (B) الفائم واجتر الحور، وقد جوز هذا ذلك من يتحل المعرفة والدين. افترى أنهم جهلو ما في هذا من المذر المفضحة؟ لا ما جهلو ولكنهم أغزوا على ما علموا بغض الله ورسوله صلى الله عليه وعلى آله ولا أهل بيته وتحالاً عليهم، وسيعلم الذين ظلموا أي مقلب يقبلون. ثم أن أبا بكر عمدا إلى هذا الذي له أصحابه فأوقفع عليه ورده ورد ورده وعلى أصحابه وأولادهم وأولادهم مؤبداً إلى أن تقوم الساعة. وترك أهله أجلسين جالسين صارعين صارعين تبدو ذاك الطالبان ظلماً بعد ثم من يومهم ذلك إلى يومنا هذا يصرعونه حيث نشأوا ويعيش فيه الفاحروين ويتخدونه (C) معونة للغافلين لشرب الحموم، يركب به ( ترك بها (B) الذكور، ويستعان به لها) (B) على الشرور، وأهله أهل البيت الحكمة معدن الخير وموضع الفضل ونزل (أموال) (A) الوفي وختلف الملائكة مُعذرون عوناً مطلومون فيه مأخوذةً من أبطالهم ظلماً ومغتصب غصبً. ثم يقول هموم (من fol. 18) الناس الراعع (رفعه) (A) صدقات رسول الله صلى الله عليه وعلى آله أعطتنا منها شيئاً // 113 // 114 // 115 // 116 // 117 // 118
صلى الله عليه وعلى آله وسلّم. إن أخذوا ما يتبركون به من جيّدة، فابحثوا عن ذلك عن أيدي وقلوبهم. 

سليمه للرسول صلى الله عليه وسلّم. وإذن الما يكتب عنه في الكنف والجليل. وكيف كان ذلك عند الله ورسوله عليه وسلّم. وفيما كان فيهم من الفضل والورع والدين والمعرفة بالله. 

ووفق هذا شهادة رسول الله صلى الله عليه وسلّم، فإن أيدي وقلوبهم في أهل الجنة. وكيف يجوز على من هذه صفات أن يكون له وهم الذين أذهبوا الله عنهم الرجوب وطهروا من ظلمهم، فقلل أبو بكر حلفهم ودفعهم عن مراقبتهم وطلب من فاطمة بناء السلام الشهود على أن ندلّه. 

وهي في بحثه، وكيف يطلب منها على شيء هو في بحثه ولا يطلب من نفسه ولا من أصحابه. وله شهودا على ميراث بنت محمد صلى الله عليه وسلّم. وكيف في الحب (A) من قضاء ما ليس بحثه (B) ولا له شهود ولا بنية وطلبه السلام هو على الله. وفد جمعته (اجتمعت B) الأمة على أن كل من كان في يديه شيء فهو أحق به حتى يستحق بالبيعة العادلة. فقلت أبو بكر البيت: 

عليها فيما كان في يديها، وإنما يجب عليه هو وأصحابه فيما أدعاه له. فحكم على فاطمة على السلام وما لا يمكن به على أحد من أهل الإسلام وطلب منها البيعة على ما في بحثه، ومثاقيب مرات أببها وشهد عليه رسول الله صلى الله عليه وسلّم. وكيف ما أن الآية 16 ورث الوحد من الواحة نبيًا كان أو غيره. وذلك قوله تعالى: "وَأَزْوَاجِ الْمُسْتَلَّٰمَانِ كَأَيْدٍ" (27 سورة النمل) وقوله (قال A) تعالى: "أَنْ لَيْسَ فِي الْأَلْسَنِ مِنْ عَالِمٍ يُعْقِبُ" (19 سورة مريم) فلما لا يمكن لا أن يكلمه منها العقل ما أدركه، جاءت عبد الرحمن بن أبي شيبة، وسليم عليهم السلام. وقام أين رضي الله عنها. فقال: لا أقبل شهادتهم لأنهم يجرون بها المال إلى أنفسهم وأين أمامه أن أقبلها وحدها. وقدسمع رسول الله صلى الله عليه وسلّم، وание أن أن ظلمهم بهالقيادة والثقة والخبر والقمعة والأسرة والبنين. فأجابه تركيبة. (أجتمعت B) ومحمد بن عبد الوهاب، بعده يهود، فقالهن: يا رسول الله، أوصي بماي كله، فقال له رسول الله صلى الله عليه وسلّم: لا قال الرجل: فنصح، فقال عليه الصلاة والسلام: 

وكان "مستعبرون".
فقال (قال B): صلى الله عليه وعلى آله نعم والثلث كثير. فكيف ينهى رسول الله صلى الله عليه وعلى آله // الناس عن الرخصة بالمال كله، وبحرم ذلك عليهم رفقة مه ورجمًا من أولادهم. ورسول الله صلى الله عليه وعلى آله أفضل الصلاة والسلام بماله كله وهو أرفعهم وأرشهم؟ فإنما سبيحان الله العظيم ما أقبل هذا الذي أُسند إلى رسول الله صلى الله عليه وعلى آله وأفاسده، فما للضالة والعمل يقول أبو بكر 121 "بجرون إلى أنفسهم" وهم يشهدون لغيرهم ولا حق لهم في مال فاطمة عليها السلام إلا من (إلى B) بعد موتها، وإنما يجري لنفسه // fol. 19 A // (إلى نفسه) من شهد بمثل شهادة أبي بكر لنفسه شيء هو في يده غيره. // fol. 19 A // وأيمير المؤمنين (عليه السلام A) ومن شهد معه لم يكن لهم حق في مال فاطمة عليها السلام إلا بعد موتها.

فأي عجب أعجب مما ذكرنا؟ فمضى حكم أبي بكر وولائه على ما وصفنا من تلبيه بالدين والمسلمين حتى حضر يومه عقدها لعمر (من الخطب B) (الخ) قبل المسلمين هذا إمامهم بعدي وهو بالاسم صاحبه. 122 ومن قال بإماته يقولون إن رسول الله صلى الله عليه وعلى آله لم يزل (يرى B) أحدًا بعده لنصم ولا إشارة وترك المسلمين يختارون لأنفسهم، وإنما الواجب على كل إمام أن يفعل ما فعل رسول الله صلى الله عليه وعلى آله وترك الناس يختاروا لأنفسهم وإن رسول الله صلى الله عليه وعلى آله أطلق الشرع في سبيله وعلى آله أو يقول غيره. فكانوا بهذا يتجدون على من قال إن رسول الله صلى الله عليه وعلى آله نصب عليهم السلام بيه. فخالف أبو بكر رسول الله صلى الله عليه وعلى آله وفعل تقوله وصوته 123 عمر ومجموع أصحابه وأطاعوه على ذلك. فإذا يهعم واصحابه قد أحلوا ما حرموا، وتركوا ما أصلوا، وشهدوا على أنفسهم بالخطأ والضلال والخلاف لرسول الله صلى الله عليه وعلى آلة يباهي".

120 في A.
121 في A.
122 الأصل "صاحبه".
123 في B.
الله، وأقسموا بفعلهم وعقدهم الذي عقدوه، وأصلهم الذي أصلَلوه، فاستغني من خالفهم عن الطعام فيهم بفعلهم على أنفسهم، فأمّا بنية أشد وعظيمة أجلَّ مما أسند هؤلاء القوم على أنفسهم من الضلالة والمعتي. فلمّا هكذا أبو بكر نهى (نهر B) صاحبٌ الذي نصب. 124 فنظر فيما سار أبو بكر وحكم به قلم يرَد بكُل سبته ولا بكُل حكمه، فِرَّ مما حكم به كثيراً، من ذلك النبي الذي قد كان سباه أبو بكر حتى اتُّلَحُّه من أيدي الناس بعد البيع والشراء، وبعد أن ولد كثير 125 منهم.

فخالف عمر (إذ B) أنهلا لا يأخذ (يورد A) ذلك (هذا B) النبي ورأى أنَّ أبا بكر مُخطئ في سبيلهم، فأمّا بنية أو عظيمة أصح وأكبر وأجل وأعظم مما أتى به أبو بكر إن كان الأمر في أبي بكر على ما ذكروه عمر؟ وعمر إذ ذاك يصوّب أبا بكر 126 في سبيل وفعله في حياته ويعمل عليه بذلك الفعل بعد وفاته، وكثر واً من أحكام أبي بكر قد ركَّز أبو عمر في ولاته وعدها عليه، يعني هذا الخبر عن ذكرها إذ (إذا A) كان فعلًا وطن (وطاعه وطاع B) ذكرها في الهجرة الحرام وسفن باء الدم الحرام. 127 فقَالَ والثبورون فعل ذلك. فِهِلَّ المحبب هول يخلو أَبَو عمر عمر في طلعته على أبي بكر من (في B) أَحَد وجهين، إما أن يكون أعمى خلق الله قلباً وأقلهم عقلًا وأخففهم دينًا، إذ خفٍ عليه أفعال أبي بكر في حياته التي تلته بها بعد وفاته (ممانه B)، أو تكون بها عالمًا وهو يستعمل النفاق مع أبي بكر في عهد الله. 128 فصوّب أبا بكر في أمر الواقعها وهي عند الله سخطًا. فإن كان هكذا فليس لنعمة في الإسلام حفظ إن كان سخط أبا بكر أعظم من سخط الله (عَزَّ وجل B) وخط رسل الله (رسوله B) صلى الله عليه وسلم (والله المستعان على الله A) و(قد B) كان مما مضى عمر من أحكام أبي بكر أخذ أمواد رسول الله صلى الله عليه وسلم وإنفاذها على ما فعل ودفع ورثة (ورث B) فاطمة من بينرسول الإسلام عن ميرانيها وعن فذك، وكان يفتش الطعن على أبي بكر في جميع أشباهه، حتى حضره يومه فرأى 127 عن ذلك إنما كان 128 من فعل رسول الله صلى الله عليه وعليه أُمر الله الذي شهد به أن الأمة (الإمامة B) / / تختار لنفسها خطأً (خطأً B) وعلى الله الذي شهد به أن الأمة (الإمامة B) / / رسول الله صلى الله عليه وسلم (والله المستعان على الله) أُمر الله الذي شهد به أن الأمة (الإمامة B) / / وعليه أُمر الله الذي شهد به أن الأمة (الإمامة B) / / فأتم لها خطأً أيضاً وأن غيره خير منه. فعزم على ترك الامتداد برسول الله صلى الله 124 على الهامش: "تورية عظيمة meno عليه السلام".

الأصل "كثيراً".

الأصل "بكر".

الأصل "فراً".

الأصل "بكر".

الأصل "بكر".
عليه وعلى الله وصاحبه الذي كان يتنى في حياته أن يكون شجاعة في صدر أبي بكر، وجعلها

عمر شورى بين سنة نفر زعم أنهم خير من علي وجه الأرض من أصحاب محمد صلى الله عليه
وعلى آله وغيرهم، وأن هذا الأمر لا يصح إلا لهم وفيفهم لأنهم نقيعة العشرة السناين الأولين الذين
حضروا بيعة الفتح وبيعة الرضوان تحت الشرجة وأن (فإن) الله عز وجل أنزل فيهم "قل يد رضي
الله عن المؤمنين إذ يرغبون تحت الشرجة" (48 سورة الفتح 18)، وركاهم ومدحهم وشهد لهم
بالثقة والأمانة حتى إذا فرغ ما ذكرنا قال: "اعظروا وصيحي يا مبعثر المسلمين ولا تضيعوا، إن
أي هؤلاء النفر السنة أن ننصرو رجلا منهم فسنعمونه وتطعيم ولم يجمع معهم (منهم) الباقون، فاضربوا أعناقهم فإن
اختفتوا وب (و) أجمع منهم ثلاثة ولم يجمع معهم (منهم) الباقون، فاضربوا أعناق الثلاثة الذين
ليس فيهم عبد الرحمن بن عوف، وإن اجتمع أربعة وخلافة اثنان فاضربوا الاثنين". وذلك بعدما
شهد لهم بما ذكرنا من الإيمان والمعرفة ثم يأمر بضرب أعناقهم على غير جرهم أجرهم، ولم يحل الله
(سبحانه وتعالى) فيهم من ع Riy "ومن يقتل مؤمناً متفقداً فحزاهم جهنم خالداً فيها". وقال رسول الله صلى الله عليه وسلم "لا
وعلى آله "من شرك في د مسلم ولوه بصرف الكلمة جاء يوم القيامة وهو مكيب بين عينيه آس
من رحمة الله". وقول (قوله) صلى الله عليه وعلى آله "من روع" (ورع) مسلمًا فقد برئت
منه وخلع رتبة الإسلام". وعمر إذ ذاك غي مرتفع إلى شيء من ذلك وقيل خير من علي
وجه الأرض برعمه. فيا للعجب من هذه الأمور المختلفة والأقواف التي هي غير مؤلفة التلاعب بالدين
حتى كأنهم / / أنسوا. فلي حجة أو يأتي منا عر فك قتل هؤلاء السنة وما
كانت حجه عند الله وعند رسوله صلي الله عليه وعلى آله لو وقع القتل ؟ كيف كان يكون حال
الامة التي تبقى بعدهم ؟ وزم أن الله أراد بقوله أكلهم ما هو أصلح للأمة. أفلا يريد أنه على قوله
وقياسه (وقوله) أن الأم لثم كان فتنة مدار الأمة وهلاكها إذا (إذا) B بقيت سائبة بلا راعي.
فما أقرب النظر أكثر العمي والتخلية وأبين فضيحة القوم عند من عرف (وفهم) A

130
131
132
133
134
نسأل الله تعالى ( تعالى A) التبت واليقين، إنّه على كل شيء قادر، إنه كلام إمامة أمير المؤمنين الهادي.

إلى الحق القوم، يحيي بن الحسين بن القاسم بن إبراهيم، زاد الله من التشريف والتكريم.

ولله هذا الإمام لقد شفّي وركى بالنصوص الباهية والخمر القاطعة فيه لما حكاه هذا الفقه في رسالته الباطلة إلا أن ينكّر هذا أو يلوه عنقه. فغير بعيد أن ( أو A) يقول هذا مفسّر على إمام الحدى وقد شهد (شهدوا A) بذلك العدول من أولاده، منهم هذا الإمام (العظيم A) إمام المنقول والمعقول عماد الإسلام (والمسلمين A) يحيي بن الحسين بن أمير المؤمنين المؤيد بالله سلام الله عليهم.

أجمعين يقولون في تنبيه الإمام تقريطاً والدهر (شعراء B) [الوافق].

لا من رمٍّ إدراد السلامه // يجيب الآل لا يخشي المالمة

وطرحاً للنفث: والمهاوي // ودعاً للحصارة والندامة

وحرف أصول أهل البيت: حافظا // يمهدToFile.21A إلى دار المقاومة

يؤدي أجر خير الرجل نقدا // فيها يأخذ من جمعته له مرامه

فإن علوم أهل البيت فيها // لئية الطالب ما يشفي أورامه

وإذا إمامة السباق حفّا // إذا أتسففاً تنبيه الإمام

فقصدت في الذي للهداد 134 يحيي // أمير المؤمنين آخر 135 الكرام.

// fol. 21 A //

ففيه من الكلام نفس دّر // لباب الحق ﷺ واقصد كلامه 136

فقد جمل الأمور بقول حق // ودعا الناصرين يدا وهمه

وقد صنف الأديلاً من قدائم // فينا ت拴 الذي في الحق لانه

فمهلاً مغرّ (معهم B) النصاراب مهلا // ستجزؤون العذاب لدا القيامة

جحشهم حقاً بعضاً وكدرا // على ما الحجة يقرأ ما على مه

ألم يأمر رسول الله ﷺ فينا // بما غشى الرواة له سامه

إليك ما تبني الحكاية مدحي // ولم أذكرك معار 137 ولا أمامة

في الأصل "تقريضا".

الأصل "الهادي".

الأصل "أنا"، وفي "أنا B "أخ".

"لياب الحق رجغاقد كلامه" 136

Line corrupted

تأكد من الأصل "سعاد".
عِلَیْهِمْ كُلّ حِينّ صَلاةً رَبِّي / وَآلِ الطَّهْرِ مَا ائْتَلَّتِ عَمَامَةٌ

وَإِياَمينَ الْعَابِرِ إِلَى الْحَقِّ (مَعيَّنٍ (B) أمير المؤمنين رضوان الله عليه وسلامه حيث يقول (وَلَّهُ هَوَأ) 

عَجَبَتْ لِمَنْ يَدُونُ يَحْبَبْ فَوْمً / أَنْهُ فِضْلُ الوُلْدَةِ وَالأَوْلَادَةِ

وَتَعَرِّفُ فِيهِمْ يَأَيُّ (رَبِّهِ (B) / وَهُلْ مِنْ بَعْدِ آيَاتِ الَّتِي

وَتَبَيَّنَ فِيهِمْ سَنَنَهَا أَنَّهَا / مَعَالَمَهَا لِكُلّ أَحِيَةِ هِيَامَةٍ

إِذًا مَا أَسْتَيْدُتْ فَإِنَّ رَجَالٌ / عَلَتْ بِهِمْ أُسَانِدُ الرُّوَاهَةِ

إِذَا مُعَرِّضَتْ عَلَى مِرْصَدٍ مَعْتَمِّ (B) شَهِدتْ لَهَا مَوْارِجَ الدِّيرَةِ

تَقَلِّدُهَا أَيُّهَا الدَّا وَهُدَا / أَنِ فِيهِمْ لِذِي عَقَلِ كِتَابٍ

إِذَا ذُكِرَتْ خِلاَصُهُمْ أُباَاءً / وَأَظُهَّرَ مِنْهُ أَجْنَابَهَا وَقَافِةَ

وَإِذَا ذُكِرَتْ رُوَايَتُهُمْ رَأَا / صَلاةً فَهُوَ يُرْكُبُ فِي الْعَرَابِ (العَمَامَةِ

وَإِنَّ سَمَّى الْكُرّةَ فِي كِتَابٍ / أَنْهُ أَبْنَى الْتَّوْجَعَ وَالْخَلْقَةَ

وَدَعَى الْحَقِّ وَالْتَّحْقِيقَ مَسْتَنِبَ (B (عَنَ / بِدَاعٍ بِمَا أَسْبِبَ مِنْ الْعَرَابِةِ

يُعْلِمُ كَثِبْ أَهْلِ الْجَبَرُ حَتَّىً / يَعْلَمُهُمْ لِذِي الْمِلْلَةِ الْمَيْنةِ

وَإِنَّ الْمُقَرَّبِينَ رَوْمِنْ تَأَلَّهُ / مِنْ أَرْبَعِ الْمَجْمُوعَةِ (الْبَهَيمَةِ (B وَالْمَعَايِةٍ

أَخْلِقَ بِالْبَيْعِ فَلْيَلْعَبِي / أَذَا كِتَابُهَا أَمَّ في الْبَيْانِ

وَيْمَا هُوَ حُكْمٌ لَّنْ هُوَ تَوْفِيقٌ وَدَرَءَةٌ وَ(B كَانَ لِهَ قَلِبٌ أَوْ أَلْفِ الْسَمْعِ وَهُوَ شَهِيدُ

فَإِنَّ فَقْرٌ فِي رِوْيٍ غَيرِ هذَا فِي كِتَابِ الْعَمَامَةِ مِنَ الْأَمْهَاتِ الْعَسَتِ وَغَيرَهَا مِنْهَا حَدِيثُ مَالِكُ بَنْ أُوسِ

بِنَ الْحِذَابِ وَمَا حَكَاهُ عَنْ أَمْرِ وَمَوَايِهِ، فَهُوَ بَالْوَاقِعٍ مُّخْطَطٌ مَكَّنَّوْ بِعَلَى الصَّحَابَةِ وَعَلِيّ (أَمِير

المُؤَمِّنِينَ (B عَلَى بِنَيْ أَبِي طَالِبَ وَالْحَبَاسِ بَنَ يَعْبَاسِ بْنَ عَبْدِ الْمَطْلُوبِ سَلاَمَ اللَّهُ عَلَيْهِمْ عَلِيّ مَا كَتَبَهُ فِهَا الْحَقَّاقَ مِنْ أَهْلِ الْبَيْتِ عَلِيّ مَسْلَمَ وَغَيْرِهِمْ مِثْلُ الْجَهَّمِ فِي ذِكْرَةِ الْحَقَّاقَ. وَلَا بِدِينِ إِخْرَاجِهِ إِلَى طَرْفِ مِنْ ذَلِكَ

لِبَيْلِ الْعَلَاجِجُ بَحَدِيثٍ "مَا تَرَكَهُ فَهُوَ صَدَقَةٌ". وَقَدْ أَوْصَيْ مُولُوْنَاء أَمِيرِ الْمُؤَمِّنِينَ الإِمَامُ الْعَدَّادُ

القَاسِمَ بِنَ مُحَمِّدٍ سَلَّمَ اللَّهُ / عَلَى بِطَالِبِهِنَا هذَا الحَدِيثُ، حَدِيثُ مَالِكُ بَنْ أُوسِ وَأَنَّهُ

مُخْطَطٌ. فَقَلّ مُولُوْنَاء أَمِيرِ الْمُؤَمِّنِينَ القَاسِمَ بِنَ مُحَمِّدٍ عَلِيّ مَسْلَمَ هذَا الحَدِيثُ مُضْطَرِبٌ وَأَضْحَى الْتَناَقِضُ

meter broken as in A 138

Broken عليّهم صَلاة رَبِّي كُلّ حِين / وَآلِ الطَّهْرِ مَا ائْتَلَّتِ عَمَامَةٌ

الْأَمْلِ "وَنِئَاه". 139
لأنّه من لفظه ثمّ أقبل عمر على العباس بن عبد المطلب و(عليه السلام) في كرم الله وجهه وقال أنشذكما بالله الذي بإذنهم يقوم السموات والأرض أن تعلم أن رسول الله صلى الله عليه وعلى أهل بيته فعندما توفي رسول الله صلى الله عليه وعلى أهل بيته قال لا نورت ما تركناه فهو صدقه. ثم سأق الحديث إلى أن قال فلمّا توفي رسول الله صلى الله عليه وعلى أهل بيته قال أبو بكر أننا ولي رسول الله صلى الله عليه وعلى أهل بيته وجنت نطلب 141 ميراثك من ابن أخيك وبطلب هذا ميراث أمك من أببيا). فذكر الحديث ما تركناه فهو صدقه. فعلى العباس وعليه السلام عليهما علمًا ذلك من رسول الله صلى الله عليه وعلى أهله ما طلب أبو بكر فيما لم يكن حقًا لله. إذ تأملت ذلك فهو أشبه بكلام من وضعه، لا بكلام عمر ومن حضر من كبار الصحابة. قال الذهبي في تذكرة الحفاظ قال ابن عدي سمحت عدبان 143 يقول قلت لابن خرش ما تركناه فهو صدقه، قال باطل أتتهم به مالك بن نصرو نحو هذا ذكره الذهبي في الميزان. 144 وأخرج البخاري في كتاب فرض الحج من صحيحه عن عروة بن الزبير أن عائشة أم المؤمنين أخبرته أن فاطمة بنت رسول الله صلى الله عليه وعلى أهل بيته 22 A / على عهده / وقلت للعباس أبا بكر بعد وفاة رسول الله صلى الله عليه وعلى أهل بيته أن نقسم له ميراثا هما أفاء الله على رسوله صدقه. فقال لها أبو بكر إن رسول الله صلى الله عليه وعلى أهل بيته قال: "لا نورت ما تركناه صدقه". فغضبت فاطمة بنت رسول الله صلى الله عليه وعلى أهل بيته وعلما أن فهد جرت أبا بكر فلم تزور مهجرة له حتى توفيت عليها السلام. وعاشت فاطمة عليها السلام بعد أبيها (عليه أفضل الصلاة والسلام) سنة أشهر. قالت عائشة كانت فاطمة عليها السلام تسأل أبا بكر حسنتها ما ترك رسول الله صلى الله عليه وعلى أهل بيته من خير وفدت وصدقته بالمدينة فأبى أبو بكر 145 عليها وقال: لست تاركاً شيئاً كان رسول الله صلى الله عليه وعلى أهل بيته يعمل به، فإنهي أخشي إن تركت شيئاً من أمره (وB أن أذى. فليشمل الأناضور أن لون كان عليّ والعباس سلام الله عليهما علمًا ذلك من رسول الله صلى الله عليه وعليه السلام). 146

140 أنظر صحيح البخاري، فرض الحج، رقم 2863.
141 الأصل "حتماً تطلبنا".
142 وأنظر صحيح البخاري، فرض الحج، رقم 2862.
143 في B "وابن خرش" و A "عبد الله".
144 وهو عبد الرحمن بن يوسف بن خرش ونظر في ميزان الإمام في نقد الرجال، 2: 122، القاهرة: مطبعة السعادة، 1325 هـ.
145 في A "بكر".
146 أنظر صحيح البخاري، فرض الحج، رقم 2862.
وعلى أنه ليغُزِف للَّه بالنصائح وأهل العلم، وعليه أن يكتب إلى أصحابه والعلماء

وقد أخرج البخاري في باب مناقب قرآنة رسول الله صلى الله عليه وسلم

وعلى أنه من صحيحه عن المسنون بن مخرمة أن رسول الله صلى الله عليه وسلم وقال: فاطمة بضعة

مني فمن أعطهما بطلان ما كان رسول الله صلى الله عليه وسلم ليغرض باطلاً. فإن قبل عن

عائشة، فأنبأت وقال: النجاح في حادث عروة عن عائشة: هذا إسحاق بن محمد القرشي، نسبة

إلى جره، وقد أذنوا فيه وهاج أبو داود جدًا وقال أبو حامد مرة مضطرب، وقال النسائي ليس

وقال الدارقطني صغير. فلمَّا شاع عندهم خبر (حدث B) مالك بن أوس بن الحذن تقدم

إسحاق هذا وافترى على رسول الله صلى الله عليه وسلم وعليه أنه في أسرة بين النبي صلى الله عليه

وعليه من الرجال، وتهافت على ذلك من رجح خبر وعند مالك بن أوس على كتاب الله عز

وجل حيث قال: تبارك وتعالى: "فَمَخْرَجَ بَيْنَ وَلَدِيْنِ وَتَزَيَّنَ وَهَبَتْ مِنْ عَلَّامَةٍ" (27 سورة النمل 16) و (حدث A) قال تعالى

فَهَمَّ بَيْنَ وَلْدِيْنِ وَتَزَيَّنَ وَهَبَتْ مِنْ عَلَّامَةٍ (91 سورة مد 6). فإن في قد رواه

البخاري عن أبي اليمان عن شعيب عن الزهرى عن عروة بن الزبير عن عائشة في أول مناقب (في

الموارد A) رسول الله صلى الله عليه وسلم وعليه. ولظفه من حديث طويل ما تراكاه صدقه، فأنبأ

التوقيع أبي اليمان وهو الحكم بن نافع الفصيني البهري الحمصي، وجمع أهل حمص نصوصه، فهو

حينئذ ناصبي غير مأمون أن سرق هذا الحديث المفزوع على عائشة. وشغب بن أبي حمزة الحمصي

مولي بني أمية وفيه ما تقدم في بني أمية ومؤاليهم أعداء آل محمد (صلى الله عليه وسلم)،

إلا من رحم الله كفرب بن عبد العزيز، والزهرى كان على شرط بني أمية ورؤي أن أنه كان من حرام

خشب الإمام الأعظم أبي 147 الحسين بن علي عليه السلام وعروة بن الزبير، قال أبو جعفر

الإسكندر رحمه الله إن معاوية (لعه الله) وضع قومنا من الصحابة وقومًا من القائمين في رواية

روايات (B) أخبر قبيحة في أمير المؤمنين على الله السلام تفصيل الطعن فيه البراءة منه. وجعل

له جعلًا يرحب في مثله، فأفرزاه منهم إلا ثلاثة من الصحابة ذكرهم ومن التابعين عروة بن الزبير

وحده. فكذب على رسول الله صلى الله عليه وسلم وعلى الله وذكر حدثين تكرهما العقول وهما

مخالفين لما علم من الأصول التي أجمع عليها المخالف والمؤلف. // fol. 23 A // فإذا كان هؤلاء

رجال هذا الحديث فكل واحد منهم غير مأمون أن يسرق حديث مالك بن أوس ويرويه عن غيره.

لذا هذا الحديث معارض بما رواه أبو بكر عبد الله بن محمد بن أبي شيبة وهو من رجال البخاري

147 الأصل "ابو"
مسلم في مسند أبي بكر عن محمد بن فضيل عن غزوان، وهو

رمعل في البخاري ومسلم وروى له في الأدب عن أبي الطفيل وهو عامر بن والله الكذاب وهو من رجال

البخاري ومسلم وروى له الجمعية، وقد أثبت مسلم وايني ضد صحبته وولي يثاد عام أحد. قال أبو

الطفيل هذا بالاستناد إليه أرسلت فاطمة عليها السلام إلى أبي بكر فقالت: "أنت الرأي 148 وارت

رسول الله صلى الله عليه وعلى آله وآله وسلم (و) أهله. قال: "لا بل أهله". قالت: "ما بال سهم

رسول الله صلى الله عليه وعلى آله وسلم (و) أهله. قال: "إنه سمعت رسول الله صلى الله عليه وعلى آله وسلم

إذن الله إذا أطمع نبيه طمعة ثم فضله علينا للذي يقوم بهدنة فرأيت بعد أن أدرى على المسلمين".

وفي رواية الشبيعة رضوان الله عليهم ورحمة الله أن أبا بكر كتب لفاطمة عليها السلام كتاباً في مصير

ذلك إليها بعد أن صدقها بما قالت، ف사항 عمر فشفي فيه ورثه. فهذا، إن صح، دليل على أن ليس

خبير المالك بن أوس أصل. وما يدل على المناضفة رد عمر بن عبد العزيز الأموي رحمه الله لثورة

لبسه صلى الله عليه وعلى آله وآله وسلم، بما يتقدم(-(الآلهة-)البنكية التي خرجوا صدقان الصالح عليه وعلى آله. وما

يبدل أن الخبر موضوع رد عمر بن عبد العزيز رحمه الله فذكأ لثورة فاطمة عليها السلام. وكان أعلم

الناس بالرواية منهم فلينأهل الناظر. وبه الله التوفيق انتهى كلامنا. إنما نستعرض باللهag في

أيامه أسماء الله، فقد شفي وكتف من يبتلع مما يبتلع هؤلاء الناصبة على خبر البرية فجزه

الله عن النبي وحدها المتغير أفضلاً من اجتهاد. ففطيلة بهذا ما تعلق به صاحب الرسالة من الإله

العظيم على الفراغ والتدريج. فأجلي إلى أوضح الطريق. ومن جنس ما تقدم في هذه الرسالة ما

ذكره هذا الفقهاء في حفاظ رسته بقوله إنهم ينسون إلى من فرأ في كتاب الحديث أنه ناصبي. هذا

معنى ما حكاها (كلاهما B) من التوقيت وإظهار ما انتظر عليه سربته من تعظيم المخالفين لالرسول الله المثنيين. ولا شك ولا ريب أن من عرف كتب العامة وحذفها وأمنع النظر فيها من

عجوب الفراء من الكذب والهتان على رسول الله صلى الله عليه وعلى آله في أصولهم وروهنهم

معروف قد حققه الحفاظ منهم ذهبهم وابن معين. فذكر ذهبي (راين حجر وغيرها A) أن من

قلت علي بن أبي طالب عليه السلام على أبي بكر بن أبي حذافة في الخلافة فهو الرافضي عنهم.

ومن اتولى حب الرسول الله (واللهم محمد صلى الله عليه وعلى آله ودحب عن أعرابهم وروى

فضائله أن ليس بالثقة لديهم. فهذا قال فلان شيعي محرم، وثواب شيعي متورج، وثارة يقولون

الآله "أنت". 149

الآله "أطمغة".
حب غالب، وتارة يقولون فلان ليس بالثقة لأن يروي تلك البلايا، يعون بذلك فضائل آلل رسول ﷺ صلى الله عليه وسلم وأولياءه عليهم ﷺ ويشيعهم رضوان الله عليهم. وهذا معروف في كتاب قدم روى ودونوه وصار عندهم شرحاً من شروط الحديث. فما أحقل إنهم الفقيه الغزي لم ترسل على هؤلاء الذين نسبوا // إلى آلل محمد ويشيعهم الرفض والفضالة وليس هم ذنب // إلا حب آلل البيت والعناية بعلومهم وما نفموا منهم إلا أن يؤمنوا بالله العزيز الحميد. فكيف لا يكون ناصباً // من 151

كان هذا حاله؟ آلل القائل (البحر الطويل)

إذا ما ذكرنا في عليّ قضيلة // رميتاً بهما وغصت أيبي بك // ومن قرأ في هذه الكتب وتدنيم ما فيها فهو عند آلل رسول ﷺ صلى الله عليه وسلم وأبي ذكر // من اعتقادهم الجبر والتشبيه. واعتقدوا أيضاً وأثبتوا في كتبهم أن آبي بكر أفضل من علي بن أبي طالب نفس الرسول ﷺ صلى الله عليه وسلم وأبي. وثبتوا أيضاً الرؤية أن جل تعالى (ببارك ﷺ) عن ذلك علواً كبيراً. وقالوا خلق (الله ﷺ) الأفعال. وقاوا بخروج الحولين الظالمين من النار يوم القيامة. واحتفقوا على نبيهم المصطفى (صلى الله عليه وسلم) أنه قال "يقال يوم القيامة يا مسلم هذا يهودي فذاك (فناك ﷺ) من النار". ولفظ الحديث أيضاً رواه مسلم في صحيحه عن أبي موسى الأشعري عنه صلى الله عليه وسلم "لا يموت رجل مسلم إلا أدخل الله مكانه من النار يهودياً أو نصرانياً". 152 فقال أن فيها العاقل هذا الحديث العجيب. فالبهذه والنصراني مستحقان النار بكفرهما، فإذا أدخلهما (دخلاه ﷺ) عوض المسلم فمن ذا الذي يدخل النار عوضاً عنه؟ // ومن هذا النظير ما رواه أبو داود عن أبي موسى الأشعري عن رسول ﷺ صلى الله عليه وسلم وأبي ذكر // قال "أنتمي أمته مرحومة ليس عليها عذاباً في الآخرة إلا عذابها في الدنيا الفتنة والزلزال والقتل". // ومن هذا النظير أيضاً في كتب الحديث ما رواه الزندي عن عبد الرحمن بن (أبي ﷺ) عميرة عن النبي صلى الله عليه وسلم وأبي ذكر أن قال لمعاوية البابي بالنص النيوي "لمتهم اجتهده هادياً مهدياً" // 152 // كذبنا على رسول ﷺ صلى الله عليه وسلم وأبي ذكر، فاضلوها // fol. 71 B //

الأصل "ذنباً".

الأصل "ناسحي".

البيت في A غير صحيح وهو: // إذا خم رواه في علي نسبا // رميتاً برفق وبسبي أبي بكر // أنظر صحيح مسلم، النوبة، رقم 4970. // 152

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وبلغوا. في رحمة للجاهل مع هذه الأحاديث إذا قرأت عليه وهو لا يعرف الدلالات، فيغلب الصناعية بين أبي سفيان الباجي على ابن عم رسول الله صلى الله عليه وعلى آله وسلم القاتل لعمر بن ياسر بغيًا وعدوًا، وقد قال صلى الله عليه وعلى آله وسلم بن ياسر رضي الله عنه أرضخ: "نقظم الفئة الباجية تدعوهم إلى الجنة ويدعونك إلى النار". فيضا للضلال والعيان فمن (فهم B) اعتقده في أنهما 155 ميدهي فهو الناصبي حسبًا بلا محالة. وصدق دعوى العامة من الزيديين أن من قرأ في كتب الحديث (ودين بها A) فهو الناصبي. وما رواه أيضًا الزمذي عن أبي إدريس الخولاني عن عمر بن الخطاب قال: "لا تذكرنا معاوية إلا نخبر سمعت رسول الله صلى الله عليه وعلى آله وسلم يقول اللهم اهد". 156 فانظر إنها العاقبة أين الهداية (والهدى A). من معاودة المغين ونعته المفهومن الباجي على علي أمير المؤمنين بالنص النبوي من سنة المرسلين. فصدق ما قالت له (قصيدة لمبا A) العامة من النص في كتب الحديث. ولو توجّع منهم هذا الفقه، مسح هذا الهداية من تظبط كتب أهل الباطلة والعدوان (واجبر والتثبيث A). في الجعب (الكرمة B) (نعم A) وذكر الوالدين demand أفراد هذا الرجل، يعني أمير المؤمنين علي سلام الله عليه (عليه السلام B)، فلقيني أبو بكرة (أبا بكرة A)، فقال: إن ترددنا أجرينا قال: إرجع فإني سمعت رسول الله صلى الله عليه وعلى آله وسلم إذا التقى المسلمين بسيبهم فقاتلوا والمتفوفون في النار، قلنا يا رسول الله هذا القاتل فما بال المرتول؟ قال إنه أراد قتل صاحبه 155. فانظر لشهادة أبي بكرة أن من قُل من أصحاب علي بن عم رسول الله صلى الله عليه وسلم (A above line B) في النار، مثل عمرو بن ياسر ومن وآله (تمام مع A) من أهل الإمام. فما سبحن الله كم هذا العمق والحنان، 159 ونسوا إلى رسول الله صلى الله عليه في الأصل "فورت". 154
في الأصل "هادي". 155
انظر سن الزمذي، المناقب، رقم 3778. 156
انظر سن الزمذي، المناقب، رقم 3778. 157
انظر صحف البخاري، الإمام، رقم 30، الديات، رقم 636. 158
على هامش الصفة "النبي سيد ولد عدنان يشهد أن عمراً وأحواله الشهدا مع حيرة في الجماعة وهذا أبو بكرة يشهد أنههم من أهل النيران مخالفه محمد نيب الرحمان". 159

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فلا // fol. 25 A // 

وأخبرنا بشهادة كتاب (B) هذا الحديث المتعلق (A) بمجيء سعداً واللله المستعان. // 

يرجح على العامة من الزيادة إذا تلومنا من هذه الكتب المذكورة. وكثير من هذه النظائر موزية (B) في كتب أقل مشهورة، ولعل (فلو (A) استقصينا على جميع هذه الروايات (الباطلات (A above line) من الفقه كتب (B) هذه (B) (فيكتفي (B) وحدها)

الإشارات (الرسائل) (B) أول كلام له قبل أو ألقى السمع وهو شهيد +. فيها لفت شعري ما كان هكذا معاوية اللعبي؟ ألقى أمير المؤمنين علي بن أبي طالب (عليه السلام +) (B) ومن معه من أهل البيت الطاهرين والمهاجرين والأنصار رضي الله عنهم وأرضاهما + ومن أحق من الفريقين بالعديد أو (B) الفسوق (الفسق) والكفر؟ وهذا ابن بيرمان + يذكر في حق ما تقدم حتى شرح كلامه في شرح القصص الحق كحديث "إذا رأيت معاوية على منبري فأقولوه". وهو حديث مشهور وقد قرأ النبي النبي رسول الله في حكم الموتى، وحديث + الأغلبية من بني مران، وحديث عن الله الراكون والسائر والنقاد وغير ذلك فهي أحاديث صحيحة عند أهل البيت عليهم السلام بل متواترة. وقد صحح الحاكم

حديث الأغلبية وحديث "الله مران وهو مؤنذ" وقول النبي صلى الله عليه وسلم "الزعزاب وأتباعه، المولون لفظهم" كما هو مبين في المستدرك للحاكم، وقد ذكر كثير من العلماء أنه من متواتر. وهل سبب معاوية لعن الله أمير المؤمنين عليه + وأهل بيته +؟ وهدایا + وهل قال النبي صلى الله عليه وسلم في حديث الغدير المهم وال من ولاه وعاد من عاده + وانصه من نصه واستخلص من ذكره؟ وهذا الحديث الذي قال فيه الإمام شرف الدين عليه السلام يقول "وهذه الحديث البقين الكون قد قطعت بكونه فرقة كنت توهيه. قال ابن بيرمان في شرح فأنا حديث الغدير فهو من الأحاديث المتواترة وقد رويف من طرق كثيرة عن خلق كثير من الصحابة، إلى قوله وما ينكه إلا مكاوين مناصب تنتهي". فانظر أنها الأعواص ما في كتب أقل الحديث من الخلط

160 على هامش الصفحة "ولا مخالفة عند أهل الأمران".

161 في "م تورة".

162 وهو ابن بيرمان الصعدوي.

163 على هامش الصفحة "حديث الراكون والسائر والقاتل أخرجه الهنمي روأه ذلك كثير صاحب العواصم والفتواص" أي محمد بن إبراهيم الوزير.

164 الأصل "ذكره".

165 الأصل "هذا"
والفتح وهذا الأمر شاهر ظاهر في مصنفاته من الاختلاف العظيم والزور واليهتان على النبي الكريم. فانظر هذا الفقيه في خلاصة رسالتها السقيمة كيف صرح بالذب في هؤلاء الواقعين في الاختلاف والأهواء كما سننبد له أن يفتحي الغف عن اختلف أهل الحديث وأهوائهم على بعضهم بعضًا. فمن اختلفت أنفسهم اختلفوا في وجه الجرح واضطردوا في مواقع التعديل كما حكي ذهبهم ونحوه عن محمد بن يحيى النهدي شيخ البخاري في حق البخاري يقوله ومن قره فلما يقربنا وقوله من ذهب إلى محمد بن إسحاق البخاري فاتهموه فإنه لا يحضر محمده إلا من كان على مذهب، وإن تشامحمد بن إدريس الرزاز وأبا زرعة تراها حديثه ما كتب إليه وما محمد بن يحيى النهدي بذلك لأنهم روى أنه يقول خلق القرآن وأنه محدث وأن من قال خلق القرآن فهو كاذب عليهم، فتأمل، بعد أن جمعته وله وراءه ومحمد بن يحيى بالذب واعتمده في صحيحه ودنسه، وكان يقول محمد بن عبد الله نسبة إلى جده. فانظر أنها العاقل ل البخاري محمد بن إسحاق وشيخ محمد بن يحيى النهدي هذا رمي هذا بالكفر حيث يقول خلق القرآن ولا يسمع حدثه ولا يتبع; والبخاري رمي شيخه النهدي بالذب ودنسه. فكأن يصح احدهم من هذه الكتب وحولهم شرحوها بعضهم بعضًا 166 وهذا معروف في مقاله إن كنت تعرفها أينها الفقيه الغربي.

// fol. 26 A // تريد أن تذب عن أعراب هؤلاء وهم قد طعنوا على أنفسهم، فاكتفي خصمهم بطبعهم على أنفسهم، فيا للعجب هذا البخاري صاحب الصحيح هذا، مما ظلم بالسقيم من كتبهم 4 فاحذرهم أن يباحهم أن يوقعوا في شباك الاختلاف، والأمر لمحله واضح والله المستعان. ومن عجائب ما رأينا في كتبهم من الطعن على أهل المذاهب الأربعة، هذا قوله بين معي في الشافعي محمد بن إدريس رضي الله عنه: إنه ليس بثقة ونسوء إلى الرفض مما كان يحب أن محمد عليهم السلام ويطهم المولاة لأمير المؤمنين علىhem السلام حتى قال في أيبياتهم [الكامل] إن كان رضاً حسب الكتب // فليشهد التفليان أنني راضي 167
فانظر أن تعلق هذا في إمامه محمد بن إدريس، فما يدرك بالله محمد عليهم السلام المخالفون لهم في الأصول والفراعنة هل يقبلون 168 لهم عدة أو يقبلون 169 لهم قولا؟ والله المستعان.

166 (A broken meter)
167 إن كان حسب أن محمد رضا // فليشهد التفليان أنني راضي
168 (A broken meter)
169 (A broken meter)
وقرهم أيضاً في أي حنيفة رضي الله عنه فقيه العراق أنه يروى عن الضعفاء والمحجوب، وضعغه في نفسه النسائي وابن عدي وجماعة من المحدثين وأطلقوا في ذلك وأقرروا والله المستعان. وقالوا في مالك رضي الله عنه أنه يروى عن جماعة متكلمين فيهم والله المستعان. وهذا أحمد بن حنبل رضي الله عنه قال فيه يحيى بن معيين لما روى عن عامر بن عبد الله بن الزبير قال جُنٌّ أحمد بن حنبل يروي عن عامر، وغير ذلك من النواقير والله المستعان. فانظر أيها العاقل هذا قرهم في الفقهاء الأربعة وقد وافقوهم في اعتقادهم، فما طالك بيشعة آل محمد عليهم السلام المحافظين 170 فهم في الاعتقاد؟ فمن قرأ في كتبهم وتدبر بديهم اعتقاد العبادة لكل أحد كما ظهر من هذا الفقه في رسالته من التمهم على شيعة آل محمد عليهم السلام والله المستعان. ومن عجيب ما رأينا في هذه الكتب، هذا البخاري ليس يعتمد على رجال مسلم ويضعغها. ومسلم بن الحجاج يضعغها. وصلاة الله عليه وسلم ويثني بها.

ويقول 171 أنبعاثهم تغلى الصحيح. وهم على من يعهدنهم 172، وقالوا إنه البخاري نظر في كتاب مسلم يحضي على ذلك على جماعة عدّهم مسلمون من الصحابة وهو من التابعين وجماعة عدّهم من التابعين وهم من الصحابة. ورغب مسلم عن جماعة ولم يرغب عليهم البخاري كما قالوا في عكرمة وعاصم بن علي وغيرهم. وحكا أن مسلماً ما وضع كتابه الصحيح عرضه على ابن زراعة الرازي فأنكر عليه وتفيد وقال: نحن الصحيح جعلته ساً لأهل البعد وغيرهم. فانظر أيضاً العاقل هذا الكلام من أبي زراعة الرازي في كتاب مسلم وهو من جماعةهم ومن شيوخهم وأنه سُلم 173 لأهل الابتداع. في المعجبين من هذه الأمور المختلفة والأهواء التي 174 هي غير موثقة والله المستعان. وقالوا أيضاً عند البخاري على كثير من يقول بالإرجاع وغيرهم من أهل التدليس ومجاهيل ومتكلمين فيهم. فلدينا تكلم فيهم بالجرح يحقق وباطل اعتقدهم ثلاثمائة وخمسة وخمسون رجلاً. وهو علق لهم من التكلم فيهم خمسة وسبعون رجلاً. والحاجبة والمختلف فيهم وفي بعضهم مائة ومائتين وأربعون رجلاً. وقال النوري في كتابه صحيح مسلم: قال أبو عبيد الله الحاكم النيسابوري في كتابه المدخل إلى معرفة المستدرك عدد من أخرج له البخاري في الجامع.

170 في "المحافون".
171 في "و يقولون".
172 في "الصحيحين".
173 في "يعدها".
174 الأصل "سما".
175 الأصل "ذا".
الصحيح ولم يخرج له مسلم، // fol. 27 A // يريد أن نمسكنا استضفيعهم أربعمئة وأربعة وثلاثون شيخاً. وعدد من أحسّن بهم مسلم في المسند الصحيح ولم يخرج بهم البخاري في الجامع الصحيح، يريده أنّ البخاري استضفيعهم ستمائة وخمسة وعشرون شيخاً. وملء ذكره ابن حجر في مقدمة فتح الباري. فالاظن أنّها العاقب لهذه الاحتفاظ وعدم الانتلاف في هذه الكتبتين الذين هما العمدة (العدة B) عندهم في الصحّة. والله إماماً أمير المؤمنين الهاشمي يحيى بن الحسين رضوان الله عليه حيث يقول بين البخاري ومسلم من الصحّة سماوات ومراحل، هذا معنى ما رواه (هكذا روي B) عنه الإمام الماجد الهادي أحمد بن يحيى سلام الله عليه (عليه السلام) في كتاب الملل والنحل. كيف يحل قراءة الجاهل الغربي في هذه الكتب المختلفة؟ (وأيضاً A) كيف يحل لولاية الأمر من آل محمد أن يسكروا من الإنكار على قارئ هذه الكتب في جوامع الريدي؟ // fol. 73 B // حتى حصل الضلال لكثير (الكبر B) من أهل زماننا سبباً هذا الفقه مصطفى هذه الرسالة والله المستعان. ومن العجب في هذه الكتب أنّهم اعتمدوا على من شهوته بالنصب وتكلموا عليه كحريز بن عثمان وفليج 176 وأثمانهم من أشدّه بهم آل محمد صلى الله عليه وعلى آله. قالوا في حرزي بن عثمان كان فقه في الحديث، وكذلك أخرج البخاري حديثه لكنهّ ناصبي من مبضع أمير المؤمنين علي بن أبي طالب سلام الله عليه، هذا لفظهم. فالاظن أنها العاقب أنّ بعض آل محمد صلى الله عليه وعلى آله صار لهم دين (كما ترى A) وليس (تقدّد الإمام علي وأهل بيت صلوات الله عليهم أجمعين A) في العدالة ولا يخرج عنهم، فيا للضلال والعمى والله المستعان. وأيضاً من أعجِب ما رأينا من الزور والكذب في هذه الكتب على سيد الأنام ما رواه عمرو بن العاص عن النبي صلى الله عليه وعلى آله أنه قال إنّ أيوب (أي A) طالب ليسوا بأولويتي وإنما ولتي 178 الله وصالح المؤمنين، أخرجه البخاري ومسلم. 179 فالاظن أنها العاقب هذا الحديث المشترك الذي رواه هذا الرجل الماجب لأمير المؤمنين على صحّة الله عليه وعلى آله الطاهرين. (وأمير المؤمنين هو صالح المؤمنين كما جاء في بعض التفسيرات في قوله تعالى (فإنّ الله هو موؤلاء وجبيل وصالح المؤمنين). (66 سورة التحريم 4)، وأمير المؤمنين هو رأس أيوب طالب فلائحة الوضع لائحة على هذا.

176 في A كلمة الأناب متخذه في B "كيف يجعل الولاية الأمر من الأناب آل محمد."

177 وهو فتح بن سليمان بن أبي المغيرة الخزاعي أو الأسدي (أبو يحيى المدني) (ت 168 هـ). (انظر ابن حجر التّرقم 5443). 

178 في A "ولي".

179 انظر صحيح البخاري، الأدب، رقم 5531.
الحديث فما أشبهه بكلام من وضعه لا بكلام النبي صلى الله عليه وسلم وسلام وله المستعان.

وكم هذا التساهل من محمد بن إسحاق البخاري ومسلم بن الحجاج يروون هذا الحديث المضللة (A+). وهذا مما مبين (A+) من الغث والسمن في هذين الكتابين. فكيف يحل القراءة في هذه الكتب والتدليل بها (وراويها أعداء الله) غ وحَلْ (A+)؟ فيضا للصلاة والسلام وله المستعان.

وعله هذا الفقيه صاحب السرالة لم يعرف هذا في كتبهم أو تجاهمها أو قصر العلم على نفسه وأنه ما أحد (A+) يعرف هذا (ب) سواء أو (و) يدعي الغباء بأن من قرأ في هذه الكتب نسبها إليه النصب. فكان يردها مدينة من فروض الأعيان. فهي (A+ (الضلال والهدى والخذلان والله المستعان).

وقال (حافظهم +) (A+ ) الحذاء معتذرًا لعبد الله بن داود السجستاني لما كان منه من الأركان ونقل عنه في حديث الطور (A+) للفقه فإن صح حديث الطور فنية محمد غير صحيحة ما يقتضي الكلف قال: أي (حافظهم +) (A+ ) الدعائي، إذا كتب في لهجته. فإذا أظهر أبا العاقل في اعتذر (حافظهم +) (A+ ) الحذاء قاتل الله هذا الرجل (النحاسي) (A+ ) الذي تكلم بهذا الكلام المقتضي للكلف، وأنه كتب في لهجته (بأوه تقة A+) (A+) وأن الكتاب لا يوافقه في حديث Al-Ahmad المطهريين (الطاهرين عليه وعلى آل رضوان الله عليه وسلم B) ولم استقصاهما وناقشها عجائب أحد الحديث المتضمنين بأهل السنة (A+) لأطلاع الأخطار وخرجة عن المقصود والصواب، واللبنة على هذه الأمسية تمكن الدولة الأموية والعسالي، ولم يكن بلاء الله ولم لا أدرك منه على آل أتباع (B) رسول الله صلى الله عليه وسلم، وعلىstimuli رضوان الله عليه، حتى أن الرجل من شيعة علي عليه السلام لابناه من يفقه به فدخل بعثه فينقي إياه سرًا ونخاف من خادمه وعمله ولا المغلفة ليكن على، فظهر حديث كثير موضوع بهتان ينثر ومضى على ذلك الفقهاء والقضاة والولاة، فكان أعظم الناس في ذلك بلية الفراء المراوح والمتصاعد الذين يظهرون المشروع والنسك فيفتعلون الأحاديث ليحظوا بذلك عند ولائهم ويقربوا مجالسهم ويصيروا به الأموال والضياع.
والمنازل، حتى انتقلت تلك الأخبار إلى أيدي الدبلوماسيين الذين لا يستحقون الكذب فالفتاه وروها، وهم يفضلون أن تكون الحق، ولو علموا أنها باطلة ما روه وان تدديها بها. فلم يزل الأمر كذلك حتى مات أمير المؤمنين الحسن بن علي عليه السلام فزارد البلاء والفتنة فلم يبق أحد من هذا القبيل إلا وهو خائف على دمه طليق في الأرض حتى تفتق الأمر بعد فقت أمير المؤمنين أبي عبد الله الحسين بن علي عليه السلام. وعلي عبد الملك بن مروان الأمر وأشتد البلاء على الشيعة رحمهم الله تعالى، وعليهم الحجاج بن يوسف فترقب إليه أهل النسك والصلاح والدين ببغض أمير المؤمنين علي بن أبي طالب سلام الله عليه ومواساة أعدائه ومواساة من يدعى قوم من الناس أنهم أيضًا أعداؤه، فأخذوا الرواية في فضل الصحابة وسواهم ومناهم وأثروا الغض (ب) رواية من أ Nguy (B) أمير المؤمنين عليه السلام وعبيب ووالده في الشوطان حتى أن إنسانًا وفق للحجاج بن يوسف (الله عليه) B، وقال إله جد الأمامي عبد الملك بن قريب، فصاح به أنهم أمير إن إلهي غفور، سُمِوني عليًا واني فاهم بالاستنا إلى صلة (أصل) و (الامير) B ممتعًا. فتضافك الحجاج (الله عليه) B وقال للفتنة ما توصلت به قد ولينك موضع كذا. فانظر أن أيها العاقل كيف القراءة والتدبر يكتب هؤلاء القوم المولان لأعداء الدين والله المستعان. ومن هذا القبيل ما رواه ابن أبي الحديد رحمه الله وقد روى عن ابن عرفة المروف بجفظيه وهو من أكبر المحدثين وأعلامهم في تاريخه ما يناسب ما تقدم من هذا الخبر، وقال إن أكثر الأحاديث الموضوعة في فضل الصحابة انتقلت في أيام بني أمية تقربًا إليهم بما يفضل أن تفهمه ينعمون به أنف بني هاشم إثنيين (نعم + A) وإن كان المرجع إلى المعني، فمن أصول أسمتنا عليهم السلام تقدم ما وافق الكتاب الكريم واستمر متواقفته. ونحن لا نعبّر عن غير الشروط التي أعترفوا للصحة وغيرها على زعمهم. ثم قولهم: إن شروط الصحة وإن حصلت ليس المراد بها في حقية الأمر بل في الظاهر لجوز الخطا أو النسيان أو الكذب على النفس. وإذا قولهم: هذا (فهذا) ب ضعيف، مرادهم: لم يظهر لنا شروط الصحة، لا أنه كذب في نفس الأمر للجوار صدق الكاذب وإصابة من هو كثير الخطا، ولذلك صححو أحاديث الجبر والتشبيه وغيرهما (خواص B) مما يبدئنا المنافق على الله عز وجل وإن صادمه كتاب الله عز وجل طريق العقل اعتبارةً على ذلك الأصل لهم، وناهيك كما قال بعض أسمتنا عليهم السلام أن يكون كتاب الله عز وجل أصلاً من الأصول كأصول ابنصلاح والخطابي والذهبي وغيرهما. ومن عجيب ما رأيت بخش هذا الفقيه مصطفى هذه الرسالة في حامية
(كتاب A) كتاب الشفاء حاشية منقوله من كلام ابن معين في حديث العرض على كتاب الله وزجل. قال ابن معين هذا حديث موضوع مختلف من موضوعات / A // الزندقة وتكلم ابن معين بكلام فطيل على هذا الحديث الصحيح، فقرر هذا الفقيه صاحب هذه الرسالة قول ابن معين بقوله: نصر الله ابن معين حين يرد عن السنة الغراء موضوعات الزندقة، وصار هذا الحديث المختل أصلًا في كل موقف في هذه البلدة إذا خاطبه المخاطب بعد الحديث المختل من موضوعات الزندقة، هذا مفعى الحاشية التي خطته في حامية كتاب الشفاء. (قلت)

هذا حديث العرض صحيح عند كافة أئمة عليهم السلام قد حكاه الهادي وزيد بن علي والمتصور بالله والإمام الجدف القاسم بن محمد عليه السلام أجمعين، وصار أصلاً من أصولهم كما حققناه لك آنفًا. انظروا أيها العاقل مخالفة هذا الفقيه لأهل البيت الطهرين والدعاء لأعدائهم بالنصر بقوله نصر الله ابن معين في نسبيه أن أن أهل البيت الطهرين زندقة يضعون على جدهم المختار ما لا يكون، فأعني (الله + A) بصيرة ابن معين، ومن نصره خبيث السريرة والمدين. فهذا الله لا يتقد نقل هذا الفقيه في أوراقه مما قد تلب به أعارض آل محمد الطهرين لرايت عجبًا، ولكن هيهات هيهات ابن ولادة الأمر الذابين عن أعراض أبابهم (الأنام + A) الطهرين. هذه فاطمة بنت محمد حبيب رب العالمين انتهت عرضا فلم يغفر من أمره شيئاً. وعمها قليل تراه قاضيًا من قضاة ولاة الأمر يحكم على الصغير والكبير مجازًا على فعله من انتهاك فاطمة بنت محمد والأئمة من أهل البيت نبأه.

كتاب "شفاء الألوم لأمير الحسين وشرحه للشوكاني المسمى "وبل الغمام".

الأصل "قضيع".

هنا يلم النصي إلى كتاب الشوكاني "وبل الغمام على شفاء الألوم"، وشفاء الألوم كتاب في الحديث عند الزيدي.

في الالغام الكلام التالي عن حديث العرض: "حديث العرض المذكور المراد به أن الحديث المعروض لا خلافًا للكتاب الله سبحانه إذا عرض، فهذا هو حقيقة العرض كما يصر عليه المنصور عبد الله بن حمزة. وليس المراد أن كل حديث يعرض على الكتاب يكون معنى ما في الحديث هو معنى ما في القرآن العزيز، لأنه لو كان كذلك لما احتجنا إلى الحديث وختصينا بما في القرآن العزيز وهذا نطق للتشريع ولا كلام رسول الله صلى الله عليه هو شرح للكتاب وبيان مجمل وغير ذلك فاعرف هذا". وكتب يحيى بن عبد الله بن محمد بن علي بن الوزير عقا الله عنه. روى النجاحي حديث العرض عن أبيه وهو أنه قال رسول الله صلى الله عليه وسلم: "يسكنع علي كما كذب على الأئمة من قبل ما أنا كلام مثني عن عرض على كتاب الله مما وافق كتاب الله فهو متي وأنا قائلة وما حالف كتاب الله فيني متي ولم أقله". ردنا "من هم الزيدي؟" للسيد يحيى الفضيل، ص 93.

الأصل "حائزة".
وهذه [هـ] العادة في هذه الآلهة، ألا ترى وذهب بن أبي وهب الذي فعل الأفعال وحكم أن الإمام ابن عبد الله بن الحسين عليه السلام علماً 191 هارون العباسي اللعن ومع هذا كان صدرًا في بني العباس، فلا تستنكر من وقع في زمانك أنتمها العاقل. وتراءى ينسب الأسماء سلام الله عليهم إلى الزندقة، فيما للعجب هذا من ظهر منه وما خفي عنه أعظم في نأة الله وإذ إن إليه راجعون 2 سورة البقرة 156). وما أحسن ما نقل في هذا المعلل عن الإمام الأعظم جوهر أهل الأرض المرتضى لدين الله محمد بن يحيى الهادي إلى الحق عليه السلام في بعض أجوامه. وفقلت، لأني معين لم ندخل الأحاديث في أقوالنا ولسنا ندخل من الحديث ما كان باطلًا عندها، وإنما كثير من الأحاديث خلاف 192 للكتاب (كتاب B) الله ير وجل ومضاذاً له فلم تلفت 193 إليها ولم يتحتج 194 ما كان كذلك منها، وإلا ما 195 فاق الكتاب وشهد له بالصور صبح عندهنا وأخذنا به وما كان نصًا من الحديث مما رواه أسلافنا أبا فأبًا عن أمير المؤمنين على عن رسول الله صلى الله عليه وعلى آله فتحج به وما 196 كان ما رواه الثقات من أصحاب رسول الله صلى الله عليه وعلى آله قبليه وأزدهار معاف ونفاذنا، وما كان خلاف ذلك فلم تراه صوابًا ولم نقل به انتهى كلامه عليه السلام. وأحاديث العرض واسعة جداً من المخالف والمؤلف. ولن استقصينا على ذلك لأطلانا 197 وخرجنا عن المصوس، ولا ننكره إلا ناصرًا ضال أسفي البصر والبصرة مستبشر في الحياة. فظهر ذلك أنهم العقل من هذا أنهم قرأ في كتاب الحديث أتي بهذه الشبهات وارتكب جميع المذكورات وتحمل الحب واللوم وسوء الفضل بأهل الطاعات، فمن قرأ فيها // fol. 75 B // وللتعزيز كما قدناtabullum من الله إحسامًا على الحاضر، أحسن اقتراح بنص عبد الله الصغر، وما جاء عن أئمة الهادئ السابقين فإنهم نعما قراءة هذه الكتب في جوامع الود من أخوال الناس أن يعفووا على كتب أهل البيت الظاهرين ليكون أنزه للجاليل من الدخول في الضلال. ولكن من اعتنق على حجة العقل، التي هـ 193
أكبر حجج الله سبحانه وتعالى، وعلى صراط القرآن وواضح السنة وأصول الأئمة عليهم السلام فإنّه لا يخفى عليه مواقع الحق، فإنّه أعلامًا وضحاً من أصل ومنهج قيمة من استقام. فذلك كره كثير من أئمة عليه السلام لم يبق من نفس الاستقامه و невозможно مروجات الأقوال،\/ 30 A / ومروجات الأقوال، أن يقرأ من الحديث ما فيه تلك الفوائد المشار إليها من نحو الجبر والتشبيه وصرف الفضل عمّه جعله الله سبحانه له إلهًا له، حتى قال الإمام الهذى الإمام الأعظم المهدي لدين الله ربّ العالمين علي بن محمد بن علي 198 (عليه السلام الله عليه: "ومن أتّعى في مساجد الزيديّة يُشرِّف في كتب خصوصهم ويشيرُّ بأقوال العترة وعلومهم من ذلك وقمع ووقع (وفق ووضع B) إن سلك بعد تلك المسائل". إنه كلامه عليه السلام. فظاهر لك أنها العاقل من كلام هذا الإمام العظيم وأنهاء من الأئمة الهذين ما تعني (بين B) من القراءة في هذه الكتب لما فيها من الشبهات في مساجد الزيدية، حتى حصل التسهيل من وراء الأمر فلم يرجوا عن هذه الوضائل العلميّة حتى صار الآن كثير من طلبة العلم في جامع صنعاء (الجمعيّة للعلم) تعالى ورائعة الهذي من الزيديّة (ب) (وغيره عاِكِفِون على القراءة في هذه الكتب متدينون بما فيها). وأهملوا كتب أهل البيت الطاهرين حتى ضيعهم الله وجعلهم من المخزولين + A. و[حتى -] كثرت القراءة في هذه الكتب (التي حققناك لها فيها) B+ deleted in A حتى صاروا من أهل الجبر والتشبيه والإراجا كما حققناك للك أنواعها ومن العجب العظيم، والروابط السقيمة. حتى ضلوا وأضلوا كثيرًا من الناس، فإذا رأوا طالبًا يطلب العلم في كتب أهل البيت عليه السلام، أو كثر ذكرّ أمير المؤمنين علي بن أبي طالب سلم الله عليه، غضبوا عليه ونسوا تعاونه 199، وشيّخهم الكبير صاحب هذه الرسالة الباطلة فقد أكلهم الفوائد وشرد الرقاد. فأيّن أهل الحمميّة والدين؟ وأين الزيدييّة الميامين؟ وفهم الله لا يبرح هذا الفقيه الرّأس لأقوال كما أتى الديع في دماء آل الحسن. فقد عذّر حلاله ومقاله أنى ظن 200 على شيء عظيم من البغض لآل محمد الطاهرين. فاعرف هذا والله المستعان. قلت: وما أحسن ما رأيته خط الملاي ومولى المتقين يحيى بن الحسين بن أمر المؤمنين سلم الله عليه، ولفظه قال مولانا أمير المؤمنين وسبب المسلمين المؤيد بالله رضيع العالمين محمد بن القاسم سلم الله عليهم أجمعين

198 وهو المهدي علي بن محمد بن علي (ت 773 / 1371). أنظر "البدر الطالع" 1: 485 – 487، "البدر الطالع".
199 الأصل "العداوة".
200 الأصل "منطوي".
في رسالته إلى أهل الله تعالى ما نفظه: وعن الداعي الحسن بن زيد عليه السلام وقد كتب كتاباً إلى بعض علمائه، قد رأينا أن تأخذ أهل عملك بكتاب الله ورسوله صلى الله عليه وعلى آله وما صبح عن أمير المؤمنين علي بن أبي طالب صلات الله عليه في أصول الدين وفروعه وإنكاره تفضيله على جميع الإيمان، ونهاهم أشد النهي عن القول بالجبر والتشبيه ونكب الفوارق والüler والهو وتلقيح عن التحكيك بالشيعة، وعن الرعاية في تفضيل أعداء الله وأعداء أمير المؤمنين صلات الله عليه وسلم. وتأمهم في الصلاة بسم الله الرحمن الرحيم والقتلت في الفجر والوهر بالقرآن وتكبير خمس على الليل وترك المسح على الجرفين واللحم حي على خبر العمل في الآذان، وأن يعمل الآذان والإقامة مثله مثبناً وتحذير من تعدّى أمرنا، فليس من خالف أمرنا وراينا إلا سفك دمه وإنهاك محارمه، وقد أعذرنا من أنذرنا، انتهى كلامه صلات الله عليه.

فانظر أينما العاقل في كلام هذا الإمام العظيم والجهد العلامة الكروي لسائر الله عليه حين أُرشد علمائه ومن تحت أبديهم من الأعجاز لهذه الإرشاد العظيم إلى مذهب آبائه الطاهرين، ومن خالف اعتقادهم ومقالاتهم صارهم مباحاً وملاء مباحاً وممارستهم من تلك أعراض الأفكار السابقة واللاحقين حتى نسبوا // إلى أمك البطل أنّها ماتت وهي عاصبة بغضها على أبي // fol. 31 A // fol. 76 B // B الإثبات الطاهرين ما قد فعلوا في زماننا هذا من هناك

وعلمت أن أياً من السباقين والفائزين حتى نسبوا // بكر بن أبي قحافة، وأنّ أخاه لأموال رسول الله صلى الله عليه وسلم صحيقاً وأنّ حكمه فيها صحيح، ومنعه لفظته عليه السلام من خلقها ومن مراثها من أبيها صحيحاً وحكم بهذا الطاغون والناصبح ويعتصمون (ويعتصمون A) في رسلهم بلب أعراض الأئمة والأولاء والمؤمنين، ولم يرفع [أحد] من حاكم حالياً ولا من شأنهم مقالاً عاقبة على القراءة في كتب أهل الجبر والتشبيه مفتون (مفتون B) مخالفون لما أنت عليه وسلمتهم الصلاة وإنًا لله إنّا إليه راجعون // (سورة البقرة 156). (فأية أباب تركها لللاحتضار +B) [الطريق]

لذا الله هذا الدهر كم يشعرنا إلى لشف جباله يكلننا جريج الجوار وقد لوى // شكلها على ساقى // خلف شكال

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٢٠١ في النص "علمك" ولكنها مصححة في الحاشية.
٢٠٢ الأصل "المؤمنون".
٢٠٣ الأصل "شافع".
٢٠٤ الأصل "شكال".
أقول: وقد فكرت في أمر خليـٌّ // وأمرى وحال الأرذلين وحالي
ألا ليتيت قد كنت هدى مُهجداً // لحبيب نعام في الفلا وزبائل
ولم أن عرفت اللذان ولم أُنْس // جبال خمسس منهم يجيل
فلم أر منهم غير حبيب يمجد لي // لناس مُعجب من طويب قالي
له شيمخ السمر في لطف خديه // ولكنه في اللمس حبي صالي
إذا جئت فداني وأبدي بشاشة // ولاحتفي بنعه بعدين خلال
إذ غبت أدنى ساعة من حانته // يمُحل في عيني بكل مبال
إنه لا ذنب له إلا حجا وبراعة // ومجبدا وبدا في آله محمد عالي
ومني إلى أهل التواضع والعلا // يودي وبعض الأسفل التعاني
ومعرفتي أيابهم ووجدهم // ورفضي لفيل في الأنان أو قال
فنا أهل المنصب والعداوة قصروا، ونا أهل الزور والبحث عن آله محمد يعى الله عليه وآله وسلم
ابنعوا بالإلهام في هذه الدار، وفي دار الآخرة بحول النار، مع اعتواكم المردة الأشرار، فأنظروا
كياها الأخيار، إذا ذكرت فضائل علي (المرتضى A) الكرار، تعير حسن الناسبي وطار، فإن أمير
المؤمنين (عليه السلام B) العلم في هذه الدار، للأوفية، ولضفاف من المنافقين الأشرار، من المارقين
المعاندين دعاء النار، ولهما الصفي الحلي حيث يقول (شعر) [الوافر]
 أمير المؤمنين أراك إنا // ذكرت ذكرتك عند نقل // ون كنكرت ذكرتك عند نقل // تكذب سبحة وبغي 205 قتالي
فصرت إذا شككت بصل مرت (مرئي A) // ذكرت جمل عن المقال
فليس فلا // يطق ذكر ذلك إلا // كريم الأصل محمود الفعال
فدها أنا قد خربت بل راهبا // فانت سحته أولاد الخلاف
نعم، فإني لأكثر (لا أكثر A) التعجب، وما عشت أراك الدهر عجبًا من رجل عا لم تصدر الأمور
ومواردها، وكيفية الاستدلال ومقاسدها، والدالات الألفاظ على معانيها، وهم كثير وما ذاك إلا
إرادة الله عز وجل إظهار الحق على ألسنتهم وأديهم حجة عليهم يروون ويؤدون عن الله عز وجـ
وعن رسوله صلى الله عليه وعلى آله تلك الأدلة والنصوص، والقوائع في أهل البيت عليهم السلام

204 الأصل "باعاً".

366
على الخصوص. بما لا يمكن دفعه لفظًا ولا معنى 206 ولا سندا ولا منتا. حتى استنتجت منهم فائدتها، وطبقت منهم عائدها، بوجوب أنباعهم الذي هو مقتضى في علم أو عمل أنكر وترطم وله عنها تنويهًا وتحذيرًا 207 نكرًا، أو رأى من باتباعهم في مقالة أو مذهب عند مبتدأ أو سام بقراءة في كتبهم ومؤلفاتهم تعذبة الحرورة يهديها لعبًا. ما أدرى ما أبقى لهم من معاني تلك الأدلة والنصوص وأي فضل ترك لهم على الناس، إذ أوجب 208 عليهم أن يكونون تبعاً، والله تعالى قد جعلهم متبوعين، ومؤخرين والله تعالى قد جعلهم متقدمين (مقدمين)، واحتر النظر //

32 A // فيما تجد من كتب كثير ملحدي العامة وفقهائها، فلا تلقها إلا على هذا النهج. منى كان الباعد هو مجرد التأليف والتصنيف وجمع الحديث والتصريف؟ حسن اللسان 209 وابن الكلام، وما ترك بابًا إلا قدصه ولا مسموعًا إلا أورده. فإذا كان المقصود هو اعتقاد تلك الأدلة أو العمل به زاغ عنها وتراء منها، ونسي ما كان منه فيها، وأعانهم كثير من أصحابنا يتكبرون وسواهم وانتفا ر اتفاقهم وما يتوهمه كثير منهم من أن صناعة علم الحديث وفواهية وقرآده، وإذا غنى (علاق) بها دعوته الفقهاء دون أن يثبت وثبعت رضي الله عنهم حين رأوا من المحدثين فقعة من غير مطر وجمعية من دون طحن. من غير تأمل للكقوية التي كثرها والقوانين والأصول التي سطروها (صدقها) وما فيها من الاضطراب فيما بينهم، وشدأ الاختلاف بين شيوخهم. هذا ما جرى به الفنون وไฟ كفاح، من له علم ودراء. ولم استقصنا ما في كتب المحدثين من العجائب والغرائب لخرجانا عن المقصود وقد عرفوا من عرف، وقد غرق في خروها من غرق وانفر. وقد حققها المعارف وآثر إليها الأمة الهادى سلام الله عليهم. فبطل ما حكاه هذا الفقيه من الإبهام والإيهام والإيهام على العوازم. وقد كثرت 210 الجوانب من الأعلام على هذه الرسالة شيء (بشيء ب) كثير لا يصفه الوصفين. وأبطلنا ما جاء به من الزور والبطهان على سادات الأنام، وأشياطهم الأعلام، ووالله الرحمن الرحيم يا رحمنا يا رحمنا بنا يا رحمنا يا رحمنا يا رحمنا //

77 B // fol. //

206 الأصل "معنا".
207 الأصل "برًا".
208 الأصل "وجب".
209 الأصل "الأنام".
210 الأصل "نذرة".
211 وهو نشوان بن عبد الخادم (ت 573 / 1178) وقد عرف عنه أنه كان معارضًا للهادوية.
محاللة لا بقبله إلا أحد رجلين: إما رجل قابِل للحق فلا اشارة البييرة تكفيه لنوره بصيرته، وحبنه لأهل بيته نبيه، أو رجل معاند مكابر قد اختار العمي على الهدى، وتنكب [عن] سبيل الرشاد والنقى، و السلب سبيل العاد والدولة، فهذا لا يُثْلِب عنده القواعط، ولا يخرج عن ظلمات الضلالات الأداة السواطع. وبهذا ينقطع قول الناصرين واللاجدين، وأقسم بالله قسماً باراً [البسيط]

والله والله لا نال الجنان سوى // من لوصح أمير المؤمنين قفناً

أما الذين تولوا أمره سفهاء // من دونه وتسموا بعد بالخلونا

و الناكوثن ضلالاً بعد بيعته // ومن تشکَّك حجلاً فيه الخروفا

فهم عن الحوض والفردوسي يوم غدر // محالون جراء باللذي سلفا

هم عديم وأصوات مروعة // يدعون واندنا جهراً وواسفًا

في موقف لا يجيب الله دعوتهم // فيه ولا يدفع الإقرار مرتها

هذا اعتقادي بعنص العادات كبيرهم // قد أعلنه كشمسم ليس فيه خفا

والذي اغتادي الدلي ارحو النهجة به // غداً وإن أسكن الفردوس والغروفا

صلى الله على طه وعزته // ما أحبر وما غبت السما وكمفا

ولعنة الله تروا ما بدأ قمر // على الضيوع للآل المصطفى الحنفأ

والحمد لله رب العالمين والصلاة والسلام على نبيه الأيمن، وعلى آل البيت الأكبرين، وإن تحرصنا يا رب في زمرة محمد وألله الطاهرين أمين الله أمين. وكان الفراخ من (رقم A) هذا الجوام ليلة سابع وعشرين شهر شوال الكرم سنة ثمان وصينين وثلثم وثلاثون 213 خروجه الفجر إلى مولات الغني

إسمايل بن عز الدين النعمي غفر الله له ولوداه في المروسة صناعة العديد باختصار

وكان الفراء من عصر هذا في يوم الخميس الموافق سادس وعشرون ذي الحجة الحرام سنة 1339 هـ. وحسبنا الله ونعم الوكيل وهو رينا وربا آيانتا ورب العرش الكريم

المواقع 27 مايو 1794م.

المواقع 30 أغسطس 1921م.

الأصل "منى".
ثم من بعد الفراغ من هذا الجواب تنجت هذه النتيجة العجيبة وذلك أنه وصل جواب على هذه الرسالة من مدينة دمياط يقال الإلهام إلى السيد العلامة شرف الإسلام الحسين بن يحيى الدُّلَّٰجَي، زاد الله في الرجال من أمثاله، وقد أوضح الأدلة الواضحة وزف جميع ما تعلق به هذا الفقهي من الإبهام والاعتراض بلك الشبهات ونصحه وأراضه إلى الدلالات الواضحة من علوم آل محمد

سادات السادات، فما كان من الفقهي هذا إلا الغضب العظيم، والنكر البالغ الحسيم، وأنه بائق على الإصرار بغض آل محمد وخالف بقيه ما قد صرفه وماثه في رسالته المسمى بالذِّلَّ المستضد في مناقب آل محمد وطالب من طغى عليهم وطهرد، فللمعجوب من هذا التلعب بالدين، والجحود على ثلب أعراض آل محمد الوظائف، ونعمة فعل هذه الرسالة المُستضد إما هي تجية من مولانا صفى الدين أحمد، فهو مصدر ذلك من هذا الرجل الأخلاق العظيم، يقوله هذا الفطحين السقيني، كما ترى وفِد. 216

وكشفنا وشفا عن الرجل عليه سيدي ومولاي الماجد العلامة العظيم، والجهينة الفهامة الزعيم، شرف الإسلام والمسلمين، الحسين بن محمد بن عبد الله بن أمير المؤمنين المؤيذ بالله رَبَّ العالمين 217 تولى الله مكافاهه وأجزل برزه بحق محمد. ولهما هذا لفظه:

"بسم الله الرحمن الرحيم، الحمد لله رب العالمين، وبعد فإنه لما أنشأ السيد الحافظ العلامة الحسين بن يحيى الدُّلَّٰجَي رسالة أجاب بها على الفقهي محمد بن علي الشوكي معتَّرأ عليه في رسالته المعرفة بإرشاد الغبي فقض رحمه عليه هذا السيد الجليل مبانيها، ورفع جوابه معانيها، وقرر على آ japنها عذباً زلولاً، وسحرنا من البيان حلاً، وأرسل بها من دمياط إليه فلم يتلقاه بالإنصاف، بل رذل عليه بغير معجزة واعتقاس، وكان مما اعترض هذا السيد المحقق في أثناء رسالته ونقم على أهل الحديث.

215 الأصل "فغا".

216 ولعل المصوّد هو أحمد بن المنصور علي، الذي أصبح فيما بعد المتألّق أحمد ولكن لم يشير أي مصدر على أنه كان منشئ بلعكس فالمتألّق أحمد كان يجيد علماء السنة وهم من المحتمل أنه كان منشئ في صغره وتراجع عن ذلك فيما بعد.

217 الأصل "لفض".

218 الأصل "ترا".

219 لم أحد له تجربة.

220 الأصل "ولل".
نصبهم وتماثلهم على رفض أقوال العرفة المطهرين، فكان الشوكاني أخذت هذه العصبية فاستنكر قول الحق الذي لا خفاء فيه ولا مبره. فأطال الكلام في زده هذا لما لا طائل فيه ولا دليل يدل عليه من كتاب ولا سنة بل مجرد كلام خالٍ عن البرهان، فقال: إن الناصبي مُنكَر النصب العداوة لأمير المؤمنين على أبي طالب عليه السلام فقط وعزى ذلك إلى صاحب الفكوس، وهذا الأصل غير مسلم، فإن الناصبي في عرف أهل العلم مُنكَر النصب العداوة على السلام خاصة، أو نصب العداوة لأهل البيت عليهم السلام عامة، كذا من رفض علومهم و허ج مؤلفاتهم وضلال مسنداتهم واعتقل بأنهم لا يلفتون قواعد الحديث ووجاهه ويزعمون أن لكل فرنج، بل تراهم يحكون أقوال الفقهاء الأربعة وتابعهم ولا يذكرون لأهل البيت فضلاً ولا أصلاً. فمن كان بهذه الصفة فهو الناصبي الذي يعرف عند الأئمة عليهم السلام في مخاراتهم ومؤلفاتهم، وكيف لا وقد تمثال أهل الجرح والتعديل من الناصبي على اصطلاحات فاسدة يعرف ذلك من أطعن على مؤلفاتهم في الجرح والتعديل. إنما المانع لأهل التحقق عدم الانتصاف مع أنهم قد روا أحاديث توجب التمسك بالعزة وتوجب تقديمهم والأخير بأقصاهم أجزيل 224 من الشمس منتاً وسندًا أغلبها متواضعًا، فلا كأنهم مكلفون 225 بقص معانيها ومتعددون بالإعراض عنها إلا من عصم الله، وهم القليل، فمن كان بهذه الصفة بيعتقد أن السنة هي ما عرفها وعمل بها وما سواه فهو المبدع إذ لا رواية بين السنة والبدعة، ومن بدأ آلة الرسول وتابعهم وقال إن السنة ما في بد مخالفتهم فهو الناصبي يبين أن الاعتقادات التي تبني عليها الأحكام وتفتيب بانسجامها، فلذا ل استخف بالمصنون رجل قد أتى 227 بجميع الواجيات لكون، فالاعتقاد هو فعل القلب الذي هو أمير الجواهر، مع أن الاستعفاف والرفض لعلوم العزة هو رد لما علم من الدين بالوقاطع الجلية الدالة على أن الحق معهم كحديث التقلين وحديث السفينة المبين لحديث الافتراء، ومن رد معلوماً من الدين فقد أتى 228

221 الأصل "سالي".
222 الأصل "عرا".
223 الأصل "مؤلفاتهم".
224 الأصل "مؤلفاتهم".
225 الأصل "حلا".
226 الأصل "إلا مكلفون".
227 الأصل "أن".
228 الأصل "أن".
بأفحش النصب، وأما قول الفقهاء الشركاني في رده على العلامات الدبلومي بقوله: إنّ غالب أهل السنة لا يعرف منهم البعض عليهم السلام وإن والوا معاوية وشيعته، هذا معنى 229 كلامه إلى آخره.

وهذا على زعمه أنه صدّ قادح فيهم ولا يسمى 230 نصابًا، فعمري لقد سُئِد به كلمته هذه بابًا من أبوب أصحاب الدين فإن الوا وابن العادة لأولئك من الكتب والناس من أوضح الواضحات لا تحمل تأويلًا وابن الآيات التي في سياق هذا الباب، والأحاديث النبوية في هذا المعنى تجري حاصل لا تعرب عن ذهن كل عاقل، وقد قال العلامات المحق نوفمبر بن يوسف بن المتوكل رحمه الله في هذه المساكن 231 ما يثير الجهد ويشفي الجلعة وما كان سبب التحرب والتفريق والتمامي على العزة الظاهرة.

لا ينسب هذين هذين الركنين العظيمين وهو وجب الموالاة والمعاداة، وكيف لنا تحديث "أنا سلمت من سلمكم وحربن من حربكم" هل يجوز موالي من كان حرب لله عزّ وجل؟ فمن تولى 232 فما كان منهم، قال الله تعالى: "وَرَبَّمَا نَبِلَّكَ فِي النَّاسِ مَبْعَثًا» (5 سورة المائدة) وهو حكم (كلمة غير واضحة) 233 وإن تولى 235 فما كان سوء كان على حق وأبطل لأن الأحكام لا تقصر على أساسها بغير دليل وقال النبي صلى الله عليه وسلم "يحض قربه من أحب". وأخرج ابن الإمام في شرح الغاية عن الطرائني عن ابن عباس ويعني الله عنهم من قوله صلى الله عليه وسلم "أهذ أمن سر فين فيها حينا ويعون معاونة ويسكن جنة عدن غرَّ ربي فتبت على من بعدي وبلينون وليست بأهل بيتي من بعدي فإنهم غززمو خلقنا من طينتي وترزقه فهمي وعلمي فوسل للحكمين بفضلهم من أطاعهم والقاطنين فإنهم صلينا لا أنهاهم 238 الله شفاعتيم"، ومن تبدينة الحديث كفاه عن الإسهاب والإطلاع، فمن لم يقتد بأهل البيت وكذب ففضلهم فقد قطع صلة

229 الأصل "معنا".
230 الأصل "يسما".
231 الأصل "معنا".
232 الأصل "المستع".
233 الأصل "نولًا".
234 على شكل "مسما" وإنما هذا غلط.
235 الأصل "نولًا".
236 الأصل "ننصصر".
237 شرح غاية الوصول إلى علم الأصول للسيد الحسن بن القاسم.
238 الأصل "أنا لهم" (الله)
رسول الله صلى الله عليه وعلى آله وسلم، ومن قطع 239 ما أمر الله به أن يؤصل فهو المعلون بالنقص
القرآني مع ما أشتهر به معاوية اللفظ من خلافته وعنداده للشريعة واستخفافه بها وانتقاده عنها
وأنه يتبعه من دعاء النار، فهل يجوز لمؤمن بل لعنة ووالده كما زعم هذا الفقيه الشوكي؟ فهذا
هو عين الخذلان نعود بالله ماله. أمّا قوله إنه غير حاكي كلام // الأماهمق 35 A // للمعرض يعرض عليه حتى قال وقد حكى
اللر حكايته فرعون وهامان. وقد حكى عن اليهود والنصارى إلى آخره إلى أن قال وهذا أفعل 240
ما حكى عن الإمام يحيى بن حمزة رحمه الله فما كان اللائق. فانظر كيف نسب القضاة إلى كتاب الله عز
وجل لأنه أتى بالكلام مرتبت بعضه على بعض وقال في آخره: وهذا أفعل. وهذا غاية قلة الأدب
في حق الله عز وجل. كيف كيف في حق العبید؟ ثم أنه يقال له أي وجم أتبت بهذا الكلام البطل في
رسالته؟ لأنك قد أقررت على نفسك بفظاعته لأن أفعل التفضل توجب الاشراك والمقام مقام
احتجاج. فإن كنت تريد به الطعن على الإمام يحيى بن حمزة مثل ما أوردته العلامة الهادي بن الوزير
في نهاية النسجه 241 غيره الرد عليه ويطلقه، فلا ترك قصدت ذلك وبايي 242 عليك سباق الكلام.
وإن كنت أردت الاحتجاج بما هو ملتزم عند حكمك كما يحب الخصم، ما هو صحيح ملتزم عند
فصحبه فتكون حجة عليه، فلخصته الذي لأجله أنشأت الرسالة لا يلتزم صحة كلام الإمام يحيى بن
حمزة رحمه الله في شأن فاطمة علية السلام إذا هو مدلول لا دليل علىه. أمّا قوله إن أكثر أهل
الزمان لا يعرفون مذاهب أهل البيت إلى آخره، فمذاهبهم محددة الله مدونة في كتب الفروع ودلالاتهم
النبوية عن جدتهم المختار عنهم مروية مخرجة في كتبهم المعروفة عند أتباعهم، فمن قرأها أو أقرأها
واعتمد عليها عرفها بلا شك لأنّها ليست من جنس الروح والألغاز التي لا يفهمون معناها حتى
يقال لا يعرفها إلا الأقل كما زعم. ولينا من جنبها ورجع إلى كتب القوام من دون اعتقاد على
رواية الأئمة فلا مجازة أن يجهل بها منحرف عنها وهو الآخر من النصب بنصيب كما ذكرنا. واما

239 حدثتنا كلمة "صلة" من الأصل.
240 الأصل "اللهب".
241 الأصل "حكا".
242 الأصل "أقسم".
243 الأصل "نهاية النموذج".
244 الأصل "ياها".

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من لم يكن علمًا ولا متعلمًا فلا يصغ التقول عليه، إذ لا كورة من كور الإسلام إلا وعوامها 
أكثر من علمائها، فهذه القفظة على من أراد يضحك وإرشادك هو نفس مقابلة الإحسان بالأخلاق، 
ولندع بالله من الكبر وعدم قول الحق من كان وحسبا الله وكفى ونعم الوكل منه الجواب على 
جواب الشوكت على السيد العلامة الحافظ الكريم الحسن بن يحيى الدليمي حمّاه الله وعافاه.

فانظر أيها العاقل! هذا الفقه ينسب مقالة الإمام يحيى بن حمزة 246وأنّه حكّى عنه كما 
حكى الله عن فرعون وهامان وكما حكي عن اليهود والنصارى، فإنه للعجب من نهل عرض هذا 
الإمام، ولن تصح الرواية عن الإمام يحيى بن حمزة في كتابه الشامل وكلام الإمام يحيى بن حمزة رحمة 
الله معرفه في كتابه وكتاب التحقيق كما رواه عنه الإمام عزر الدين بن الحسن سلام الله عليه في 
منهجه كما أوضحناه لك سابقًا، وأين التوبة والتوقف عن هذه المواقف وكأنه عمّا قيل وقد ادعى 
الروبيك حين شبه حكايته عن الإمام يحيى بن حمزة بحكايا الله عز وجل عن اليهود والنصارى وعن 
فرعون وهامان 247 memiliki: // fol. 36 A // ثم قال هذا أفطع، فما أتبع هذا الحبّ و الحلف نعوذ بالله من 
الضلالة والرهاج. فبأن إليها 248العقول الرافحة انطروا بين البصيرة أنت من أجله على هذه الرسالة 
مخفوضة، وبالأولى والآخرة 248عندهم إذا كان من ذرية المصطفى الأمين، يقال أداب حمّية على 
القرابة وعنصب اح وحدنا محمد المصطفى الذي علمهم أمر دينهم ومنهجهم بلا إلا الله وأخرجهم من 
الظلمات إلى النور، فانكروا حقًا وعصوا حقًا وظلموا أجرة فينا، وتردوا 249 بالغرض لنا، فقد 
بدت البغيضاء من أقوامهم وما أفضي صدورهم أكمل 250 (3 سورة آل عمران 118).

قال بعض 
السورة على تلاميذه: إن كل من 251 أجبا على هذه الرسالة محفظة قد نسب أنّه البيت إلى الكفر، 
فيا ليت شعري ما الذي 252 نسبوه إلى أهل البيت من الكفر، وأنّ من ذبّ عن عرض فاطمة البتول 
وعن الإمام يحيى بن حمزة من قول الزور هذا كفر عند هذا السراج، فقلب الحقيقة على وجهها

الأصل "النقول". 245

(crossed out (إلى حكاية فرعون وهامان

الأصل "ميابها". 246

الأصل "واب الأولا والأخرا". 247

الأصل "ترووا". 248

ولو ترى المشدوعين من تلاميذه

الأصل "إن كل من". 250

الأصل "الذي". 251
ولكن هكذا أهل العصيان يقبلون الحق باطلًا وبالباطل حقًا، فما أضر هذا السراج الهندي على دين الله
عِز وجل وتربعه للقراءة جنسه وأجساه من أهل الأسواق كمطلق الدر في حلوق الخنازير. وهؤلاء
الأحداث الذين نشأوا في هذا الزمان إنما هم سلالة فتية الخارقة أو الباقية من شبيعة معاوية بن أبي
سفيان، فهيهات هيهات عباد الله ذهب الحمي وأي، الشيعة الأخبار المتقولون وولاية الأمر الراشدون عن
هذا الأمر الكبير والبلح الشهير. إنَّا لله وإنَّا إليه راجعون" (2 سورة البقرة 156). اللهم إنا
نسألك أن تأخذ بالتأنير من عادي آل محمد الأخبار عاجلاً غير آجالًا نقية، يا شديد المجال، يا ذا القوة
والطول والجلال، الحمد لله رب العالمين ولا حول ولا قوة إلا بالله العلي العظيم. وصلى الله على
نبيه الأمين وعلى آلله البارة الأخمين آمين اللهم آمين.

٢٥٤ الأصل "أحل".
إجازة المفتي أحمد بن محمد زبارة

بسم الله الرحمن الرحيم

الجمهورية اليمنية
Casuistry House
المفتي العام
The Grand Mufti
P.O. Box 2214
ص ب 2214
ت 227778
صنعاء

تاريخ 3 رجب 1418 هـ

الحمد لله رب العالمين الصلاة و السلام على سيد المرسلين و آله الطاهرين و صحابه الرشدين
واتبعهم بإحسان إلى يوم الدين

و بعد فإن الأخ العلامة محمد أكرم الندوي المتخرج من دار العلوم لندوة العلماء في الهند و متخصص
في الحديث النبوي و درس بها ست سنين ثم شرعه أبي الحسن الندوي إلى أكسفورد للدراسات
الإسلامية و يقوم بأعماله المحمدية و كتب إلى كتاباً يدل على علمه الواسع و همته العالمية
و طلب من الإجازة العامة وهو لها أهل

فأقول قد أجزته أن يروي عني ما صحت لي روايته عن مشائخه ومُجَبِّرِي ومنهم و الدي العلامة
محمد بن محمد زبارة فاني حضرت مجالسه العلمية و أجازني إجازة عامة. ومنهم العلامة الحسين بن
علي العميري لازمه عشر سنين و آخذت عنه الأمهات السم وشرح الأهرام و الروض النضير و فتح
القدر والبحر الزهاجر و شرح العمدة و متهي المرام و الذكر محمي بن منصور و نسخته من نسخته
و نسائح القاضي عياض و معجم الطبري صغير و شمايل السرذمي وغيرها و نقلت من خطه رسائل
و مسائل وأجازني إجازة عامة. ومنهم العلامة أحمد بن عبد الله الكبسي لازمه سنوات و آخذت عنه
صحيح البخاري مع أكثر فتح البكري و سبيل إسلام و الفلاكل للنجري و شرح منظومة الكافل و المنذري
و مختصره لنبيحنا الكبسي المسرح الأمانة و نسخته مخطي من خطه و أكثر الكشاف و مغني اللبيب

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وشرح ابن عقيل والفتاحي والمنهال وإيضاح الحق و بحيثة المحافظ وتيسير الديبوع والرفائق للوزير.
و منهم العلامة أحمد بن علي الكحلاني تغيشت لديه الأزهار اللمحة والحاجب والشفافة والفرائض
وبعض الأغية والتحليص وأخذت عنه أصلي أبي طالب والموارد بالله والمرشد بالله ونهج البلاغة
والروضة الندية وشرح الأزهار كاملاً وشرح الكافل للقمانة وحبس الطبري وشرح الفرائض
ماراً وشرح الغياة والأساس والفاشكي والقواعد والشرع الصغير شرفين ويساغاوي. ومنهم
العلامة يحيى بن محمد الإرياني البخاري في لقاء رمضان سنة ست 세نين والدي والانفاق وتخفية
الذاكرین والشمائل. ومسجع الفتياني نيل الأطرار وضوء الدهر مع أكثر المنحة والهبد البنيوي
والكشاف كاملاً في ست 세نين مع أكثر حاشية السعد وشرع السير والطبيبي قراءة بسبحة
خفيق وكتاب ولمحة الختم بحكم وذكي بويل مشهوداً حضره جميع الطبابة وبعض المشائم
والآسف والتقدير ومتكاً وأنشيد سيدي محمد النعماني قضية للغزالي البهولي وقضيدة محمد بن قاسم
أبو طالب وأخازنجي إجازة عامة. ومنهم العلامة محمد بن حسن دلال شمس الأخبار وتحويذ القرآن
غريب وأخازنجي إجازة عامة. ومنهم العلامة قاسم بن حسن العزي في تفريج الكروب وأخازنجي إجازة
لعينة. ومنهم العلامة إسماعيل بن علي الرملي شرح الأزهر والبيان والأحكام والفرائض ماراً.
و منهم العلامة عبد الوهاب بن محمد الشمالي في شرح الأزهر والآيات والملحق والمذهل ثم ما
غادر المدرسة العلمية انتقلنا بنفس الدروس إلى شيخ الإسلام علي بن علي اليماني بزيادة أول
الكشاف وأخازنجي إجازة عامة. ولما توفي إ диагنا بنفس الدروس إلى العلامة زيد بن علي الهمداني
بيته وأخازنجي إجازة عامة. ومنهم العلامة عبد الله بن علي عبد القادر المدينة والنحية وأمالي أحمد بن
عيسى. ومنهم العلامة عبد الله بن محمد الساري شرح منظومة الكافل والمغام والمذهل والفرائض.
و منهم العلامة عبد الله الجرحاني مجموع الإمام زيد والسليمي والجبيرة وسلمية الإبیر ومسلم
والنفسي. ومنهم العلامة حسن بن محمد الكستي كتب التحوي والصرف المدرسة. ومنهم العلامة
عبد الحلق الأكبر كافل لقمان وقصر الفاكهي ويساغاوي. ومنهم العلامة محمد بن يحيى مدعاس
الثلاثين المستقلة والعلامة محمد بن محمد السنيد في شرح الأزهر والثلاثين المستقلة والعلامة أحمد
مهدي في نيل الأطرار والعلامة عبد الله البليومي في نيل الأطرار. وبالحرم الشريف على العلامة
محمد علي تركي سنة 1346 في البخاري مع والدنا وذلك في النسبي والنصاب الحج على العلامة
عمر حمدان والعلامة عباس بن أحمد في الروض الديبوع وسمعت درس العلامة علي بن عباس المالكي
وناولنا ابنه العلامة محمد علي أسانده مع الإمامة. ومن محيى الإمامة يحيى والإمام أحمد والعلامة
عبد الواسع الوعجبي والعلامة علي بن أحمد السديغي والعلامة عبد الله عبد الكريم أبو طالب وقد

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صح في رواية كتب الإسناد إخاف الأكابر عن العمري والسديمي كلاهما عن إمام إسحاق
محمّد إسماعيل الكسبي كلاهما من المؤلف الشوكياني، ومنه العقد النضطي لعبد الكريم أبو طالب
عن عبد الله وقاسم العري ومحمد دال ثلاثتهم عن المؤلف. وثبوغ الأماني لمشحمة عن العمري
والسديمي وشيخ الإسلام ثلاثتهم عن أحمد بن محمد الكسبي عن عبد الله الغلابي عن أحمد بن يوسف
زيارة عن النبي الحسين عن أبي يوسف بن الحسين عن أبيه الحسين بن أحمد زبارة عن المؤلف.
والمسجد المنزوم لعبد الله الغلابي عن العمري والسديمي وشيخ الإسلام ثلاثتهم عن محمد العراشي
عن المؤلف. والإعلام والمتحفة لأحمد قاطع عن العمري والسديمي وشيخ الإسلام ثلاثتهم عن أحمد
بن محمد السباعي عن الحسن بن أحمد الريعي عن والده عن المؤلف. ومنها الأم لإبراهيم الكردي
عن العمري وغيره عن أحمد الكسبي عن أحمد بن زيد الكسبي عن عبد الله بن محمد الأمير عن محمد
بن إبراهيم الكردي عن أبيه المؤلف. ومنها الإسناد لسالم البصري عن السديمي عن إسحاق
محمّد إسماعيل الكسبي وأحمد حسن المجاهد الجليلي ومحمد بن محمد العراشي أربعتهم عن الشوكياني
عن عبد القادر بن أحمد عن محمد حياة السددي عن المؤلف. ومنها المطرق المعر ثابر القادر خليل
كذلك المدنى عن زيد الدليمي عن علي بن حسن المغربي عن أحمد بن محمد الكسبي عن أحمد بن
زيد الكسبي عن عبد الله بن محمد الأمير عن المؤلف. ومنها فهرس الفهراس للمهند السهيمي الكبائي
عن والدي عن المؤلف ومنها الدور الفريد للكتسيعي عنه. ومنها إحفاء ذوي إهلهم لمحمد عمرو
المالكي عنه وعن والده. وأرحا من المُجاذ حضر الله تعالى في وليه وللمؤمنين والمؤمنات التوفيق
وحسن الحنان وسعادة الدارين وسبحان الله وحجة سبحان الله العظيم.

المجلد المفتوح العام لليمن، أحمد محمد زبارة، ختم: الجمهورية اليمنية / دار الإفهام / المفتي العام
رسالة الإمام يحيى في تعيين السيد محمد بن حسين الكسي حكومة لواء الحديدية

بسم الله الرحمن الرحيم

الحمد لله الذي يسرّ لدنياه حراً، من أئمة الحق الأعلام، فصان بهم وكره وحفظوا من نهور ذري الأنانم، وأعلى من شريعته بالأحسين سيرةً ومنهاجاً من الحكام، والصلاة، والسلام على من أرسله الله للعالمين رجعة وخصب بالمقام المحمود وجعل أمته خير أمم وأعلى قراءة الكتاب وسفن النجاة لمن تمسك بهم في هذه الدار وفيها الماب، وصحبه الراضدين الأئم، وبعد، فهذا مرسوم كريم وظهر فخيم صدر من المقام الأمامي المتصوري المتكري، ثبت الله قوناعته، ودمر شأنه ومعانده، يعلن للعالم، ويبين المراد منطوفة المفهوم، بقدر وجهتنا إعلانه الصنو للعلامة عز الإسلام محمد بن حسين الكسي حفظه الله حكومة لواء الحديدية وأمرنا بالتوجه على بركة الله إليها عريقة أكيدة ليكون منه القيام بأمور الشريعة وإقامة قناتها القرية الفريدة بالفصل ما بين الخصوم والانصار للمظلوم وحسم مواد النزاع وقطع ذرائعه، طللت اتصاله بدون انقطاع والتحري على ما فيه مرضاة الحي القيم وردع المظلوم ونصية المهموض والمحافظة على شرائط الفضاء وآدابه وترتب الدعاوى وما يتبعها إلى إنهاء المحاكمات وتهذيب ما يتحجر من رقوع الشجارات واعتماد مواصفة ما يكون من الحكم للمذهب الشريف، إلا ما فيه لنا إختبار فعلى مواجهة الإختيار يكون ندار، وإختبارنا -- نعم الله -- واضحة الأدلة ومال إليها من جهاد الدين الجليل وقد جعلنا وليته شاملة للم.uf.la والأعراض والأموال وما كان الحق فيه لله تعالى، أو للعبد في عموم الأحوال، وأوصينا بتقوى الله عبر وجل ومراقبته في كل قول وعمل وملازمته الطاعات والتوقف على ما لله من الأمورات والمهاتير وبطاعة الله وطاعتنا وتمثال أوامرنا ونواهينا والأمر بالمعلوم والنفي عن المنكر

أسفل التسليمة ختم الإمام المتوكل على الله يحيى محمد الدين.

1. "حراً".
2. "أخلا".
3. "الصلوة".
4. "دراج".
5. "من عينذهب الذي الهادي المدون في كتاب الإمام أحمد بن يحيى المرنزي، وخاصة كتاب الأkaza وشرح لتلميذه.
6. "من مناح."
المخوف وحسن السيرة وطيب السيرة وضبط الأعون والتزام سهولة الحجاب ولين الخطاب والإمساك عن التدابير بالمال فإننا نمنع عنه ذلك كما أننا نمنع عنه جميع حكامنا والعمال وإذا حصل شيء يقتضي ذلك كان العرض علينا واعتماد ما يرد إلينا من وليس له أخذ شيء من الحصوم باسم الأجرة وكذلك جميع حكام القصور والنواحي فقد قررنا نعم ما فيه كفاية. وليعلم الصنوبري: - عفافه الله - أنا قد أنتمتنا به جميع حكام اللواء فلهم مراجعته رسولًا وله خاطبهم فيما يراه صلاحًا وعلى المرافق جميع أعمالهم وتهني عما لا يوافق مراد الله ومرادنا من أعفاؤهم وكذلك إذا علم بصدر ما لا يترضى من قول والفعل من الأعمال فإننا نلزم به الرفع إلىنا وعلى عامل اللواء - حفظه الله - الضبط عند الإنصاف بشريعة الله وإنذار ما يصدر من الأحكام وعلىهما معًا التعاون على كل ما يكون به نصير إليهم ومنع العدد وتعمم الفتن وإزالة الخن ونقاطة ناموس شريعة الله بتحكيمها في كل ما يحصل من الحواضد وتعليم العامة آداب الدين وما أمر به رب العالمين من الصلوات والطهارات والمحافظة على ذلك في جميع الأوقات ويرشاد الناس إلى ما يرغُبهم في ولاية الرسول وما لهم في محبتهم وإتباعهم من الأجر والفوز الأمول. ومن أهم ما نفرده بالذكر عنابة حكمنا - عفافه الله - بالغة فهي التي تسهُل ما بعدها وليس المراد سوى العفة عن سبيل إلى أموال الناس وتساهل في الشبه الموصلة إلى الحرام وما كان النهي عنه لأنه من أكبر الآثام هذا ومنى عرض حادث فيه حدًّا وكان إنذاره يقتضي إتلاف نفسٍ أو عضلٍ وكذلك القصاص فإننا نأمره بأخذ الذاذ من وعُرْض الحكيم علينا، وليتهم - عفافه الله - بمعنٍّ في المناخة لأدب الدين ويزانة البديع التي لم يكن عليها المؤمنون وحذرة عنها سبب الدين الإسلامي وإننا نأمور جميع من في الحديدة من عبادنا باستمال أوامرها ونواهيه فهي عن أمورنا ونوصي جميع بتعظى الله وبطاعة الله وطاعة النبي والصبر العزيز من يصدّم مهماً إن شاء الله ويكون فوق الأم conc. فيما أمر به وذهابه ورفق الله جميع ما فيه الرضوان والفوت بالشبه من الغفران والإحسان والله الربوب وهو حسننا ونعم الوكيل وحرر (- -) عاشر رمضان الكريم سنة ثلاث وأربعين وثمانمائة ولهف.7

7 نوْمُم 4 أبْرِيِّل 1925 م.
الاختيارات الفقهية للإمام أحمد بن يحيى حيد الدين بن الإمام المتولِّدل على الله رَبّ العالمين ﷺ ﷺ
الإمام المتصور بالله محمد، قال في اختياراته أنه ترجح لديه واختاره بحسب الأدلة الشرعية والنظر
الصحيح
أن تصرفات الناس لأقاربهم أو لأولادهم فيما هو تحت أيدهم أو تحت نفوذ غن باطلة سواء كان
التصرف بهيئة أو نذر أو تمليك أو وقف إذ لا يكون ذلك إذا خالف أو حيا أو يأس من فكينهم
وبالهي霖 ما هو فن.
المهم إلا إذا كان التصرف بالبيع إلى أقاربهم بدون تغريغر ولا تدليس عليهن منهم أو من غيرهن ولا
خوف ولا غبن عليهن وذلك صحيح. وأن الوصية للوارث غير معتاد مطلقًا ولو من الثلث لوجب
التسوية لحديث العنان بن بشير وحديث "أنفقوا الله وساروا بين أولادكم وإن كان".
وفي الحديث لا وصية لوارث إلا أن يجرر الورثة والوارث الضعيف لا بد أن يعرف قدر الموصى به
وأنه من الثلث أو زائد عليه. وإعلامه أن نفوذ ذلك في حصنه متوقف على إجازة. وأنه لا بأس إذا
لم يجر. وأن تكون الإجازة لا عن خوف ولا حيا ولا يأس. وللمعيجر الرجوع عن الإجازة. ولو
بعد موت الموصى.
وأوأن لا يعتبر في إثبات القصاص لورثة المتناول عمداً عنواناً حضور الوارث ولا في استيفائه بل يكفي
فيهما الوكيل فإن ذلك من جملة الحقوق الذي يعتبر فيها الوكيل. وأن إذا ثبت المحکم شرعي أن فلانًا
قتل فلاناً عمداً عنواناً وطلب البالغ من وثبة القتيل الاصطحاب من القاتل لزم القصاص ولا يلزم
تأخره حتى يبلغ القاصر من الورثة أو يقدم الغائب منهم إذا كان فيهم قاصر أو غائب لقوله تعالى
(وقد جعلنا لوليه سلطانًا) (الإسراء 17: 33) وأولى هو الأرشد أما الصغير فلولاية. ولا
بلس بأخذ العهد من المكلف المطلوب تسلمه نصب من يبلغ من الورثة فإن طلب نصيب من البيت من
باب الاحتياط.
وأوأن إذا غاب الرجل عن زوجته وتركها بلا نفقة والكمسة /ص 2/ قرر فلا وارد في وفاء
بالإنفاق عليها وطلبت الفسخ لزورها بعدم الكمسة والنقفة، مما أتى نظره من دون تقرير مدة
ولا غيرها، فالأمر ذلك فلا اعتبار. كذا في الأمر لإيسار أحد قرابتها فإنه لا يلزم الإنفاق عليها مع
كونها مزورة في قوله تعالى «الرجال قومون على النساء» (النساء 4 : 34) ما يکني العارف

كما قاله بعض العلماء. وأن المرأة إذا طلبت الفسخ من عقد نكاح زوجها لتغيرها بعدم الكسوة والنقية وثبت عدم ممكن الزوج من ذلك وإعساره فإنها ذلك وعلى الحاكم أن يحكم بفسخها ولو كان الزوج موجودًا بعد أن طلب الفسخ وتصرح بذلك إلى أئمة وهذا مع امتاع الزوج عن الطلاق بعد إزامته به من الحاكم. وأن للمرأة حق في الوطء إذا طلبت ذلك لرم الحكمة لما استنادًا إلى قوله تعالى «واعشروهن» (النساء 4 : 19) وقوله «ومن مثل الذي عليهن» (البقرة 2 : 228) وقوله

وفي النهاية الذين يقولون من نسائهم ترضي أربع أشهار (البقرة 2 : 226) بعد الأربعة أشهر للحاكم إلا أنه بأخذ الأمرين الفتيانة الرجوع إلى مجامع زوجته أو الطلاق. إذا عرفت هذا فإن للمرأة الغائب عنها زوجها فوق الأربعة الأشهر لا عذر والتارك جماعها لا تعذر إذا طلبت الفسخ لخشيتها العنت واحتياجها إلى الوطء أن تفسخ عقد النكاح ولو كانت وحيدة النقية والكروية وللحاكم أن يحكم بصحة فسخها بعد أن تصرح بلفظ الفسخ المعترف وهذا مع حصول الظن لأن الحاكم بصحة خشيتها العنت أنهى كما وجب.

وأنا الضرر والضرار مموع سواء كان من التفقيتين أو غيرهم لعموم الحديث "لا ضرر ولا ضرار في الإسلام"، وهو في حق الحار الأول الحديث "لا يمنع أحدكم جاره أن يضع أختشباه على جداره" وكلام ابن عباس رضي الله عنهما لقول رسول الله صلى الله عليه وآله وسلم "ما زال جبريل بوصبي

بالحار حتى ظننت أنه سيرته وحدثت" لا يؤدي أحدكم برازنة اللحم إلا أن يعطيه شيئاً منه

وكلها دالة دالة واضحة على منع الضرار وهو /ص 3/ كما لا يخي من تفقيع قبل الشرع.

وأما إبطال سلوفنا الشهيد رضوان الله عليه فيما يرجع إلى استعارة في جعله لما كان في عام النبي وعشرين وثلاثي مائة ألف فقط 1328 للهـ إلا أن يحدث مثله في المستقبل ولا صلى الله فاحكم واحد.

وإن كان توازي من البائع والمشترى من أجل الشفع فهم باتل ويلزم الشافع تسليم الثمن الذي وقع عليه العقد وكذا لا يلزم إلا تسليم مثلما سلمه المشترى في مقابل الثمن المؤجل كما يفعله أجل الشام من تأخير بعض الثمن ثم يكون تعجيله بأقل من المؤجل ويلزم الشافع تسليم مثل المؤجل وكل ذلك حيلة على الشافع وحيث أن يلزم أن يسلم إذا لم تسلمه المشترى فقط سواء كان مؤجلاً أو مشجلاً. وإذا زاد المشترى في مائ المنبع لا لزمه فيه بل لأجل الشفع فليس على الشفع

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إلا تسليم القيمة ما قوّمَه عدلان والرائد يخسره المشترٍ ولا يرجع به على البائع. ومنها أن الطلاق البدعي لا ينفذ. ومنها أن العامة يسأل عن معنى طلاق المتتابع فإن أفاد أنه قد قصد واحدة فلا يلزم إلا هي وإن أفاد أنه يريد التثليث حكم عليه بالعاقبة وقد يكون عليه إلا مع تخليل الرجعة. وأنا مال الغائب يقسم بين ورثه الموجودين عند وفاة المدة سبعين سنة لا الوارث الموجودين يوم الغيبة وان الشفعة تثبت بالعقد الفاسد. وأن التفاصل بين المتباعين بعد الحكم بالشفعة لا يبطلها لأنهم حكموا أنها ولو بعد الاستهلاك الحكمي وهذا التفاصل لا ينقص عن ذلك الاستهلاك وإن تراخي الشافع بعد علمه بالمبيع مبطل للشفعة ولو جهل الثمن. وأن الوصية إذا ظهر فيها التحصيل لا تصح.

والله أعلم، هذا ما وجب والله ولي التوفيق.
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