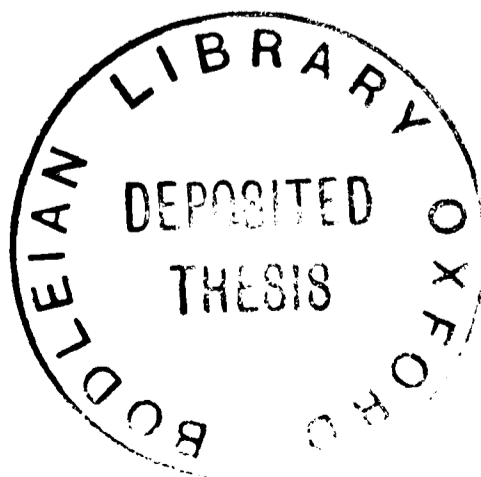


**ORDER AND RIGHTEOUSNESS:**  
Muḥammad ‘Alī al-Shawkānī and the Nature of the Islamic State in Yemen

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

MAGDALEN COLLEGE



MICHAELMAS 1997



*To my Mother and Father*



# ABSTRACT

## ORDER AND RIGHTEOUSNESS:

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This thesis is about the life and thought of the scholar Muḥammad b. ‘Alī 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-Zaydī 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 Zaydī-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 (*qāḍī al-quḍāt*) 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 muṭlaq*, 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 Zaydī 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 ḥadīth collections until modern times. The 20th century Ḥamīd 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 imāmic 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 Zaydī-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 Aḥmad b. Ḥasan al-Jalāl (d. 1084 / 1673), Ṣāliḥ b. Mahdī al-Maqbalī (d. 1108 / 1696), Muḥammad b. Ismā‘īl 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 Mu‘tazila which had been adopted by the Zaydīs.

The Qāsimī imāmate had become a dynasty and bore little resemblance to the Zaydī 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 Shawkānī'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-'Amrī, Wilferd Madelung, Paul Dresch and Brinkley Messick invaluable in helping me draw up my own picture of Yemeni political and intellectual history.

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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 *Floreat Magdalena*.

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history and politics as well as for providing me with copies of manuscripts and his own editions of a number of works. Nabil Darwish offered me his friendship during 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, Muḥammad al-Ānisī and Ḥāfiẓ Zabāra.

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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:

Consonants		Long Vowels
أ ء و (except when initial)	ط t	أ ا ā
ب b	ظ z	و ū
ت t	ع ‘	ي ī
ث th	غ gh	Diphthongs
ج j	ف f	وَ aw
ح ḥ	ق q	يَ ay
خ kh	ك k	
د d	ل l	Short Vowels
ذ dh	م m	ـَ a
ر r	ن n	ـُ u
ز z	ه h	ـِ i
س s	و w	Final Forms
ش sh	ي y	ـِـَ iyy
ص ṣ	ة a (at in construct state)	ـِـَـَ uww
ض ḍ	ال (article) al- and -l-	

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-Murtaḍā becomes Ibn al-Murtaḍā and al-Hādī Yaḥyā b. al-Ḥusayn becomes al-Hādī. I have dispensed with the article “al” whenever mentioning Shawkānī. As for less known Zaydī 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

- Adab al-ṭalab* al-Shawkānī, Muḥammad b. ‘Alī. 1979. *Adab al-ṭalab*. Sanaa: Markaz al-Dirāsāt wa-l-Buḥūth al-Yamniyya.
- Azhār* al-Murtadā, Aḥmad b. Yaḥyā. 1982. *Kitāb al-azhār fī fiqh al-a’imma al-athār*, Sanaa: n.p.
- Badr* al-Shawkānī, Muḥammad b. ‘Alī. n.d. *al-Badr al-ṭālī‘ bi-maḥāsin man ba’d al-qarn al-sābi‘*, 2 vols., Beirut: Dār al-Ma’rifa.
- EI<sup>1</sup> *The Encyclopedia of Islam*, 1st edition.
- EI<sup>2</sup> *The Encyclopedia of Islam*, 2nd edition.
- Ghaṭamṭam* Muḥammad b. Ṣāliḥ al-Samāwī. 1994. *al-Ghaṭamṭam al-zakhkhār al-muṭahhir li-riyād al-azhār min āthār al-sayl al-jarrār*, Muḥammad Izzān (ed.), 6 vols., Amman: Maṭābi‘ Sharikat al-Mawārid al-Ṣinā’iyya al-Urduniyya.
- Ḥawliyyāt* Anonymous author. 1991. *Ḥawliyyāt Yamāniyya*, ‘Abd Allāh al-Ḥibshī (ed.), Dār al-Ḥikma al-Yamāniyya.
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- Irshād al-ghabī* al-Shawkānī, Muḥammad b. ‘Alī. *Irshād al-ghabī ilā madhhab ahl al-bayt fī ṣuḥb al-nabī*. MS. photocopy from the private library of Qādī Muḥammad b. Ismā‘īl al-‘Amrānī.
- Maṭla‘ al-budūr* Ibn Abī al-Rijāl, Aḥmad b. Ṣāliḥ. *Maṭla‘ al-budūr wa majma‘ al-buḥūr*, 4 vols., MS. photocopy from the New Sanaa University Library.
- Nashr* Zabāra, Muḥammad b. Muḥammad. *Nashr al-‘arf li-nubalā‘ al-Yaman ba’d al-alf*, 3 vols., Sanaa: Markaz al-Dirāsāt wa-l-Buḥūth al-Yamanī. (vol. 1, n.d.; vols. 2 and 3, published 1985).
- Nayl* Zabāra, Muḥammad b. Muḥammad. n.d. *Nayl al-waṭar min tarājim rijāl al-Yaman fī al-qarn al-thālith ‘ashar*, 2 vols., Sanaa: Markaz al-Dirāsāt wa-l-Abḥāth al-Yamaniyya.

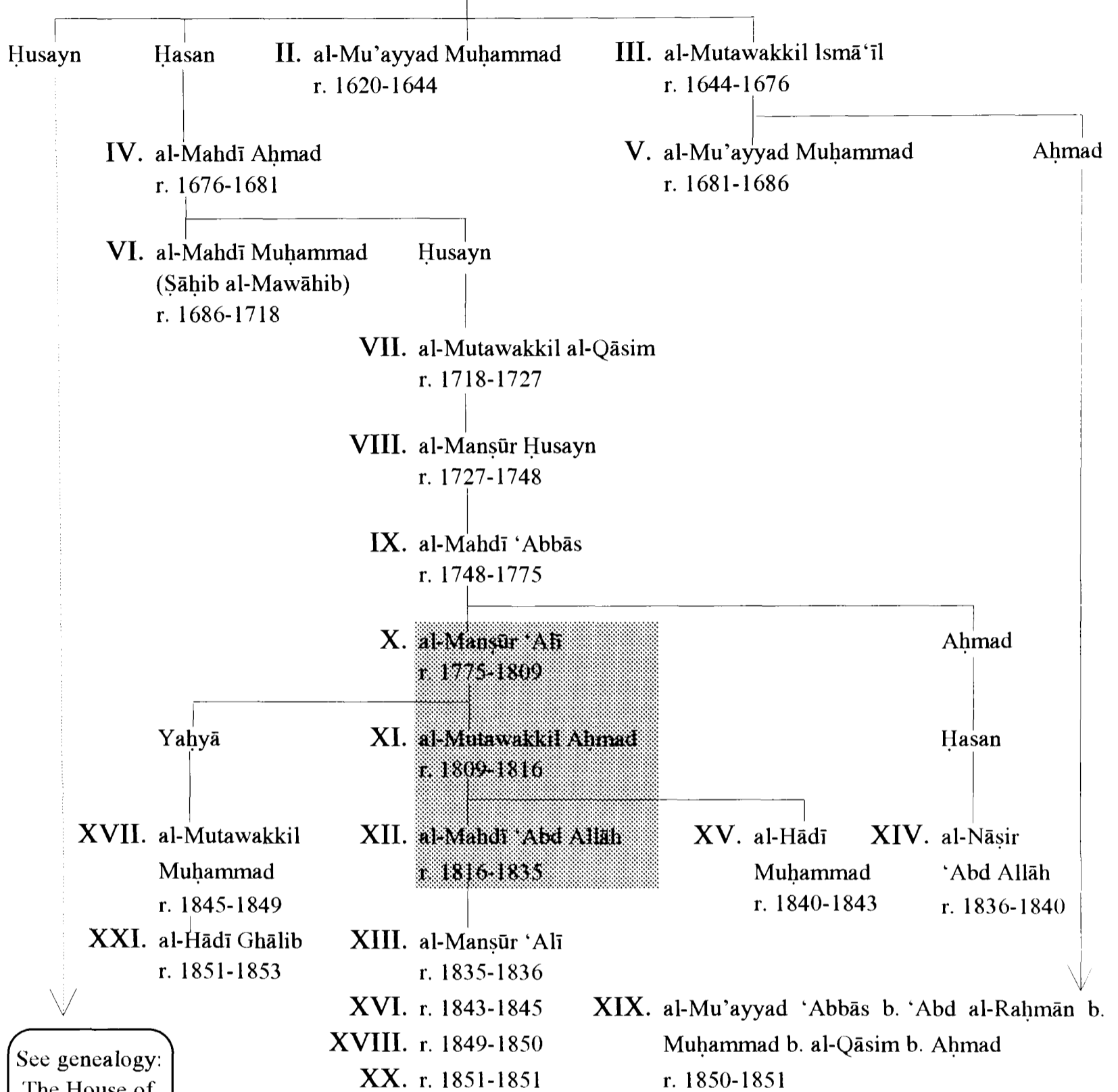
- Nuzhar al-nazar* Zabāra, Muḥammad b. Muḥammad. 1979. *Nuzhat al-nazār fī rijāl al-qarn al-rābi‘ ‘ashar*. Sanaa: Markaz al-Dirāsāt wa-l-Abḥāth al-Yamaniyya.
- Sayf al-bātir* Ismā‘īl b. ‘Izz al-Dīn al-Nu‘mī. *al-Sayf al-bātir al-muḍī’ li-kashf al-ihām wa-l-tamwīh fī irshād al-ghabī*. MS. Sanaa, Gharbiyya Library, *Majmū‘* No. 188, fols. 1 - 36 and *Majmū‘* No. 91, fols. 55 - 77.
- Ṭabaq al-ḥalwā* al-Wazīr, ‘Abd Allāh b. ‘Alī. 1985. *Tārīkh ṭabaq al-ḥalwā wa ṣuḥāf al-mann wa-l-salwā*, Muḥammad Jāzim (ed.), Sanaa: Markaz al-Dirāsāt wa-l-Buḥūth al-Yamanī.
- al-Tiqṣār* al-Shijnī, Muḥammad. 1990. *Ḥayāt al-imām al-Shawkānī al-musamma Kitāb al-Tiqṣār*, Muḥammad b. ‘Alī al-Akwa‘ (ed.), Sanaa: Maktabat al-Jīl al-Jadīd.
- Tuḥfat al-ikhwān* al-Jirāfī, ‘Abd Allāh b. ‘Abd al-Karīm. 1365 / 1946. *Tuḥfat al-ikhwān bi-ḥilyat ‘allāmat al-zamān*. Cairo: al-Maṭba‘a al-Salafiyya.

# YEMEN



# The Qāsimī Imāms

I. al-Manṣūr al-Qāsim b. Muḥammad  
Da'wa: 1598-1620



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

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

Muḥammad

Ismā'īl

Yaḥyā

Muḥammad

Yaḥyā

**I.** al-Manṣūr Muḥammad

Da'wa: 1890-1904

**II.** al-Mutawakkil Yaḥyā

r. 1918-1948

**III.** al-Nāṣir Aḥmad

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

1. Sayyid Muḥammad b. Irāhīm al-Wazīr (Ibn al-Wazīr), 775-840 / 1374-1436
2. Sayyid Ḥasan b. Aḥmad al-Jalāl, 1014-1084 / 1605-1673
3. Qāḍī Ṣāliḥ b. Maḥdī al-Maqbalī, 1038-1108 / 1628-1696
4. Sayyid Muḥammad b. Ismā‘īl al-Amīr (Ibn al-Amīr), 1099-1182 / 1688-1769
5. Qāḍī Muḥammad b. ‘Alī al-Shawkānī, 1173 - 1250 / 1760 - 1834

# CHAPTER I

## Introduction

Muḥammad b. ‘Alī 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 Yaḥyā 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 ‘Alī, is called *sayyid* (pl. *sāda*) in Yemen, and as such claims ancestry from the eponym of the Northern Arabs, ‘Adnān.

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. *hijra*). 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. Shawkānī's *nisba* denotes that he was originally from such an enclave, Shawkān. 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, Shawkānī himself for instance. Yemeni history also provides ample evidence of *qādīs* who were strictly devoted to Hādawī teachings and were among its chief propagators. In Shawkānī'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-Hādawī views to his being a *qādī*.

### Zaydism and the Imāmate in Yemen:

The Zaydīs are a sect of Shī'ī Islam who supported the revolt of Zayd b. 'Alī in 122 / 740 against Umayyad rule. In the late third century / early ninth century, Zaydīs 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-Hādī ilā al-Ḥaqq Yahya 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 (*khafī*) and could only be ascertained after investigation.<sup>1</sup> 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 (*da‘wa*) 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.<sup>2</sup> However, other Zaydī theologians claimed that the selection of the imām is *shūrā* (consultation) among the descendants of al-Ḥasan and al-Ḥusayn;<sup>3</sup> this restricted *shūrā* is the one that counts. Unlike Twelver Shī‘īsm, the Zaydī imām was not considered impeccable or infallible (*ma‘ṣūm*) 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 muṣīb*), which in fact allowed for divergence of opinions, especially in matters of substantive law (*furū‘*).

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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<sup>1</sup> Wilfred Madelung, “Imāma,” in EI<sup>2</sup>, III : 1166.

<sup>2</sup> Cf. al-Hādī Yaḥyā b. al-Ḥusayn, 1410/1990, *Kitāb al-Aḥkām*, n.p., vol. 2, pp. 460 - 462.

<sup>3</sup> al-Ash‘arī, 1963, *Kitāb Maqālāt al-islāmiyyin*, Helmut Ritter (ed.), Wiesbaden: Franz Steiner, p. 67.

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 Zaydī community. The imām assumed the title of Commander of the Faithful (*amīr al-mu’minīn*) 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’rūf wa-l-nahy ‘an al-munkar*), dispense the legal punishments (*ḥudūd*), 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*.<sup>4</sup> 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.<sup>5</sup>

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 aggression, protect the rights of the weak and “order the proper and prohibit the

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<sup>4</sup> Muḥammad b. al-Ḥasan, 1994, *Kitāb Sabīl al-rashād*, Sanaa: Dār al-Ḥikma al-Yamāniyya, p. 68; cf. Madelung, “Imāma,” p. 1166.

<sup>5</sup> Cf. Madelung, “Imāma,” p. 1166; R. B. Serjeant, 1969, “The Zaydīs,” in A. J. Arberry (ed.), *Religion in the Middle East*, vol. II, Cambridge: Cambridge University Press, p. 292.

improper.”<sup>6</sup> 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 imāmate who was given allegiance; rather, it was often the most powerful who became imām. For example, al-Mahdī Aḥmad b. Yāhyā al-Murtaḍā (d. 840 / 1436) had eventually to forgo his bid because of the more powerful al-Manṣūr ‘Alī b. Muḥammad Ṣalāḥ al-Dīn (d. 840 / 1436), despite being eminently more qualified than the latter.<sup>7</sup> Moreover, in historical practise it was the *ahl al-ḥall 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 imāmate 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 Mamlūks and the Ottomans. Though frequently driven back to the town of Ṣa‘da or some other highland stronghold like Shahāra, the imāmate 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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<sup>6</sup> Cf. Aḥmad b. Muḥammad al-Sharafī, 1995, *Kitāb ‘Uddat al-akyās*, Sanaa: Dār al-Ḥikma al-Yamāniyya, vol. 2, pp. 223 - 226.

<sup>7</sup> Muḥammad b. ‘Alī al-Shawkānī, 1348 / 1929, *al-Badr al-ṭāli‘ bi-maḥāsini min ba‘d al-qarn al-sābi‘*; Muḥammad Zabāra (ed.), Photoreprint (n.d.), Beirut: Dār al-Ma‘rifa, I : 122 - 26. (Hereafter *Badr*).

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

The Qāsimī imāmate, established by al-Manṣūr 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 ‘alā Allāh Ismā‘īl 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 Shāfi‘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.<sup>8</sup> 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” (*da‘wa*) to something more like a state (*dawla*). The imāms, for example, began paying for a standing army.

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<sup>8</sup> Paul Dresch, 1989, *Tribes, Government and History in Yemen*, Oxford: Clarendon Press, p. 200.

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.<sup>9</sup> 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 *wālī*). 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 (*qāḍī al-quḍāt*). The changes and developments which the Qāsimīs brought to the imāmate gave it “the form of an elaborate dynastic state” without securing “the means to support itself or to transmit authority without dispute.”<sup>10</sup>

### Shawkānī’s Education:

Shawkānī’s father, ‘Alī 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.<sup>11</sup> He served as a judge of the imāmate

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<sup>9</sup> M. Niebuhr, 1792, *Travels through Arabia and other countries in the East*, Edinburgh: R. Morison and Son, vol. 2, p. 89.

<sup>10</sup> Dresch, 1989, p. 217.

<sup>11</sup> *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 Hādawī 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-Shijnī (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 Hādawī 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-Murtaḍā's opinion, i.e. the Hādawī 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),<sup>12</sup> to learn for himself how to distinguish between various opinions.<sup>13</sup>

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'īl 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 ḥadīth sciences, were propagated.<sup>14</sup> Shawkānī's exposure, therefore, was not parochial by the standards

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<sup>12</sup> Cf. *Badr*, 1 : 360 - 69.

<sup>13</sup> Muḥammad al-Shijnī, 1990, *Ḥayāt al-imām al-Shawkānī al-musamma Kitāb al-Tiqṣār*, Muḥammad b. 'Alī al-Akwa' (ed.), Sanaa: Maktabat al-Jīl al-Jadīd, p. 143. (Hereafter *al-Tiqṣār*).

<sup>14</sup> Cf. John Voll, 1987, "Linking Groups in the Networks of Eighteenth-Century Revivalist 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. Ibrāhīm 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 Zaydīs are merely practitioners of *taqlīd*. [I say] to those who do not investigate the situation, that in the country of the Zaydīs one can find a limitless number of imāms of the Book and the Sunna. These confine themselves to following evidenciary proof-texts (*nuṣūṣ al-adilla*) [from the Qur’ān 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-ṣāliḥ*), 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 (*ālāt ‘ilm al-kitāb wa-l-sunna*), such as grammar, morphology, rhetoric, the principles [of jurisprudence and theology] and language. They do not transgress 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.<sup>15</sup>

The Traditionist Yemeni scholars Shawkānī is referring to here opposed most forms of human reasoning (‘*aql*) in dogmatic theology (*kalām*) as well as the use of personal opinion (*ra’y*) in law (*fiqh*). Like Traditionists elsewhere in the Muslim world, they emphasized the literal word of the Qur’ān and its interpretation through the Prophetic Traditions or Sunna.<sup>16</sup> Theologically, this

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<sup>15</sup> *Badr*, II : 83.

<sup>16</sup> Cf. Joseph Schacht, “Ahl al-Ḥadīth,” in *EI*<sup>2</sup>, I : 258 - 259.

entailed rejecting most Zaydī *kalām*, which draws heavily on Mu‘tazilism. Shawkānī, for instance, considered *kalām* as consisting of “idle talk” (*khuzā‘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 (*aṣl*) to which they then refer the Qur’ān and Sunna. Therefore, to partake in the discourse (*maqūlāt*) of the scholars of *kalām*, meant for Shawkānī to partake in a type of *taqlīd* and to reject the texts of the Qur’ān and Sunna, which have been made subordinate to the discourse of *kalām*.<sup>17</sup>

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 Qur’ān 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 Hādawī 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.

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<sup>17</sup> Shawkānī, 1930, *al-Tuḥaf fī madhāhib al-salaf*, in *al-Rasā‘il al-salafiyya fī ihyā’ sunnat khayr al-bariyya*, ed. unknown, Photoreprint (n.d.), Beirut: Dār al-Kutub al-‘Ilmiyya, pp. 6 - 7; cf. idem, *Kashf al-shubūhāt ‘an al-mushtabahāt*, pp. 19ff.; idem, 1979, *Adab al-talab*, Sanaa: Markaz al-Dirāsāt wa-l-Buḥūth al-Yamniyya, pp. 113 - 115. (Hereafter *Adab al-talab*).

Sa'ūd (d. 1179 / 1766), which started the movement. By the turn of the 19th century the Wahhābīs constituted a formidable military force in Arabia, promoting a renovative message which emphasized the doctrine of God's unicity (*tawhīd*) and attacking all whom they felt were derogating from it. In particular, the Wahhābīs attacked the cult of Sufī saints and the antinomian practises associated with tomb visitation.<sup>18</sup> Initially, scholars like Ibn al-Amīr and Shawkānī welcomed this, seeing a correspondence between their own Traditionist views and those of the Wahhābīs. However, upon hearing that the Wahhābīs were practising indiscriminate excommunication (*takfīr*) of fellow Muslims the Yemenis soon withdrew their support, levelling severe criticism of the Najd-based movement.<sup>19</sup>

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 Hādawī 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.<sup>20</sup>

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<sup>18</sup> Cf. George Rentz, 1969, "The Wahhābīs," in A. J. Arberry (ed.), *Religion in the Middle East*, Cambridge: Cambridge University Press, vol. 2, pp. 270 - 284; Henri Laoust, 1939, *Essai sur les Doctrines Sociales et Politiques de Taki-D-Din Ahmad b. Taimiya*, Cairo: Imprimerie de l'Institut Français d'Archeologie Orientale, pp. 506 - 540.

<sup>19</sup> Cf. Muḥammad b. Ismā'īl al-Amīr, *Irshād dhawī al-albāb ilā ḥaqīqat aqwāl Muḥammad b. 'Abd al-Wahhāb*, ms. Gharbiyya Library, *Majmū'* no. 107, fols. 131 - 142. A copy of this manuscript is in my possession.

<sup>20</sup> The concepts of charisma and patrimonialism 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-'amal 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 Hādawī 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 *Sharḥ al-azhār*, and therefore these were to be refuted. Shawkānī excitedly describes how his studies (*qirā'āt*, 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-qirā'āt jamī'u-hā yajrī fī-hā min al-mabāḥith al-jāriya 'alā namaṭ al-ijtihād fī al-iṣdār wa-l-īrād*)."<sup>21</sup>

More traditional Zaydīs and Shāfi'īs would have contented themselves with their established law manuals: the Zaydīs had Aḥmad b. Yaḥyā al-Murtaḍā's *Kitāb al-Azhār* and the Shāfi'īs used Abū Shujā's *Mukhtaṣar* 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

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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.

<sup>21</sup> *Badr*, I : 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 *samā’* (audition).<sup>22</sup> Shawkānī also transmitted works to students which he had not yet read but for which he had received a license (*ijāza*) for their transmission. These were generally works in such sciences as philosophy, logic and mathematics which Traditionists did not particularly favour.<sup>23</sup> 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.

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<sup>22</sup> Cf. Messick, 1993, *The Calligraphic State*, Berkeley: University of California Press, pp. 90 - 92.

<sup>23</sup> *Badr*, II : 219.

Speaking in the third person, Shawkānī says of himself that he dispensed with *taqlīd* and became a *mujtahid muṭlaq* (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-Ḥibshī has compiled a list of 250 titles for him.<sup>24</sup> 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-awṭār* (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 shifā' al-uwām* (a legal commentary on a Zaydī 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 (*naḥw*), and normative law (*fiqh*).

On 1 Rajab 1209 / 22 January 1795 the chief judge (*qādī al-quḍāt*) of the imāmate, Yaḥyā b. Ṣāliḥ al-Saḥūlī, passed away and Shawkānī was called upon by the Imām al-Manṣūr 'Alī to assume the post.<sup>25</sup> 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.<sup>26</sup> However, after the persistent insistence of peers and

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<sup>24</sup> Cf. 'Abd Allāh al-Ḥibshī, 1979, "Thabat bi-mu'allafāt al-'allāma Muḥammad b. 'Alī al-Shawkānī," *Dirāsāt Yamaniyya*, Sanaa: Markaz al-Dirāsāt wa-l-Buḥūth al-Yamanī, No. 3, pp. 65 - 86.

<sup>25</sup> For al-Saḥūlī's biography see *Badr*, II : 333 - 38.

<sup>26</sup> 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. Aḥmad al-Jalāl in Ismā'īl b. al-Akwa', 1995, *Hijar al-'ilm wa ma'āqiluh*, Beirut: Dār al-Fīkr al-Mu'āṣir, I : 345. (Hereafter *Hijar al-'ilm*).

colleagues that he should accept lest someone less capable take up the post, Shawkānī says he relented and became *qādī al-quḍāt*, 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 (*marjaʿ*), 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.<sup>27</sup>

Despite his official obligations, Shawkānī 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 *ijtihād* 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 (*raʿy*) 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.<sup>28</sup>

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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<sup>27</sup> Cf. *Badr*, 1: 465 - 67.

<sup>28</sup> *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-Ākhira 1238 [21 February 1823]. He was friendly towards me and sympathized with me so that I read with him most of his *musalsalāt* [ḥadīths 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-akābir fī isnād al-dafātir* and told me to copy it.<sup>29</sup>

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. Muḥammad 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-Faḍl 'Abd al-Ḥaqq son of the Shaykh, the scholar, Muḥammad Faḍl Allāh al-Muḥammadī 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-akābir 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

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<sup>29</sup> 'Abd al-Ḥayy al-Laknawī, 1413 / 1992-3, *al-I'lām bi-man fī tārikh al-Hind min al-a'lām* or *Nuzhat al-khawātir wa-bahjat al-masāmi' wa-l-nawāz'ir*, Rā'ī Barīlī: Maktabat Dār 'Arafāt, vol. 7, p. 268.

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 Jumāda al-Ākhira of the year 1238 of the Prophet's hijra--on him be the best of blessings and salutations.<sup>30</sup>

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

Shawkānī died in Jumādā al-Ākhira 1250 / October 1834, one year before Imām al-Mahdī 'Abd Allāh passed away. He left behind one son, Aḥmad (d. 1281 / 1864) who later took over as *qāḍī al-quḍat* 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 Imām al-Nāṣir 'Abd Allāh b. al-Ḥasan (d. 1256 / 1840), who rose to power in 1252 / 1837. Later he became *qāḍī 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-Rawḍa 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.<sup>31</sup> 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

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<sup>30</sup> al-Laknawī, 1413 / 1992-3, pp. 268 - 69. Al-Banārisī also received an *ijāza* from Sayyid 'Abd Allāh b. Muḥammad 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.

<sup>31</sup> Muḥammad b. Muḥammad Zabāra, n.d., *Nayl al-waṭar min tarājim rijāl al-Yaman fī al-qarn al-thālith 'ashar*, Sanaa: Markaz al-Dirāsāt wa-l-Abḥāth al-Yamaniyya, 1: 215 - 223. (Hereafter *Nayl*).

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 Imāmates 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 practises 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 Hādawī guise towards Sunnism. By the 18th century the imāmate cultivated Sunna-oriented scholars like Shawkānī and offered them patronage, whilst Hādawī 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 Hādawī 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 Hādawī 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 Shawkānī 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 Zaydī 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 Yaḥyā b. al-Ḥusayn (d. 298 / 911), the first Zaydī 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.<sup>1</sup>

In addition to describing al-Hādī's military campaigns, his *sira* describes the nature of his rule, emphasizing in particular his humility (*tawāḍuʿ*) and piety (*waraʿ*). 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

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<sup>1</sup> 'Alī b. Muḥammad al-'Alawī, 1981, *Sīrat al-hādī ilā al-ḥaqq Yaḥyā b. al-Ḥusayn*, Suhayl Zakkār (ed.), Beirut: Dār al-Fikr, pp. 223 - 224. The poem was translated by A. B. R. D. Eagle, 1990, *Ghāyat al-amānī and the life and times of al-Hādī Yaḥyā b. al-Ḥusayn*, M.Litt thesis, University of Durham, p. 9.

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.<sup>2</sup> 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 *ṣadaqa* or *'ushr* and I were then to find carrion, I would consume the carrion and never consume anything from the former."<sup>3</sup>

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.<sup>4</sup> Another imām, al-Muṭahhar b. Yaḥyā al-Murtaḍā (d. 697 / 1298), is said to have eaten coarse food and to have worn rough clothing. After teaching his students, al-Muṭahhar would go with them to gather firewood and would carry some of it back himself.<sup>5</sup>

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

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<sup>2</sup> Cf. Wilferd Madelung, 1989, "The Hāshimīyyāt of al-Kumayt and Hāshimī 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.

<sup>3</sup> al-'Alawī, 1981, p. 61.

<sup>4</sup> Muḥammad Zabāra, 1952, *A'immat al-Yaman*, Ta'izz: Matba'at al-Nāṣir al-Nāṣiriyya, p. 82.

<sup>5</sup> Zabāra, 1952, p. 198.

After his father's death a year later, al-Nāṣir "made his summons" (*da'ā ilā nafsih*) 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 (*ajma' ra'yuhum 'alā taqlīdihī*).<sup>6</sup> 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.<sup>7</sup> However, their recognition was not in and of itself the deciding factor in establishing his imāmate. 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 (*da'wa*) to be the imām."<sup>8</sup>

The nature of political authority in the earlier Zaydī imāmate is clear from the way in which Zaydī 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.<sup>9</sup> 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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<sup>6</sup> Zabāra, 1952, pp. 260 ff.

<sup>7</sup> Cf. Aḥmad b. Yaḥyā al-Murtaḍā, 1982, *Kitāb al-Azhār fī fiqh al-a'imma al-athār*, 5th ed., n.p., pp. 313 - 315. (Hereafter *Azhār*).

<sup>8</sup> Messick, 1993, p. 38.

<sup>9</sup> Al-Nāṣir is noted for a commentary on one of Zamakhsharī's works in which he elaborated on its linguistic aspects. Cf. Zabāra, 1952, p. 261 citing al-Hādī b. Ibrāhīm al-Wazīr's work *Kāshif al-ghumma fī al-dhabbi 'an sīrat imām al-umma*. Al-Nāṣir's works are not extant according to Ḥibshī, cf. 'Abd Allāh al-Ḥibshī, n.d., *Maṣādir al-fikr al-'Arabī al-Islāmī fī al-Yaman*. Sanaa: Markaz al-Dirāsāt al-Yamanniyya, pp. 577 - 578. Interestingly, al-Nāṣir insisted on the use of the Sunnī ḥadīth works, viz. the *Ṣaḥīḥayn*, cf. Zabāra, 1952, p. 262. The issue of qualification arose after al-Nāṣir's death when his son, al-Manṣūr 'Alī b. Muḥammad, claimed the imāmate for himself despite being less qualified in religious learning than another contender, the famous Aḥmad b. Yaḥyā al-Murtaḍā (d. 840 / 1436). Al-Manṣūr only became imām after defeating his opponents in battle. Cf. Zabara, 1952, pp. 280 - 282; *Badr*, I: 487.

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.<sup>10</sup> According to Shawkānī, he also fought the Ismā‘īlīs (referred to by the Zaydīs as al-Bāṭiniyya, and considered by them to be heretics), “destroying their foundations, shedding their blood and looting their property.”<sup>11</sup> Another source, Yaḥyā b. al-Ḥusayn’s *Anbā’ 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 (*firāsh*). The *Anbā’* 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.<sup>12</sup>

The image one gets from the Zaydī 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 *da‘wa* whose fortunes followed those of the imām. As a result, these *da‘was* had an evanescent and terminal quality. Sometimes they disappeared as quickly as they were established if the imām fell

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<sup>10</sup> Cf. al-Ḥibshī, *Maṣādir al-fīkr*, p. 577.

<sup>11</sup> *Badr*, II : 226.

<sup>12</sup> 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 Sharī'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.<sup>13</sup>

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 Ṣa'da and resisted Imām al-Qāsim b. 'Alī al-'Iyānī's "summons." Al-'Iyānī's descendants, in turn, based themselves at Shahāra and from there sought the leadership of the Zaydīs.<sup>14</sup> 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 Zafār al-Zāhir.<sup>15</sup> 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."<sup>16</sup> Yet another

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<sup>13</sup> 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'da. 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.

<sup>14</sup> Cf. Mufarriḥ b. Aḥmad al-Raba'ī, 1993, *Sīrat al-amīrayn al-jalīlayn al-sharīfayn al-fāḍilayn*, Dār al-Muntakhab al-'Arabī.

<sup>15</sup> Cf. S. M. Stern, 1949, "Some unrecognized dirhems of the Zaidis of the Yemen," in *The Numismatic Chronicle*, London: Bernard Quaritch, pp. 180 - 188; Nicholas Lowick, 1990, "The Manṣūrī and the Mahdawī Dirham," in *Coinage and History of the Islamic World*, Aldershot: Variorum, no. IV.

<sup>16</sup> Cf. Zabāra, 1952, pp. 143ff.

local dynasty was established by the Sharaf al-Dīn family in the area in and around Kawkabān. The founder was Imām al-Mutawakkil Yaḥyā 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.<sup>17</sup> 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.<sup>18</sup> Zaydism's history with Sufism has been predominantly antagonistic, though there were important imāms, such as al-Mu'ayyad Yaḥyā 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 Zaydīs starting with al-Mutawakkil Yaḥyā Sharaf al-Dīn, who initiated a policy of systematic persecution of Sufis.

The Zaydīs also reacted by levelling polemical attacks against Sufism and its adherents. The most vociferous opponent was Imām al-Manṣūr al-Qāsim b. Muḥammad (d. 1029 / 1620) who describes the Sufis as a sect of the *Bāṭiniyya* whose roots lay in the religion of the *Majūs*, thereby applying to them an old accusation against the Ismā'ilīs as being a Mazdakite conspiracy against Islam.<sup>19</sup>

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<sup>17</sup> Cf. Zabāra, 1952, pp. 369ff.

<sup>18</sup> 'Abd Allāh al-Ḥibshī, 1976, *al-Ṣufiyya wa-l-fuqahā' fī al-Yaman*, Sanaa: Maktabat al-Jil al-Jadīd, pp. 52 - 53.

<sup>19</sup> Cf. Wilferd Madelung, *Zaydī Attitudes to Sufism* (forthcoming). This is based on a work by al-Manṣūr entitled *Kitāb Ḥatf' anf al-ālik* a copy of which is in my possession.

These polemical works can be seen as forming part of the ongoing war the Zaydīs waged against the Ottomans and which raged intermittently under Qāsimī 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 ulema there.<sup>20</sup> 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 Qāsimī imāmate which emerged after the expulsion of the Ottomans in 1636 was different in some respects from the earlier Zaydī 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 Zaydīs 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.<sup>21</sup> Despite the fact that their hold on this territory was at times tenuous and their sovereignty nominal, the historic mission of the Zaydīs, 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.

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<sup>20</sup> Cf. Muḥammad b. Muḥammad Zabāra, *Nashr al-‘arf li-nubalā’ al-Yaman ba’d al-all*, Sanaa: Markaz al-Dirāsāt wa-l-Buḥūth al-Yamanī, II : 230 - 231 (hereafter *Nashr*); *Badr*, II : 285.

<sup>21</sup> A short-lived domination over much of Yemen was accomplished by Imām al-Mutawakkil Yaḥyā Sharaf al-Dīn (r. 912 - 965 / 1506 - 1557) in the 16th century after the Ottoman Sultan Salīm 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).<sup>22</sup> Drawing on al-Jarmūzī, Blukacz has written a study on the role these imāms had in unifying Yemen in the 17th century.<sup>23</sup> In it he cites a correspondence between al-Mu’ayyad 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 Zaydīs had renewed their war against the Ottomans, who found themselves in a dire situation with the entire population of Yemen, Shāfi’īs and Zaydīs, set against them. This was due to the corrupt and oppressive nature of their administration.<sup>24</sup> In this light, the letter by ‘Alī Pasha can be seen as a desperate attempt by the Ottomans to convince al-Mu’ayyad 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 ḥadīth say: “that discord is asleep; may God curse the

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<sup>22</sup> These are still manuscript sources. Cf. Ayman Fu’ād al-Sayyid, 1974, *Maṣādir tārikh al-Yaman fī al-‘aṣr al-Islāmī*, Cairo: Institut Français d’Archéologie Orientale, p. 236 - 38.

<sup>23</sup> François Blukacz, 1993, “Le Yémen sous l’autorité des imams zaidites au XVIIe siècle: une éphémère unité”, *Revue du Monde Musulman et de la Méditerranée*, No. 67, p. 39 - 51.

<sup>24</sup> Cf. Sayyid Muṣṭafā Sālim, 1977, *al-Faṭḥ al-‘Uthmānī al-awwal li-l-Yaman*, 3rd ed., Cairo: Maṭba‘at al-Jabalāwī, pp. 359 - 368.

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-ḥaramayn al-sharīfayn*). 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 ḥadīth: “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.<sup>25</sup>

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 Muḥammad--may God’s blessings and prayers be upon him and his family--and [they do this] in the proximity of

<sup>25</sup> Blukacz, 1993, p. 41, citing al-Muṭahhar al-Jarmūzī, *al-Jawhara al-munīra fī akhbār mawlāna wa-imāminā al-imām al-Mu’ayyad bi-Allāh Muḥammad*, fol. 176 (this is a copy of the manuscript of which Sayyid ‘Abd Allāh al-Ḥibshī has also kindly provided me a copy. It is probably taken from an original in the Gharbiyya 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,” *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 Muḥammad--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-llatī hiya al-aḥsan*)... . 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."<sup>26</sup>

The terms of the response show that the Zaydī-Qāsimī "summons" was concerned with Muslim legitimacy writ large. The Zaydīs 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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<sup>26</sup> Blukacz, 1993, p. 42 - 43, citing al-Jarmūzī, *al-Jawhara al-munīra fī tārikh al-khilāfa al-mu'ayyadiyya*, fols. 178 - 79.

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.<sup>27</sup> 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,<sup>28</sup> 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-Ḥamīd sent al-Mutawakkil Aḥmad (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.<sup>29</sup>

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<sup>27</sup> Cf. Sayyid Muṣṭafā Sālim, 1985, *Wathā'iq Yamāniyya*, 2nd ed., Cairo: al-Maṭba'a al-Faniyya, 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.

<sup>28</sup> The move into these areas is reflected by the successive towns the imāms chose to base themselves in (see map). The *da'wa* was initially based in the fortified hamlet of Shahāra which remained the capital until al-Mutawakkil Ismā'īl chose Ḍuwrān, a village in Qā' Jahrān north west of Dhamār, as his capital. His successor, al-Mahdī Aḥmad chose the village of al-Ghirās, 15 miles or so north east of Sanaa. Al-Mu'ayyad Muḥammad b. Ismā'īl chose Hijrat Ma'bar, which is again in Qā' Jahrān and just north of Dhamār. Al-Mahdī Muḥammad settled in al-Mawāhib, 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.

<sup>29</sup> Anonymous, 1991, *Hawliyyāt Yamāniyya*, 'Abd Allāh al-Ḥibshī (ed.), Sanaa: Dār al-Ḥikma al-Yamāniyya, pp. 24, 28. (Hereafter *Hawliyyāt Yamāniyya*); *Badr* II : 227.

A second set of works by Blukacz further shows the vision the earlier Qāsimīs had of themselves as righteous Zaydī 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.<sup>30</sup> 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 (*wālī*) 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.<sup>31</sup> 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 Zaydīs, 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

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<sup>30</sup> François Blukacz, 1992, “Les relations entre le Yémen et l’Inde au XVIIe siècle, extraits de la correspondance entre l’imam zaidite et al-Mutawakkil ‘alā Llāh Ismā‘īl b. al-Qāsim et le sultan moghol Awranzīb”, mémoire de maîtrise, Université de Paris-Sorbonne (Paris IV).

<sup>31</sup> Cf. Sāqi Must‘ad Khan, 1986, *Maāsir-i-‘ālamgiri*, trans. Jadunath Sarkar, New Delhi: Munshiram Manoharlal, p. 32

his attempts in India since he also engaged in an activist policy with the Sharīfs in Mecca, from whom he also sought recognition of his religious claims.<sup>32</sup>

Another example of these religious policies was when al-Mu'ayyad Muḥammad at first, and later al-Mutawakkil Ismā'īl, tried to convert to Islam the Christian king of Ethiopia, Fāsīladas (r. 1632 - 1667). The latter was trying to garner the aid of the Qāsimī imāms to open a new trade route on the Red Sea via Baylūl, thereby circumventing the port of Masawwa which the Ottomans controlled. The Qāsimīs, it seems, were the only source of firearms for the Ethiopians at this time. Fāsīladas 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.<sup>33</sup>

We see here that al-Mu'ayyad was trying to evoke a common lineage with Fāsīladas by referring to a shared Abrahamic tradition. However, his claims lie firmly within Zaydī teachings. By emphasizing that he was the leading member of the Family of the Prophet and therefore leader of the *umma*, he was promoting

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<sup>32</sup> François Blukacz, 1993, "Les relations politiques des imams zaidites du Yémen avec le Hedjaz au XVIIe siècle", mémoire de D.E.A., Université de Paris-Sorbonne (Paris IV).

<sup>33</sup> E. J. van Donzel, 1986, *A Yemenite embassy to Ethiopia 1647 - 1649: al-Ḥaymī's Sīrat al-Ḥabasha*, Stuttgart: Steiner Verlag, p. 49.

the Zaydī 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, Fāsīladas 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 imām. 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 Qādī Ḥasan b. Aḥmad al-Ḥaymī (d. 1070 / 1660).<sup>34</sup> Ultimately, however, both efforts failed. The king was not seriously interested in converting, as al-Ḥaymī was to discover after an arduous journey, nor were the Yemenis interested in antagonizing the Ottomans by helping the Negus at this juncture.<sup>35</sup>

### Men of the Pen and the Sword:

The first five Qāsimī imāms (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 Allāh al-Ḥibshī has collated a list of these for each of the Zaydī imāms and names forty-one titles by al-Qāsim b. Muḥammad, thirteen works by al-Mu'ayyad Muḥammad and twenty-three by al-Mutawakkil; these are mostly in law, theology and jurisprudence.<sup>36</sup> The fourth imām, al-Mahdī Aḥmad b. al-Ḥasan, appears to have written nothing, though he was the strictest Hādawī among the early Qāsimīs. The fifth imām, al-Mu'ayyad Muḥammad b. Ismā'īl (d. 1097 / 1686) produced four works. It is reported that this last imām “only consumed what his hand produced” (*lā ya'kul illā min 'amal yadīh*).<sup>37</sup> In

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<sup>34</sup> Van Donzel, 1986, pp. 52 - 53.

<sup>35</sup> Cf. Mordechai Abir, 1980, *Ethiopia and the Red Sea*, London: Frank Cass, p. 226, fn. 36.

<sup>36</sup> 'Abd Allāh b. Muḥammad al-Ḥabshī, 1979, *Mu'allafāt ḥukkām al-Yaman*, Elke Niewohner-Iberhard (ed.), Weisbaden: Otto Harrassowitz, pp. 126 - 143.

<sup>37</sup> 'Abd al-Wāsi' b. Yaḥyā al-Wāsi'ī, 1991, *Tārīkh al-Yaman*, reprint of the 1367 / 1948 edition, Sanaa: Maktabat al-Yaman al-Kubrā, p. 230.

his biographical entry on this same imām Shawkānī gives a description reminiscent of the early Zaydī 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 ulema 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-'āfiya*) 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.<sup>38</sup>

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

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.<sup>40</sup> 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 /

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<sup>38</sup> *Badr*, II : 139 - 140.

<sup>39</sup> Cf. *Badr*, II : 98; al-Ḥabshī, 1979, *Mu'allafāt*, p. 145 - 46.

<sup>40</sup> Cf. Sālim, 1977, *al-Fath al-'Uthmānī al-awwal li-l-Yaman*, pp. 354 - 411; 'Abd Allāh Hamid al-Ḥiyed, 1973, "Relations between the Yaman and South Arabia during the Zaydi Imamate of al-Qasim 1626-1732," D. Phil thesis, University of Edinburgh, pp. 19 - 122; A. S. Tritton, 1925, *The Rise of the Imams of Sanaa*, Oxford: Oxford University Press; Serjeant, "The Post Medieval and Modern History of Ṣan'ā' and the Yemen," in Serjeant and Lewcock (eds.), *Ṣan'ā': An Arabian Islamic City*, London: World of Islam Festival Trust, pp. 71 - 81.

1639), was one of the leading commanders of the Zaydī 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 *uṣūl al-fiqh* entitled *Hidāyat al-‘uqūl ilā ghāyat al-sa’ūl*, which has now been published, ranks among the best works in the field produced by a Zaydī and has become the most referred to and studied work of its kind.<sup>41</sup> Drawing on al-Ḥusayn’s biography in *Maṭla’ al-budūr*, Shawkānī describes him in this way:

He wrote it [*Hidāyat 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!<sup>42</sup>

Al-Ḥusayn never claimed the imāmate 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 Zaydī *da‘wa* had been founded. The feats of his generation became part of the historical consciousness of later Zaydīs who would hark back to this early period of the imāmate while lamenting the decline which later set in.

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<sup>41</sup> al-Ḥusayn b. al-Qāsim, n.d., *Kitāb Hidāyat al-‘uqūl ilā ghāyat al-sa’ūl*, 2 vols., al-Maktaba al-Islāmiyya.

<sup>42</sup> *Badr*, I : 226 - 27; cf. Aḥmad b. Ṣāliḥ Ibn Abī al-Rijāl, *Maṭla’ al-budūr wa majma’ al-buḥūr*, ms. photocopy from the New Sanaa University Library, II : 87 - 91. (Hereafter *Maṭla’ al-budūr*).

## The Zaydī-Hādawī 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.<sup>43</sup> 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” (*kuffār ta’wīl*, 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 (*mushabbihā*), 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.<sup>44</sup> Indeed, it has been pointed out by Dresch that the ascension of a number of prominent tribal families in the northern highlands can

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<sup>43</sup> Cf. *Nashr*, III : 98.

<sup>44</sup> Cf. al-Ḥilyed, 1973, pp. 57 - 60.

be traced to around this period when they became large land owners in Lower Yemen and the Western mountains.<sup>45</sup>

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

What proves [my opinion in the matter] is that the school of *Ahl al-'Adl* [Zaydīs]--may God increase their numbers--says that the *mujbira* and the *mushabbiha* are infidels, and [also] that if infidels [read: Turks] occupy a land, they own it (*malakūhā*), even though these lands may [already] belong to Muslims and the *Ahl al-'Adl*. [Furthermore, the school states] that the same rule [of *takfīr*] applies to those who support them or belong to them [read: Shāfi'īs], 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 (*jiwār 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 (*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.<sup>47</sup>

Al-Mutawakkil was also responsible for sending Hādawī scholars to various Shāfi'ī areas to establish *hijras* and to spread the school's teachings. This

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<sup>45</sup> Dresch, 1989, pp. 202ff.

<sup>46</sup> *Nashr*, III : 98 - 101; cf. 'Abd Allāh b. 'Alī al-Wazīr, 1985, *Tārīkh ṭabaq al-ḥalwā wa ṣuḥāf al-mann wa-l-salwā*, Muḥammad Jāzim (ed.), Sanaa: Markaz al-Dirāsāt wa-l-Buḥūth al-Yamanī, p. 145.. (Hereafter *Ṭabaq al-ḥalwā*); al-Ḥiyed, 1973, pp. 60 - 63; al-Ḥibshī, *Maṣādir al-fikr*, p. 221.

<sup>47</sup> *Hijar al-'ilm*, II : 1075 - 1076 quoting Yaḥyā b. al-Ḥusayn's *Bahjat al-zaman* (the events of year 1058 AH). Al-Mutawakkil Ismā'il's main treatise on this subject is *al-Jawāb al-mu'ayyad bi-l-burhān al-ṣarīḥ 'alā ādam al-farq bayna kufr al-ta'wīl wa-l-taṣrīḥ wa ḥukm al-bughā 'alā al-madhhab al-ṣarīḥ*, MS. Biblioteca Amrrosiana, no. D 244, IX, fols. 115a - 131a. For the standard Hādawī view cf. *Azhār*, p. 323 and 'Abd Allāh b. Miftāḥ, 1332 / 1914, *Kitāb al-Muntaza' al-mukhtār min al-ghayth al-midrār al-mufattiḥ li-kamā'im al-azhār fī fiqh al-a'imma al-athār*, reprinted by the Yemeni Ministry of Justice, Cairo: Maṭba'at Sharikat al-Tamaddun, vol. 4, pp. 571 - 572. (Known as *Sharḥ al-azhār* and will hereafter be referred to as such).

seems to have resulted in the conversion of people to Hādawism *en masse*, namely in Jabal al-Sharq (Ānis), Mikhlāf Samāh (‘Utma) and al-Ḥadā.<sup>48</sup> Another example, yet, of al-Mutawakkil’s Shī’ite policies was his approval of the institutionalization of the public celebration of *Yawm al-Ghadīr* on the 18 Dhū al-Ḥijja 1073 / 23 July 1663.<sup>49</sup> Shī’ites 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 Ghadīr 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.”<sup>50</sup> This ḥadīth is adduced by Shī’ites as proof of ‘Alī’s designation as the successor to the Prophet and hence they celebrate the day. Aḥmad b. al-Ḥasan, who was later to become al-Mutawakkil’s successor taking the title al-Mahdī 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 *Rāfiḍa* (Shī’ite extremists).<sup>51</sup>

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.<sup>52</sup> And in 1067 / 1656-7 al-Mutawakkil sent Qādī Ḥasan b. Aḥmad 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

<sup>48</sup> *Hijar al-‘ilm*, III : 1244; *Ṭabaq al-ḥalwā*, pp. 50 - 51.

<sup>49</sup> *Ṭabaq al-ḥalwā*, p. 185, 314.

<sup>50</sup> Cf. Madelung, 1997, *The Succession to Muḥammad*, Cambridge: Cambridge University Press, p. 253.

<sup>51</sup> Cf. Muḥammad b. ‘Alī al-Akwa’, n.d., *Ṣifa min tārikh al-Yaman al-ijtimā’ī wa qiṣṣat ḥayātī*, n.p., pp. 137 - 138; Franck Mermier, 1997, *Le Cheikh de la nuit*, Paris: Sindbad, pp. 49 - 50; Renaud Detalle, 1997, “Ghadir and Nushoor in Yemen: Zaydistan Votes for Imam Ali,” in *Yemen Times*, April 28th - 4th May, Issue 17.

<sup>52</sup> al-Iliyed, 1973, pp. 36 - 37; cf. Ṣalāḥ al-Bakrī, 1956, *Tārikh Ḥaḍramūt al-siyāsī*, Cairo: Maṭba‘at Muṣṭafā al-Bābī al-Ḥalabī, vol. 1, pp. 103 - 110.

Allāh, who was then ruling there under nominal Qāsimī suzerainty.<sup>53</sup> 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.<sup>54</sup> By 1069 / 1659, however, Kāthirī 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 Munāṣṣar 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.<sup>55</sup> 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 Sufī ritual (*ḥadra*) of Sayyid 'Abd al-Raḥmān 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.<sup>56</sup>

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-Shiḥr remained under Qāsimī suzerainty, and the imām's only remaining prerogative was the appointment of Kathīrī Sultans upon the death of an incumbent.<sup>57</sup> 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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<sup>53</sup> *Ṭabaq al-ḥalwā*, p. 147.

<sup>54</sup> Cf. al-Ḥiyed, 1973, p. 94.

<sup>55</sup> al-Ḥiyed, 1973, p. 101.

<sup>56</sup> al-Ḥiyed, 1973, pp. 109 - 111.

<sup>57</sup> al-Ḥiyed, 1973, pp. 119 - 120.

Hadramaut by the Qāsimīs, it is reported that the mention of the imām's name in the Friday *khutba* lingered on for a time as a symbol without political substance.

### Zaydī Scholars are Exposed to Shāfi'ī Sunnism:

The expansion of the Qāsimī state into Sunnī areas led to unprecedented levels of interaction between Zaydī and Shāfi'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-Mustaṭāb fī tārikh 'ulamā al-Zaydiyya al-atyāb* (otherwise known as *Ṭabaqāt al-Zaydiyya al-ṣuḡhrā*), 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 Shāfi'īs *kuffār ta'wīl*. In it he makes a plea to Sunnīs to find Zaydīs juridically acceptable and laments that Sunnīs consider Zaydīs to be outside the Sharī'a because of such things as the *ḥayyā 'alā khayr al-'amal*, or not placing one hand over the other (*damm*) and not raising them (*raf*) during prayer. After all, he says, these are subsidiary legal matters (*masā'il furū'iyya*) in which every *mujtahid* is correct (*kull mujtahid muṣīb*) and should he be wrong this still would not count against him.<sup>58</sup> He is basing his call to overcome legal differences on principles in *uṣūl 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. 'Izz al-Dīn al-Muftī (d. 1050 / 1640) who studied with leading Sunnī scholars

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<sup>58</sup> Yaḥyā b. al-Ḥusayn, *Kitāb al-Mustaṭāb fī tārikh 'ulamā al-zaydiyya al-atyāb*, Ms. photocopy from the New Sanaa University Library, pp. 11 - 13.

in Mecca, especially ḥadīth. He was originally from Hijrat Falalla and was appointed *muftī* in Sanaa by the Ottoman governor and was known to issue his *fatwās* in accordance with the four Sunnī schools (*aftā 'alā 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.<sup>59</sup> 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 *Ṣaḥīḥ* 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.<sup>60</sup> 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'wīl*.

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

<sup>59</sup> *Ṭabaq al-ḥalwā*, pp. 81 - 82; *Badr*, II : 203 - 204; *Matla' al-budūr*, IV : 179 - 180; *Hijar al-'ilm*, III : 1635 - 1636. Another example of such a scholar is 'Abd al-Raḥmān b. Muḥammad al-Ḥaymī (d. 1068 / 1658), cf. *Badr*, I : 340.

<sup>60</sup> *Ṭabaq al-ḥalwā*, pp. 79 - 80. Cf. al-Ḥibshī, *Maṣādir al-fīkr*, p. 217.

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 Sunnī ḥadīth collections with Shāfi'ī scholars, and it is even said he had become a Sufi. At the time, al-Hādī was receiving a stipend (*ma'lūm*) from the Qāsimī governor of Lower Yemen, Muḥammad b. al-Ḥasan b. al-Qāsim (d. 1079 / 1668),<sup>61</sup> and this eventually led him to settle there with his family. He adopted certain Ash'arī and Sunnī beliefs, such as the belief in the *visio beatifica*.<sup>62</sup> His brother Aḥmad 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 Khārijī belief that any Muslim, regardless of family or national origin, could become imām.<sup>63</sup>

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 Shāfi'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 Qāsimī authorities to these developments deserves greater study. The Qāsimīs 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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<sup>61</sup> Cf. *Badr*, II : 159 - 60. He is the author of a published credal work entitled, *Kitāb Sabīl al-rashād ilā ma'rifāt rabb al-'ibād*, Sanaa: Dār al-Ḥikma al-Yamāniyya, 1994.

<sup>62</sup> *Nashr*, III : 97; *Ṭabaq al-ḥalwā*, p. 243.

<sup>63</sup> Cf. *Badr*, I : 191 - 94; *Hijar al-'ilm*, I : 342 - 50; *Nashr*, III : 83 - 96; *Ṭabaq al-ḥalwā*, pp. 124 - 25.

## 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 imāmate began losing its territorial acquisitions. The important revenue-generating port of al-Shiḥr 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.<sup>64</sup> This perhaps explains, in part, why the imāmate was able to maintain control for as long as it did over such a vast area of inhospitable terrain.<sup>65</sup> However, the loss of the port taxes must have hurt the imāmate'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 imāmate 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 imāmate (*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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<sup>64</sup> Cf. Michel Tuchscherer, 1997, "Des épices au café, le Yémen dans le commerce international (XVIe - XVIIe siècles)," *Chroniques Yemenites*, pp. 92 - 102; idem, 1995, "Le Commerce en Mer Rouge aux Alentours de 1700," in *Le Yemen et la Mer Rouge*, Paris: L'Harmattan, pp. 39, 46 - 48, 51 - 57; André Raymond, 1995, "Le Café du Yémen et l'Égypte (XVIIème - XVIIIème siècles)," *Chroniques Yemenites*, pp. 16 - 25; K. N. Chaudhuri, "Kahwa," in *El<sup>2</sup>*, IV : 453 - 455.

<sup>65</sup> The imāmate controlled Aden and Abyan for close to one hundred years (1636 - 1727).

biographical entry on al-Mutawakkil Ismā'īl is notable because of its portrayal of the “ideal-type” Zaydī 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 imāmate 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 imāmate by making a *da'wa*. Al-Mutawakkil felt justified since he was more qualified than his brother Aḥmad.<sup>66</sup> 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 imāmate.” Al-Mutawakkil was the obvious winner and Aḥmad gave him his allegiance.<sup>67</sup> Aḥmad was later appointed governor over Ṣa'da. One could argue that Aḥmad had no choice but to concede the imāmate 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 imāmate of al-Mahdī Muḥammad b. Aḥmad, otherwise known as Ṣāhib 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

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<sup>66</sup> Aḥmad seems to have claimed the imāmate 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.

<sup>67</sup> *Badr*, 1: 147 - 148; also *Ṭabaq al-ḥalwā*, pp. 99 - 104.

he developed institutional and personal practises which had hitherto not been seen in Zaydī 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.<sup>68</sup>

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.<sup>69</sup> 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'ī Lower Yemen and areas of the Western mountains, like Wuṣāb, where agriculture generating sizeable surplus was historically to be found.<sup>70</sup> 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

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<sup>68</sup> *Badr*, II : 97 - 98.

<sup>69</sup> Cf. Maḥmūd, Ṣāliḥ Ramaḍān (ed.), 1983, *Dhikrayāt al-Shawkānī: rasā'il li-l-mu'arrikh al-Yamanī Muḥammad b. 'Alī al-Shawkānī*, Beirut: Dār al-'Awda, p. 184; Ḥusayn al-'Amrī, 1988, *Mi'at 'āmm min tārikh al-Yaman al-ḥadīth*, Damascus: Dār al-Fikr, p. 226; Dresch, 1989, p. 200; Boxhall, "The Diary of a Mocha Coffee Agent," *Arabian Studies*, vol. I, pp. 102 - 18. This appears to have happened in the second decade of the 18th century when the Dutch, and later the French, were able to cultivate coffee in their colonies, cf. Tuchscherer, 1995, "Le Commerce en Mer Rouge aux Alentours de 1700," p. 56.

<sup>70</sup> On the importance of Lower Yemen, Shawkānī states that "Lower Yemen consists of many towns and the resources of the kingdom (*mawādd al-mamlaka*) come from it," cf. *Badr*, II : 159.

for themselves.<sup>71</sup> 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.<sup>72</sup>

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 *iqtā’*s (these were designated regions from which they could collect the canonical taxes on behalf of the state, keeping some portion for themselves).<sup>73</sup> 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.<sup>74</sup> 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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<sup>71</sup> Ḥusayn al-‘Amrī’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.

<sup>72</sup> Cf. al-‘Amrī, 1988, pp. 220 - 229.

<sup>73</sup> Cf. Dresch, 1989, p. 209.

<sup>74</sup> Sālim, 1985, p. 76.

In the period following the death of al-Mutawakkil Ismā'īl, 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 “Conjuncture”: the 18th and 19th century imāmates

The eighteenth century in Yemen constitutes a *conjuncture* in the Braudelian sense where a host of social, economic, political and especially ideological changes came together.<sup>1</sup> 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.<sup>2</sup> 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-Manṣūr ‘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 Ṣan‘ā*) 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*).

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<sup>1</sup> 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 *conjuncture* where the focus is on broader movements of demography, social structures, economies and political institutions. A *conjuncture* 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.

<sup>2</sup> Contrary to a common image in Western literature the *de facto* succession from father to son was not unusual in Zaydī 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 Zaydī doctrine of the imāmate, and made no pretence of doing so. None claimed to be a *muḥtasib* 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.<sup>3</sup> Had they claimed to be *muḥtasib* imāms, they would have at least remained consistent with the later Zaydī 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, Zaydī 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*.<sup>4</sup> 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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<sup>3</sup> For an elaboration on the *muḥtasib* see al-Manṣūr al-Qāsim b. Muḥammad, 1994, *Kitāb al-Asās li-'aqā'id al-akyās*, Muḥammad al-Hāshimī (ed.), Ṣa'da: Maktabat al-Turāth al-Islāmī, p. 173 ff.; also al-Sharafī, 1995, *Kitāb 'Uddat al-akyās*, vol. 2, pp. 618 ff.

<sup>4</sup> Cf. Niebuhr, 1792, vol. 2, pp. 51, 89 - 92. The Zaydī 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-Ḥusayn b. al-Qāsim b. al-Mu'ayyad in 1124 / 1712.<sup>5</sup> Independence from tribal military support was never fully achieved, however.

An official court (*dīwān*) was instituted in which officials charged with specific ministerial affairs served.<sup>6</sup> It was in the *dīwān* that Shawkānī was later to wield great influence. Sanaa, moreover, became a capital city after the reign of al-Mahdī Ṣāhib 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.<sup>7</sup> 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 Hādawīs 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.<sup>8</sup> 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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<sup>5</sup> Cf. al-Ḥiyed, 1973, p. 156. It should be noted that some earlier Zaydī imāms, such as al-Mutawakkil Ismā'īl, did own slaves but these were few in number and did not constitute a military force, though some did lead campaigns, cf. al-'Amrī, 1989, *al-Umarā' al-'abīd wa-l-mamālik fī al-Yaman*, Beirut: Dār al-Fikr al-Mu'āṣir, pp. 53 - 56.

<sup>6</sup> Cf. Niebuhr, 1792, vol. 2, pp. 83 - 85.

<sup>7</sup> 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 Aḥmad (d. 1962) made Ta'izz his capital.

<sup>8</sup> Cf. Tobi, 1995, "The Attempts to Expel the Jews from Yemen in the 18th Century" [Hebrew], in *Le-Rosh Yosef*, Jerusalem; also Yehuda Nini, 1991, *The Jews of the Yemen: 1800 - 1914*, London: Harwood Academic Publishers.

invocations. This constituted a break with Qāsimī practise, which had been instituted in the 17th century, possibly at the instigation of Qādī Sa‘d al-Dīn al-Maswarī (d. 1079 / 1668). Yet Ibn al-Amīr justified his action by saying that Islamic custom allowed for such omissions in the event of long sermons. Some members of the Qāsimī family were angered by this lapse, seeing it as part of a larger conspiracy to undermine Zaydism, and they asked Imām al-Mahdī ‘Abbās to imprison Ibn al-Amīr or else they threatened to kill him. The imām reacted by imprisoning all the Qāsimī agitators, including their leader Muḥammad b. ‘Alī (d. 1170 / 1757), whose fief in Ḍuwrān he also confiscated. Ibn al-Amīr was also imprisoned in the citadel, next to the mint, where he remained for two months under relatively lenient conditions. Muḥammad b. ‘Alī, by contrast, was still languishing in prison 17 years later when he died.<sup>9</sup> Whilst in prison Ibn al-Amīr 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 Sabbath<sup>10</sup>

The imāms acquired many of the symbolic trappings of sovereign rulers, namely the imāmic umbrella or the parasol,<sup>11</sup> and they instituted such customs as

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<sup>9</sup> Muḥammad b. Ismā‘īl al-Amīr, 1986, *Dīwān al-Amīr al-Ṣan‘ānī*, Beirut: Manshūrāt al-Madīna, pp. 357 - 59; *Nashr*, III : 182 - 83.

<sup>10</sup> al-Amīr, 1986, p. 117.

<sup>11</sup> Cf. Niebuhr, 1792, vol. 1, pp. 380 - 382. It is reported that one of al-Mansūr ‘Alī’s governors over Mocha, Sayyid Ibrāhīm b. ‘Abd Allāh al-Jarmūzī, offered the imām a parasol which astonished everyone (presumably because of its beauty) and which became known as the *Jarmuziyya*, cf. *Nayl*, I : 16 - 17. Another example of the umbrella becoming a symbol for the imāmate can be seen in the chronicle *Hawliyyāt Yamāniyya* where we are told that when the staunch Zaydī contender Aḥmad b. ‘Alī al-Sirājī (d. 1250 / 1834) was recognized as imām “the umbrella was placed over his head” (*nuṣibat al-mizalla ‘alā ra’sihī*), cf. p. 61. The umbrella is a long established symbol of sovereignty and kingship in India and during the rule of the Fāṭimids 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.<sup>12</sup>

### 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.<sup>13</sup> This coin was called a *ḥarf* and was struck in 1091 / 1680 by al-Mahdī Aḥmad 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*):

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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).

<sup>12</sup> Imāmic 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'Fluyte Rarob, p. 158 and more generally chapter 5 for Ottoman administrative practise.

<sup>13</sup> Cf. Nicholas Lowick, "The Mint of Ṣan'ā': A Historical Outline," in Serjeant and Lewcock (eds.), *Ṣan'ā': An Arabian Islamic City*, p. 307; Samuel Lachman, 1988, "The Zaidī Imām al-Mahdī Aḥmad b. al-Ḥasan," and "The Gold Coins of the Zaidī Imāms of the 17th to the 19th Centuries," *Numismatic Circular*, vol. 96, pp. 143 - 46, 211 - 212.

There is no God but God; Muḥammad is the Messenger of God;  
'Alī is rightfully his Successor (*lā illāha ilā Allāh; Muḥammadun  
rasūlu Allāh; 'Aliyun khalīfatu-hu ḥaqqān*)

And the reverse has this inscription:

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

With its insistence that 'Alī is "rightfully" the caliph after the Prophet, the *shahāda* inscribed here is reaffirming the Shī'ite credentials of the state and the legitimacy on which its imāms based their rule, namely descent from 'Alī who was designated by the Prophet as his successor. The Zaydī 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-Mahdī's father al-Ḥasan (d. 1048 / 1639), who is mentioned here, was one of the most successful commanders of the Qāsimī armies and a scholar in his own right who never became imām.<sup>14</sup> Thus, whilst Qāsimī 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-Mahdī 'Abbās (d. 1189 / 1775), the ninth imām in the Qāsimī 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.<sup>15</sup> The inscriptional 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 Imām (*amīr al-mu'minīn b. amīr  
al-mu'minīn b. amīr al-mu'minīn al-imām*)

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<sup>14</sup> Cf. *Maṭla' al-budūr*, II : 48 - 54; *Badr*, I : 205 - 07.

<sup>15</sup> Cf. Samuel Lachman, 1990, "A Ṭughrā' on a Gold Coin of the Zaidī Imām al-Mahdī al-'Abbās," *Numismatic Circular*, vol. 98, p. 351; Stefan Nebehay, 1989, "Muslimische Münzen aus dem Jemen," in *Jemen: Im Lande der Königen von Saba*, Vienna: Museum für Völkerkunde, p. 149.

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 maḥbūb*), 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" (*ḍuribat fī Ṣan 'ā*).<sup>16</sup> The fact that no *credo* is inscribed on the obverse is not important since many Qāsimī coins do not have it.<sup>17</sup> 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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<sup>16</sup> For a comparison with Egyptian coinage of the period see Samuel Lachman, 1979, "The Egyptian Coinage of the 18th Century," *Numismatics International Bulletin*, vol. 13, No. 1, pp. 11 - 14.

<sup>17</sup> Cf. Samuel Lachman, 1988, "The Period of the Early Qāsimid Imāms of the Yemen," *Numismatic Circular*, vol. 96, pp. 39 - 43; Lachman, 1989, "The Coins of the Zaidī Imām al-Mutawakkil 'ala allāh Ismā'īl b. al-Qāsim," vol. 97, pp. 147 - 50, 183 - 85; Lachman, 1990, "The Coins of the Zaidī Imāms of the period 1224 - 1265 H / 1809 - 1849," and "A Gold Coin of the Zaidī Imām al-Mutawakkil al-Qāsim b. al-Ḥusayn," *Numismatic Circular*, vol. 98, pp. 1 - 7, 84.

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-khaṣṣa*), 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 Ṣāhib al-Mawāhib.

The King of Yemen himself lives very regularly; he rises at day-break, 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 fore-part 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.<sup>18</sup>

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<sup>18</sup> 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-Mahdī ‘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.”<sup>19</sup>

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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<sup>19</sup> 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.<sup>20</sup>

The nature of imāmic authority had obviously changed from that described in Zaydī 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 Qāsimī 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 Ṣāhib al-Mawāhib.<sup>21</sup> 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.

Ṣāhib al-Mawāhib's reign appears to have been brutal.<sup>22</sup> 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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<sup>20</sup> La Roque, 1726, pp. 195 - 197. Niebuhr describes a similar Friday procession, cf. Niebuhr, 1792, vol. 1, pp. 380 - 382.

<sup>21</sup> Cf. 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 (Cf. 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 *tughrā*, which is most often associated with Ottoman documents, but Mughal ones as well, appears to have first been used by al-Mahdī 'Abbās.

<sup>22</sup> Cf. *Nashr*, I : 736 - 737, *Nashr*, II : 402 - 409.

forgot to mention the imām's title when reading out a letter addressed to the latter.<sup>23</sup> Furthermore, Ṣāḥib al-Mawāhib was accused by Ṣāliḥ b. Maḥdī al-Maqbalī of having instituted uncanonical taxation practises. 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'īl 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.<sup>24</sup>

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.

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<sup>23</sup> Cf. *Nashr*, I : 319 - 320; *Hijar al-'ilm*, III : 1425.

<sup>24</sup> Cf. *Hijar al-'ilm*, III : 1571 - 1574.

## Shawkānī Becomes Chief Judge (*qādī al-quḍāt*):

In 1209 / 1795, when Yaḥyā 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.<sup>25</sup> 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.<sup>26</sup> 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” (*iqṭā’*) he was later granted by the imām from which he could collect taxes, such as the *zakāt*, *ṣadaqa* (legal alms), and *waṣāya* (testamentary disposition). The official justification for his having an *iqṭā’* 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-mutashājirīn*). The reason being that he has fiefs (*anna ma’ahu qīṭa’*) like Ruṣāba, al-Rawna, and other places which provide him with at least one thousand *qadah* of wheat (*ta’ām*), and as many sheep (*anṣub ghanam*). And from Ḥayma he has a monthly revenue of one hundred silver pieces (*qirsh ḥajar*). All who are with him and know him eat with him [i.e. live off him]. He did not save for himself (*yaddakhir*) anything from what accrued.<sup>27</sup>

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

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<sup>25</sup> See *al-Tiqṣār*, pp. 423 - 425; *Badr*, I : 464 - 465.

<sup>26</sup> See, for example, *Nashr*, I : 153.

<sup>27</sup> *Ḥawliyyāt Yamāniyya*, pp. 278 - 279.

The imām gave him as a fief the *ṣadaqāt* of Ruṣāba, Jabal al-Lawz, al-Rawna, Sa‘wān, Shawkān, Shawbān and a lot besides this. [Also] part of the *ṣadaqa* of Bayt Rājih, and added to it the *ṣadaqa* of Bayt Qubbān and Bayt al-Ḥaymī and the testamentary disposition (*waṣīyya*) of al-Tawhamī and Tan‘im.<sup>28</sup>

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 ḥajar*).<sup>29</sup> It is not clear how he spent this money. It is reported that he enjoyed opulent clothing and an elegant lifestyle, however.<sup>30</sup> 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.<sup>31</sup> While in Zabīd, al-‘Amrānī wrote a historical work entitled *Ithāf al-nabīh bi-ta’rīkh al-Qāsim wa banīh* (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

<sup>28</sup> *Nayl*, II : 298. Cf. also al-Ḥibshī, 1977, *Dirāsāt fī al-turāth al-Yamanī*, Beirut: Dār al-‘Awda, p. 64. Much has been made of these “fiefs” in recent times by Hādawīs in Yemen who claim that they highlight the extent to which Shawkānī was co-opted and worked in concert with corrupt and unrighteous rulers.

<sup>29</sup> For the relative purchasing power of the various denominations at this time see al-‘Amrī, 1988, pp. 150, 208 - 209.

<sup>30</sup> al-‘Amrī, 1990, *al-Imām al-Shawkānī rā‘id ‘aṣrih*, Damascus: Dār al-Fikr, p. 434.

<sup>31</sup> Cf. *Nayl*, II : 289 - 293.

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-Shāfi‘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.<sup>32</sup>

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 *Ithāf al-akābir bi-isnād al-dafātir*--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.

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<sup>32</sup> Muḥammad b. ‘Alī al-‘Amrānī, *Ithāf al-nabīh bi-tārīkh al-Qāsim wa banīh*, MS. fols. 45 - 46a. I would like to thank Qādī Muḥammad 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.<sup>33</sup> The author of this work is Muḥammad b. al-Ḥasan al-Shijnī and it is entitled *Kitāb al-Tiqṣār fī jīd zamān 'allāmat al-aqālīm wa-l-amṣār* (The Necklace on the Neck of the Life of the Scholar of the Districts and the Towns).<sup>34</sup> Throughout the work al-Shijnī 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-Shijnī also claims that Shawkānī was the Renewer of the 13th century H. (*mujaddid al-qarn al-thālith 'ashar*).<sup>35</sup> 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 Qādī Yaḥyā al-Saḥūlī.

He [i.e. Shawkānī] attained a degree [of knowledge] in the sciences of *ijtihād* which none of the other *mujtahids* 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 Qādī, the leading scholar and chief judge of Sanaa Yaḥyā b. Ṣāliḥ al-Saḥūlī --God have mercy on him--died, Imām al-Manṣūr--God have mercy on him--ordered the closure of the judicial council (*dīwān al-ḥukm*) 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

<sup>33</sup> The list is not exhaustive, but includes the most important persons who came into contact with Shawkānī.

<sup>34</sup> This work has now been edited and published under the title *Ḥayāt al-imām al-Shawkānī*, Muḥammad b. 'Alī al-Akwa' (ed.), Sanaa: Maktabat al-Jīl al-Jadīd, 1411 / 1990.

<sup>35</sup> *al-Tiqṣār*, p. 417. Similar claims to *mujaddid* status were made by the students of such famous scholars as Ibn Ḥajar 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-Tasseron, 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...<sup>36</sup>

Once in power, Shawkānī became pivotal in the imāmic government. He, thus, assured the peaceful transition of power from al-Manṣūr 'Alī to al-Mutawakkil Aḥmad, by helping to organize a palace coup by which al-Manṣūr was deprived of his powers and Aḥmad took over.<sup>37</sup> 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 'Alī'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-Shijnī tell us that no governmental decision was taken without his consultation.<sup>38</sup>

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-Shijnī reports the story of Imām al-Mutawakkil Aḥmad's son al-Qāsim, who was born in 1211 / 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-marām* which he read with Muḥammad 'Ābid al-Sindī (1257 / 1841), the grandson of the famous scholar of ḥadīth, who was at the time visiting Sanaa.<sup>39</sup> Memorizing the *Bulūgh* by heart, he then spent many days with

<sup>36</sup> *al-Tiqṣār*, p. 423 - 4.

<sup>37</sup> *Badr*, I : 466 - 7.

<sup>38</sup> *al-Tiqṣār*, p. 425.

<sup>39</sup> For al-Sindī's biography see *Badr*, 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-Islām [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...<sup>40</sup>

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-Rawḍa 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...<sup>41</sup>

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.<sup>42</sup>

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<sup>40</sup> *al-Tiqṣār*, p. 389.

<sup>41</sup> *Hawliyyāt Yamāniyya*, p. 50.

<sup>42</sup> Cf. Muḥammad Ismā'īl al-'Amrānī, 1984, *Niẓām al-qaḍā' fī al-islām*, Sanaa: Maktabat Dār al-Jīl, pp. 244 - 245, 272 - 273; Muḥammad b. 'Alī al-Akwa', 1987, *Ḥayāt 'ālim wa amīr*, Sanaa: Maktabat al-Jīl al-Jadīd, pp. 60 - 62.

## Judicial Appointments:

Shawkānī'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-'Ansī (d. 1235 / 1820) was appointed to the judgeship (*ḥukūmat*) of Zabīd, the major Tihāmī town, by al-Mahdī 'Abd Allāh because of "a notice (*mulāḥaẓa*) by Shaykh al-Islām in this regard."<sup>43</sup> 'Abd al-Raḥmān b. Aḥmad al-Bahkalī (d. 1248 / 1832) was given the judgeship of Bayt al-Faqīh, in the Tihāma again, owing to the "efforts (*sa'y*) of Shaykh al-Islām."<sup>44</sup> Another Shawkānī student was Qāḍī Muḥammad b. Yaḥyā al-'Ansī who "studied (*qara'a alā*) with Shaykh al-Islām some works of ḥadīth, grammar, Qur'ānic exegesis and some of his works"; then "he [i.e. Shawkānī] permitted him (*adhina lahu*) to take up the judgeship in Dhamār."<sup>45</sup> 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-Islām one of the judges of Sanaa."<sup>46</sup> Some of Shawkānī's students, such as Ṣāliḥ b. Muḥammad al-'Ansī, 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.<sup>47</sup>

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

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<sup>43</sup> *al-Tiqṣār*, p. 367. Cf. *Badr*, I: 228 - 229.

<sup>44</sup> *al-Tiqṣār*, p. 371. Cf. *Badr*, I: 318; *Nayl*, II: 32.

<sup>45</sup> *al-Tiqṣār*, p. 431.

<sup>46</sup> *al-Tiqṣār*, p. 373. Also cf. *Nayl*, II: 84.

<sup>47</sup> Cf. Messick, 1993, p. 45; also *Nayl*, II: 14. Other examples of such students were 'Abd al-Raḥmān b. Aḥmad al-Bahkalī (d. 1248 / 1832) and al-Ḥasan b. Aḥmad 'Ākish al-Ḍamadī (d. 1289 / 1872), cf. *Nayl*, II: 23 - 25; *Nayl*, I: 314 - 318.

in Shāfi‘ī areas in Lower Yemen or the Tihāma. The only Zaydī 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.<sup>48</sup> 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 Imāmate 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.<sup>49</sup> 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 Shawkānī’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 Luḥayya. With the exception of Mocha, the imāmate also lost much of the Tihāma from around 1805 till 1818, either to the Wahhābīs or to the Sharīfs of Abū ‘Arīsh.<sup>50</sup> Throughout this period Wahhābī

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<sup>48</sup> 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 Sharī‘a continued to be applied regardless of the absence of centralized judicial structures.

<sup>49</sup> Niebuhr, 1792, vol. 2, pp. 45 - 47.

<sup>50</sup> ‘Abd Allāh al-Jirāfī, 1987, *al-Muqtataf min tārikh al-Yaman*, Beirut: Manshūrāt al-‘Aṣr al-Ḥadīth, pp. 259, 262; Muḥammad al-Kibīsī, n.d., *al-Laṭā‘if al-saniyya fī akhbār al-mamālik al-Yamaniyya*, n.p.: Maṭba‘at al-Sa‘āda, pp. 298 - 302.

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 'Alī's forces.<sup>51</sup> 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.<sup>52</sup> In northern 'Asīr, the local ruler in the mountains of al-Sarāh, 'Abd al-Wahhāb b. 'Āmir 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.<sup>53</sup> 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 'Arīsh in the name of Imām al-Manṣūr 'Alī, but was now to control much of the Tihāma from 1803 until his death 1818.<sup>54</sup> 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.<sup>55</sup> Sharīf Ḥamūd proceeded to strengthen his power base by expanding in the Tihāma, taking al-Luḥayya, Hodeida, Zabīd, Bayt al-Faqīh and Ḥays.<sup>56</sup> He also attempted to take control of Ḥajja district in the

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<sup>51</sup> Cf. *Badr*, I : 240 - 241.

<sup>52</sup> Cf. H. St. J. B. Philby, 1930, *Arabia*, London: Ernest Benn, pp. 83, 87.

<sup>53</sup> 'Abd al-Raḥmān b. Aḥmad al-Bahkalī, 1402 / 1982, *Nafḥ al-'ūd fī sīrat dawlat al-Sharīf Ḥamūd*, Muḥammad b. Aḥmad al-'Aqīlī (ed.), Riyadh: Maṭbū'āt Dārat al-Malik 'Abd al-'Azīz, pp. 128 - 129.

<sup>54</sup> *Badr*, II : 369.

<sup>55</sup> al-Bahkalī, 1402 / 1982, p. 142.

<sup>56</sup> *Badr*, I : 240, 262; al-Bahkalī, 1402 / 1982, pp. 170 - 176.

high mountain region northwest of Sanaa, but was repulsed in 1220 / 1805 and the poet Qādī ‘Abd al-Raḥmān al-Ānisī was reappointed governor of the district.<sup>57</sup>

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

### The Āl al-‘Ansī Qādīs of Jabal Barat:

The rise in Sanaa of Sunna-oriented scholars in the reign of Imām al-Mansūr Ḥusayn b. al-Qāsim (d. 1161 / 1748), and even more markedly during that of al-Mahdī ‘Abbās (d. 1189 / 1775), engendered a reaction by Hādawī scholars, namely the Āl al-‘Ansī *qādīs* from the peripheral region of Jabal Barat. Little is known about these scholars, and the biographical dictionaries provide us with no entries on them, perhaps highlighting their peripheral status.<sup>61</sup> Both Ibn al-Amīr and Shawkānī speak of them with disdain as ignorant *fuqahā’* who rallied the Bakīl tribes of Dhū Muḥammad and Dhū al-Ḥusayn in order to foment trouble and cause disorder. Perhaps one of the first mentions of the Āl al-‘Ansī is in 1145 / 1732 when ‘Abd al-Raḥmān b. Muḥammad al-‘Ansī led the tribes of Bakīl in a raid on the port of al-Luḥayya. Ibn al-Amīr reacted to this with a poem

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<sup>57</sup> Ḥusayn al-‘Amrī, 1985, *The Yemen in the 18th and 19th Centuries*, London: Ithaca Press, p. 51.

<sup>58</sup> Cf. Dresch, 1989, p. 214; al-‘Amrī, 1985, pp. 30, 66, 92, also *Nashr*, I: 410.

<sup>59</sup> Luṭf Allāh b. Aḥmad Jaḥḥāf in *Durrar nuḥūr ḥūr al-‘īm* (the main chronicle of the period) gives us a good idea of the harm done by Ḥamūd’s control over the Tihāma and the damaging effect this had on the imāmate’s monetary system, cf. al-‘Amrī, 1985, pp. 52, 56 fn. 75.

<sup>60</sup> al-‘Amrī, 1985, p. 52.

<sup>61</sup> Cf. Dresch, 1989, pp. 134, 138, 199, 212 - 214.

condemning them and Imām al-Manṣūr Ḥusayn for allowing this to take place.<sup>62</sup> At the time Ibn al-Amīr was supporting Muḥammad b. Ishāq (d. 1167 / 1754), a rival contender for the imāmate who rose against al-Manṣūr Ḥusayn but was soon defeated and retired to a life of learning in Sanaa.<sup>63</sup> In 1151 / 1738-9, Ibn al-Amīr was finally patronized by al-Manṣūr and given the post of sermoner (*khatīb*) 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 Yūsuf al-‘Ajamī al-Imāmī, a Persian who had come to live in Sanaa “to spread Twelver Shī‘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 ‘Alī b. Abī Ṭālib and the Ahl al-Bayt).<sup>64</sup> Al-Mahdī ‘Abbās intervened, banishing Sayyid Yūsuf from Yemen and imprisoning the other leaders of the riot, who were local Hādawī scholars and individual members of the House of Qāsim all of whom objected to the Sunnī direction the imāmate 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 Hādawī opponents. Al-Mahdī ‘Abbās continued with his policies of favouring the Sunna-oriented scholars, as when he appointed Ḥusayn b. Mahdī al-Nu‘mī the prayer leader of the Qubbat al-Mahdī mosque which he had built in Sanaa.<sup>65</sup>

Al-Mahdī’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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<sup>62</sup> al-Amīr, 1986, pp. 415 - 417.

<sup>63</sup> Cf. *Badr*, II : 127 - 130.

<sup>64</sup> *Hijar al-‘ilm*, IV : 1833.

<sup>65</sup> Cf. *Hijar al-‘ilm*, II : 639; *Nashr*, I : 617 - 618. Ḥusayn al-Nu‘mī (d. 1187 / 1773) was a Tihāmī scholar who, like Ibn al-Amīr, advocated Sunnī teachings. He was famous for reading the Sunnī ḥadīth collections and for practising Sunnī ritual during prayer, such as the raising and clasping of hands (*al-rafi‘ wa al-ḍamm*), and for saying *āmīn* after reciting the *Fātiḥa*, all of which were condemned by Hādawīs. 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 fī manāhij al-ḥaqq wa-l-ṣawāb*, Riyadh: Maktabat al-Ma‘ārif.

Qāsim, to emigrate from Sanaa to Barāt in 1182 / 1768. Here he called on the Āl al-‘Ansī *qādīs* to react to the turn of events and to interfere directly in the affairs of Sanaa.<sup>66</sup> The Āl al-‘Ansī, who were led at this time by Qādī Ḥasan b. Aḥmad, 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 *taqlīd* 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 *kharājāt* 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 Sūq al-Ḥarf [Ḥarf Sufyān] in order to unite the word (*jam‘ al-kalīma*) on what is pleasing to God, the Exalted.<sup>67</sup>

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 *qādīs* 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 (*ribā*). 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.”<sup>68</sup> The rejoinder ends by saying that no

<sup>66</sup> Cf. ‘Abd Allāh al-Jirāfī, 1987, pp. 255 - 257; *Nashr*, III : 43 - 44.

<sup>67</sup> *Hijar al-‘ilm*, IV : 1835 - 1836.

<sup>68</sup> *Hijar al-‘ilm*, IV : 1837 - 1840.

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.”<sup>69</sup> 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 Shī‘ītes 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 (*ṭalab 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.<sup>70</sup> 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. Aḥmad 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-Manṣūr) at the gates of Sanaa.<sup>71</sup> Shawkānī suggests that, in fact, the Baraṭī tribes only desisted after the imām increased their stipend to 20,000 riyals per annum, the

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<sup>69</sup> *Hijār al-‘ilm*, IV : 1840, also *Hijār al-‘ilm*, I : 516 - 517.

<sup>70</sup> *Hijār al-‘ilm*, IV : 1841 - 1842.

<sup>71</sup> R. B. Serjeant, 1983, “The Post-medieval and Modern History of Ṣan‘ā’ and the Yemen,” p. 86.

implication being that they already received regular payment.<sup>72</sup> The points of contention may not have been wholly doctrinal. But the Baraṭī 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 *qādīs* by issuing an order that worshippers in Sanaa, even Shāfi'īs and Ḥanafīs, should refrain from saying Amen out loud during their prayers.<sup>73</sup>

Shawkānī explains Hādawī 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' duniyawiyya*) 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 in 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 ḥadīth collections] and start fights there. And all this is the fault of devils (*shayṭāns*) among the learned men, whom we have mentioned [e.g. the Āl al-'Ansī *qādīs*]. 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.<sup>74</sup>

Shawkānī places the dispute with the Āl al-'Ansī *qādīs* 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

<sup>72</sup> *Badr*, II : 136; *Adab al-ṭalab*, pp. 161 - 162.

<sup>73</sup> *Nashr*, I : 618.

<sup>74</sup> *Badr*, II : 136. Cf. Dresch, 1989, pp. 212 - 213.

Hādawī law is taught is that it is prohibited for a *mujtahid* to practise *taqlīd*. Hence, the claim that it is incumbent on all to practise *taqlīd* is in fact against the very Zaydī teachings these ignorant scholars are purporting to uphold.<sup>75</sup>

Shawkānī's argument denies all political and social dimensions to the conflict between Hādawīs and Traditionists. Furthermore, it trades on an ambiguity, namely that his scholarship and that of Ibn al-Amīr, albeit the product of a process of *ijtihād*, in effect rejected theological and legal teachings of the Hādawī *madhhab* in their entirety. And more to the point, the imāms now supported their claims, adding an amount of political weight to their Traditionist opinions, something which had no precedent in Zaydī history. Hādawīs saw this conjunction of interests between the imāms 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 Zaydī highlands meant the imāmate ruled now over mainly Shāfī'ī districts. The Shāfī'ī ulema of these districts showed great enthusiasm for Shawkānī, largely because of his jurisprudential methodology which focused on Sunnī ḥadīth collections and resulted in opinions familiar to them. Shawkānī would issue his judicial opinions (*ijtihādāt*) in the form of short *fatwās*, longer treatises or as letters which were binding on the judges of the realm.<sup>76</sup> These *ijtihādāt* had a similar status to the *ikhtiyārāt* ("choices") of the twentieth century Ḥamīd al-Dīn imāms, which either abrogated or elaborated on the rulings of Hādawī law on specific issues. With his legal opinions superseding all others, as well as being enforceable in practise, Shawkānī became the ultimate legal reference in the imāmate. Since Shawkānī's opinions overturned many

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<sup>75</sup> *Badr*, II : 135.

<sup>76</sup> al-'Amrānī, *Ithāf al-tanbīh*, fols. 45 - 46, 69 - 70, 83 - 84. Cf. Muḥammad b. Ismā'īl al-'Amrānī, 1984, p. 245.

judgements of Hādawī law, which was applied throughout the imāmate at the time<sup>77</sup> and perceived by Shāfi'īs as a northern highland imposition, it is not surprising that Shawkānī gained many Shāfi'ī admirers.

### Contacts between Shāfi'ī and Northern Highland Scholars:

Despite all the political turmoil of the 18th and 19th centuries contacts between Shāfi'īs and northern highland scholars remained intense, with scholars from both communities studying with and receiving licenses (*ijāza*) from each other. Shāfi'ī scholars naturally felt great affinity towards the Sunna-oriented Traditionists among the Zaydīs, who seemed to them like Sunnīs in the emphasis they placed on Sunnī ḥadīth works. This affinity can be clearly seen from the lives of such men as Sayyid 'Abd al-Raḥmān b. Sulaymān al-Ahdal (d. 1250 / 1835) of Zabīd, 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 Sunnī scholars of his day in Zabīd and the Hijaz, and among his teachers was Muḥammad b. Murtaḍā al-Zabīdī (d. 1204 / 1790), author of the famous dictionary entitled *Tāj al-'arūs*. But al-Ahdal also studied with the most notable Traditionist scholars of Sanaa such as 'Abd al-Qādir b. Aḥmad al-Kawkabānī (d. 1207 / 1792), who was regarded as the great *mujtahid* of his day and the scholarly link between Ibn al-Amīr and Shawkānī. Al-Ahdal also studied with all three of Ibn al-Amīr's sons. Whilst formally remaining a Shāfi'ī, al-Ahdal was a Traditionist by orientation, being inclined to the ḥadīth sciences, and is described in his biography as a *muhaddith* (a scholar of ḥadīth).<sup>78</sup>

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

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<sup>77</sup> Cf. Rashād al-'Alīmī, n.d., *al-Taqlīdiyya wa-l-ḥadātha fī al-nizām al-qānūnī al-Yamanī*, Cairo: Maṭābi' al-Shurūq, pp. 256-257.

<sup>78</sup> *Nayl*, II : 30 - 31.

now coming to the highlands seeking knowledge. Throughout the medieval period it had been Zaydī scholars who had left the northern highlands in search of knowledge from Sunnīs in centres like Ta‘izz, Zabīd and Mecca.<sup>79</sup> So intense was his association with the Traditionist scholars in the Yemeni highlands that al-Ahdal wrote *al-Nafas al-Yamānī*, 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... .<sup>80</sup>

This mutual appeal and interaction between Sunnī 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.<sup>81</sup> When contrasted with earlier Zaydī 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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<sup>79</sup> It can even be tentatively argued that it was contacts between Zaydīs and Sunnīs in medieval times, and in Mecca in particular, that exposed scholars such as Muḥammad b. Ibrāhīm al-Wazīr (d. 840 / 1434) to Traditionist ideas and teachings and hence bring these into the Zaydī highlands. Cf. Aḥmad b. ‘Abd Allāh al-Wazīr, *Tārīkh banī al-Wazīr*, MS. Ambrosiana, D 556, fol. 79; *Badr*, II : 90.

<sup>80</sup> ‘Abd al-Raḥmān al-Ahdal, 1979, *al-Nafas al-Yamānī*, Sanaa: Markaz al-Dirāsāt wa-l-Abḥāth al-Yamaniyya, p. 176.

<sup>81</sup> For a description of Shawkānī’s outings with the imāms see *al-Tiqṣār*, 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 Zaydī leadership. Such imāms as al-Qāsim b. Muḥammad (d. 1029 / 1620), and the much earlier al-Manṣūr ‘Abd Allāh b. Ḥamza (d. 614 / 1217) among others, projected this ideal and to a great extent embodied it. All the imāms of the 18th and 19th centuries by contrast are considered to have been merely worldly leaders (*a’immat dunyā*).<sup>82</sup> Indeed, the anonymous author of the chronicle *Ḥawliyyat 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-Mahdī Aḥmad 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-dunyā*), not the people of religion (*ahl al-dīn*). As for the days of al-Mahdī ‘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 imāms] because the land of Yemen was entirely under government control (*fī yad al-dawla*): its ports, southern areas (*yamanihā*), Rayma and ‘Utma, and all areas. In the earlier period straw (*tibn*) was brought from the peripheries of the country, from Baraṭ! Recently, in the time of al-Mahdī, straw for the horses [could only be brought from as far as] ‘Amrān.<sup>83</sup>

The image of straw being brought to Sanaa from distant Baraṭ is a powerful one. Historically Baraṭ 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 Bakīl. For an imām to have controlled it would have clearly meant that he was powerful and wielded great influence: with even Baraṭ included in the economy and the whole of Yemen under central government control, 17th century imāms had supposedly been able to offer general prosperity and justice. Since the author of the *Ḥawliyyāt* was writing in

<sup>82</sup> Cf. *Ḥawliyyāt Yamāniyya*, p. 282.

<sup>83</sup> *Ḥawliyyāt 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 Zaydī 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.<sup>84</sup> 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 Aḥmad (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.<sup>85</sup>

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

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<sup>84</sup> Cf. Niebuhr, 1792, vol. 2, pp. 83 - 84.

<sup>85</sup> *al-Tiqṣār*, pp. 424 - 425.

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 *mujtahid* or even an ‘Alawī-Fāṭimī, 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-bawwāḥ*).<sup>86</sup>

### The Increasing Importance of the Ulema:

In somewhat similar fashion to the medieval Cairene society as described by Berkey,<sup>87</sup> 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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<sup>86</sup> Shawkānī, 1985, *al-Sayl al-jarrār al-mutadaffiq ‘alā ḥadā’iq al-azhār*, Maḥmūd Zāyid (ed.), Beirut: Dār al-Kutub al-‘Ilmiyya, vol. 4, pp. 505 - 515.

<sup>87</sup> Cf. Jonathan Berkey, 1992, *The Transmission of Knowledge in Medieval Cairo*, Princeton: Princeton University Press.

claiming the imāmate for himself. Zaydī imāms had to live under the constant threat of such challenges, and indeed much of Zaydī political history is taken up by struggles between contending claimants. In traditional Zaydism, however, the ulema, or more properly the *ahl al-ḥall 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.<sup>88</sup> In return they were offered posts throughout the realm where they represented the imāmic state.<sup>89</sup>

Imāmic patronage towards the scholars took several forms: areas were allocated to them for tax collection purposes; scholars were appointed as judges (*qāḍī* or *ḥākim*), scribes (*kātib*) and governors (*‘āmil*) of towns and entire districts; they were made guardians (*nāẓir*) over religious endowments (*awqāf*) and over testamentary dispositions or trusts (*waṣāyā*),<sup>90</sup> or appointed as preachers (*khaṭīb*) and prayer leaders (*imām*) at designated mosques. In a discursion from the “events” of his century, the anonymous chronicler of *Ḥawliyyāt Yamāniyya*<sup>91</sup>

<sup>88</sup> This is clear from the personal role played by Shawkānī in ensuring the peaceful succession of rule from the sick and senile al-Manṣur ‘Alī to his son al-Mutawakkil Aḥmad, and then from Aḥmad to his son al-Mahdī ‘Abd 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.

<sup>89</sup> 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.

<sup>90</sup> For example the post of religious endowments secretary (*kātib al-awqāf*) was given to Qāḍī Aḥmad b. Ṣāliḥ b. Abī al-Rijāl (d. 1191 / 1777) (not the author of the famous biographical work *Maṭla‘ al-budūr* but his namesake) by al-Mahdī ‘Abbās and a member of this family still held this position in the year 1357 / 1938. Cf. *Nashr*, I: 137 - 143; *Badr*, I: 61 - 62.

<sup>91</sup> Ḥusayn al-‘Amrī posits that the anonymous author of the *Ḥawliyyāt Yamāniyya* is Aḥmad b. ‘Abd Allāh al-Zubayrī, who completed it relying on the work of Qāḍī Muḥsin b. Aḥmad al-Ḥarāzī (d. 1288 / 1871), see al-‘Amrī, 1988, p. 296, fn. 2. The manuscript was edited by Ḥibshī 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-khilāfa*), who had fiefs (*qita‘*) and expense accounts (*maṣārīf*) 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 Yaman (the southern areas), a minister for Ānis, Rayma and ‘Utma, a minister for the Western regions (*al-Bilād al-Gharbiyya*), a minister for the North,<sup>92</sup> a minister domanical estates (*wazīr al-ṣawāfi*), a minister of the imāmic guards (*wazīr al-‘ukfa*), 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 Yaman [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-umarā‘*), [who are] five to six; their most senior is the commander of the palace (*amīr al-qasr*), and every commander has many learned men (*fuqahā‘*) and retainers (*mu‘tāshīn*) [dependent on him]... . So all the people [i.e. appointed officials and retainers] lived off the success of the House of Qāsim.<sup>93</sup>

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 imāmates 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

<sup>92</sup> The edited text has *al-Jimāl wazīr*, which is probably a typographic error for *al-shimāl wazīr*.

<sup>93</sup> *Hawliyyāt 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 Sharī‘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.<sup>94</sup> 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*).<sup>95</sup>

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.<sup>96</sup> 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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<sup>94</sup> Cf. al-‘Amrī, 1988, pp. 150 - 151, 208 - 209.

<sup>95</sup> *Hawliyyāt Yamāniyya*, p. 282.

<sup>96</sup> 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*.<sup>97</sup> 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.<sup>98</sup>

With the institution of the *dīwān*, 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 *dīwān*, where we know Shawkānī sat. When Shawkānī was absent he was represented in the *dīwān* by his son-in-law, Qāḍī Ṣāliḥ al-‘Ansī, who was also a jurist. The *dīwān* 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.<sup>99</sup> 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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<sup>97</sup> Cf. al-‘Amrī, 1985, p. 125.

<sup>98</sup> Shawkānī, 1985, *al-Sayl al-Jarrār*, vol. 4, pp. 507 - 508.

<sup>99</sup> *al-Fiqṣār*, pp. 38 - 40.

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 Wahhābīs were only welcomed because the rights of his subjects had been infringed through corrupt taxation practises.<sup>100</sup>

Al-Manṣūr heeded his advice and Shawkānī drew up the edict entitled *al-Marsūm al-Manṣūrī fī rafʿ al-mazālim wa-l-musāwāt fī al-ḥuqūq wa-l-wājibāt bayn abnāʾ al-Yaman* (The Manṣūrī 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” (*tulūʿ al-shams*) for the first two words of its text.<sup>101</sup> The terms of the edict illuminate Shawkānī’s vision of an ordered state and are therefore worth noting here.

Our Lord the Imām of the age... the Commander of the Faithful, al-Manṣūr, 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 *dufʿa* [the names of uncanonical taxes], nor anything which is innovated that God has not ordained.<sup>102</sup>

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

<sup>100</sup> *Adab al-talab*, p. 37.

<sup>101</sup> Cf. al-ʿAmrī, 1990, pp. 118 - 127.

<sup>102</sup> al-ʿAmrī, 1990, pp. 464 - 465.

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*)...<sup>103</sup>

Shawkānī's efforts failed dismally, much to his dismay.<sup>104</sup> Al-Shijnī 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.<sup>105</sup> 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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<sup>103</sup> al-'Amrī, 1990, pp. 465 - 466.

<sup>104</sup> *al-Tiqṣār*, pp. 173 - 178; *Adab al-ṭalab*, pp. 162 - 163.

<sup>105</sup> *al-Tiqṣār*, p. 173.

to the post of commander of the troops (*amīr al-ajnad*).<sup>106</sup> Al-Mahdī ‘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.<sup>107</sup> 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. Muḥammad, the founder of the dynasty].” Al-Mutawakkil Aḥmad and al-Mahdī ‘Abdullāh first received the *bay‘a* from Shawkānī himself, who then accepted it on their behalf from all the important people of the realm.<sup>108</sup>

These imāms were not models of Zaydī piety. Al-Wāsi‘ī says that al-Manṣūr ‘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-Wāsi‘ī reports that “his habit was to seclude himself (*al-iḥtijāb*) and to cavort with free and slave women.”<sup>109</sup> Al-Manṣūr never left Sanaa on a military campaign. Of al-Mutawakkil Aḥmad, al-Wāsi‘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.”<sup>110</sup> Al-Mahdī ‘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].”<sup>111</sup> Al-Wāsi‘ī describes al-Mahdī ‘Abd Allāh as being in “the habit

<sup>106</sup> *Badr*, I : 77 - 78, 459.

<sup>107</sup> *Ḥawliyyāt Yamāniyya*, pp. 25 - 26.

<sup>108</sup> *Badr*, I : 77 - 79, 376 - 377, 461.

<sup>109</sup> al-Wāsi‘ī, 1991, p. 233.

<sup>110</sup> al-Wāsi‘ī, 1991, p. 234.

<sup>111</sup> *Badr*, I : 376.

of secluding himself and indulging his desires and pleasures and listening to things pleasurable whilst ignoring his kingdom.”<sup>112</sup>

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.<sup>113</sup> Shawkānī, however, justified the rule of such imāms as necessary for temporal and political order. As long as they remained Muslims and maintained the Sharī‘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.

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<sup>112</sup> al-Wāsi‘ī, 1991, p. 235.

<sup>113</sup> Majd al-Dīn b. Muḥammad al-Mu‘ayyidī, n.d., *Tuḥaf sharḥ al-zulaf*, n.p., p. 161. Al-Mu‘ayyidī considers Imām al-Mu‘ayyad Muḥammad b. al-Mutawwakil 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 Jaghmān as saying “as far as I know, here ended the prophetic legacy (*wirāth al-nubūwwa*), after which those who ruled did not attain the rank of the imāmate, and they took it as kingship (*ittakhadhūhā mulkan*).” Al-Wāsi‘ī, in *Tārīkh al-Yaman*, says of al-Mu‘ayyad Muḥammad that he “combined the conditions” (*kānā imāman jāmi‘an li-l-shurūf*) and does not mention this phrase of another imām until Aḥmad b. ‘Alī al-Sirājī who led a failed attempt at claiming the imāmate in 1249 / 1833 from al-Mahdī ‘Abd Allāh, cf. pp. 230, 235. Aḥmad Ḥusayn Sharaf al-Dīn in *al-Yaman ‘abr al-tārīkh*, says that for nearly two centuries after the reign of al-Mu‘ayyad Muḥammad 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 Aḥmad b. ‘Abd Allāh al-Jindārī’s (d. 1337 / 1919) work entitled *al-Jāmi‘ al-wajīz fī wafāyāt al-‘ulamā’ ulī al-tabrīz* (pp. 245 - 247):

After the death of al-Mu‘ayyad Muḥammad b. al-Mutawakkil 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 Ḍuwrān and Ḥusayn b. ‘Abd al-Qādir did the same in Kawkabān, as did al-Ḥasan b. Muḥammad in ‘Amrān, ‘Alī b. Aḥmad in Ṣa‘da and al-Ḥusayn b. al-Ḥasan in Radā’. The earth became corpse-like and every village had a caliph. Muḥammad b. Aḥmad made his summons in al-Manṣūra and was called *Ṣāḥib al-Mawāhib*. He defeated them and assaulted and pounced on them.

Cf. also Ḥusayn b. Aḥmad al-‘Arashī, n.d., *Kitāb Bulūgh al-marām fī sharḥ misk al-khitām*, Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, p. 68 where he says: “the historians said: and from here on [i.e. with Ṣāḥib al-Mawāhib’s accession] he [the imām] became king.”

## CHAPTER IV

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

O ignoramus of the religious sciences of the Prophet’s family (*Āl Muṣṭafā*); 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<sup>1</sup>

The shift in political structure which took place as the Qāsimī imāmate 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 Sunnī School. And, while the changing nature of the imāmate 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 Sunnī 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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<sup>1</sup> Muḥammad b. ‘Alī Shawkānī, 1982, *Dīwān al-Shawkānī, aslāk al-jawhar wa-l-ḥayāt l-likriyya wa-l-siyāsiyya fī ‘asrih*, Ḥusayn al-‘Amrī (ed.), Damascus: Dār al-Fīkr, pp. 133 - 134.

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-Ḥadīth*), but that he also drew inspiration from the great Sunnī-Shāfi'ī 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.”<sup>2</sup> 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 *ijtihād’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.”<sup>3</sup> In a sense, *ijtihād* has come to be associated with liberal notions of progress and *taqlīd* with the burden of tradition.<sup>4</sup> 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.<sup>5</sup> There is a shared assumption that *ijtihād* 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 *ijtihād* 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-Mīthāq al-Waṭanī*):

We reject any theory, whether about rule, economics, politics or social affairs, which contradicts our Islamic faith or our Sharī‘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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<sup>2</sup> Aron Zysow, “Ejtehād in Shi‘ism”, in *Encyclopedia Iranica* (forthcoming).

<sup>3</sup> Cf. Rudolph Peters, “Idjtihād and Taqlīd in 18th and 19th Century Islam,” in *Die Welt des Islams*, 20, 3 - 4, p. 135.

<sup>4</sup> Albert Hourani, 1983, *Arabic Thought in the Liberal Age*, Cambridge: Cambridge University Press, pp. 127, 147 - 148, 235, 240, 243 - 244, 272; Fazlur Rahman, 1977, “Revival and Reform in Islam,” in *The Cambridge History of Islam*, vol. 2B, p. 638.

<sup>5</sup> Cf. Nikkie Keddie, 1972, *Sayyid Jamāl ad-Dīn al-Afghānī*, Berkeley: University of California Press, pp. 178 - 9, 396. Also Malcolm Kerr, 1966, *Islamic Reform*, Berkeley: University of California Press, p. 84.

condition that they not deviate from the Islamic framework, for *ijtihād* within this framework is one of the principles of Islam.<sup>6</sup>

*Ijtihād* and democratic freedoms, like freedom of expression, have become conflated. But again the conditions in which *ijtihād* is feasible (“the Islamic framework”) are left unspecified. *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 *ijtihād* at the state’s expense.

Despite modern “liberal” assumptions about *ijtihād*, many recent Islamic thinkers and Islamist activists, such as Sayyid Qutb and the Muslim Brotherhood, have used the term in quite different ways.<sup>7</sup> For them *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 *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 (*qā’im bi hujaj Allāh*) and that it is not legally permissible for an age not to have one (*lā yajūz shar’an khuluwwu al-‘aşri minhu*). The Ḥāfiẓ Jalāl al-Dīn ‘Abd al-Raḥmān 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 *Ijtihād* in all Ages is an Obligation (*al-Radd ‘alā man akhlada ilā al-ard wa jahila anna al-ijtihād fī kulli ‘aşrin farḍ*). If *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

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<sup>6</sup> *al-Mīthāq al-Waṭanī* (The National Charter), p. 41, quoted in Dresch and Haykel, “Stereotypes and Political Styles,” *The International Journal of Middle East Studies*, no. 27, p. 420. In the same vein see the introduction by one of Yemen’s leading judges, Muḥammad al-Ḥajjī, in al-Ḥusayn b. Badr al-Dīn, 1996, *Kitāb Shifā’ al-uwām fī ahādīth al-aḥkām*, n.p.: Jam‘iyyat ‘Ulamā’ al-Yaman, vol. 1, pp. 15ff.

<sup>7</sup> Cf. Richard P. Mitchell, 1993, *The Society of the Muslim Brothers*, Oxford: Oxford University Press, pp. 236 - 241; also cf. Aḥmad Muṣillī, 1993, *al-Uṣūliyya al-islāmiyya*, n.p.: al-Nāshir, pp. 215 ff.

societies after the technological revolution which the world has witnessed.<sup>8</sup>

In his introduction to Ibn al-Amīr's treatise on the subject of *ijtihād* entitled *Irshād al-nuqqād ilā taysīr al-ijtihād*, Ḥallaq 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. Ḥallaq 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.<sup>9</sup> *Ijtihād*, 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 'Abduh 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.

Wahhābīs 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 Wahhābīs

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<sup>8</sup> Muḥammad b. Ismā'īl al-Amīr, 1992, *Irshād al-nuqqād ilā taysīr al-ijtihād*, Muḥammad Ṣubḥī Ḥallaq (ed.), Beirut: Mu'assasat al-Rayyān li-l-Ṭibā'a, p. 8. The quotation is extracted from the editor's introduction to Ibn al-Amīr's treatise on *ijtihād*. The editor, Ḥallaq, is a Syrian Muslim Brother 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 Shāri' Sittīn, which was dominated by Iṣlāḥ, as well as in another institute which was aptly named "Ma'had al-Imām al-Shawkānī". Whilst in Yemen, Ḥallaq developed good connections with the various Islamic personalities and groups, viz. 'Abd al-Majīd al-Zindānī and 'Aqīl al-Maḥṭarī of the Jam'iyyat al-Ḥikma al-Yamaniyya al-Khayriyya in Ta'izz. 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*).

<sup>9</sup> al-Amīr, 1992, *Irshād al-nuqqād*, pp. 8 - 9.

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... .”<sup>10</sup> Obviously there is a huge area of disagreement over the use of the term in both modern Muslim and Western writings. And *ijtihād* had yet other associations in Shawkānī’s time, when it was used in very different ways and certainly for achieving different goals.

A related aspect of the way in which *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.<sup>11</sup> Here the rhetorics of pan-Islamism, pan-Arabism and Arab nationalism are conflated. Shawkānī, 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 *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 *ijtihād* as a means to their own ideal, it is largely considerations of the moment which determine how Shawkānī is depicted. To anticipate briefly, Shawkānī’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 *ijtihād* and how its resulting opinions are put to effect in detail since this draws attention to Shawkānī’s practical position and the form of government he favoured.

<sup>10</sup> Rahman, 1977, “Revival and Reform in Islam,” p. 638.

<sup>11</sup> ‘Abd al-‘Azīz al-Maqālīh, 1982, *Qirā’a fī fikr al-Zaydiyya wa-l-Mu’tazila*, Beirut: Dār al-‘Awda, p. 217; Šāliḥ Muḥammad Šaghīr Muqbil, 1989, *Muḥammad b. ‘Alī al-Shawkānī wa juḥūduhu al-tarbawīyya*, Beirut: Dār al-Jīl, p. 23; Ibrāhīm Ibrāhīm Hilāl, 1979, *al-Imām al-Shawkānī wa-l-ijtihād wa-l-taqlīd*, Cairo: Dār al-Nahḍa al-‘Arabiyya, pp. 9 - 12; , Ibrāhīm Ibrāhīm Hilāl (ed.), n.d., *Qaṭru al-walī ‘alā ḥadīth al-walī*, Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī; Qāsim Ghālīb Aḥmad, 1969, *Min a’lām al-Yaman: shaykh al-islām al-mujtahid Muhammad b. ‘Alī al-Shawkānī*, Cairo: Maṭābi’ al-Ahrām al-Tijāriyya; al-‘Amrī, 1990, *al-Imām al-Shawkānī rā’id ‘aṣrih*, Damascus: Dār al-Fikr.

## 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" (*madhhabiya*), 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 (*dalīl*) 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.<sup>12</sup>

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'a'*) that their predecessors alone had precedence in the sciences (*'ulūm*), and not their successors; and it has been

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<sup>12</sup> Cf. Shawkānī, 1991, "al-Qawl al-mufīd fī adillat al-ijtihād wa-l-taqlīd," in *al-Rasā'il al-salafiyya fī ihyā' sunnat 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 Ijtihad," *Studia Islamica*, 63, pp. 129 - 141; and idem, 1984, "Was the Gate of Ijtihad 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 Sharī'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 *taqlīd* is unravelled, will see this.<sup>13</sup>

Although *al-Badr al-tāli' bi-mahāsin 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 Muḥammad al-Dhahabī's (d. 748 / 1348) *Siyar a'lām al-nubalā'* since it takes up where the latter left off in the 7th century H.<sup>14</sup> 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*

<sup>13</sup> *Badr*, I: 2 - 3.

<sup>14</sup> Cf. *Badr*, I: 4. 'Abd al-Ḥayy b. 'Abd al-Kabīr al-Kattānī is incorrect when he states that Shawkānī's *al-Badr al-tāli'* is a continuation of Muḥammad b. 'Abd al-Raḥmān al-Sakhāwī's *al-Daw' al-lāmi'*; this is based on a misreading of the title of Shawkānī's work. Cf. al-Kattānī, 1982, *Fahras al-fahāris wa-l-ithbāt*, Beirut: Dār al-Gharb al-Islāmī, vol. 2, p. 1084.

easier for the latter generations than it was for those earlier.<sup>15</sup> 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 millenium 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.<sup>16</sup> 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-qarn*), 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."<sup>17</sup> 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

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<sup>15</sup> Shawkānī, n.d., *Irshād al-fuḥūl ilā taḥqīq al-ḥaqq min 'ilm al-uṣūl*. Beirut: Dār al-Ma'rifa, pp. 223 - 24. (Hereafter *Irshād al-fuḥūl*).

<sup>16</sup> Cf. Shawkānī, 1996, *Wabī al-ghamām*, pp. 20 - 21; also his *Irshād al-fuḥūl*, pp. 2 - 3.

<sup>17</sup> In Arabic: "lā tazāl ṭā'ifa min ummatī zāhirīn 'alā al-ḥaqq..." (Bukhārī, *Ṣaḥīḥ*, *Kitāb al-I'tisām bi-l-kitāb wa-l-sunna*); "...inna Allāh subḥānahu yab'ath li-hadhihi al-umma 'alā ra's kull mi'at sana man yujaddid lahā amr dīnihā" (Abū Dā'ūd, *Sunan*, in *Kitāb al-Malāḥim*, 1. Cf. Shawkānī, *Qaṭru al-walī 'alā ḥadīth al-walī*, p. 353.

officials in the present Yemeni government who think of Shawkānī as the “renewer of the 13th century H.”<sup>18</sup>

To bolster his claim to be a *mujtahid* of the first rank, Shawkānī wrote a work, similar to one written by Ibn Ḥajar,<sup>19</sup> entitled *Ithāf al-akābir bi-isnād al-dafātir*.<sup>20</sup> In it he lists all the works he had either “heard” (*samāʿ*) or received a license in (*ijāza*),<sup>21</sup> and which he could transmit or teach. For each work he lists the chain(s) of transmitters back to the individual author.<sup>22</sup> 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 *isnāds*, Shawkānī gives the greatest detail when mentioning the canonical ḥadīth collections, providing numerous *isnāds* for these and underscoring the fact that he considered these works the most important on the list.<sup>23</sup> The idea behind providing these multiple *isnāds* is to show that he can transmit these works with certainty of their authenticity because they were transmitted to him by “concurrence” (*tawātur*), by enough independent sources to exclude the possibility of collusion.

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<sup>18</sup> Cf. *al-Tiqṣār*, pp. 33 - 35 where Muḥammad al-Akwaʿ asserts that Shawkānī is the renewer of the 13th century; also *Shifāʾ al-uwām*, p. 16, where Muḥammad al-Ḥajjī, the vice-president of Yemen’s supreme court (*majlis al-qaḍāʾ al-aʿlā*), makes the same assertion.

<sup>19</sup> Ibn Ḥajar’s work is entitled *al-Majmaʿ al-muʿassas bi-l-muʿjam al-mufahras*, cf. Berkey, 1992, p. 171.

<sup>20</sup> This work was published in Hyderabad by Maṭbaʿat Majlis Dāʿirat al-Maʿārif and Nizāmiyya in 1328 / 1910. The interest that Indian scholars have showed in Shawkānī is in part due to the fact the he holds a key position in many of their own *isnāds*. In this regard, Muḥammad Akram, a scholar from Nadwat al-ʿUlamāʾ in Luknow, India is presently completing a work which will be entitled *Nafāḥāt al-Hind wa-l-Yaman bi-asānīd al-shaykh Abī al-Ḥasan*. In it, he details the conjunction of *isnāds* in Yemen and India, in which Shawkānī holds a very prominent position.

<sup>21</sup> Cf. Messick, 1993, p. 84ff.

<sup>22</sup> By pursuing the chains one can see that a number of scholars who operated in Mecca in the 17th and 18th centuries, like Muḥammad Ḥayāt al-Sindī and Ibrāhīm al-Kūrānī, figure 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 as operating within their own differing contexts. Cf. Ahmad Dallal, 1993, “The Origins and Objectives of Islamic Revivalist Thought, 1750 - 1850” *Journal of the American Oriental Society*, July - September, pp. 341 - 359; R. S. O’Fahey, and Bernd Radtke, 1993, “Neo-Sufism Reconsidered,” *Der Islam*, 70, 1, pp. 52 - 87.

<sup>23</sup> Cf. Shawkānī, 1328 / 1910, *Ithāf al-akābir*, pp. 59 ff.

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.<sup>24</sup> For his students, Shawkānī exhibited the qualifications of the *mujaddid*, and most noteworthy among these was that he was a *mujtahid* of the highest rank--*ijtihād* was the *conditio sine qua non*.

The break here with Zaydī intellectual tradition deserves noting. “Renewers,” in the Sunnī sense, are not a feature of Zaydī thought.<sup>25</sup> 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-a'imma al-muhtasibūn*), were recognized in later Zaydī thought, but the character of the imamate was not compromised intellectually.<sup>26</sup> Shawkānī's interest in the role of the *mujaddid* or “renewer,” by

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<sup>24</sup> 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 generational students, i.e. students of students of Shawkānī (e.g. today's Muḥammad b. Ismā'īl al-'Amrānī). Some of these claim to have adopted Shawkānī's legal opinions and to belong to “madhhab al-Shawkānī.”

<sup>25</sup> 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, “Zaydī Imāms as Restorers of Religion: *Ihyā'* and *Tajdīd* in Zaydī Literature,” *Journal of Near Eastern Studies*, vol. 49, pp. 247 - 263. In this regard, it must be pointed that the work *Ithāf al-muhtadīn*, which led Landau-Tasseron to the topic of *tajdīd* among the Zaydīs, was written by Muḥammad b. Muḥammad Zabāra, a man who was highly influenced by Shawkānī ideas on *ijtihād* and *tajdīd*. As such, he does not reflect earlier Zaydī-Hādawī opinion on the matter.

<sup>26</sup> In the commentary on the margins of *Sharḥ al-azhār* it is stated that some later Shī'īs allowed for a *muqallid* to become imām--although he had to be a *mujtahid* in politics (*mujtahid fī abwāb al-siyāsa*)--because *ijtihād* according to them had become impossible in later times. Imām al-Muṭahhar (probably al-Wāthiq bi-Allāh al-Muṭahhar b. Muḥammad d. 802 AH, see *Badr*, II: 311; al-Ḥibshī, *Maṣādir al-fīkr*, p. 579) was apparently one who claimed the imāmate 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 *muhtasibūn* but a source of temporal order identical with *mulk* or kingship;<sup>27</sup> righteousness, 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-ḥall wa-l-'aqd*, i.e. notables), agree to give their allegiance (*bay'a*) to a pious man of the community (*min ṣāliḥī 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 (*bāligh*), rational (*'āqil*), free (*ḥurr*) etc., Shawkānī agrees with some

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the imāmate is not to be found then a *muhtasib* (a restricted imām) can rule until a valid imām can assume the post. The *muhtasib* need not be a *mujtahid* or a descendant of al-Ḥasan or al-Ḥusayn, or a member of Quraysh. His requirements are that he has enough reasoning ability, courage and perspicacity. The *muhtasib* performs all the duties of the valid imām except the following: the four legal punishments (*al-ḥudūd al-arba'a*), the Friday prayers (*jumu'āt*), conquest (*ghazw*) and collection of alms (*ṣadaqāt*), cf. Ibn Miftāḥ, *Sharḥ al-azhār*, vol. 4, pp. 520 - 521; also al-Manṣūr al-Qāsim, 1994, *Kitāb al-Asās*, pp. 173 - 174; al-Sharafī, 1995, *Kitāb 'Uddat al-akyās*, vol. 2, pp. 223 - 226; R. Strothmann, 1912, *Das Staatsrecht der Zaiditen*, Strassburg: Verlag Von Karl J. Trübner, pp. 94 ff.; Madelung, "Imāma," in EI<sup>2</sup>, III : 1166; Wilferd Madelung, 1965, *Der Imam al-Qāsim ibn Ibrāhīm und die Glaubenslehre der Zaiditen*, Berlin: Walter De Gruyter, pp. 154 - 156.

<sup>27</sup> Cf. al-Mu'ayyidī, *al-Tuḥaf sharḥ al-zulaf*, p. 161.

and disputes others. For example, he agrees that the imām must be rational but disputes that he must be a Fāṭimī-‘Alawī, arguing that no proof exists for such specification because of the Tradition which states that “imāms are from Quraysh”.<sup>28</sup> 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.”<sup>29</sup> 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 Sharī‘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 fulfil are: that he be able to safeguard the roads, bring justice to the oppressed, defend the Muslims in the event of a surprise 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 (*fī muṣallāh*), 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].<sup>30</sup>

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. The

<sup>28</sup> Aḥmad, *Musnad*, 129.

<sup>29</sup> Versions of these ḥadīths can be found in Bukhārī, *Ṣaḥīḥ*, *al-Adhān*, 4, 5, 156; *Aḥkām*, 4; Ibn Mājah, *Sunan*, *Jihād*, 29; Aḥmad, *Musnad*, 3 : 114, 171.

<sup>30</sup> Shawkānī, *Wabl al-ghamām*, vol. 3, pp. 500 - 501.

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 (*ẓālim*) so long as he prays and commits no public act of unbelief (*lam yazhar minhu al-kufr al-bawāh*).<sup>31</sup>

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-Manṣūr '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 ilā*) the wife of Aḥmad al-Nashshād, and they agreed with her to murder her husband. This done, they were soon thereafter all arrested. The Qāḍī of Ḥarāz, Muḥammad b. Aḥmad al-Ghashm, discovered what they were up to and appealed [the case] to the imām [due to] the horrific nature of the event. [The Qāḍī] stated that he had imprisoned Yaḥyā b. Nāṣir Jaḥḥāf, Sa'd b. Ḥusayn Ḥamza, Aḥmad b. Ḥusayn Ḥamza, Ḥusayn b. 'Abd Allāh 'Abduh Nahshal and Sa'īd b. Ṣāliḥ al-'Ujaylī ('Ujālī?) and they had confessed (*aqarrū*) to killing Aḥmad 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.<sup>32</sup>

<sup>31</sup> Shawkānī, 1985, *al-Sayl al-jarrār*, vol. 4, pp. 505 - 515.

<sup>32</sup> Jaḥḥāf, *Durar nuḥūr ḥūr al-'īn*, 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 Zaydī 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 Zaydī highlands of Yemen which produced such scholars as Muḥammad b. Ibrāhīm al-Wazīr (d. 840 / 1436), al-Ḥasan b. Aḥmad al-Jalāl (d. 1084 / 1673), Ṣāliḥ b. al-Mahdī al-Maqbalī (d. 1108 / 1696), Muḥammad b. Ismā'īl al-Amīr (d. 1182 / 1769) and the lesser known 'Abd al-Qādir b. Aḥmad al-Kawkabānī (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 Mu'tazila among the Zaydīs in Yemen. The influence of the Shāfi'ī scholars of

Egypt, ḥadīth scholars and jurists, like Ibn Ḥajar (d. 852 / 1448) and al-Suyūṭī (d. 911 / 1505), and that of Ḥanbalī 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 Sunnī 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 ḥadīth: “God will send to this community at the turn of every century someone [or people] who will restore religion,” (*inna allāh yab‘ath li-hadhihi al-umma ‘alā ra’s kull mi’at sana man yujaddid lahā amr dīnihā*).<sup>33</sup> The emergence of this ḥadīth and the “renewer” tradition has been the subject of a study by Landau-Tasseron.<sup>34</sup> She argues that the “renewer” ḥadīth originated in an attempt to legitimize and spread Shāfi‘ī’s teachings, namely that the Sunna, understood to be based on ḥadīth, was to have a principal role in Islamic jurisprudence. She also shows how this ḥadīth later played a role in the defence of the Sunna against innovation and heresy.<sup>35</sup> By appropriating the role of renewers, Shāfi‘ī scholars claimed that they were the upholders of Sharī‘a. They could do this because of the belief in Islamic tradition that scholars were “the successors to the Prophets.”<sup>36</sup>

Landau-Tasseron goes on to show that the concepts of *tajdīd* (renewal) and *ijtihād* became closely linked when al-Suyūṭī, who is considered to be the ninth *mujaddid* in the Shāfi‘ī chain, claimed the title on the basis of being a *mujtahid*

<sup>33</sup> Abū Dā‘ūd, *Sunan*, in *Kitāb al-Malāḥim* 4 / 156.

<sup>34</sup> Ella Landau-Tasseron, 1989, “The ‘Cyclical Reform’: A study of the *Mujaddid* Tradition,” *Studia Islamica*, 70, pp. 79 - 117. See also Yohanan Friedmann, 1989, *Prophecy Continuous*, Berkeley: University of California Press, pp. 94 - 101.

<sup>35</sup> Landau-Tasseron, 1989, p. 113.

<sup>36</sup> Landau-Tasseron, 1989, p. 85.

himself.<sup>37</sup> 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 Shāfi‘ī since many of the transmitters of the hadīth itself, and the renewers themselves, were Shāfi‘īs, and later mostly Egyptians.<sup>38</sup>

Shawkānī’s identification with these Shāfi‘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 *jarḥ* and *ta’dīl*, the sayings of peers (*aqrān*) 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.<sup>39</sup>

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

<sup>37</sup> Landau-Tasserion, 1989, pp. 83, 87. She bases this on al-Suyūṭī’s *al-Tanbi‘a bi-man yab’athuhu Allāh ‘alā ra’s kull mi’a*, MS. Leiden, Or. 474, fols. 80 - 83b.

<sup>38</sup> Landau-Tasserion, 1989, pp. 84 - 96, 107.

<sup>39</sup> *Badr*, I : 333 - 334; cf. Ibn Daqīq al-‘Īd’s, Ibn Ḥajar’s and Ibn Taymiyya’s biographical entries in *Badr*, II : 229 - 232, *Badr*, I : 87 - 92 and *Badr*, I : 63 - 72 respectively.

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 Shī'a and the Mu'tazila. These opponents of the emergent Sunnī orthodoxy after al-Shāfi'ī's lifetime were branded heretics and innovators, and the understanding of Sunna developed to become the antithesis of *bid'a* (reprehensible innovation).<sup>40</sup> The *mujaddid* became the one who renovates belief and practise by revivifying the Sunna (*iḥyā' 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 Zaydī-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 *taqlīd*, 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 *uṣūl al-fiqh*--and on the other, a purging of all normative rulings--the field of *furū'*--from opinions which were not consistent with their *uṣūl al-fiqh* methodology.

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<sup>40</sup> Landau-Tasseron, 1989, pp. 104 - 105; cf. Ignaz Goldziher, 1971, *Muslim Studies*, trans. S. M. Stern, London: George Allen and Unwin, vol. II, pp. 31 - 37.

## Shawkānī and *uṣūl al-fiqh*

Several studies and articles have dealt with Shawkānī's views and opinions on the subject of *ijtihād*, and more broadly on his *uṣūl al-fiqh*, but these have not sought to integrate his ideas into the historical, political and social contexts in which they developed.<sup>41</sup> Perhaps the best treatment so far of Shawkānī's *uṣūl al-fiqh* views is provided by Rudolph Peters in an article entitled "Idjtiḥād and taqlīd in 18th and 19th century Islam" where he compares four "fundamentalist" authors.<sup>42</sup> 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."<sup>43</sup> 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.<sup>44</sup>

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<sup>41</sup> See for example Rudolph Peters, "Idjtiḥād and Taqlīd in 18th and 19th Century Islam," *Die Welt des Islams*, 20, 3 - 4, pp. 131 - 145; Sha'bān Muḥammad Ismā'īl, 1989, *al-Imām al-Shawkānī wa manhajuhu fī uṣūl al-fiqh*, Manama: Qatar University.

<sup>42</sup> 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.

<sup>43</sup> Cf. 'Abd al-Ghanī al-Sharjī, 1988, *al-Imām al-Shawkānī ḥayātuh wa fikruh*, Beirut: Mu'assasat al-Risāla; Ḥusayn al-'Amrī, 1990, *al-Imām al-Shawkānī rā'id 'aṣrihi*, Beirut: Dār al-Fikr al-Mu'āṣir; Ibrāhīm Hilāl, n.d., *Qaṭru al-walī 'alā ḥadīth al-walī*, Beirut: Dār Iḥyā' al-Turāth al-'Arabī; idem, 1979, *al-Imām al-Shawkānī wa-l-ijtihād wa-l-taqlīd*, Cairo: Dār al-Nahḍa al-'Arabiyya; idem, 1987, *Min niqāt al-iltiqā' bayna al-imāmayn Muḥammad 'Abduh wa-l-imām al-Shawkānī*, Cairo: Maktabat al-Nahḍa al-Miṣriyya.

<sup>44</sup> Ibrāhīm Hilāl, *Qaṭru al-walī 'alā ḥadīth al-walī*, p. 17.

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.<sup>45</sup> His concerns lie with problems he regards as intrinsic to Islamic history and tradition, and which are summed up in the practise of *taqlīd*. 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 *uṣūl* 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 *Ṣaḥīḥayn* of Bukhārī

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<sup>45</sup> Cf. Ṣalāḥ Ramadān Maḥmūd, 1983, *Dhikrayāt al-Shawkānī*, pp. 50 - 52, 55 - 56.

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 *uṣūl* is a work entitled *Irshād al-fuḥūl ilā taḥqīq al-ḥaqq min 'ilm al-uṣūl* (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 uṣūl al-fiqh* and Muḥammad b. Bahādur al-Zarkashī's (d. 794 / 1392) *al-Baḥr al-Muḥīṭ fī usūl al-fiqh*. Shawkānī says in his introduction that he wrote the *Irshād al-fuḥūl* in order to distinguish the sound from the unsound and the correct from the incorrect in the science of *uṣūl 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 *uṣūl 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-riwāya*). 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.<sup>46</sup> In short, Shawkānī aims to show that the science of *uṣūl* had acquired methodological accretions which were textually baseless and were therefore unsound, and that most of the rules elaborated by *uṣūl* scholars were in fact presumptive (*ẓannī*) rather than definitive (*qaṭ'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 *mujtahid* 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

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<sup>46</sup> *Irshād al-fuḥūl*, 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 (*ijmā'*) and has a long pedigree, with various forms, in Islamic legal thought.<sup>47</sup> The *locus classicus* is Ibn al-Ṣalāḥ's *Ma'rifat anwā' 'ilm al-ḥadīth*, otherwise known as the Introduction to the Ḥadīth Sciences.<sup>48</sup>

From the perspective of the Hādawīs, 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 Hādawīs would not credit some of these Companions with probity (*'adāla*), because they had opposed 'Alī 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 Hādawīs are more selective on this issue, leading many of the stricter among them to reject altogether the *Ṣaḥīḥayn*.<sup>49</sup>

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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<sup>47</sup> *Irshād al-fuḥūl*, p. 44. Also Shawkānī, n.d., *Tuḥfat al-dhākirīn*, Dār al-Fikr, p. 4. It is noteworthy that Ibn al-Amīr in his *Irshād al-nuqqād ilā taysīr al-ijtihād* does not concur with this view, but still grants the *Ṣaḥīḥayn* great authoritative status (see pp. 45 - 50).

<sup>48</sup> Cf. Aron Zysow, 1991, "Authenticity and Agreement in Islamic Legal Theory," paper presented at the Middle East Studies Association conference.

<sup>49</sup> Cf. Ismā'īl al-Nu'mī, *Kitāb al-Sayf al-bāṭir*. MS. Sanaa, Gharbiyya Library, *Majmū'* No. 188, fols. 1 - 36 and *Majmū'* No. 91, fols. 55 - 77. (Hereafter *Sayf al-bāṭir*, see appendix); Muḥammad b. Ṣāliḥ al-Samāwī, 1994, *al-Ghaṭamṭam al-zakhkhār al-muṭahhir li-riyād al-azhār min āthār al-sayl al-jarrār*, Muḥammad 'Izzān (ed.), Amman: Maṭābi' Sharikat al-Mawārid al-Ṣinā'iyya, vol. 1, pp. 3 - 157. (Hereafter *Ghaṭamṭam*).

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-qawāsim*, he says:

Zaydī imāms do not have ḥadīth 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 Zaydīs do not accept ‘unbelievers and sinners by interpretation’ (*kuffār wa fussāq ta’wīl*), 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 (*majāhīl*)... would accept. Given this, how can it be said that it is better to refer to their [Zaydī] Traditions than to those of the [Sunnī] imāms of ḥadīth, who spent their years in the pursuit of finding the trustworthy (*thiqāt*), collecting the dispersed Traditions, distinguishing between the sound and the weak... .<sup>50</sup>

### Shawkānī’s Views on *ijmā‘* and *qiyās* :

Shawkānī’s ideas on *uṣūl 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 *mujtahids* 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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<sup>50</sup> Muḥammad b. Ibrāhīm al-Wazīr, 1985, *al-Rawḍ al-bāsim*, pp. 94 - 6. For Shawkānī’s views on the *mursal* Traditions see his *Irshād al-fuḥūl*, pp. 57 - 58. It should be noted that Ibn al-Wazīr’s claims were refuted by Hādawīs such as Ṣārim al-Dīn Ibrāhīm b. Muḥammad al-Wazīr (d. 914 / 1508) in a work entitled *al-Falak al-dawwār*. This has recently been edited and published by contemporary Hādawīs in Ṣa‘da and forms part of an ongoing refutation of the Traditionist claim that Zaydīs are not grounded in the ḥadīth 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 *muqallidīn*, many scholars did not dare express their true opinion out of fear of retaliation.<sup>51</sup> Below is one of his statements on the matter:

Whoever claims to have the *ijmā'* of the Muslim scholars of his age on a given religious issue has made a gross claim (*a'zama al-da'wā*) 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 (*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 *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 *ijmā'* constitutes proof is not correct, for such [a claim] constitutes mere conjecture (*ẓann*) 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 *ijmā'* constitutes proof.<sup>52</sup>

There may appear to be a contradiction in Shawkānī's views on the matter of *ijmā'*. As pointed out earlier, he bases his claim for the indubitable authenticity of the *Ṣaḥīḥayn* on the *ijmā'* of the Muslim community throughout the ages, whilst also rejecting the possibility of ascertaining an *ijmā'* on a given point. The contradiction disappears, however, if one sees these as two different two types of *ijmā'*: the former is a general Muslim consensus which concerns the *Ṣaḥīḥayn* 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 *ijmā'* comes out in his critique of Hādawī legal opinions. Hādawīs consider the *ijmā'* of their imāms (*'itra*), or the *ijmā'* of Ahl al-Bayt, to constitute

<sup>51</sup> *Adab al-ṭalab*, pp. 160 - 161; *Irshād al-fuḥūl*, p. 69.

<sup>52</sup> Shawkānī, 1996, *Wabṭ al-ghamām*, vol. 1, pp. 26 - 29.

an authoritative source (*ḥujja*) for their legal opinions.<sup>53</sup> For example, Hādawīs insist on making the call to prayer in the dual (*al-ādhān muthannā*), i.e. saying “Allāhu Akbar Allāhu Akbar” only twice, and saying “Come to the best of works” (*ḥayya ‘alā khayr al-‘amal*). They base these practises, in part, on the *ijmā‘ al-‘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 “*ḥayya ‘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.<sup>54</sup> The same argument is made by Ibn al-Amīr against the Hādawīs, particularly when he argues against the specifically Hādawī 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 Hādawiyya.<sup>55</sup>

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.<sup>56</sup> 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

<sup>53</sup> al-Ḥusayn b. al-Qāsim, 1401 / 1981, *Kitāb Hidāyat al-‘uqūl*, vol. I, pp. 509 ff.

<sup>54</sup> Shawkānī, 1985, *al-Sayl al-jarrār*, vol. I, pp. 202 - 205; idem, *Wabl al-ghamām*, vol. 1, pp. 256 - 260; idem, *Nayl al-awṭār*, vol. I, part 2, pp. 16 - 20.

<sup>55</sup> Cf. Muḥammad b. Ismā‘īl al-Amīr, n.d., *Masā’il ‘ilmiyya*, n.p.

<sup>56</sup> *Adab al-talab*, pp. 163 - 165.

Messenger of God. The Prophet then asked: and if you do not find [proof] in the Messenger's Sunna? Mu'adh said: I will perform an *ijtihād* (*ajtahid ra'yī*).<sup>57</sup> 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 Sharī'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 fulfilment 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.<sup>58</sup>

Further on in his discussion on *qiyās* in *Irshād al-fuḥūl*, 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 (*'illa manṣūṣa*), and [also] that in which there is no reasonable cause to distinguish the case in the text from another case (*nafy al-fāriq*) and that which falls under *faḥwā al-khiṭāb* and *lahn al-khiṭāb*...<sup>59</sup>

Shawkani 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

<sup>57</sup> Tirmidhī, *Aḥkām*, 3; Abū Dāwūd, *Aqdiya*, 11.

<sup>58</sup> *Irshād al-fuḥūl*, pp. 177 - 178.

<sup>59</sup> *Irshād al-fuḥūl*, p. 178. The *'illa manṣūṣa* covers the case where the text comes with its *'illa* more or less explicitly. The *nafy al-fāriq* 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 jalī*, 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" (*uffā*) 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-wuṣūl*, Cairo, p. 37). Here by contrast to the *nafy al-fāriq* some reference to the purpose of the textual rule is involved.

types he mentions as *qiyās jalī*.<sup>60</sup> 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*).<sup>61</sup>

Shawkānī's rejection of most forms of *qiyās* has implications for Hādawī law as well as that of the other schools. When looking at his commentary on Hādawī 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 Zaydī (and Ḥanafī) position on the cause (*'illa*) of usury (*ribā*). 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...".<sup>62</sup> Basing himself on this Tradition, Shawkānī says that the law of *ribā* 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.<sup>63</sup> Zaydīs, and Ḥanafīs, 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

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<sup>60</sup> Cf. 'Abd al-Qādir b. Badrān, 1996, *al-Madkhal ilā madhhab al-imām Aḥmad*, Beirut: Dār al-Kutub al-'Ilmiyya, p. 151.

<sup>61</sup> It is to be noted that Shawkānī completely rejects the practise of "preference" (*istiḥsān*), 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-ṭalab*, 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.

<sup>62</sup> Muslim, *Ṣaḥīḥ*, *Musāqāt*, 81 - 83, 85.

<sup>63</sup> Cf. Muslim, *Musāqāt*.

in the same way (the quantities could be different). By contrast, the Shāfi'īs and Mālikīs, 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'siya min al-kabā'ir wa min qaṭ'iyyāt al-sharī'a*).<sup>64</sup> 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 Sharī'a 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 maṣṣūṣa*) or that which established the *'illa* under *fahwā al-khiṭāb*.<sup>65</sup>

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.<sup>66</sup>

### Shawkānī on *ijtihād*

The cornerstone of Shawkānī's epistemology and legal methodology comes out in his discussions on *ijtihād*, 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 practises. Shawkānī took most of his ideas on *ijtihād* from his predecessor Ibn al-Amīr and aimed to present a systematic method for producing *mujtahids*.<sup>67</sup>

<sup>64</sup> Shawkānī, 1985, *al-Sayl al-jarrār*, vol. 3, pp. 63 ff; Muḥammad Ṣiddīq Ḥasan Khān, 1993, *al-Rawḍa al-nadiyya sharḥ al-durar al-bahiyya*, Ḥasan Ḥallāq (ed.), Beirut: Dār al-Nadā, vol. 2, pp. 228 - 36; cf. Ibn Miftāḥ, *Sharḥ al-azhār*, vol. 3, pp. 69 ff; cf. Aḥmad b. Qāsim al-'Ansī, n.d. *al-Tāj al-mudhhab li-aḥkām al-madhhab*, Sanaa: Maktabat al-Yaman al-Kubrā, vol. 2, pp. 376 ff.

<sup>65</sup> Shawkānī, 1996, *Wabl al-ghamām*, vol. 2, p. 427.

<sup>66</sup> Ibn Ḥazm, 1988, *al-Muḥallā*, vol. 8, p. 467; Ibn al-Amīr, 1987, *Subul al-salām*, Beirut: Dār al-Kitāb al-'Arabī, vol. 3, p. 73; Ibn al-Amīr, 1992, *al-Qawl al-mujtabā fī taḥqīq mā yaḥrum min al-ribā*, Sanaa: Maktabat Dār al-Quds.

<sup>67</sup> Cf. Muḥammad b. Ismā'īl al-Amīr, 1986, *Uṣūl al-fiqh al-musammā ijābat al-sā'il sharḥ bughyat al-āmil*, Beirut: Mu'assasat al-Risāla, pp. 383 ff.; idem, 1992, *Irshād al-nuqqād ilā taysīr al-ijtihād*.

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 Hādawī *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 Hādawīs admitted the practise of *ijtihād* in their *uṣūl* works but in practise they expected adherence to al-Hādī's teachings as set forth in *Kitāb al-Azhār*.<sup>68</sup> Hādawīs consider the opinions of the early imāms (primarily those of al-Hādī) 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.<sup>69</sup> 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 ḥadīth, Hādawīs quote the following traditions, amongst others, in which the Prophet says:

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<sup>68</sup> Cf. al-Husayn b. al-Qāsim, 1990, *Ghāyat al-sa’ūl fī ‘ilm al-uṣūl*, in *Majmū’ al-mutūn al-hāmma*, Sanaa: Maktabat al-Yaman al-Kubrā, p. 296; idem, 1401 / 1981, *Kitāb Hidāyat al-‘uqūl ilā ghayat al-sa’ūl*, vol. 2, pp. 685 - 687; Muḥammad b. Yaḥyā b. Bahrān, 1990, *Matn al-kāfīl*, in *Majmū’ al-mutūn al-hāmma*, pp. 326 - 328.

<sup>69</sup> al-Qāsim b. Muḥammad, 1996, *al-Irshād ilā sabīl al-rashād*, Sanaa: Dār al-Ḥikma al-Yamāniyya, p. 108.

“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 drowned 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 ‘Alī, 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.”<sup>70</sup>

In short, *taqlīd* 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 ‘Alī b. Abī Ṭālib 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.”<sup>71</sup> 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 imāmate and often in Zaydī history candidates were not found because there were no *mujtahids*.

Another element in the Hādawī doctrine of *ijtihād* was their belief in the infallibility of *mujtahids*, as expressed in the statement “every *mujtahid* is correct” (*kull mujtahid muṣīb*) in normative legal matters which obtain probable answers (*masā’il ḡanniyya ‘amaliyya*). Al-Mahdī Aḥmad b. Yaḥyā al-Murtaḍā (d. 840 / 1436) claims that the doctrine of infallibility was brought into Zaydism by Abū

<sup>70</sup> al-Qāsim b. Muḥammad, 1996, *al-Irshād ilā sabīl al-rashād*, pp. 60 - 68.

<sup>71</sup> al-Qāsim b. Muḥammad, 1996, *al-Irshād ilā sabīl al-rashād*, pp. 73 - 81.

‘Abd Allāh b. al-Dā‘ī (d. 359 / 970) to resolve the ongoing disputes between the two Zaydī factions among the Caspians, the Nāṣiriyya and the Qāsimiyya.<sup>72</sup> 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.<sup>73</sup> 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*.<sup>74</sup>

Shawkānī’s basic arguments are that *ijtihād* 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.”<sup>75</sup> In His fairness, God could not have been more bounteous 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 Qur’ān 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 Qur’ānic 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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<sup>72</sup> Aḥmad b. Yaḥyā al-Murtaḍā, 1990, *al-Munya wa-l-amal fī sharḥ al-mīlāl wa-l-niḥāl*, Muḥammad Mashkūr (ed.), Beirut: Dār al-Nadā, p. 99; idem, 1947, *al-Baḥr al-zakhkhār*, vol. I (*muqadima*), p. 40.

<sup>73</sup> 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.

<sup>74</sup> Cf. *Ghaṭamṭam*, vol. I, pp. 18 - 20.

<sup>75</sup> 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 hādihā 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...<sup>76</sup>

To prove that *mujtahids* have continually existed, even after the establishment of the *madhāhib*, Shawkānī says he has shown in *al-Badr al-tāli'* 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 Shāfi'ī *mujtahids* do not exist, we tell you here about those Shāfi'īs 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 'Abd al-Salām, and his student Ibn Daqīq al-'Īd, and his student Ibn Sayyid al-Nās, and his student Zayn al-Dīn al-'Irāqī, and his student Ibn Ḥajar al-'Asqalānī, 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].<sup>77</sup>

All the scholars he mentions are Shāfi'īs 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

<sup>76</sup> *Irshād al-fuḥūl*, p. 228.

<sup>77</sup> *Irshād al-fuḥūl*, pp. 223 - 224.

arrive at the authoritative legal decisions was greater than that of the earliest of generations.<sup>78</sup> 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 *ijtihād* and is correct, he has two recompenses; if he judges by *ijtihād* and commits an error, he has one recompense."<sup>79</sup> 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 Sharī'a, it is also based on pure opinion (*ra'y*) for which there is no proof...<sup>80</sup>

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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<sup>78</sup> The same argument is made by Ibn al-Amīr, cf. al-Amīr, 1992, *Irshād al-nuqqād*, pp. 36 - 37.

<sup>79</sup> Bukhārī, *Kitāb al-I'tisām bi-l-kitāb*, 6805.

<sup>80</sup> *Irshād al-fuḥūl*, 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 Shawkānī's educational training, mainly in the ḥadīth sciences, and his general outlook. Although he never explicitly stated it, Shawkānī probably thought of himself as the ultimate arbiter of the correctness of a given opinion.

Hādawīs objected to this scheme because they upheld the doctrine of the infallibility of *mujtahids*. Moreover, they suspected Shawkānī of claiming infallibility for his own opinions partly because he upheld the doctrine of fallibility. Muḥammad al-Samāwī (d. 1241 / 1825), otherwise known as Ibn Harīwa, 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 (*tarjīh*) on the basis of probable evidence (*amāra zaniyya*) 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 *ijtihād* 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 *taqlīd* 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?<sup>81</sup>

### Shawkānī on *taqlīd*:

Shawkānī is emphatic that the practise of *taqlīd*, which he defines as the following of someone else's opinion (*ra'y*) without knowing the textual proof (*ḥujja*) underpinning it, is absolutely prohibited.<sup>82</sup> He claims that the founders of

<sup>81</sup> *Ghatamṭam*, vol. 1, p. 65.

<sup>82</sup> *Irshād al-fuhūl*, pp. 237 ff.

the schools of law had prohibited *taqlīd* as well, and that it was only their followers who made it mandatory through an unprecedented and reprehensible innovation (*bid‘a muḥdatha*).<sup>83</sup> Shawkānī explains that the Companions and the two following generations had not practised *taqlīd* 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<sup>84</sup> 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 (*muqaṣṣir*) 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 Sharī‘a and the one who is asked must be from among those who are not ignorant of this. Then [the *muftī*] 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.<sup>85</sup>

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 Sharī‘a, 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

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<sup>83</sup> Shawkānī, 1991, *al-Qawl al-mufīd fī adillat al-ijtihād wa-l-taqlīd*, in *al-Rasā‘il al-salāfiyya*, Beirut: Dār al-Kitāb al-‘Arabī, pp. 209ff.

<sup>84</sup> Cf. Tirmidhī, *Aḥkām*, 3; Abū Dāwūd, *Aqdiya*, 11.

<sup>85</sup> *Irshād al-fuḥūl*, 239.

comprehension the commoner would effectively still be practising *taqlīd*, albeit under a new guise. Hādawīs were quick to point this out to Shawkānī and again accused him of wanting to make himself the ultimate authority so that every one would practise *taqlīd* of his decisions. Ibn Ḥarīwa argues against the assertion that *taqlīd* is prohibited by saying:

Your [i.e. Shawkānī's] obstinacy that providing the commoner with a text from the Book or ḥadīth, which he must then follow, does not constitute *taqlīd* 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] (*ikhtilāf*) 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 *taqlīd*... . In sum, you expect them [commoners] to adhere to your opinions and *ijtihād* in issues where differences of opinion exist (*masā'il al-khilāf*) and you obligate them to practise *taqlīd* of yourself.<sup>86</sup>

The vision that Shawkānī posits where all Muslims would have access to the process and fruits of *ijtihād*, 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*: Shawkānī's Pedagogy

Following on from his claim that *mujtahids* continued to exist in later times, Shawkānī 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-ṭalab wa muntahā 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

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<sup>86</sup> *Ghatamṭam*, vol. 1, p. 42 - 43.

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:<sup>87</sup>

1. The one desiring to become “an imām who is referred to” (*marjaʿ*) 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* in 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 Shariʿa. 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.<sup>88</sup> 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-ṭalab* are based on what is taught and

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<sup>87</sup> *Adab al-ṭalab*, pp. 97 - 98.

<sup>88</sup> *Adab al-ṭalab*, pp. 99 - 101.

found locally in Yemen and that in other countries the student must use what is available in his region.<sup>89</sup> 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 ḥadīth collections and its attendant disciplines such as the science of *jarḥ* and *ta'dīl*). However, he does stress that other disciplines, such as *kalām* 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 (*kalām*), feeling that it was a science which led to more confusion than clarity for the believer. *Kalām* 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 *kalām* was to primarily give the *mujtahid* conceptual means to refute those who use *kalām* in their argumentation, was that he rejected Zaydī methods. The context in which Shawkānī was living, where he was mainly arguing against Zaydī-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:<sup>90</sup>

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<sup>89</sup> *Adab al-ṭalab*, p. 108.

<sup>90</sup> *Adab al-ṭalab*, pp. 113 - 124.

1. Grammar (*naḥw*). Among the works which must be studied are: al-Qāsim b. ‘Alī al-Ḥarirī’s *Mulḥat al-i‘rāb*; ‘Uthmān b. ‘Umar al-Ḥāḥib’s *al-Kāfiya*; ‘Abd Allāh b. Yūsuf’s *Mughnī al-Labīb*.
2. Logic (*mantiq*). The works which must be studied are Athīr al-Dīn al-Abharī’s *Īsāghūjī* (*eisagoge*); Sa‘d al-Dīn al-Taftazānī’s *Tahdhīb 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-Ḥāḥib’s *al-Shāfiya*; Ibn Mālik’s *Lāmiyyat al-af‘āl* along with a number of commentaries.
4. Rhetoric (*‘ilm al-ma‘ānī wa-l-bayān*). Among the works which must be studied here are: *Sharḥ al-Sa‘d* and its commentaries; ‘Abd al-Qādir al-Jurjānī’s *Asrār al-balāgha*.
5. Composition and debate/argumentation (*fann al-waḍ‘ wa-l-munāzara*). Among the works to be studied are: al-Sharīf al-Jurjānī’s *Risālat al-waḍ‘* and one of its commentaries; ‘Aḍud al-Dīn ‘Abd al-Raḥmān b. Aḥmad al-Ījī’s *al-‘Aḍudiyya* and one of its commentaries.
6. The science of figures of speech (*‘ilm al-badī‘*). Shawkānī says there are numerous works in this science but does not mention one by name.
7. Dictionaries (*mu‘allafat al-lughā*). Among the works to be studied in this science are: Ismā‘īl al-Jawharī’s *al-Ṣiḥāḥ*; al-Fayrūzābādī’s *al-Qāmūs*; Nashwān al-Ḥimyarī’s *Shams al-‘ulūm*; and some works on the strange words in the Qur’ān and ḥadīth.
8. The principles of jurisprudence (*uṣūl al-fiqh*). Among the works Shawkānī mentions are Ibn al-Ḥāḥib *Mukhtaṣar al-muntahā*; Tāj al-Dīn al-Subkī’s *Jam‘ al-jawāmi‘*; al-Ḥusayn b. al-Qāsim’s *Ghāyat al-sa‘ūl* (the principal Zaydī-Hādawī 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 Mu‘tazilīs (Najm al-Dīn Mukhtār b. Muḥammad al-

Zāhidī's *al-Mujtabā*), the Ash'arīs ('Aḍud al-Dīn 'Abd al-Raḥmān b. Aḥmad al-Ījī's *al-Mawāqif al-'Aḍudiyya* and Sa'd al-Dīn al-Taftazānī's *al-Maqāṣid al-Sa'diyya*), the Māturīdīs, and the “middle ground ones” (*al-mutawassiṭīn*) between these groups, the Zaydīs. He admits to disliking *kalām* and says that it confused him (*lam azdad bihā illā ḥīratan*) and he found it to consist of idle talk (*khuzā'balāt*).<sup>91</sup> 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'ī 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*).<sup>92</sup> 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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<sup>91</sup> *Adab al-ṭalab*, pp. 115 - 116.

<sup>92</sup> *Adab al-ṭalab*, p. 114; cf. Shawkānī, 1991, *Kashf al-shubuhāt 'an al-mushtabihāt*, in *al-Rasā'il al-salafiyya*, pp. 119 - 122; idem, 1991, *al-Tuḥaf fī madhāhib al-salaf*, in *al-Rasā'il al-salafiyya*, pp. 127 - 142.

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

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-manthūr* and the best general work in the sciences of the Qur’ān is al-Suyūṭī’s *al-Itqān fī ‘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 innumerable rulings. The science of the Sunna, he says, is a lantern unto all other sciences.<sup>94</sup> All the works and collections which are enumerated are Sunnī ones. Amongst these are: Ibn al-Athīr’s *Jāmi‘ al-uṣūl min aḥādīth al-rasūl*; al-Muttaqī al-Hindī’s *Kanz al-‘ummāl*; ‘Abd al-Salām b. Taymiyya’s *al-Muntaqā*; Ibn Ḥajar’s *Bulūgh al-marām*; ‘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 ḥadīth. 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-ḥuffāz* and *Nukhbat al-fikr fī muṣṭalaḥ ahl al-athar*; Ibn Ṣalāḥ’s *Muqaddima*; Zayn al-Dīn al-‘Irāqī’s *al-Alfiyya*.

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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<sup>93</sup> *Adab al-ṭalab*, pp. 115 - 116.

<sup>94</sup> *Adab al-ṭalab*, p. 119.

he mentions are al-Ṭabarī's *Tārīkh* and Ibn al-Athīr's *al-Kāmil*. In this regard it should be perhaps noted that Shawkānī criticized the Zaydīs 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 Zaydīs 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 Zaydīs, 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 Zaydī 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-masmū'āt*, *al-maqrū'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-ṭālī*] when I mention one of them [i.e. Zaydīs], 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.<sup>95</sup>

16. The normative law (*'ilm al-fiqh*). Here Shawkānī says that the aspiring *mujtahid* must know an abridged (*mukhtaṣar*) legal manual of each of the main Schools. The *mujtahid*, he says, needs to explain to the partisans (*al-mutamadhibīn*) of the established Schools the opinions of their respective imāms as well as defend himself against attack from the fanatics of these Schools. Shawkānī 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-Nīsābūrī, Ibn Qudāma, Ibn Ḥazm and finally Ibn Taymiyya.<sup>96</sup>

<sup>95</sup> *Badr*, I: 60.

<sup>96</sup> Shawkānī 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. Shawkānī 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-sā'ir fī adab al-kitāb wa-l-shā'ir*.

18. The study of math, physics, geometry, natural science and medicine.

Shawkānī 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 Shawkānī himself, for references to Shawkānī'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: *ijtihād* 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 Shawkānī, 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 (*fī zaman al-nubuwwa*) 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.<sup>97</sup>

Shawkānī's emphasizes the study of the non-Sharī'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'aṣṣibīn*) and liars (*mubṭilīn*).<sup>98</sup>

Shawkānī accords the description of curricula for the second and third categories of student much less space in *Adab al-ṭalab*. 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.<sup>99</sup> The curriculum he must study is the following:

1. Grammar (*naḥw*).
2. Morphology (*'ilm al-ṣarf*).
3. Rhetoric (*'ilm al-ma'ānī wa-l-bayān*).
4. Principles of jurisprudence (*uṣūl al-fiqh*).
5. Qur'ānic exegesis (*tafsīr*).
6. *Ḥadīth* (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

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<sup>97</sup> *Adab al-ṭalab*, p. 122.

<sup>98</sup> *Adab al-ṭalab*, p. 124.

<sup>99</sup> *Adab al-ṭalab*, pp. 136 - 137.

(*ra'y*).<sup>100</sup> 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'rāb*).
2. The terminology of the science of ḥadīth.
3. Qur'ānic exegesis (*tafsīr*).

What Shawkānī was advocating was in fact not new in Yemen. The debate among the Zaydīs about the role of the canonical Sunni collections had raged since at least al-Mutawakkil Aḥmad b. Sulaymān<sup>101</sup> (d. 566 / 1171) who had used the Sunni collections, and notably the *Ṣaḥīḥayn*, in his work which is entitled *Uṣūl al-aḥkām fī al-ḥalāl wa-l-ḥarām*.<sup>102</sup> By the time of his successor, al-Manṣūr 'Abd Allāh b. Ḥamza (d. 614 / 1217) it would seem that many Zaydī ulema were using the Sunni collections extensively though not exclusively.<sup>103</sup> 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 Sunnī collections and he wrote in their defence against Zaydīs who saw in their use an attack on the Zaydī-Hādawī school.<sup>104</sup>

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

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<sup>100</sup> *Adab al-talab*, pp. 138 - 139.

<sup>101</sup> Cf. Zabāra, 1952, *A'immat al-Yaman*, pp. 108 - 143.

<sup>102</sup> Cf. Ishāq b. Yusuf, 1990, *al-Wajh al-ḥasan al-mudhhib li-l-ḥuzn*, Sanaa: Maktabat Dār al-Turāth, p. 53. Also see al-Ḥusaynī, *Mu'allafāt al-Zaydiyya*, III : 126 - 127.

<sup>103</sup> Ishāq b. Yūsuf, *al-Wajh al-ḥasan al-mudhhib li-l-ḥuzn*, p. 66.

<sup>104</sup> See Muḥammad b. Ibrāhīm al-Wazīr, 1985, *al-Rawḍ al-bāsim*. This work is in fact an abridgement of a much larger work entitled *al-'Awāṣim wa-l-qawāṣim fī al-dhabb 'an sunnat Abī al-Qāsim*, 9 vols., Beirut: Mu'assasat al-Risāla, 1992.

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 Zaydi 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 than Sunnism. For these Zaydīs, Shawkānī's only concession to Zaydism was his continued call for *ijtihād* 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 indistinguishable from Sunnism, and in particular in its Salafī 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.

## CHAPTER V

### A Change in Religious Orientation

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).<sup>1</sup> 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-Maswarī (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.<sup>2</sup> Al-Maswarī issued many

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<sup>1</sup> 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-Taqlīdiyya wa-l-ḥadātha fī al-nizām al-qānūnī al-Yamanī*, Cairo: Maṭābi‘ al-Shurūq, p. 256.

<sup>2</sup> Al-Maswarī’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-Maswarī was a strict Hādawī who had condemned the use of the six Sunnī canonical ḥadīth 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 imāms commencing with Zayd b. ‘Alī’s in the sermons’ invocations. He was attacked by Sāliḥ al-Maqbalī 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.<sup>3</sup>

In *al-Badr al-tāli’*, Shawkānī says that al-Maswarī 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 imāms and his good fortune in their government.”<sup>4</sup> 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 imāms. Contemporary Yemeni intellectuals are at odds about al-Maswarī, much as they are about Shawkānī. Qādī Ismā‘īl al-Akwa’, for example, describes al-Maswarī as one of the extremist Jārūdī Shī‘ītes; whereas Zayd al-Wazīr considers him to have been a great scholar, though he qualifies this by saying that al-Maswarī’s support and legitimation of the Qāsimī imāms makes him the “Māwardī of the Zaydīs.” By this he means that al-Maswarī provided in

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<sup>3</sup> Cf. Sāliḥ al-Maqbalī, 1985, *al-‘Alam al-shāmikh*, pp. 21 -22 and Yaḥyā b. al-Ḥusayn, 1996, *Yawmiyyāt Ṣan‘ā’*, ‘Abd Allāh al-Ḥibshī (ed.), Abu Dhabi: Manshūrāt al-Majma‘ al-Thaqāfī, p. 48. This is an abridgment of his *Bahjat al-zaman*. Yaḥyā b. al-Ḥusayn says that he refuted al-Maswarī’s treatise, *al-Risāla al-munqidha min al-ghiwāya fī turuq ahl al-riwāya*, with his treatise entitled *Ṣawārim al-yaqīn al-qāṭi’a li-shukūk al-qādī Aḥmad b. Sa’d al-Dīn*, cf. Ms. Sanaa, Sharqiyya Library, *Majmū’* no. 49 and *Majmū’* no. 108.

<sup>4</sup> *Badr*, I : 59. Cf. *Maṭla’ al-budūr*, I : 111 - 118; *Hijar al-‘ilm*, II : 1081 - 1083.

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

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 Aḥmad b. al-Ḥasan, was Qādī Aḥmad b. Ṣāliḥ, otherwise known as Ibn Abī al-Rijāl (d. 1092 / 1681).<sup>6</sup> 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-sharī‘a li-wurrād al-sharī‘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 Yaḥyā b. al-Ḥusayn because, he says, this is where the truth is to be found.<sup>7</sup> 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.<sup>8</sup>

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.<sup>9</sup>

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

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

<sup>6</sup> Cf. *Badr*, I : 61 - 62; *Nashr*, I : 137 - 142; *Hijar al-‘ilm*, I : 560 - 563.

<sup>7</sup> Aḥmad b. Ṣāliḥ b. Abī al-Rijāl, *Tafsīr al-sharī‘a li-wurrād al-sharī‘a*, British Library, MS. British Library, OR 3852, fols. 23b - 24a.

<sup>8</sup> Ibn Abī al-Rijāl, *Tafsīr al-sharī‘a*, fol. 25a.

<sup>9</sup> Cf. *Badr*, I : 388 - 390; *Nashr*, II : 112 - 115; *Nashr*, III : 37.

have been an extremely enticing offer given the large revenues accruing from taxation of coffee exports. Ibn al-Amīr 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-Amīr, 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-Amīr, who appears to have offered his support to al-Mutawakkil's rival, al-Nāṣir Muḥammad b. Iṣḥāq (d. 1167 / 1754). Al-Nāṣir was allegedly more learned and hence more qualified than al-Mutawakkil, which in Zaydī doctrinal terms posed a significant challenge. In attempting to enlist Ibn al-Amīr, al-Mutawakkil was doubtless trying to render the scholar dependent on him and extract recognition for his rule.<sup>10</sup>

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-Amīr 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.<sup>11</sup> 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*).<sup>12</sup> Whatever motivations underlay these policies, however, they show that a nexus of interests had developed between

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<sup>10</sup> Cf. *Nashr*, III : 31; *Hijar al-'ilm*, IV : 1830 - 1832.

<sup>11</sup> Cf. A. Shvitiel *et al*, 1983, "The Jews of Ṣan'ā'", in *Ṣan'ā': An Arabian Islamic City*, p. 418. Also see al-'Amrī, 1985, pp. 7 - 9. The lack of knowledge we have about al-Mahdī 'Abbās' policies is due largely to the fact that no historical chronicle of his reign has survived. Shawkānī mentions that 'Alī b. Qāsim Ḥanash (d. 1219 / 1804) wrote a work on the reign of al-Mahdī 'Abbās and that of his son al-Manṣūr 'Alī, but this is apparently not extant, cf. *Badr*, I : 310 - 313, 472; *Nayl*, II : 154; *Nashr*, II : 25.

<sup>12</sup> *Badr*, I : 310 - 11.

those in power and scholars such as Ibn al-Amīr and later Shawkānī. By accepting positions in the imāmate, 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 *qādī al-quḍāt* :

The creation of the post of chief judge (*al-qādī al-akbar*, later called *qādī al-quḍāt*) in the eighteenth century illustrates how the Sunna-oriented scholars came to predominate in the administrative and legal structures of the imāmate. 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-Raḥmān al-Shāmī (d. 1172 / 1759).<sup>13</sup> The history of the rise of al-Shāmī within the imāmate’s patronage system is worth relating here in order to elucidate how the post of *qādī 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*)<sup>14</sup> as well as in jurisprudence and ḥadīth. His education is outlined in

<sup>13</sup> For al-Shāmī’s biography see *Badr*, I : 75 - 6; *Nashr*, I : 148 - 154. His paternal uncle, and later his father (‘Abd al-Raḥmān b. al-Ḥusayn), managed the endowments of Sanaa. Sayyid Muḥsin b. al-Mu’ayyad al-Ṣaghīr (d. 1141 / 1728) is also one who is mentioned as being *qādī al-quḍāt* during the imāmates of al-Mutawakkil al-Qāsim b. al-Ḥusayn and his son al-Manṣūr al-Ḥusayn b. al-Qāsim. It would appear, however, that Sayyid Muḥsin 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.

<sup>14</sup> 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 *‘ulūm al-ālāt* see *al-Tiqṣār*, 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-riwāya*, i.e. the ḥadīth sciences), and that many of his teachers were Sunnī 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-Sindī (d. 1163 / 1750).<sup>15</sup> 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 Sunnī 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 (*wallāhu al-qaḍā' al-akbar bi-ḥaḍratihī fī San'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-Yaman*)...<sup>16</sup>

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biographical literature, which is predominantly Traditionist in orientation, the *'ulūm al-ālāt* are distinguished from the *'ulūm al-ijtihād*. It seems that *ijtihād* sciences entailed a study of the ḥadīth sciences while the *ālāt* 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 ḥadīth 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-ṭalab*, pp. 118 - 119.

<sup>15</sup> Cf. *Nashr*, III : 145 - 148.

<sup>16</sup> Cf. *Badr*, I : 76.

Among al-Shāmī's responsibilities was to appoint judges, to give general counsel to the imām,<sup>17</sup> 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.<sup>18</sup> 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 *dīwān* by a brighter and more dynamic judge, Qāḍī Yaḥyā b. Ṣāliḥ al-Saḥūlī (d. 1209 / 1795), and is described as taking up the post of preacher (*khaṭīb*) at the Great Mosque in Sanaa.<sup>19</sup> Soon after, however, al-Shāmī endeavoured to have his brother-in-law, Yūsuf b. al-Ḥusayn Zabāra, appointed preacher, since he himself had no male issue.<sup>20</sup> 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. Ṣāliḥ al-Saḥūlī's (d. 1209 / 1795) professional career begins with his appointment as judge in Sanaa by al-Manṣūr 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 *dīwān* (*taṣaddara fī al-dīwān*), while Aḥmad al-Shāmī still acted as chief judge. Al-Saḥūlī appears to have eclipsed al-Shāmī, and al-Manṣūr initially delegated most judicial matters to him, later making him chief judge in 1153 / 1740. Al-Mahdī 'Abbās is reported to have praised al-Saḥūlī highly and to have given him both ministerial and judicial duties (*ḍamma ilayhi al-wizāra ilā al-qaḍā'*), so that most matters of government now revolved around him. However, in 1172 / 1759 al-Mahdī

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<sup>17</sup> 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.

<sup>18</sup> *Nashr*, I: 153.

<sup>19</sup> Al-Shāmī took up the post of preacher (*khaṭīb*) at the Great Mosque in 1166 / 1753 after Ibn al-Amīr was forced to relinquish the post because of Hādawī opposition to his Sunnī teachings.

<sup>20</sup> 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.

confiscated all his wealth and imprisoned him.<sup>21</sup> 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

al-Manṣūr 'Alī returned the subject of this biography [i.e. al-Saḥūlī] to the chief judgeship (*al-qadā' al-akbar*) 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 *dīwān*. 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*)<sup>22</sup> --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.<sup>23</sup>

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 *Ṣaḥīḥ* to a number of the ulema of

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<sup>21</sup> Cf. *Nashr*, II : 378 where the same is reported to have happened to Aḥmad b. 'Abd al-Raḥmān 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.

<sup>22</sup> 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 imāmate. 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.

<sup>23</sup> *Badr*, II : 334 - 5; also *Nayl*, II : 384 - 391.

Sanaa.”<sup>24</sup> Zabāra also says that al-Saḥūlī would often read the *Ṣaḥīḥayn* of Muslim and Bukhārī as well as the *Sunan* of Abū Dāwūd.<sup>25</sup> 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-Saḥūlī and al-Shāmī, and one who played a central role in the government of al-Mahdī ‘Abbās, probably taking over the role of chief judge while al-Saḥūlī was in prison, was Qādī Aḥmad b. Muḥammad Qāṭin (d. 1199 / 1785). Qāṭin 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 qawīya fī ḥifẓihā*). He practised *ijtihād* himself and did not imitate anyone.<sup>26</sup>

The important roles that scholars like Aḥmad al-Shāmī, Aḥmad Qāṭin and Yaḥyā al-Saḥūlī played in the government of al-Mahdī ‘Abbās 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 Wahhābīs, 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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<sup>24</sup> *Badr*, II : 335.

<sup>25</sup> *Nayl*, II : 385.

<sup>26</sup> *Badr*, I : 114. Qāṭin was Sayyid Aḥmad b. ‘Abd al-Raḥmān al-Shāmī’s brightest student. His fortunes, however, were not good as he was imprisoned on at least two occasions by al-Mahdī ‘Abbās, 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 Yaḥyā b. al-Ḥusayn drew up with the *dhimmīs* of Najrān in 284 / 897 provides proof that this was the case with the founder.<sup>27</sup> In the early Qāsimī period, the point is also well illustrated by a story which is narrated by Qādī al-Ḥaymī when he was on his mission in Ethiopia. Here a Coptic priest called Khāṭirūs 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

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<sup>27</sup> Cf. Yaḥyā b. al-Ḥusayn, 1993, *Kitāb al-Funūn*, which follows upon his *Kitāb al-Muntakhab*, pp. 505 - 507; al-‘Alawī, 1981, *Sīrat al-Hādī ilā al-Ḥaqq Yaḥyā b. al-Ḥusayn*, pp. 62, 76 - 79; C. van Arendonk, 1960, *Les Debuts de l’Imāmat Zaidite au Yemen*, Leiden: E. J. Brill, pp. 142 - 144, 322 - 329.

security. Some remain while paying the *jizya* fixed per head, and some stay for a short time and then return to their country.”<sup>28</sup> Zaydī imāms, 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-māl*) 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*.<sup>29</sup> Receipt of the *jizya* could also explain why the imāms 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.<sup>30</sup>

Several ḥadīths 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 (*waṣāyā*), one of which was to expel the associationists (*mushrikīn*) from Arabia.<sup>31</sup> 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... .”<sup>32</sup> In their legal commentaries, Hādawīs have considered the second ḥadīth as specifying the first (*mukhaṣṣis*), and have therefore held that Jews were allowed to live in Yemen.<sup>33</sup> 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

<sup>28</sup> E. J. van Donzel, 1986, *A Yemenite embassy*, pp. 186 - 187.

<sup>29</sup> *Ṭabaq al-ḥalwā*, p. 325.

<sup>30</sup> Cf. R. B. Serjeant, “The Hindu, Bāniyān, Merchants and Traders,” in *Ṣan‘ā’: an Arabian Islamic City*, pp. 432 ff.; Frank Mermier, 1997, *Le Cheikh de la nuit*, Paris: Sindbad, pp. 25 - 26.

<sup>31</sup> Bukhārī, *Ṣaḥīḥ, al-Jihād wa-l-siyar*, 2825; *al-Jizya wa-l-muwāda‘a*, 2932; *al-Maghāzī*, 4078. Aḥmad, *Musnad, Musnad banī Hāshim*, 1834.

<sup>32</sup> Aḥmad, *Musnad, Musnad al-‘ashara*, 1599, 1602, 1607.

<sup>33</sup> Cf. al-Husayn b. Badr al-Dīn, 1996, *Kitāb Shifā’ al-uwām*, vol. 3, pp. 569 - 70; Ibn Miftāḥ, *Sharḥ al-azhār*, vol. 4, p. 568; Ibn al-Murtadā, *al-Baḥr al-zakhkhār*, vol. 5, pp. 459 - 60.

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.<sup>34</sup>

Problems arose, however, in the 17th century when the Jews of Yemen became involved with activities relating to Sabbatai Sevi.<sup>35</sup> 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-Aqtā‘, 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!”<sup>36</sup> The governor interrogated him to see if he was insane and wrote to Imām 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 (‘*aqd al-dhimma*), which had hitherto allowed them to profess their

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<sup>34</sup> Dresch, 1989, pp. 61, 118.

<sup>35</sup> Cf. P. S. van Koningsveld *et al*, 1990, *Yemenite Authorities and Jewish Messianism*, Leiden: Leiden University; *Ṭabaq al-ḥalwā*, pp. 222 - 23, 304, 352 - 53, 361; A. Shvitiel *et al*, 1983, “The Jews of Ṣan‘ā’,” pp. 398 - 400; Yosef Tobi, “The Sabbatean activity in Yemen,” in his *The Jews of Yemen: Studies in their history and culture*, pp. 48 - 85 (forthcoming).

<sup>36</sup> Van Koningsveld *et al*, 1990, *Yemenite Authorities*, p. 16.

faith while they paid the poll-tax (*jizya*). They were no longer *dhimmi*s 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 (*waṣīyya*) 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-Ḥasan, 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 Qādī Aḥmad b. Ṣāliḥ b. Abī al-Rijāl (d. 1092 / 1681), supported the expulsion, claiming to base their opinion of the Shāfi‘ī scholar Zakariyya al-Anṣārī (d. 926 / 1520). This stipulated a literal application (*‘alā zāhiriḥ*) 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.<sup>37</sup>

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<sup>37</sup> *Ṭabaq al-ḥalwā*, p. 352 - 53; cf. ‘Abd al-Hādī al-Tāzī, 1981, “al-Nuṣūṣ al-zāhira fī ijlā’ al-Yāhūd al-fājira li-Aḥmad Abī al-Rijāl,” *al-Baḥth al-‘ilmī*, Rabat: al-Ma‘had al-Jāmi‘ī li-l-Baḥth al-‘ilmī, Jāmi‘at Muḥammad al-Khāmis, No. 32, pp. 15 - 35; Muḥammad Ḥusayn al-Zabīdī, 1974, “Makḥṭūṭātān min al-Yaman,” *al-Mawrid*, Baghdad: Ministry of Information, vol. 3, No. 4, pp. 187 - 96.

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.<sup>38</sup> 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.<sup>39</sup> Al-Jirāfī, on the other hand, says that it was because the imām could not dispatch them to a place of safety.<sup>40</sup> This is borne out by a report from one of the leading Traditionist jurists of the period, Ṣāliḥ b. Maḥdī 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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<sup>38</sup> *Ṭabaq al-ḥalwā*, p. 361.

<sup>39</sup> Goitein, 1974, *Jews and Arabs*, 3rd ed., New York: Schocken Books, p. 74; cf. Yehuda Ratzhavi, 1961, “The Mawza’ Exile,” *Sefunot* 5, pp. 337 - 395 [Hebrew]; idem, 1972, “The Mawza’ Expulsion in the light of New Sources,” *Tzion* 37, pp. 197 - 215 [Hebrew].

<sup>40</sup> al-Jirāfī, 1987, *al-Muqtataf min tārikh al-Yaman*, p. 236.

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.<sup>41</sup> 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-dhimma*). 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 ḥadīth 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 (*fuqahā'*) 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

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<sup>41</sup> Cf. *Badr*, I: 288 - 92; *Nashr*, I: 781 - 787; *Hijar al-'ilm*, I: 270 - 78. His published works now include *al-'Alam al-shāmikh*, *Kitāb al-Arwāḥ al-nawāfikh*, *al-Manār li al-mukhtār* and *Kitāb al-Abḥāth al-musaddada fī funūn muta'addida*.

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.<sup>42</sup>

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-Maqbalī.

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-Khaṭṭāb had allegedly concluded with the non-Muslim subject populations.<sup>43</sup> The terms of this Pact imposed on *dhimīs* 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," *dhimīs* 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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<sup>42</sup> Ṣāliḥ b. Maḥdī al-Maqbalī, 1988, *al-Manār fī al-mukhtār*, Beirut: Mu'assasat al-Risāla, pp. 503 - 504.

<sup>43</sup> Cf. al-Ḥasan b. Aḥmad al-Jalāl, n.d. *Ḍaw'u al-nahār al-mushriq 'alā ṣafāḥāt al-azhār*, Sanaa: Majlis al-Qadā' al-A'lā, vol. 4, pp. 2569 - 2576 and Ibn al-Amīr's commentary *Minḥat al-ghaṭlār* on the same pages; Shawkānī, *Nayl al-awṭār*, 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-Mahdī Muḥammad b. Aḥmad, otherwise known as Ṣāḥib 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 Ṣāḥib 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-'Irāqī 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 (*Nāsī* in the Jewish sources and *Shaykh* or *Kabīr al-Yāhūd* in the Arabic sources).<sup>44</sup> 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 *dhimmīs* 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 Ṣālim al-'Irāqī and accused him of contravening the terms of the Covenant. Jewish sources say that the imām commanded the chief rabbi to

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<sup>44</sup> Cf. Yosef Tobi, 1986, "Studies on a Yemenite scroll," Jerusalem [Hebrew], pp. 151ff; Niebuhr, 1792, vol. 1, p. 378.

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

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.<sup>46</sup> When confronted with the imām’s anger, Zabāra says, al-‘Irāqī 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-‘Irāqī 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.<sup>47</sup> Al-‘Irāqī 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-‘Irāqī’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 (*ṣaghār*) and humiliation (*dhilla*), by building many synagogues and jostling Muslims on the roads.”<sup>48</sup> Al-‘Irāqī 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-‘Irāqī 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

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<sup>45</sup> Yosef Tobi, 1995, “The Attempts to Expel the Jews from Yemen in the 18th Century,” in *le-Rosh Yosef* [Hebrew], Jerusalem, p. 461. Here quoting Rabbi Sa‘īd Ṣa‘dī’s book *The Impurity of Time*, cf. Yosef Qafih, 1957, “The Book *The Impurity of Time* by R. Sa‘īd Ṣa‘dī 5477 - 5486 (1717 - 1726)” [Hebrew], *Sefunot* 1, pp. 185 - 242; Tobi (ed.), 1980, *The History of the Jews of Yemen -- from their Writings* [Hebrew], Jerusalem, pp. 86 - 87, 90.

<sup>46</sup> *Nashr*, III : 36 - 37.

<sup>47</sup> *Badr*, I : 194, II : 127 - 30; *Nashr*, III : 39 - 40; *Hijar al-‘ilm*, IV : 1830 - 33.

<sup>48</sup> *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-‘Irāqī was probably released that same day.<sup>49</sup> The imām’s leniency was sustained by some of the leading Hādawī 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.<sup>50</sup>

Ibn al-Amīr’s efforts to have the Jews expelled and their synagogues demolished did not end here. In the reign of al-Mahdī ‘Abbās b. al-Ḥusayn (r. 1161 - 1189 / 1748 - 1775), he and ‘Abd Allāh b. Luṭf al-Bārī al-Kibīsī and Aḥmad b. ‘Abd al-Raḥmān al-Shāmī, were able to prevail on the imām to have some synagogues destroyed, Jewish houses in Sanaa levelled and certain Jewish leaders imprisoned.<sup>51</sup> Niebuhr, who visited al-Mahdī’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 Oroeki [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

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<sup>49</sup> In a reference to these events Ibn al-Amīr says that his efforts in fact led to the demolition of seven newly built synagogues (*kanā’is muḥdatha*) but that the expulsion failed because the “jurists confused the reigning imām.” Cf. Ibn al-Amīr, *Minḥat al-ghaffār* on the margins of al-Jalāl’s *Daw’ al-nahār*, vol. 4, p. 2574.

<sup>50</sup> *Nashr*, III : 37.

<sup>51</sup> *Nashr*, II : 136.

stone pitchers in which the inhabitants of the village had used to keep their wines were broken.<sup>52</sup>

Imām al-Mahdī had been educated by Sunna-oriented scholars, such as ‘Abd Allāh al-Kibīsī (d. 1173 / 1759 - 60), and was in favour of implementing their rulings as much as possible.<sup>53</sup> 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.<sup>54</sup> In commenting on the events relating to the Jews and the Banias Zabāra says:

He [‘Abd Allāh al-Kibīsī] 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‘īl al-Amīr and Master Aḥmad b. ‘Abd al-Raḥmān 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.<sup>55</sup>

It is noteworthy that the process by which an issue like this is legitimized is described here. Al-Kibīsī 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.<sup>56</sup> This, in addition to

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<sup>52</sup> Niebuhr, 1792, vol. 1, pp. 378 - 79.

<sup>53</sup> Cf. *Nashr*, II : 19 - 28, 135, *Nashr*, III : 41.

<sup>54</sup> *Nashr*, II : 19 - 28; cf. Muḥammad b. Ismā‘īl al-Amīr, *Jawāb fīmā yustaḥsan min tawzī‘ al-khārijīn ilā al-bawādī li-ta‘līm al-ṣalāt*, Sanaa, MS. Gharbiyya Library, *Majmū‘* no. 39.

<sup>55</sup> *Nashr*, II : 136.

<sup>56</sup> Tobi, 1995, “The Attempts to Expel the Jews,” pp. 468, 470.

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-Manṣūr 'Alī (d. 1224 / 1809) to allow the synagogues to be re-opened and some rebuilt.<sup>57</sup> 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.<sup>58</sup>

### 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 Sharī'a than that of the Jews. In the 17th century already, al-Jalāl wrote a treatise in favour of their expulsion from Yemen.<sup>59</sup> A riot broke out against them in Sanaa in Ramaḍān 1066 / June - July 1656, largely because of their commercial ascendancy in the market. The reigning Imām al-Mutawakkil Ismā'īl, however, defended them, arguing that since they paid the *jizya*, they were protected and could not be molested.<sup>60</sup> By drawing an analogy with the *Ahl 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,

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<sup>57</sup> Tobi, 1995, "The Attempts to Expel the Jews," p. 468; cf. 'Amram Qeraḥ, 1954, *The Storm of Yemen* [Hebrew], Jerusalem, p. 22.

<sup>58</sup> For example, Ibrāhīm b. 'Abd al-Qādir al-Kawkabānī (d. 1223 / 1808) wrote *al-Tanbīh 'alā mā wajaba min ikhrāj al-Yāhūd min Jazirat al-'Arab* in 1219 / 1804 in favour of the expulsion, cf. al-Zabīdī, 1974, pp. 193 - 916. Whereas, 'Abd Allāh b. 'Īsā al-Kawkabānī (d. 1224 / 1809), a more traditional Hādawī and a critic of Shawkānī's anti-Jewish policies and opinions, wrote *al-Salwā wa-l-mann fī 'adam ikhrāj al-Yāhūd min al-Yaman*, arguing against their expulsion, cf. *Nayl*, II : 94; *Badr*, I : 391 - 92.

<sup>59</sup> al-Ḥasan b. Aḥmad al-Jalāl, *Risāla tata'allaq bi-taqrīr al-Bāniyān fī al-Yaman*, Sanaa, MS. Gharbiyya Library, *Majmū'* no. 69; cf. al-Ḥibshī, *Maṣādir al-fikr*, p. 221.

<sup>60</sup> *Ṭabaq al-ḥalwā*, p. 143; Serjeant, 1983, "The Hindu, Bāniyān, Merchants and Traders," pp. 432 - 33.

Ibn al-Amīr insisted on the implementation of the explicit letter of the law, namely that they should be expelled.<sup>61</sup> Zabāra says:

He [Ibn al-Amīr] 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 *riyāls*. One of the idols was taken and brought before the imām, whilst al-Badr [Ibn al-Amīr] 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.<sup>62</sup>

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.<sup>63</sup> 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.<sup>64</sup>

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 *dhimmīs* be abased and humiliated, and he adduces numerous ḥadīths to prove his point.<sup>65</sup> He also saw to the enforcement of the

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<sup>61</sup> Muḥammad b. Ismā‘īl al-Amīr, 1986, *Dīwān al-Amīr al-Ṣan‘ānī*, pp. 135 - 138.

<sup>62</sup> *Nashr*, III : 41. The idol was possibly Lakshmi, the goddess of wealth, traditionally worshipped by trading casts in India.

<sup>63</sup> *Nashr*, II : 196.

<sup>64</sup> Niebuhr, 1792, vol. 1, pp. 329 - 330, 379.

<sup>65</sup> Cf. *Nayl*, II : 94; Joseph Sadan, 1995, “The ‘Latrines Decree’ in the Yemen versus the Dhimma principles,” in *Pluralism and Identity: studies in ritual behaviour*, Leiden: E. J. Brill, pp. 167 - 185. These treatises are in Cairo, al-Hay’a al-Miṣriyya Library, microfilm no. 2216. I am preparing an annotated edition of these.

decree which forcibly converted Jewish orphans to Islam, and wrote a treatise on this subject entitled *Risāla fī ḥukm ṣibyān al-dhimmiyyīn idhā māta abawāhum*.<sup>66</sup>

### 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 Wahhābīs 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-Dawā' al-'ājil fī 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 (*kāfir*) ... .

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 (*aḥkām al-tāghūt*), instead of to the Sharī'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.<sup>67</sup>

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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<sup>66</sup> This treatise appears not to be extant and is listed in al-Ḥibshī's list of Shawkānī's works, cf. 'Abd Allāh al-Ḥibshī, 1979, "Thabat bi-mu'allafāt al-'allāma Muḥammad b. 'Alī al-Shawkānī," *Dirāsāt Yamaniyya*, no. 3, p. 78.

<sup>67</sup> Muḥammad b. 'Alī al-Shawkānī, 1930, *al-Dawā' al-'ājil fī daf' al-'aduw al-ṣā'il*, in *al-Rasā'il al-salafiyya*, Beirut: Dār al-Kutub al-'Ilmiyya, pp. 29, 33, 37; cf. al-'Amrī, 1990, p. 128 - 138; Dresch, 1989, p. 214.

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 *qāḍī* [in the outlying areas] is man who is ignorant of the Sharī'a ... He does not know [the difference] between justice and injustice ... However, he desires to be called a *qāḍī* 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.<sup>68</sup>

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 Sharī'a can be applied and therefore remedy the problems facing the realm.

### Wahhābīs, Shawkānī and the Issue of Visiting Graves (*ziyārat al-qubūr*):

The destruction of the graves of Sufī saints in September 1994 in Aden by Salafī 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 Wahhābīs 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 Wahhābīs, the imāmate offered its own answers to these controversial issues and responded vigorously to the Wahhābī 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

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<sup>68</sup> Shawkānī, 1930, *al-Dawā' al-'ājil*, p. 31.

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 Wahhābīs 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. ‘Abd al-Wahhāb (d. 1206 / 1792) and the emir of the town of al-Dir‘iyya, Muḥammad b. Sa‘ūd (d. 1179 / 1766). By the turn of the nineteenth century the Wahhābīs 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 Aḥmad 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-ulūhiyya*).<sup>69</sup> The Wahhābīs found their principal opponents in the partisans of the cult of saints and tombs whom they accused of unbelief (*kufīr*). This was because many of their practises were considered to constitute *bida‘* (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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<sup>69</sup> Henri Laoust, 1939, *Essai sur les Doctrines Sociales et Politiques de Taki-D-Din Ahmad b. Taimiya*, Cairo: Imprimerie de l’Institut Francais d’Archeologie Orientale, p. 531.

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*.<sup>70</sup>

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 Zaydīs, 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, Muḥammad b. 'Abd 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.<sup>71</sup> 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:

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 (*kufīr*), nor is it sinfulness (*fīsq*), is there in this any refutation? For if there is,

<sup>70</sup> Cf. Shawkānī, 1982, *Dīwān al-Shawkānī*, pp. 154 - 158.

<sup>71</sup> For the complete text of the poem see Shawkānī, 1982, *Dīwān al-Shawkānī*, pp. 154 - 155, fn. 1.

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 *ijmā'*, and all who have knowledge are witnesses to this.

For if you [i.e. Wahhābīs] 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 *kuf* 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 Wahhābīs], 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 Wahhābīs] turn back to this [the Qur'ān and Sunna]; for if you do, we will thus return.<sup>72</sup>

### Shawkānī's Treatise:

Shawkānī's treatise (*risāla*) on the issues of grave visitation and the unicity of God is entitled *Kitāb al-Durr al-naḍīd fī ikhlāṣ kalimat al-tawḥīd* (The Book of Well-Strung Pearls Rendering Pure the Word on God's Unicity).<sup>73</sup> 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 Muḥammad b. Aḥmad Mashḥam (d. 1223 / 1808),<sup>74</sup> 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 Wahhābī activity

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<sup>72</sup> Shawkānī, 1982, *Dīwān al-Shawkānī*, pp. 155 - 158; cf. Nayl, II : 300 - 301..

<sup>73</sup> It was published in al-Shawkānī, 1348 / 1930, *al-Rasā'il al-salafīyya fī ihyā' sunnat khayr al-bariyya*, ed. unknown, Photoreprint (n.d.), Beirut: Dār al-Kutub al-'Ilmiyya. It was also published in the 1991 edition of *al-Rasā'il al-salafīyya*, Beirut: Dār al-Kitāb al-'Arabī. Here we will be referring to the 1348 / 1930 edition.

<sup>74</sup> For Mashḥam's biography see *Badr*, II : 116; *Nayl*, II : 235.

in the Tihāma which formed the setting against which this treatise was written. That Qādī 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 'Asīr and the Tihāma 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 Wahhābīs, constantly emphasizes the dual nature of the condemnation: on the one hand he condemns their beliefs (*i'iqādāt*), and on the other their practises (*af'āl*).

The question that Qādī 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'iqād*) that they [the dead] have the power (*al-qudra*) to

accomplish the needs (*ḥawā'ij*) and demands (*ṭalabāt*) 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?<sup>75</sup>

Shawkānī begins by defining the terms which he was asked about:

*istighātha*, *isti'āna*, *tashaffu'* 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 (*kuf'r*) then this world knows it not.<sup>76</sup>

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.<sup>77</sup>

According to Shawkānī the beliefs of the *qubūriyyūn* are the result of *taqlīd*. 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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<sup>75</sup> Shawkānī, *al-Durr al-naḍīd*, p. 2.

<sup>76</sup> Shawkānī, *al-Durr al-naḍīd*, pp. 7 - 8.

<sup>77</sup> Shawkānī, *al-Durr al-naḍīd*, 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.<sup>78</sup> 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-Ḥusayn<sup>79</sup> (d. 665 / 1267) in the town of Dhī Bīn, 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!”<sup>80</sup> The heinous nature of this salutation lies in the fact that the attribute “most merciful of all” (*arḥam al-rāḥimīn*) 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.<sup>81</sup>

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 Zabīd) and of al-Zayla‘ī (d. 704 / 1305, a Sufi saint from Jibla). He asks rhetorically:

<sup>78</sup> Shawkānī, *al-Durr al-naḍīd*, pp. 27 - 28.

<sup>79</sup> More information on this imām can be found in Muḥammad b. Aḥmad al-Ḥajrī, 1984, *Majmū‘ buldān al-Yaman wa qabā’iluhā*, Sanaa: Wizārat al-I‘lām wa-l-Thaqāfa, vol. 1, p. 353.

<sup>80</sup> Shawkānī, *al-Durr al-naḍīd*, p. 12.

<sup>81</sup> Shawkānī, *al-Durr al-naḍīd*, p. 36.

and what is it one hears in Yemen [as invocations and appeals to dead saints] with such calls as: O Ibn ‘Ujayl! O Zayla‘ī! O Ibn ‘Alwān!<sup>82</sup>

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.<sup>83</sup>

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*).<sup>84</sup> 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 (*ikhhlāṣ al-tawḥīd*), and to render all worship exclusive to Him (*ifrādi-hi bi-l-‘ibāda*).”<sup>85</sup>

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 (*taghrīr*); 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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<sup>82</sup> Shawkānī, *al-Durr al-naḍīd*, p. 20. The biography of Aḥmad b. ‘Alwān can be found in Aḥmad b. Aḥmad al-Sharjī, 1321 / 1903, *Ṭabaqāt al-khawāṣ ahl al-ṣiḍq wa-l-ikhhlāṣ*, Cairo: al-Maṭba‘a al-Maymaniyya, pp. 19 - 21; Aḥmad b. ‘Ujayl’s biography can be found in the same reference on pp. 13 - 17.

<sup>83</sup> Shawkānī, *al-Durr al-naḍīd*, p. 20.

<sup>84</sup> Shawkānī, *al-Durr al-naḍīd*, p. 24.

<sup>85</sup> Shawkānī, *al-Durr al-naḍīd*, 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 ( *'āṣin āthim*) and this is the least of his conditions ... .<sup>86</sup>

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.<sup>87</sup> 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 imāmate, 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 Zaydī tradition -- the principal external source here being the Ḥanbalī writings of Ibn

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<sup>86</sup> Shawkānī, *al-Durr al-naḍīd*, p. 47.

<sup>87</sup> Cf. Laoust, 1939, p. 529.

Taymiyya. It is also noteworthy that Shawkānī, as chief judge of the imāmate, could share many identical theological and jurisprudential sources and arguments with the Wahhābīs, 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.<sup>88</sup>

In his attack on the cult of saints Muḥammad b. ‘Abd al-Wahhāb incorporated Ibn Taymiyya’s most characteristic ideas.<sup>89</sup> Similarly, Ibn Taymiyya’s influence on Shawkānī 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-ṣāliha*) of that person and not directly to him.<sup>90</sup> To prove this Shawkānī 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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<sup>88</sup> Cf. Laoust, 1939, p. 522 and Annexe 14, pp. 91 - 99; idem, “Ibn ‘Abd al-Wahhāb,” in EI<sup>2</sup>, III : 678, where he mentions that the son of Muḥammad b. ‘Abd al-Wahhāb, whose name was ‘Abd Allāh, accompanied Sa‘ūd b. ‘Abd al-‘Azīz on his conquest of the Hijaz in 1805-6 CE, and wrote an important refutation of the doctrines of the Twelver Shī‘ites as well as those of the Zaydīs. This refutation was published in the *Majmū‘at al-rasā‘il wa-l-masā‘il al-Najdiyya*, 4 vols., Cairo: al-Manār Press, 1346 / 1928, vol. IV, pp. 47 - 222. Also see Sulaymān b. Saḥmān (ed.), 1342 / 1923, *al-Hadiyya al-sunniyya wa-l-tuḥfa al-Wahhābiyya al-Najdiyya*, Cairo: al-Manār Press, p. 623

<sup>89</sup> Laoust, 1939, p. 519.

<sup>90</sup> Aḥmad Ibn Taymiyya, n.d., *Majmū‘ fatāwā Shaykh al-Islām Aḥmad b. Taymiyya*, vol. I entitled *Tawḥīd al-ilāhiyya*, ‘Abd al-Rahmān b. Muḥammad b. Qāsim (ed.), Rabat: al-Maktab al-Ta‘līmī al-Sa‘ūdī bi-l-Maghrib, pp. 102 - 107, 309, 347; also Aḥmad Ibn Taymiyya, n.d., *Iqtidā‘ al-ṣirāt al-mustaqīm mukhālafat aṣḥāb al-jahīm*, Aḥmad Ḥamadī (ed.), Jedda: Maktabat al-Madanī wa Maṭba‘atahā, pp. 408 - 412. Shawkānī cites this last work heavily in the *risāla* since Ibn Taymiyya deals extensively with the issue of the visitation of graves and the cult of saints in it, cf. pp. 328 - 413.

(*istisqā*).<sup>91</sup> 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*.<sup>92</sup>

It is obvious from the *risāla* that Shawkānī shares with the Wahhābīs 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 transcendental world (*'ālam al-ghayb*), he is in fact referring to what Wahhābī theorists have called *shirk al-'ilm*.<sup>93</sup> Another form of *shirk* which both Shawkānī and the Wahhābīs condemn is the dissimulation of piety (*rīyā*) in order to gain the applause or admiration of fellow Muslims, as "it associates consideration for men with the thought of God."<sup>94</sup> 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

<sup>91</sup> Cf. Bukhārī, *Ṣaḥīḥ*, *kitāb* 15, *bāb* 3 and *kitāb* 62, *bāb* 11.

<sup>92</sup> Cf. Ibn Taymiyya, *Majmū' fatāwā*, vol. 1, p. 106; Shawkānī, *al-Durr al-naḍīd*, p. 4. See Abū Yazīd al-Biṣṭāmī's biography in EI<sup>2</sup>, I : 162 - 163. It is interesting that Shawkānī, like Ibn Taymiyya, uses famous Sufīs to condemn a popular Sufī practise like *istighātha*.

<sup>93</sup> Cf. Walther Bjorkman, "Shirk," in EI<sup>1</sup>, II : 380.

<sup>94</sup> Shawkānī, *al-Durr al-naḍīd*, p. 14 and Muḥammad b. 'Abd al-Wahhāb, 1408 / 1988, *Kitāb al-Tawḥīd*, Beirut: al-Maktab al-Islāmī, pp. 80 - 81.

on astrology, amulets and lithomancy; finally, *shirk fī al-adab*, i.e. the swearing in the name of other than God, e.g. the Prophet, ‘Alī or the saint.<sup>95</sup>

The concept of *tawḥīd* is central to Wahhābī doctrine. The members of the Wahhābī movement even refer to themselves as *muwaḥḥidūn* (unitarians) and not Wahhābīs, which is an appellation given to them by their opponents and has become widely used in Western scholarship.<sup>96</sup> The Wahhābī understanding of *tawḥīd* 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-ulūhiyya*). 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.<sup>97</sup>

In order to accomplish *tawḥīd al-rubūbiyya*, the Wahhābīs demand that one affirm God’s omnipotence in such matters as “creation (*khalq*), sustenance (*rizq*), giving life (*iḥyā’*) and death (*imāta*), provision of rain (*inzāl al-maṭar*), growth of vegetation (*inbāt al-nabāt*) and in the direction of all affairs (*tadbīr al-umūr*).”<sup>98</sup> Ibn Taymiyya adds to this list that one must also affirm “that God ... is the provider (*al-mu’tī*) and the withholder (*al-māni’*), the harmful (*al-dārr*) and the beneficent (*al-nāfi’*) ... .”<sup>99</sup> According to the Wahhābīs, however, asserting

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<sup>95</sup> For a discussion of these various types of *shirk* as understood by the Wahhābīs see Muḥammad b. ‘Abd al-Wahhāb, 1408 / 1988, *Kitāb al-Tawḥīd*, pp. 32 - 46, 62 - 71.

<sup>96</sup> D. S. Margoliouth, “Wahhābiya,” in EI<sup>1</sup>, IV : 1086.

<sup>97</sup> Laoust, 1939, *Essai sur Ibn Taymiyya*, pp. 531-532; cf. George Rentz, 1969, “The Wahhabis,” p. 531.

<sup>98</sup> Unknown Wahhābī author, 1381 / 1962, *Anwā’ al-tawḥīd al-thalāthah*, in *Majmū’at al-tawḥīd*, ‘Alī b. ‘Abd Allāh al-Rathānī (sponsor), Damascus: al-Maktab al-Islāmī, p. 79.

<sup>99</sup> Ibn Taymiyya, *Majmū’ fatāwā*, vol. 1, p. 92.

*tawḥīd al-rubūbiyya* on its own is not enough to be considered a *muwaḥḥid* (i.e. a Muslim who accomplishes to render pure God's unicity), for one also has to accomplish *tawḥīd al-ulūhiyya*. By this the Wahhābīs 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*)."<sup>100</sup> 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 Wahhābīs leveled against the *qubūriyyūn*.

Shawkānī shares with the Wahhābīs the same conception of *tawḥīd*. Although he does not mention the terms *tawḥīd al-rubūbiyya* and *tawḥīd al-ulūhiyya* 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 (*ikhhlāṣ al-tawḥīd*) and render all worship exclusively to Him (*ifrādi-hi bi-l-'ibāda*). Shawkānī describes the failure to accomplish these two aspects of *tawḥīd* in the same terms that the Wahhābīs and Ibn Taymiyya use. For example, Shawkānī states that in order to affirm *ikhhlāṣ al-tawḥīd* and render all worship exclusive to God

all invocation (*du'ā'*), all cries (*nidā'*), 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.<sup>101</sup>

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

<sup>100</sup> *Anwā' al-tawḥīd al-thalātha*, in *Majmū'at al-tawḥīd*, p. 79. For Ibn Taymiyya's definition of the necessary requirement for fulfilling *tawḥīd al-ulūhiyya* and *tawḥīd al-rubūbiyya* see Ibn Taymiyya, *Majmū' fatāwā*, vol. 1, p. 91.

<sup>101</sup> Shawkānī, *al-Durr al-naḍīd*, p. 17.

(*mūhyī*) or death (*mumīt*), i.e. the accomplishment of *tawhīd al-rubūbiyya*, they still partake in *shirk* by believing “that God may have associates who have the power to benefit (*naʿ*), to harm (*ḍarr*), to bring one closer to God and to intercede on their behalf with Him.”<sup>102</sup> In short, *tawhīd* 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.<sup>103</sup>

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.<sup>104</sup> Ibn Taymiyya, for his part, did not consider the visitation of tombs to contradict the Sharī‘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 Uḥud.<sup>105</sup> 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.<sup>106</sup> 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

<sup>102</sup> Shawkānī, *al-Durr al-naḍīd*, p. 17.

<sup>103</sup> Cf. Laoust, 1939, p. 532; Shawkānī, *al-Durr al-naḍīd*, p. 17.

<sup>104</sup> Laoust, 1939, pp. 529 - 530.

<sup>105</sup> Cf. Aḥmad Ibn Taymiyyah, n.d., *Iqtidā’ al-ṣirāṭ al-mustaqīm mukhālafāt aṣḥāb al-jahīm*, pp. 335 - 336; Laoust, 1939, pp. 334 - 335, 353.

<sup>106</sup> Shawkānī, *al-Durr al-naḍīd*, p. 47.

of exaggeration (*ghulūw*) -- one of the most serious factors leading to associationism.<sup>107</sup> 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.<sup>108</sup>

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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<sup>107</sup> Cf. Sulaymān b. Saḥmān (ed.), 1342 / 1923, *al-Ḥadiyya al-sunniyya wa-l-tuḥfa al-Wahhābiyya al-Najdiyya*, p. 619.

<sup>108</sup> *al-Ḥadiyya al-sunniyya*, p. 617; cf. *Majmū'at al-rasā'il al-Najdiyya*, vol. 2, section III, Cairo: al-Manār Press, 1346 / 1928, p. 63.

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-Ṣaḥāba*<sup>1</sup>

Shī'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-Ḥasan b. 'Alī al-Habal<sup>2</sup>

No issue raises the spectre of the Sunnī-Shī'ī divide, and more specifically the Zaydī-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.”<sup>3</sup> Predictably, as religious discourse in republican Yemen is dominated by

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<sup>1</sup> Various studies on attitudes to the Companions in European languages are worthy of note and are listed here. For the Imāmī position, see Etan Kohlberg, 1971, “The Attitude of the Imāmī-Shī'īs to the Companions of the Prophet,” D.Phil. thesis, University of Oxford. Chapter one deals with the Sunnī position whereas chapter two discusses that of the Mu'tazila. Also see Kohlberg, 1984, “Some Imāmī Shī'ī views on the Ṣaḥābā,” *Jerusalem Studies in Arabic and Islam*, No. 5, pp. 143 - 75. For the Sunnī position see Albert Arazi, 1987, “Ilqām al-ḥajar li-man zakkā sābb abī bakr wa-'umar d'al-suyūṭī,” *Jerusalem Studies in Arabic and Islam*, No. 10, pp. 211 - 287; and Lutz Wiederhold, 1997, “Blasphemy against the Prophet Muḥammad and his Companions (*Sabb al-Rasūl*, *Sabb al-Ṣaḥābah*): the introduction of the topic into Shāfi'ī legal literature and its relevance for legal practise under Mamluk rule,” *Journal of Semitic Studies*, Spring, vol. 42, no. 1, pp. 39 - 70. For the Zaydī position see Etan Kohlberg, 1976, “Some Zaydī views on the Companions of the Prophet,” *BSOAS*, vol. 39, part 1, pp. 91 - 8.

<sup>2</sup> The first poem is by Shawkānī and can be found in his *Adab al-talab*, p. 62. The second poem is by al-Ḥasan al-Habal (d. 1079 / 1688), a strict Zaydī of the 17th century, and is quoted in *Hijar al-'ilm*, I: 239.

<sup>3</sup> 'Izz al-Dīn Ḥasan Taqī (ed.), n.d., *Kitāb al-Fatāwā al-shar'iyya wa-l-'ilmiyya wa-l-dīniyya li-'ulamā' al-diyār al-Yamaniyya*, Sanaa: Maktabat al-Irshād, pp. 406 - 9.

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 Sharī'a would collapse. It is not surprising that the next *fatwā* question in the book cited was whether the *Zaydī madhhab* was to be considered the most correct when compared to the four Sunnī 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 Sunnī schools, and in particular the Ḥanafī, and that unlike the others it maintained the "door of *ijtihād*" open, allowing "freedom of opinion from the [constraints] of *taqlīd* 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.).<sup>4</sup> In both *fatwās* several conscious oversights take place. The Hādawī tradition, which differed considerably from the Sunnī 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 ( *'udūl*). 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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<sup>4</sup> Taqī, *Kitāb al-Fatāwā al-shar'iyya*, pp. 409 - 412.

ḥadīths of the Prophet. Any derogation from their status would lead, in his estimation, to undermining the canonical corpus of ḥadīths, hence the Sunna, and ultimately the Sharī‘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 Zaydī-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. Zaydīs universally claimed ‘Alī’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 Sunnīs generally, ranked ‘Alī 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 ‘Alī and the other Companions was crucial to the issue at hand. The centrality and importance of ‘Alī, 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 Zaydī 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. 'Izz 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.<sup>5</sup> Shawkānī's also sees the Companions, much as the Ḥanbalīs did, as all sharing in the quality of excellence, and he insists that one should refrain from mentioning derogatory statements about them and from delving into their disagreements. He held that both God and the Prophet had accorded all the Companions the status of *'adāla*, relying on Qurānic 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."<sup>6</sup> 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, *Ṣaḥīḥ*,

<sup>5</sup> *Irshād al-fuḥūl*, p. 62 - 3. Cf. Goldziher, *Muslim Studies*, vol. II, p. 222.

<sup>6</sup> Shawkānī, n.d., *al-'Adhb al-namīr fī jawāb masā'il 'ālim bilād 'Asīr*, in *Kitāb al-Faḥ al-rabbānī min fatāwā al-imām al-Shawkānī*, Sanaa: al-Ma'had al-'Ālī li-l-Qaḍā', pp. 82 - 83. Shawkānī also quotes the following Qur'ānic verses: II : 143 and XLVIII : 18. Also see *Irshād al-fuḥūl*, pp. 61- 2 and Shawkānī, *al-Qawl al-maqbūl fī radd khabar al-majhūl min ghayr ṣaḥābat al-rasul*, MS. photocopy from the Ma'had al-'Ālī li-l-Qaḍā' in Sanaa, fols. 26b - 28.

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 Uḥud, 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” (Bukhārī, *Ṣaḥīḥ, faḍā’il 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” (Tirmidhī, *Fitan* 7); and “My Companions are like lodestars; by imitating anyone among them you will find the right path.”<sup>7</sup>

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 (*riwāya*) 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 *‘adāla* in view of their numerous virtues attested in sound proof-texts.<sup>8</sup> 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 (*riwāya*) 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 (*‘addalahum*) when he said: ‘the most excellent [persons] are my generation’.<sup>9</sup> [Regarding] the conflicts which arose between them, even if it is

<sup>7</sup> For the last ḥadīth see Khaṭīb al-Tibrīzī, 1961, *Mishkāt al-maṣābīḥ*, Damascus: al-Maktab al-Islāmī, vol. 3, p. 219.

<sup>8</sup> Shawkānī, *al-‘Adhb al-namīr*, p. 83.

<sup>9</sup> 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 (*ṣuḥba*). Taken generally, the explicit proof-texts (*'umūm al-adilla al-nāṭiqā*) protect them (*yadfa' anhum*) 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 Sharī'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.<sup>10</sup>

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 Sharī'a. This implied that a Muslim must not discuss the matter of 'Alī'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 Sharī'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.<sup>11</sup>

<sup>10</sup> Shawkānī, 1996, *Wabl al-ghamām 'alā shifā' al-uwām*, vol. 1, p. 26; also in another edition see Shawkānī, 1416 / 1996, *Wabl al-ghamām 'alā shifā' al-uwām*, Muḥammad Ḥallāq (ed.), Cairo: Maktabat Ibn Taymiyya, vol. 1, pp. 62 - 63.

<sup>11</sup> Shawkānī, 1996, *Wabl al-ghamām*, vol. 4, pp. 495 - 496 (in Ḥallāq's edition, vol. 2, pp. 395 - 396).

According to Shawkānī, not even the conflict that arose between ‘Alī and Mu‘āwiya 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 (*waṣī*), and that in the conflict between ‘Alī and Mu‘āwiya the latter had been at fault. His later writings do not accord ‘Alī a pre-eminent 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 Mu‘āwiya:

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-‘Iqd al-thamīn fī ithbāt wiṣāyat amīr al-mu‘minīn* (The Precious Necklace Proving the Legateeship of the Commander of the Faithful).<sup>12</sup> The treatise is a response to a question put to him by sayyids of the Tihāmī town of Zabīd, about the Tradition in which ‘Ā’isha, the Prophet’s wife, denies that the Prophet had designated ‘Alī as his *waṣī*.<sup>13</sup> 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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<sup>12</sup> This work was published in 1990 in Sanaa by Maktabat Dār al-Turāth, a pro-Zaydī publishing house.

<sup>13</sup> This ḥadīth can be found in the *Ṣaḥīḥayn* of Bukhārī and Muslim: “They mentioned to ‘Ā’isha 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 Sunnī sayyids, the question was probably not unmotivated, since it goes to the heart of the Zaydī, and more generally Shī‘ī, claim about ‘Alī’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 ‘Alī’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 (*ḥujja*), that according to *uṣūl al-fiqh* an affirmative statement (*muthabbīt*) takes precedence over a negating one (*al-nāfī*), and that ‘Ā’isha was known to be hasty in rejecting whatever contradicted her own opinion.<sup>14</sup> 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 mutlaqa*) 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 Aḥmad b. Ḥanbal’s *Musnad*, in which the Prophet says: “my legatee (*waṣiyyī*), 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-Fawā’id al-majmū‘a li*

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<sup>14</sup> Shawkānī, 1990, *al-‘Iqd al-thamīn fī ithbāt wiṣāyat amīr al-mu‘minīn*. Sanaa: Maktabat Dār al-Turāth, pp. 8 - 9. For the sake of brevity, some of Shawkānī’s arguments are omitted here.

*al-aḥādīth al-mawḍū‘a* (The Sum of Beneficial Things about the False Traditions)--he claimed were false and did not constitute valid proof-texts.<sup>15</sup>

In concluding the treatise Shawkānī explains that “it is incumbent upon us to believe that [‘Alī]--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 (*tafdīl*) [to one Companion over another], but the Prophet said that he was his legatee, so we say that he is his legatee... .”<sup>16</sup> 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’isha’s ḥadīth which is considered sound by Sunnīs since it is reported in the *Ṣaḥīḥayn* of Bukhārī and Muslim.

Concerning the conflict between Mu‘āwiya 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-awṭār* which was written at his teachers’ behest and completed in 1210 / 1795.<sup>17</sup> Shawkānī there quotes the Tradition found in

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<sup>15</sup> Cf. Shawkānī, 1986, *al-Fawā’id al-majmū‘a fī al-aḥādīth al-mawḍū‘a*, Beirut: Dār al-Kitāb al-‘Arabī, pp. 367 - 402.

<sup>16</sup> Shawkānī, 1990, *al-‘Iqd al-thamīn*, 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-Rawḍa al-nadiyya fī sharḥ al-tuḥfa 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-Rawḍa 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 Imām Aḥmad Ḥamīd 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 *Rawḍa* (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.

<sup>17</sup> 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, *Ṣaḥīḥ*, *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 Mu‘āwiya and his partisans were in the wrong (*al-mubtilūn*). 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.<sup>18</sup>

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 Mu‘āwiya 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 Ḥanbalīs generally, adopted the position of *imsāk* regarding the conflicts between Companions, and specifically the one between ‘Alī and Mu‘āwiya.<sup>19</sup> In a *fatwā*-treatise written in Shawwāl 1222 / December 1807 Shawkānī responded to a set of questions posed to him by a pro-Wahhābī scholar, Shaykh Muḥammad b. Aḥmad al-Ḥafzī of ‘Asīr,<sup>20</sup> one of which was about the conflict between ‘Alī and Mu‘āwiya. 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 (*ḥujja shar‘iyya*)... and it has been attested in the *Ṣaḥīḥ* [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

<sup>18</sup> Shawkānī, *Nayl al-awṭār*, vol. 4, section 7, p. 348. Ibn al-Amīr adopts the same opinion in his *al-Rawḍa al-nadiyya*, see p. 76.

<sup>19</sup> Cf. Kohlberg, 1971, “The Attitude of the Imāmī-Shī‘īs to the Companions of the Prophet”, p. 8.

<sup>20</sup> 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.<sup>21</sup>

In yet another treatise, one in which he was asked about 'Alī's special standing considering the Tradition in which the Prophet says: "I am the city of knowledge and 'Alī is its door," Shawkānī denies that 'Alī 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 'Alī'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*).<sup>22</sup> In one of his later works entitled *Darr al-ṣaḥābā fī manāqib al-qarāba wa-l-ṣaḥāba* (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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<sup>21</sup> Shawkānī, *al-ʿAdhb al-namīr*, p.82. For similar statements by Shawkānī see his other treatise in the same collection entitled *Irshād al-sāʿil ilā dalīl al-masāʿil* where he reiterates that it is best not to probe into the disputes of the Companions. He maintains, however, that those who fought 'Alī were to be considered rebels (*bughā*), and that he was in the right and they were in the wrong. Mu'āwiya 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-Faṭḥ al-rabbānī*, p. 322 - 323.

<sup>22</sup> Shawkānī, *Baḥṭh fī ḥadīth anā madīnat al-ʿilm wa ʿalī bābuhā* in his *Kitāb al-Faṭḥ al-rabbānī*, pp. 207 - 213. For his criticism of this Tradition see his *Darr al-ṣaḥāba*, p. 203 and his *al-Fawāʿid al-majmūʿa fī al-aḥādīth al-maḍūʿa*, 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-mubashsharīn*), and also by not giving Mu‘āwiya any place in the work at all. Ultimately, however, this did not bridge the gap between the two sides because the Shī‘īte position is based squarely on ‘Alī’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 ‘Alī over Abū Bakr) Ash‘arīs, among others, held that the Companions were *mujtahids*.<sup>23</sup> 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.”<sup>24</sup> Shawkānī upholds this position. In a passage of his *Irshād al-fuḥūl*, 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.<sup>25</sup> 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.<sup>26</sup> 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.

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<sup>23</sup> Kohlberg, 1971, pp. 10 - 11.

<sup>24</sup> Cf. Kohlberg, 1971, p. 10; Joseph Schacht, 1950, *The Origins of Muhammadan Jurisprudence*. Oxford: Oxford University Press, p. 96.

<sup>25</sup> *Irshād al-fuḥūl*, p. 61.

<sup>26</sup> *Irshād al-fuḥūl*, p. 237

## Accounting for the Difference in Shawkānī's Works Regarding 'Alī and Mu'āwiya:

'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'āwiya, as these were based on weak Traditions in favour of 'Alī.<sup>27</sup> Nūmsūk, like a number of recent Saudī graduates who have worked on Shawkānī, has tried to graft him onto the Salafī/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 can not be denied, he was none the less thirty years old in 1205 AH when he wrote *al-Iqd al-thamīn*, and thirty-five when he finished *Nayl al-awṭār* 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 ḥadīths 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-awṭār*, where Shawkānī regularly presents the legal opinions of Zaydī imāms on nearly all the issues covered in the work. In *Nayl al-awṭār*, 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 *qāḍī 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

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<sup>27</sup> 'Abd Allāh Nūmsūk, 1994, *Minhaj al-imām al-Shawkānī fī al-'aqīda*, Riyadh: Maktabat Dār al-Qalam, pp. 129, 855.

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 *waṣīyya* 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-ṭālī*‘ Shawkānī presents himself as a victim of attack and persecution by strict Hādawīs, those he called the *Rāfiḍa*.<sup>28</sup> 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 Aḥmad b. al-Ḥasan (d. 1096 / 1685) and a number of his retainers, among them al-Ḥasan b. ‘Alī al-Habal (d. 1079 / 1668). In Shawkānī’s time men with a similar attitude included (surprisingly perhaps) the minister ‘Alī b. Ḥasan al-Akwa‘ (d. 1206 / 1791), and most notably Ismā‘īl b. ‘Izz al-Dīn al-Nu‘mī and 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.

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<sup>28</sup> The name was said to have been given initially to those who had forsaken Zayd b. ‘Alī when he refused to declare Abū Bakr and ‘Umar unbelievers. Cf. Kohlberg, 1984, “Some Imāmī Shī‘ī views on the Ṣaḥāba” in *JSAI*, no. 5, p. 146. In 18th century Yemen this was a label given by the pro-Sunnī 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 Sunnī ḥadīth collections.

Although all Zaydīs, and in particular Hādawīs, 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 Shī’īte sect of the Imāmiyya.<sup>29</sup> 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 ḥadīth collections.<sup>30</sup> It must be borne in mind that few Hādawīs 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 Hādawīs into the *Rāfiḍī* camp.

For Shawkānī those who cursed the Companions were *Rāfiḍīs* 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 Sharī’a. Shawkānī says of them:

It is no wonder that the origin of the *Rāfiḍī* 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 Sharī’a because the Companions--may God be

<sup>29</sup> See for example al-‘Amrī, 1990, *al-Imām al-Shawkānī rā’id ‘asrih*, pp. 95ff.

<sup>30</sup> For a contemporary attack of this sort see *Hijar al-‘ilm*, I : 238 ff. and *Hijar al-‘ilm*, IV : 2106 ff.

pleased with them--are the ones who related to the Muslims the knowledge of the Sharī'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 Sharī'a in its entirety would be nullified because they [the Companions] are its transmitters and narrators from the Prophet...<sup>31</sup>

The above accusation is commonly made by Sunnis against Shī'ites, in particular against the Ismā'īlīs and the Imāmīs. Indeed, Shawkānī goes on to mention the Ismā'īlīs in the passage cited. From his perspective, even to tolerate the cursing of the Companions, who were the first transmitters of the ḥadīth, would lead to undermining the whole corpus. Hence, like most Sunnī jurists, he considered the cursing of a Companion a major offence (*kabīra*) which rendered the curser (*sābb*) a reprobate (*fāsiq*). Generally, Sunnī jurists considered the *sābb* a *fāsiq* 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.<sup>32</sup> Shawkānī expected a Muslim to have a good opinion (*ḥusn al-zann*) of his fellow Muslims, and he explicitly forbade any defamatory statement (*ghība*), in whatever situation, by one Muslim about another.<sup>33</sup>

<sup>31</sup> *Adab al-talab*, pp. 71 -72.

<sup>32</sup> Cf. Albert Arazi, 1987, "Ilqām al-ḥajar li-man zakkā sābb Abī Bakr wa-'Umar d'al-Suyūṭī," in *JSAI*, 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 Muḥammad and his Companions (*Sabb al-Rasūl, Sabb al-Ṣaḥābah*)," 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 Shī'ite cursed Abū Bakr, 'Umar and 'Uthmān in the Umayyad mosque in Damascus.

<sup>33</sup> Cf. Shawkānī, 1992, *Raf' al-rayba fīmā yajūz wa mā lā yajūz min al-ghība*, 'Aqīl al-Maqtarī (ed.), Beirut: Dār Ibn Ḥazm. See also Shawkānī, *al-Sayl al-jarrār*, vol. 4, pp. 584 - 5.

## Zaydī Opinions on the Succession to the Prophet and on the Companions:

The early Zaydīs in Kufa were broadly divided into two groups, the Batriyya and the Jārūdiyya. Reflecting a moderate Shī‘īsm, 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-mafḍūl*) despite the presence of the more excellent (*al-afḍal*). 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-waṣf*), 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.<sup>34</sup>

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-Hādī Yaḥyā b. al-Ḥusayn. In a departure from al-Qāsim’s opinions, however, al-Hādī held that Abū Bakr and ‘Umar were apostates (*murtaddīn*) deserving the death penalty.<sup>35</sup> The Zaydīs 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 practise. Later, in the 4th/10th century Zaydīs appear to have softened their position with regards to the

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<sup>34</sup> For a thorough discussion of the Batriyya and the Jārūdiyya see Madelung, 1965, *Der Imām al-Qāsim b. Ibrāhīm*, 44 ff; also Madelung, “Imāma,” in EI<sup>2</sup>, III : 1166; cf. al-Murtaḍā, *al-Munya wa-l-amal fī sharḥ al-milal wa-l-niḥal*, 96 - 99; al-Ḥasan b. Mūsā al-Nawbakhtī, 1931, *Kitāb Fīraq al-shī‘a*, Helmut Ritter (ed.), Istanbul: Maṭba‘at al-Dawla, pp. 8 - 9, 12, 18 - 19, 48 - 51.

<sup>35</sup> Madelung, 1965, pp. 45, 167; cf. van Arendonck, 1960, *Les Debuts de l’Imāmat Zaidite au Yemen*, pp. 276 ff.; al-Sharafī, 1995, *Kitāb ‘Uddat al-akyās*, vol. 2, pp. 111 ff.

opponents of ‘Alī. They continued to hold that ‘Alī and his two sons by Fāṭima, al-Ḥasan and al-Ḥusayn, had been invested by the Prophet through designation, but that this designation was obscure (*khafī*) 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.<sup>36</sup>

Perhaps owing to the increasing influence of the Mu‘tazila, many of whom were Sunnīs 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” (*tarḍiya*) after mentioning a Companion’s name.<sup>37</sup> 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 ‘Alī.

The basic problem confronting the Zaydīs with regard to those Companions who had opposed ‘Alī 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 Mu‘āwiya, who opposed ‘Alī’s becoming Caliph after ‘Uthmān’s death. It appears that Zaydīs unequivocally considered Mu‘āwiya 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-Ḥādī’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?

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<sup>36</sup> Madelung, “Imāma,” in *EF*<sup>2</sup>, HI : 1166.

<sup>37</sup> Cf. Kohlberg, 1976, “Some Zaydī views on the Companions of the Prophet”, pp. 91 - 98.

Or were they to be exonerated by declaring that they had committed a pardonable error (*khata*)? Different Zaydīs appear to have adopted all of these four positions. Some stated that Abū Bakr and ‘Umar committed an error (*khata*) or an odious deed (*qabīh*) and an act of rebellion (*ma‘ṣiya*), but not *fiṣq*.<sup>38</sup> These generally adopted the practise of *tarḍiya*. 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*).<sup>39</sup>

The use of the canonical Sunnī ḥadīth collections was closely entwined with the position a Zaydī 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-Wazīr and Shawkānī, 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 Zaydī scholar**

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

<sup>38</sup> An example of someone who adopted this position is al-Ḥusayn b. Badr al-Dīn, 1996, *Kitāb Shi‘ā’ al-uwām*, vol. 3, pp. 495 - 97. See also Shawkānī’s commentary in the margins.

<sup>39</sup> Ismā‘īl b. ‘Izz al-Dīn al-Nu‘mī, *al-Sayf al-bātir*, fols. 2b - 3a; Muḥammad b. Muḥammad al-Manṣūr, 1992, *al-Kalima al-shāfiya fī ḥukm mā kāna bayn al-imām ‘Alī wa Mu‘āwiya*, n.p.: Dār al-Ḥadāra, p. 83.

moderate tendency was Imām 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‘taḍīn ‘an sabb ṣaḥābat sayyid al-mursalīn* (The Missive which Restrains the Aggressors from Cursing the Companions of the Lord of the Messengers) has recently been edited and published.<sup>40</sup> The treatise consists of a set of answers to questions posed by ‘Abd Allāh b. Mas‘ūd al-Dhubyānī<sup>41</sup> 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 Zaydīs.

In this work Yaḥyā affirms that ‘Alī was the best of men after the Prophet because of the explicit virtues (*faḍā’il zāhira*) God had bestowed on him and that his imāmate, as well as that of his two sons, was determined through designation (*naṣṣ*). He then enumerates twenty of ‘Alī’s virtues among which are that he was the first to believe (*al-sabq bi-l-īmān*) and his closeness in kinship to the Prophet (*al-qarāba*).<sup>42</sup> Having established ‘Alī’s excellence, Yaḥyā turns to the judgment of Abū Bakr and ‘Umar. After summarizing five different positions<sup>43</sup> adopted by various Shī‘ite 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 (*kufī*), grave sinfulness (*fisq*), apostasy (*khurūj ‘an al-dīn*) and does not necessitate severing [one’s] loyalty (*muwālāt*) to them. For their belief is sound... it is the path chosen by the most

<sup>40</sup> Yaḥyā b. Ḥamza, 1990, *al-Risāla al-wāzi‘a li-l-mu‘taḍīn ‘an sabb ṣaḥābat sayyid al-mursalīn*, Sanaa: Maktabat Dār al-Turāth.

<sup>41</sup> I could not find his biography but the name indicates that he belonged to the Bakīlī tribe of Dhubyān which bordered Arḥab in the northern Yemeni highlands.

<sup>42</sup> Yaḥyā b. Ḥamza, 1990, *al-Risāla al-wāzi‘a*, pp. 19 - 26.

<sup>43</sup> The five groups mentioned are first the Imāmiyya and *Rāfiḍīs* who declare those who opposed ‘Alī to be infidels because they contravened the Prophet’s intention (*qaṣḍ*), which is obligatorily known (*ma‘lūm bi-l-ḍarūra*). 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 (*fāsiq*). The third group are the Ṣāliḥiyya (= Batriyya) 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 Ṣabbāḥiyya (= Nizārī Ismā‘īlīs) 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...<sup>44</sup>

The imāmate is for the Zaydīs a principle of religion (*aṣl dīn*), just as are God's unicity (*tawhīd*) and justice (*'adl*). According to Zaydī theology every Muslim must believe in these principles after undertaking a process of personal investigation (*naẓar*) which leads to certain knowledge (*'ilm*) of these tenets of faith.<sup>45</sup> 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 *uṣūl al-dīn*. For the Zaydīs, 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 (*'adāla*) and were the best generation of Muslims and worthy of emulation. The moderate Zaydī 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 Mu'āwiya and some whose bitter enmity to 'Alī was explicit.

In his treatise *al-Mu'ayyad* Yaḥyā adduces statements of the early Zaydī imāms, starting with 'Alī b. Abī Ṭālib, in favour of the Companions, focusing in particular on Abū Bakr and 'Umar. The gist of Yaḥyā's argument is that none of the early Zaydī imāms had declared any of the Companions to be infidels (*kuffār*) or grave sinners (*fussāq*) despite their contravention of definitive texts (*nuṣūṣ qāṭi'a*) about 'Alī's precedence and right of succession by some of them.<sup>46</sup> *Ijmā'*

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<sup>44</sup> Yaḥyā b. Ḥamza, *al-Risāla al-wāzi'a*, p. 27.

<sup>45</sup> al-Sharaṭī, 1995, *Kitāb 'Uddat al-akyās fī sharḥ ma'ānī al-asās*, vol. 2, p. 168.

<sup>46</sup> Yaḥyā b. Ḥamza, *al-Risāla al-wāzi'a*, pp. 38 - 39.

requires the existence of definite proof (*dalāla qat'īyya*) 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 (*khata' fī al-nazar*) the texts of designation (*nuṣūṣ*).<sup>47</sup> Yaḥyā makes the argument that while the indication for 'Alī's imāmate 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.<sup>48</sup> 'Alī 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 (*tabarra'a*).<sup>49</sup> With the exception of these latter, 'Alī had treated all the Companions with love, friendship, assistance and support. Yaḥyā then claims that no statement has been transmitted from either of 'Alī'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. 'Alī 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 Kūfa rejected his leadership, thereby becoming known as the *Rāfidīs*.<sup>50</sup> Moderate Zaydīs and Traditionists, like Shawkānī, often use this report about Zayd to claim that the early Zaydī spirit was tolerant and most worthy of emulation.<sup>51</sup>

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<sup>47</sup> Yaḥyā b. Ḥamza, *al-Risāla al-wāzi'a*, p. 27.

<sup>48</sup> Yaḥyā b. Ḥamza, *al-Risāla al-wāzi'a*, p. 44.

<sup>49</sup> Yaḥyā b. Ḥamza, *al-Risāla al-wāzi'a*, p. 29. A similar argument is made by Ṣārim al-Dīn al-Wazīr who advised Zaydīs to make a choice on the matter of the *tardīya* whilst keeping in mind that 'Alī had used it.

<sup>50</sup> Yaḥyā b. Ḥamza, *al-Risāla al-wāzi'a*, pp. 33 - 34.

<sup>51</sup> Yaḥyā b. Ḥamza, *al-Risāla al-wāzi'a*, pp. 41- 42 and Shawkānī, *Irshād al-ghabī ilā madhhab ahl al-bayt fī ṣuḥb al-nabī*, MS. photocopy from the private library of Muḥammad b. Ismā'īl al-'Amrānī, see appendix, pp. 7 - 8. (Hereafter *Irshād al-ghabī*).

After narrating more reports about the positive attitude of early imāms towards Abū Bakr and ‘Umar, Yaḥyā 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.” Yaḥyā 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. Yaḥyā emphasises that he did not exceed this to share in the words of the *Rāfiḍīs*, viz. to curse them.<sup>52</sup> It is notable that al-Hādī’s opinion is not mentioned anywhere in Yaḥyā’s treatise, but is placed together with that of his grandfather, and the only later imāms mentioned are the Caspian imāms al-Nāṣir al-Uṭrūsh and al-Mu’ayyad Aḥmad b. al-Ḥusayn. Al-Nāṣir is reported to have said the *tardīya* whereas al-Mu’ayyad practised *tawaqquf* in his youth but later in life said the *tarahḥum* after the names of Abū Bakr and ‘Umar.<sup>53</sup>

After establishing that none of the early Zaydī imāms had declared the Companions infidels or grave sinners, Yaḥyā asserts that there were two groups amongst the Zaydīs regarding the Companions. The first and preponderant group was the one which practised the *tardīya* and *tarahḥum* and included among its members ‘Alī, Zayd b. ‘Alī, Ja‘far al-Ṣādiq, al-Nāṣir al-Uṭrūsh, al-Mu’ayyad Aḥmad. Their practise, Yaḥyā 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 *tardīya* or the

<sup>52</sup> Yaḥyā b. Ḥamza, *al-Risāla al-wāzi’a*, p. 35.

<sup>53</sup> Yaḥyā b. Ḥamza, *al-Risāla al-wāzi’a*, pp. 36 - 37.

*tarahḥum*, 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.<sup>54</sup> In the last section of his treatise Yaḥyā provides the questioner with a definition of Zaydism, 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.<sup>55</sup>

Al-Mahdī Aḥmad b. Yaḥyā al-Murtaḍā (d. 840 / 1436) is another representative of the moderate Zaydīs 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 (*shubhā*). He insists that saying the *tarḍiya* for them is permissible because their belief is certain.<sup>56</sup>

### Hādawī Opinions of the Companions:

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

<sup>54</sup> Yaḥyā b. Ḥamza, *al-Risāla al-wāzi‘a*, pp. 40 - 41.

<sup>55</sup> Yaḥyā b. Ḥamza, *al-Risāla al-wāzi‘a*, pp. 44 - 50.

<sup>56</sup> al-Murtaḍā, 1988, *Kitāb al-Baḥr al-zakḥkhār, Muqadima*, p. 95; cf. Muḥammad Kamālī, 1991, *al-Imām Aḥmad b. Yaḥyā al-Murtaḍā*, Sanaa: Dār al-Hikma al-Yamāniyya, pp. 474 ff.

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 Ḥumaydān b. al-Qāsim b. Yaḥyā (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 Baṣran Mu‘tazilī school had acquired in Yemen at his time, and in particular the highly scholastic discussions it engendered. Like al-Hādī, Ḥumaydān held radical Shī‘ite 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 Mu‘āwiya and his followers.<sup>57</sup> Other examples of scholars who held this position on the Companions, although not necessarily agreeing with Ḥumaydān’s anti-scholastic stance, were al-Mutawakkil Aḥmad b. Sulaymān (d. 566 / 1171), al-Manṣūr ‘Abd 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 (‘*adāla*) of the Companions without exception.<sup>58</sup> In his *Kitāb al-Asās*, al-Qāsim states that those Companions who did not realise (*lam ya‘lamū*) that ‘Alī 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 (*ijmā‘*) that whoever opposes the righteous imām transgresses against him (*baghā ‘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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<sup>57</sup> Ḥumaydān b. al-Qāsim b. Yaḥyā, *Kitāb Tanbīh al-ghāfilīn ‘alā maghāliḥ al-mutawahhimīn*, in *Majmū‘ al-sayyid Ḥūmaydān*, British Library, MS. OR. 3959, fols. 113a ff. Cf. Kohlberg, 1976, “Some Zaydī views on the Companions of the Prophet,” p. 97 and p. 92, fn. 16; Madelung, 1965, pp. 218 ff.

<sup>58</sup> al-Qāsim b. Muḥammad, *al-I‘tiṣām bi-ḥabl allāh al-matīn*, vol. I, pp. 44 ff.

*tawaqquf*.<sup>59</sup> Al-Qāsim, however, cursed Mu‘āwiya.<sup>60</sup> He also rejected the argument made by the moderate Zaydīs that the certainty of their belief requires their acceptance as faithful Muslims (*al-aṣl al-īmān fā-l-natawallahum*) because, according to al-Qāsim, the ambiguity (*iltibās*) of their sin (*ma‘ṣiya*) abrogates the knowledge of their explicit belief (*ḥuṣūl al-iltibās nasakha al-‘ilm bi-īmānihim fī al-zāhir*).<sup>61</sup> Al-Qāsim’s son, al-Mutawakkil Ismā‘īl, was perhaps more moderate because he says in his creed, *al-‘Aqīda al-ṣaḥīḥa wa-l-dīn al-naṣīḥa*, 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 (*fussāq*).” 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-aṣḥāb limā aḥdathūh*).<sup>62</sup> 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.<sup>63</sup> It is reported that he did prevent the Ḥadramīs from saying the *tarḍiya* on the Shaykhayn when Hadramaut came under his control.<sup>64</sup>

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<sup>59</sup> al-Qāsim b. Muḥammad, 1994, *Kitāb al-Asās li-‘aqā’id al-akyās*, pp. 162 - 163. Also see the edition of the same work by Albert Nadir, 1980, Beirut: Dār al-ṭalī‘a, pp. 168 - 169. Cf. al-Sharafī, 1995, *Kitāb ‘Uddat al-akyās fī sharḥ ma‘ānī al-asās*, vol. 2, pp. 168 ff. and al-Ḥusayn b. al-Qāsim, 1401 / 1981, *Kitāb Hidāyat al-‘uqūl*, vol. 2, pp. 73 ff.

<sup>60</sup> al-Qāsim b. Muḥammad, 1994, *Kitāb al-Asās*, p. 156.

<sup>61</sup> al-Qāsim b. Muḥammad, 1994, *Kitāb al-Asās*, p. 164.

<sup>62</sup> See my edition of this text in the appendix.

<sup>63</sup> One of the leading jurists in al-Mutawakkil’s court, Aḥmad b. Ṣāliḥ b. Abī al-Rijāl (d. 1092 / 1681) has written a treatise on this issue as well entitled *I‘lām al-muwālī bi-kalām sādātihi al-a‘lām al-mawālī*, British Library, MS. OR. 3852, fols. 36 - 59. In this work Ibn Abī al-Rijāl argues against cursing because, he says, it is not becoming for Zaydīs to do so, but he also argues that all Zaydīs are Jārūdīs and that there is no doubt that those Companions who did not side with ‘Alī have committed a sin. He criticizes Yaḥyā b. Ḥamza’s assertion that a consensus exists among Zaydī imāms against declaring the Companions sinners. However, he appears to leave open the choice of whether one should practise the *tawaqquf* and *tabri‘a* or the *tarḍiya* of the Companions. One can probably assume that Ibn Abī al-Rijāl’s views here reflected those of al-Mutawakkil.

<sup>64</sup> Muḥammad al-Muḥibbī, n.d., *Khulāṣat al-athar fī a‘yān al-qarn al-ḥādī ‘ashar*, n.p., vol. 1, p. 412.

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. Yaḥyā 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 Qādī Aḥmad b. Sa'd al-Dīn al-Maswarī, a retainer and court official of the early Qāsimī imāms, in which he defended the scholars of ḥadīth, and also a treatise entitled *al-Īdāḥ limā khafiya mina al-ittifāq 'alā ta'zīm ṣaḥābat al-muṣṭafā* (Making Clear the Concealed Consensus about the Veneration of the Companions of the Prophet).<sup>65</sup> Shawkānī claims that because of his pro-Sunnī opinions Yaḥyā 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 Yaḥyā b. al-Ḥusayn (d. 1090 / 1679), held quite the opposite view on the Companions, allowing them to be cursed.<sup>66</sup>

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-Akhfash (d. 1142 / 1730), the prayer leader at the Dā'ūd mosque in Sanaa, who wrote a treatise entitled *Risāla fī mas'alat tanzīh 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-Akhfash's treatise which was entitled *Irsāl al-dhu'āba bayna janbay mas'alat al-ṣaḥāba* (Loosening the Lock of Hair from Within the Question of the Companions).<sup>67</sup>

<sup>65</sup> This treatise is also known by the title *Muntahā al-iṣāba fīmā yajibu min ri'āyat ḥuqūq al-ṣaḥāba*, MS. Sanaa, Great Mosque Library, *Majmū'*, no. 106. See al-Ḥibshī, *Maṣādir al-fikr*, p. 131 and *Badr*, II : 328 - 29.

<sup>66</sup> *Badr*, II : 330.

<sup>67</sup> See al-Ḥibshī, *Maṣādir al-fikr*, pp. 134 - 35. Al-Akhfash's treatise is in Sanaa's Gharbiyya Library, MS. *Majmū'* 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*, I : 789. Akhfash also wrote a treatise entitled *Ijālat al-jawāb fī al-radd 'alā shī'at Mu'āwiya al-kilāb* (MS. Gharbiyya Library, *Majmū'*, 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 Zaydī, 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 ḥadīths 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 ḥadīth which has been transmitted by a single one of them even if it is contrary to the Qur’ān... . 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 ḥadīths which they [i.e. the Umayyads and ‘Abbāsids] have fabricated for them. Such as, the ḥadīths about the *visio beatifica* (*al-ru’ya*), predestination (*jabr*), anthropomorphism (*tashbīh*), 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... .<sup>68</sup>

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 *tardīya*. 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-ghabī* :

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

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<sup>68</sup> *Ghaṭamṭam*, vol. 1, pp. 13, 15 of the edited text. For a theological defence of Zaydī-Mu’tazilī beliefs against those of the Sunnīs see al-Samāwī’s, 1992, *al-‘Iqd al-munazzam fī jawāb al-su’āl al-wārid min al-ḥaram al-muḥarram*, Sanaa: n.p.

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 Hādawīs and the Sunnī-oriented scholars as well as the issues at stake; namely, what constituted being a Hādawī and what role should the state be playing in promulgating and defending the Hādawī cause. In their specific arguments about the Companions Shawkānī and his Traditionist peers asserted that true Zaydism is represented by its “moderate” scholars--an argument already seen in the work of Yaḥyā b. Ḥamza--and that no Zaydī imām had ever cursed or allowed the cursing of the Companions. The Traditionists ignored the opinions of stricter Zaydī-Hādawī imāms, like those of al-Hādī and the early Qāsimīs, 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 Mu‘āwiya together with Abū Bakr and ‘Umar, whom the Zaydīs had treated in more nuanced terms. The strict Hādawīs, on the other hand, invoked the more hard-line position of al-Hādī and other Yemeni imāms, such as al-Manṣūr ‘Abd Allāh b. Ḥamza and the early Qāsimī imāms, 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 Mu‘āwiya and his companions. However, they also went on to condemn Abū Bakr and ‘Umar for their disregard of the rights of the Prophet’s family without outrightly cursing them. They accused the Traditionists of wanting to undermine the Zaydī *da‘wa* altogether and complained bitterly about the Sunnī direction the state had taken, seeing Shawkānī, whom they described as a *Nāṣibī* (an opponent of ‘Alī and the Ahl al-Bayt), as the sower of the destruction of Zaydism.

In the year 1208 / 1793-4 Shawkānī received a question from scholars about the cursing of the Companions. His answer was a treatise which is entitled *Irshād al-ghabī ilā madhhab ahl al-bayt fī ṣuḥb al-nabī* (Guidance to the Ignorant

about the Doctrine of Ahl al-Bayt Concerning the Companions of the Prophet).<sup>69</sup> The questioner's name is not known, and the treatise is in the form of a long argument addressed to an imagined strict Hādawī interlocutor with the aim of convincing him that there is a consensus (*ijmā'*) among the Zaydī 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 Yaḥyā b. al-Ḥusayn's *al-Idāh*. He goes beyond Yaḥyā b. Ḥamza's treatise, however, in adducing statements positive in their appraisal of the Companions by Zaydī 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.<sup>70</sup> Shawkānī proposes to show the truth of the matter by relying exclusively on Zaydī sources and to prove that the noble Zaydī centres of learning had indeed disintegrated (*indirās ma'āhid 'ulūmihim al-sharīfa fī hādhihi al-azmina*).<sup>71</sup> 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 (*takfīr*) or grave sinners (*tafsīq*). He then sets out to cite thirteen Zaydī authorities to prove that this consensus exists. The first authority is the Caspian imām al-

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<sup>69</sup> See my edition of this work in the appendix.

<sup>70</sup> *Irshād al-ghabī*, p. 1.

<sup>71</sup> *Irshād al-ghabī*, p. 2.

Mu'ayyad Aḥmad b. al-Ḥusayn al-Hārūnī (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 'Abd Allāh b. Ḥamza (d. 614 / 1217), a more important imām for the Zaydīs 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 *tawaqquf* in his major work *Kitāb al-Shāfi*, whereas he adopted the more lenient practise of *tarḍiya* in his treatise *Jawāb al-masā'il al-Tihāmiyya*.<sup>72</sup> This ambiguity in al-Manṣūr's opinion was pointed out by Yaḥyā b. Ḥamza in his *al-Risāla al-wāzi'a*, where the latter criticized those who claimed that al-Manṣūr had held that true Zaydīs were Jārūdīs, and that he had stated: “do not pray behind the one who says the *tarḍiya* on them [i.e. Abū Bakr and 'Umar], and ask the one who curses them for his evidence [allowing such practise].” Yaḥyā b. Ḥamza retorts by saying that al-Manṣūr had meant that Zaydīs had adopted the Jārūdī claim that the imāmate of 'Alī was valid through designation (*thābita bi-l-naṣṣ*), 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 *tarḍiya* for his evidence.”<sup>73</sup> Shawkānī pursues this line of argumentation, quoting passages from al-Manṣūr's writings to the effect that the Zaydī 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 (*ma'siya*) in preceding 'Alī which only God can judge, yet deserved to be pardoned because of all their previous good deeds.<sup>74</sup> Shawkānī goes on to cite passages from the works of Yaḥyā b. Ḥamza to argue that the majority of Zaydī imāms practised *tarḍiya*. He then cites other authors such as al-Hādī b. Ibrāhīm

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<sup>72</sup> Cf. al-Manṣūr 'Abd Allāh b. Ḥamza, 1986, *Kitāb al-Shāfi*, Sanaa: Maktabat al-Yaman al-Kubrā, vol.2, pp. 271 - 272.

<sup>73</sup> Yaḥyā b. Ḥamza, *al-Risāla al-wāzi'a*, pp. 41 - 43.

<sup>74</sup> *Irshād al-ghabī*, pp. 2 - 3.

al-Wazīr and Yaḥyā b. al-Ḥusayn b. al-Qāsim (d. 1100 / 1688 - 89), followed by a list of the names and works of the remaining thirteen authorities. All the citations present the Zaydī imāms as having prohibited or condemned the practise of cursing the Companions. Shawkānī seeks to argue that the “moderate” Zaydī position on the Companions, as espoused by Yaḥyā b. Ḥamza and Aḥmad b. Yaḥyā al-Murtaḍā, was representative of the school’s teachings, and in so doing he ignores the fact that the early Qāsimī imāms 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 *Irshād al-ghabī* Shawkānī begins a debate with an imaginary strict Hādawī interlocutor who is a curser of the Companions. He argues with the curser that he cannot base his practise of cursing on the Qur’ān, the Sunna, the writings of Zaydī imāms, those of the ulema of the ḥadīth or the four Sunnī 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 ḥadīth and the Sunnī schools, Shawkānī 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.<sup>75</sup> The only source upon which a curser can base his practise, Shawkānī says, is that of the extremist Imāmīs (*ghulāt al-Imāmiyya*; the Twelver Shī’ites), who are the *Rāfiḍa*, and who are condemned by all Muslim scholars, including the Zaydīs. By taking the case of the curser and labelling him an Imāmī, Shawkānī 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.

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<sup>75</sup> Shawkānī’s source here is the Shāfi’ī Egyptian scholar Ibn Ḥajar al-Haytamī (d. 974 / 1567) whom he quotes as saying that “many imāms have declared those who curse the Companions to be infidels,” cf. *Irshād al-ghabī*, pp. 6 - 7.

Shawkānī now quotes from Zaydī imāms who condemn the *Rāfiḍa* and later delves into the definition of this appellation. He first cites Aḥmad b. Yaḥyā al-Murtadā, who declares that the *Rāfiḍa* are those who curse the “two shaykhs” and are to be considered grave sinners.<sup>76</sup> This is followed by a quotation from al-Hādī Yaḥyā b. al-Ḥusayn’s *Kitāb al-Aḥkām* in which al-Hādī 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 *Rāfiḍa*. Kill them should you chance upon them, God has killed them for they are polytheists.”<sup>77</sup> To bolster his argument, Shawkānī emphasizes that this ḥadīth is the only one in al-Hādī’s work which has a full chain of transmission (*isnād*) back to the Prophet, implying that if there is an opinion of al-Hādī’s which is truly founded on certain authority then this is it. To prove that the *Rāfiḍa* are those who curse the Companions, Shawkānī now narrates the story which gave rise to the name *Rāfiḍa* relying on Fayruzābādī’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-ṣaḥāba*) 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 *tardīya*, and he quotes Ṣārim al-Dīn Ibrāhim b. Muḥammad al-Wazīr’s (d. 914 / 1508) historical poem about the Zaydī imāms, *al-Bassāma*, in which the author says:

<sup>76</sup> *Irshād al-ghabī*, p. 7. Cf. al-Murtadā, *Kitāb al-Baḥr al-zakḥkhār*, vol. 5, p. 25.

<sup>77</sup> Cf. al-Hādī Yaḥyā b. al-Ḥusayn, 1990, *Kitāb al-Aḥkām*, vol. 1, p. 455.

say the *tarḍiya* for them [Abū Bakr and ‘Umar] as Abū Ḥasan [‘Alī] had done; abstain from cursing if you want to be cautious<sup>78</sup>

The poem reflects the compromise position of some Zaydīs, like Ṣārim 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 (*sawābiq*). Such “moderates” neglected al-Hādī’s opinion which had been more severe. Indeed, both the *tawaqquf* and *tarḍiya* positions deviated from al-Hādī’s more severe position, the former being less so than the latter. Because of these differences amongst Zaydīs Shawkānī could highlight the opinion of the “moderate” Zaydīs while neglecting that of the stricter ones and conveniently ignore that all approved of the cursing of Mu‘āwiya. His focus also turned to some of the issues of early Islamic history which had long been the subject of polemics between Sunnites and Shī‘ites. One such matter was Fadak, an oasis which Shī‘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 (*ṣadaqa*). The Family of Muḥammad can eat from that property.” Upon realizing that she had been disinherited, Fāṭima is reported to have become angry and henceforth kept away from Abū Bakr not speaking to him until she died six months later.<sup>79</sup>

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

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<sup>78</sup> Cf. *Badr*, 1: 31 - 32. The *Bassāma* has been edited by Mr. Zayd al-Wazīr, who has kindly provided me with a copy. Its author, Ṣārim al-Dīn Ibn al-Wazīr, exemplifies a “moderate” Zaydī, advising the practise of *tarḍiya* for Abū Bakr and ‘Umar though he is explicit about the need to curse Mu‘āwiya and his companions whom he considers *Nāṣibīs*.

<sup>79</sup> Cf. Madelung, 1997, *The Succession to Muḥammad*, Cambridge: Cambridge University Press, pp. 50 - 51.

that the “moderate” Zaydīs had indeed approved of Abū Bakr’s ruling.<sup>80</sup> In his *Kitāb al-Qalā’id*, Ibn al-Murtaḍā says that “Abū Bakr’s ruling on Fadak was sound, against the [opinion] of the Imāmiyya and some of the Zaydī Mu’tazilīs. According to me, had the ruling been false ‘Alī would have refuted it, and had it been unjust the Banū Hāshim and the Muslims would have disavowed it.”<sup>81</sup>

Shawkānī also points out that in his *Kitāb al-Shāmil*, Yaḥyā b. Ḥamza backed the same view when he said: “He [i.e. Abū Bakr] asked her [i.e. Fāṭima] to present the evidence for her claim [of ownership of Fadak], upon which she proffered ‘Alī 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 aghḍabahā*).”<sup>82</sup> The idea here is that Fāṭima 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 Abū Bakr who then presented his own in the form of the ḥadīth mentioned above. The approval by these scholars of Abū Bakr’s ruling, Shawkānī says, proves they believed he had the probity (‘*adl*) required for his acting as a judge in this matter.

Shawkānī fails to mention that al-Qāsim b. Muḥammad, the founder of the Qāsimī dynasty and a figure of great prestige in late Zaydism, held the opposite view. Al-Qāsim stated that as one of the disputants Abū Bakr could not rule as judge in the matter, and moreover, since ‘Alī was the legitimate imām at the time and had not acquiesced in Abū Bakr’s reign (*wilāya*), the latter’s judgement could in no way be accepted. Furthermore, Fāṭima was already in possession of the property and therefore could not be asked to provide evidence of ownership.<sup>83</sup>

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<sup>80</sup> Not all “moderate” Zaydīs approved of Abū Bakr’s ruling as can be gleaned from the Ibn al-Wazīr’s *Bassāma* where he says: “they [i.e. Abū Bakr and ‘Umar] preceded Haydar [i.e. ‘Alī] in rule and usurped by force the inheritance of the meritorious and shy [i.e. Fāṭima].”

<sup>81</sup> Aḥmad b. Yāḥyā al-Murtaḍā, 1985, *Kitāb al-Qalā’id fī taṣḥīḥ al-‘aqā’id*, Albert Nader (ed.), Beirut: Dār al-Mashriq, p. 144; *Irshād al-ghabī*, p. 9.

<sup>82</sup> *Irshād al-ghabī*, p. 9.

<sup>83</sup> al-Qāsim b. Muḥammad, *Kitāb al-Asās*, pp. 165 - 167 (in Nadir’s edition, pp. 170 - 2); al-Sharāfī, *Kitāb ‘Uddat al-akyās*, pp. 174 - 183. For another concurring view on the matter see ‘Abd Allāh b. Ḥamza, *Kitāb al-Shāfi*, vol. 2, pp. 210 - 213.

Al-Hādī makes the same arguments in his *Tathbīt al-imāma* and outrightly condemns Abū Bakr as a detestable apostate for his ruling on Fadak. Al-Manṣūr thus was indeed closer to al-Hādī's teachings than either Yaḥyā b. Ḥamza or Ibn al-Murtaḍā.<sup>84</sup> Concealing this fact, Shawkānī in the next section of the *Irshād al-ghabī* 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 (*naqada al-'ahd*). These 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...<sup>85</sup>

This letter is not to be found in either al-Hādī's *Sīra*, 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" Zaydīs 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 (*ghība*) about them.<sup>86</sup> In one of his concluding arguments Shawkānī maintains that according to the Zaydī school the matter of cursing and declaring others to be infidels or grave sinners is

<sup>84</sup> Cf. van Arendonk, 1960, *Les Debuts de l'Imāmat Zaidite au Yemen*, pp. 279 ff.

<sup>85</sup> *Irshād al-ghabī*, p. 10.

<sup>86</sup> *Irshād al-ghabī*, pp. 11 - 12.

not a matter in which *taqlīd* 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 *Nāṣibīs* 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 *Nāṣibī* 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 *Nāṣibīs* thus have in fact unwittingly declared themselves to be infidels and have joined the ranks of the *Khārijīs*. Finally, Shawkānī give thanks to God for

relieving [the believers] from the *Nāṣibīs* 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 *Ibādīs*.<sup>87</sup>

In respect to the labelling of the scholars of ḥadīth and the readers of the canonical collections as *Nāṣibīs* by the strict Hādawīs, Shawkānī says:

this 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 *naṣb* or what a *Nāṣibī* is, or one who takes no heed of unbelief.<sup>88</sup>

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<sup>87</sup> *Irshād al-ghabī*, p. 14.

<sup>88</sup> *Irshād al-ghabī*, p. 14.

## The reactions to Shawkānī's *Irshād al-ghabī*.

Over twenty responses were written against *Irshād al-ghabī*.<sup>89</sup> In describing the events, Shawkānī 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 Hādawī school. They argued that he sought to replace and nullify the school of Ahl al-Bayt; however, the imām, Shawkānī 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.”<sup>90</sup> The imām’s decision to take Shawkānī’s side at this juncture reflects his pro-Sunnī stance and his willingness to forgo Hādawī teachings which formed part of its early foundations.

Shawkānī 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 Hādawīs 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 *Rāfiḍī* minister sent slave troops into the mosque to cause *fitna*. In his account, Shawkānī 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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<sup>89</sup> Cf. *Badr*, I : 232 ff; *Adab al-ṭalab*, pp. 30 ff.

<sup>90</sup> *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.<sup>91</sup>

Very little is known about the events described here from sources other than those of the official chroniclers of the period and Shawkânî himself and his devoted students. In these his Hādawî opponents are invariably described as fanatics and extremists, and the view has been accepted by most contemporary authors writing on the period.<sup>92</sup> The paradoxical fact that a Zaydî-Hādawî state would persecute Hādawîs 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 Shawkânî's claims, which were recognized by the imāms. Be that as it may, the responses to *Irshād al-ghabî* sought to inflame the pro-Zaydî 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 *Izhār al-khabî fî al-radd 'alā irshād al-ghabî* (Exposing the Hidden Deceit in Answer to the Guidance to the Ignorant), and they throw light on the other side of the controversy.<sup>93</sup>

Amongst those who responded was Sayyid al-Ḥusayn b. Yaḥyā al-Daylamî (d. 1149 / 1834) who wrote *Durr al-la'ālî fî ḥujjat da'wat al-batūl li-fadak wa-l-'awālî* (The Glittering Pearls proving Fāṭima's claim to Fadak and the 'Āliya lands [of Medina]).<sup>94</sup> Al-Daylamî was a close friend of Shawkânî's, sharing his Sunnî outlook and was an important figure in Dhamār at this time.

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<sup>91</sup> *Adab al-ṭalab*, p. 32.

<sup>92</sup> Cf. al-'Amrî, 1990, pp. 95 ff.; al-Sharjî, 1988, *al-Imām al-Shawkânî*, 79 - 80; Ṣāliḥ Muḥammad Muqbil, 1989, *Muḥammad b. 'Alî al-Shawkânî*, Jeddah: Maktabat Jadda, pp. 137 - 138.

<sup>93</sup> Al-Ḥibshî in his *Maṣādir al-fikr*, p. 141 states that a copy of the *Irshād al-khabî* is in the Ambrosiana library. However, the only printed reference to it which I could find is in the catalogue of the Sharqiyya Library of the Great mosque in Sanaa under *Majmū'* no. 90 (see *Fihrist Makhtūṭāt Maktabat al-Jāmi' al-Kabîr*, vol. 2, p. 532).

<sup>94</sup> A copy of al-Daylamî's treatise, which I have not seen, is in the Gharbiyya Library of the Great mosque in Sanaa, *Majmū'* no. 140, fol. 25 - 32.

His refutation of the *Irshād* must have come as a surprise. Shawkānī, however, explains that al-Daylamī was impelled to respond because of the pressure which was brought to bear on him by the Hādawīs of Dhamār to show his enmity to his friend. He also asserts that upon closer reading, al-Daylamī's treatise is in fact supportive of his claims and that the Hādawīs were fooled by believing otherwise. In his only response Shawkānī wrote a rebuttal to al-Daylamī's work which he entitled *al-Durr al-munaddad fī manāqib Āl Muḥammad wa mathālib man ṭaghā 'alayhim wa tamarrad* (The Well Strung Pearls Regarding the Virtues of Āl Muḥammad and the Defects of Those who Oppose and Rebel Against Them).<sup>95</sup> Another responder was Qādī '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.<sup>96</sup> 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. 'Izz al-Dīn al-Nu'mī (d. 1220 / 1805), who was exiled to the prison island of Zayla' after the second riots for having read this text in the Great Mosque. It is entitled *al-Sayf al-bātir al-muḍī' 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).<sup>97</sup>

#### Ismā'īl al-Nu'mī's *al-Sayf al-bātir* :

*Al-Sayf al-bātir* is a very long vituperative Shī'ite response to Shawkānī's *Irshād al-ghabī* in which the latter is called a *Nāṣībī* and is accused of hating the Ahl al-Bayt and the Āl Muḥammad and of wanting to destroy Zaydism by spreading false theological beliefs, mainly by teaching Sunnī texts in Zaydī

<sup>95</sup> *Adab ṭalab*, 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.

<sup>96</sup> *Badr*, I : 235, 380.

<sup>97</sup> Al-Nu'mī's treatise is edited in the appendix here along with a shorter response by al-Ḥasan b. Muḥammad b. 'Abd Allāh. The latter is a response to Shawkānī's response to al-Daylamī's response.

mosques. The attack on Shawkānī is highly personal and refutes his *Irshād* point by point, quoting Hādawī 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” Mu‘tazilī-influenced scholars like Yaḥyā b. Ḥamza and Ibn al-Murtaḍā, al-Nu‘mī chooses to dispute these by quoting those who maintained a commitment to al-Hādī’s strict opinions. Al-Nu‘mī 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-bātir* betrays al-Nu‘mī’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 Shī‘īte 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 Hādawīs 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-Nu‘mī’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 Shī‘īte sentiments and spur the listeners to some sort of action.

As the full title of *al-Sayf al-bātir* suggests, al-Nu‘mī is basically accusing Shawkānī of deceiving (*ihām*) and distorting (*tamwīh*) the teachings of the Ahl al-Bayt. He accuses him of “maligning the *Ahl al-‘Adl wa-l-Tawhīd* with falsehood (*zūr*) and slander (*buhtān*), of [claiming] that the followers of the Family (*qarāba*) curse the rightly guided (*rāshidīn*) among the Companions... of attributing to them religious ignorance (*ghabāwa fī al-dīn*)... and of instilling the belief that the Āl Muḥammad and their partisans are *Rāfiḍīs* and the people of sin and error.”<sup>98</sup> All this, al-Nu‘mī says, amounts to Shawkānī’s infidelity (*kufṛ*).

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.”<sup>99</sup> This, however, does not mean that they do not consider the likes of Abū Bakr and ‘Umar, not to mention Mu‘āwiya and his partisans, to be grave sinners and even infidels. Here, al-Nu‘mī comes to his second major point, which is to reject Shawkānī’s claim that a consensus exists amongst the Zaydīs against declaring the Companions to be grave sinners or infidels. To prove this, al-Nu‘mī cites the works of Ḥumaydān and Sayyid Muḥammad b. Idrīs (d. 736 / 1335) to the effect that the one who shows enmity or rejects ‘Alī is to be considered an infidel. He also quotes al-Manṣūr al-Ḥasan b. Badr al-dīn (668 / 1270) and Abū l-Jārūd according to whom Zayd b. ‘Alī stated “the imāmate and the consultation (*shūrā*) 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-Mikhlāfī and Yāḥyā b. al-Ḥusayn b. al-Mu‘ayyad Muḥammad (d. 1090 / 1679).<sup>100</sup> The latter belonged to a group of strict Hādawīs who coalesced around Imām al-Mahdī Aḥmad b. al-Ḥasan (d. 1092 / 1681) in the

<sup>98</sup> *Sayf al-bātir*, fol. 2a - 3a.

<sup>99</sup> *Sayf al-bātir*, fol. 10a.

<sup>100</sup> For Yāḥyā b. al-Ḥusayn’s biography see *Badr*, II : 329 - 330.

17th century, and represented thereafter for people like al-Nu‘mī the true ideals of Zaydism out of which the Qāsimī “summons” was created and which it was meant to propagate. After citing these authorities, al-Nu‘mī asks Shawkānī 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 *Nāṣibī* on a par with the ḥadīth scholars Shams al-Dīn al-Dhahabī (d. 748 / 1347) and Yaḥyā b. Ma‘īn (d. 233 / 848). No doubt is left about al-Nu‘mī’s stance vis-a-vis the caliphs preceding ‘Alī when he says:

Notice how Abū Bakr, ‘Umar and ‘Uthmān 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...<sup>101</sup>

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

In the following section al-Nu‘mī attacks Shawkānī for dividing the Zaydī imāms into two camps--those who practise *tarḍiya* and *tarahḥum* 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 Abū Bakr was not the caliph after the Messenger of God; he was not appointed by the Imām [i.e. ‘Alī] and was not suitable.”<sup>102</sup> He then quotes a major Hādawī scholar of the Qāsimī period, Sayyid Dāwūd b. al-Hādī (d. 1035 / 1625), who had taught many of the central figures in the early Qāsimī state (e.g. Sa‘d al-Dīn al-Maswarī). Sayyid Dāwūd blamed the Mu‘tazila for promoting the *tarḍiya* doctrine.

The people of *tarḍiya* 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‘tazila about the *tarḍiya* which have no basis or soundness with the elders. Rather, what is known from the [early Zaydī imāms] is their grave accusation and

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<sup>101</sup> *Sayf al-bāṭir*, fol. 3a.

<sup>102</sup> *Sayf al-bāṭir*, fol. 5a.

condemnation of the crime committed by the Shaykhs [Abū Bakr, ‘Umar and ‘Uthmān].<sup>103</sup>

Although al-Nu‘mī 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‘mī 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‘mī employs technical legal rules in his argument, as when he notes that the specific (*al-khāṣṣ*) always specifies (*yukhaṣṣīṣ*) the general (*al-‘āmm*). He argues then that the Shī‘īte proof-texts regarding the offences perpetrated by Abū Bakr and ‘Umar specify, and thus partially negate any ḥadīths about practising *tardīya* of the Companions in general. Another technical argument he posits is that ‘Alī’s sayings constitute a proof (*ḥujja*) which supersedes all other opinions.<sup>104</sup> So, for example, ‘Alī’s corroboration of Fātima’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 *ḥadīth al-thiqalayn* and that of Saqīfat Banī Sā‘ida; the first is seen by Shī‘ītes as a key instance of the designation of the Ahl al-Bayt, and

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<sup>103</sup> *Sayf al-bāṭir*, fol. 5a.

<sup>104</sup> *Sayf al-bāṭir*, fol. 6a. The latter position is consistent with the teachings of al-Qāsim b. Muḥammad. See his *al-Irshād ilā sabīl al-rashād*, pp. 78 - 81.

more specifically ‘Alī, to succeed the Prophet; the second is the story of Abū Bakr’s usurpation and the collusion which took place stripping ‘Alī 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 Rāssid 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.”<sup>105</sup> 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. ‘Alī, Yaḥyā b. Ḥamza and Ibn al-Murtaḍā 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 ḥadīth, 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.<sup>106</sup> Al-Nu‘mī then adduces an extensive quotation from al-Hādī’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 Yaḥyā 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

<sup>105</sup> *Sayf al-bāṭir*, fol. 10a.

<sup>106</sup> *Sayf al-bāṭir*, 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 faqīh, 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.<sup>107</sup>

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'mī 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 Aḥmad 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.<sup>108</sup> This explains the vehemence of al-Nu'mī's attacks on the use of these sources.

<sup>107</sup> *Sayf al-bātir*, fol. 15a.

<sup>108</sup> Cf. al-Murtaḍā, *Munya wa-l-amal fī sharḥ al-milal wa-l-niḥal*, p. 121ff.

After criticizing the Sunnī ḥadīth scholars for excluding Shī'ites from their chains of transmission, al-Nu'mī 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 (*tashbīh*). They also believe and prove in their books that Abū Bakr is better than 'Alī b. Abī Tālib: 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 (*khalq al-af'āl*), and claim that the wrongdoing Muslims (*al-muwahḥidūn 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'āwiya, 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'āwiya b. Abī Sufyān, the rebel... . O the error and blindness! For whoever believes Mu'āwiya to be a rightly guided leader is truly a *Nāṣibī* without a doubt. The claim, [therefore], which is made by the majority of Zaydīs that whoever reads the works of ḥadīth is a *Nāṣibī* is indeed true.<sup>109</sup>

In the last section of *al-Sayf al-bātir* we find al-Nu'mī 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 Zaydī mosques?"<sup>110</sup> 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

<sup>109</sup> *Sayf al-bātir*, fol. 24a.

<sup>110</sup> *Sayf al-bātir*, 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 Zaydīs? By God, should the reins be loosened for this *faqīh* he would surely issue a *fatwā* like that of al-Dayba’ which made licit the blood of Al al-Ḥasan.<sup>111</sup>

Al-Nu‘mī then provides examples of previous imāms who prohibited the use of these works in mosques in order to prove this was common Zaydī 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 Zaydī mosques teaching from their enemies books and refuting the sayings of the Family ( *‘itra*) will be stopped, and restrained should he continue to pursue this.”<sup>112</sup> More significantly, al-Nu‘mī claims that this was also the practise of the 17th century Qāsimī Imāms al-Mu’ayyad Muḥammad and al-Mutawakkil Ismā‘īl. 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‘ī al-Ḥasan b. Zayd in 252 / 866 to his governors. Exemplifying the Zaydī 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 Shī‘ītes, from transmitting stories that give preference

<sup>111</sup> *Sayf al-bāṭir*, fol. 29a - 30a. Nu‘mī is probably referring to the famous Yemeni historian of Zabīd, ‘Abd al-Raḥmān b. ‘Alī al-Shaybānī (d. 944 / 1537), who is known as Ibn al-Dayba’. I could not find a reference to the above mentioned *fatwā*. Cf. Ayman Fu’ād Sayyid, 1974, *Maṣādir tāriḫ al-Yaman*, pp. 200 - 205.

<sup>112</sup> *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 allāh al-raḥmān al-raḥīm*'; to perform the *qunūt* [i.e. an invocation] in the daybreak prayer; to say the *witr* [an invocation] from the Qur'ān; to perform five *takbīr* over the dead; to stop wiping their shoes (*mash' alā al-khuffayn*) [during ablution]; to say '*ḥayya 'alā khayr al-'amal*' in the call to prayer; to say the call to prayer and the announcement of its commencement repeating them (*al-ādhān wa-l-iqāma muthanna muthanna*). Warn those who disobey our commands for their punishment will be death and the violation of their rights...<sup>113</sup>

For al-Nu'mī the use of the Sunnī collections entailed forgoing certain Hādawī legal opinions (e.g. prayer practises, etc.) in addition to credal beliefs. It was the entirety of the Hādawī *madhhab* which was at stake here. By pointing out that the early Qāsimīs had been stricter Zaydīs, he was drawing a contrast between them and the imāms of his day. The early imāms had embodied Zaydī 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'mī's estimation but sponsored and protected those who, like Shawkānī, were striving for its demise. In one of his final statements al-Nu'mī refers to Shawkānī by making allusion to a much earlier foe of the Hādawīs, Nashwān b. Sa'īd al-Ḥimyarī (d. 573 / 1178), and says "truly every age must have its Nashwān."<sup>114</sup> The historical continuities of this conflict were very long-term indeed.

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<sup>113</sup> *Sayf al-bāṭir*, fol. 30a. Cf. Goldziher, 1925, *Vorlesungen über den Islam*, Heidelberg, p. 237; Madelung, 1965, pp. 154 - 159.

<sup>114</sup> *Sayf al-bāṭir*, 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<sup>1</sup>

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-Ḥabashī, who was owned by the Imām al-Manṣūr 'Alī's son 'Abd Allāh (d. 1229 / 1814), was in the habit of cursing Mu'āwiya whenever he met another slave called Sulṭān al-Ḥabashī, who was owned by Imām al-Manṣūr 'Alī. Some slaves, like Sindraws

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<sup>1</sup> 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 Sultān, 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.<sup>2</sup>

One evening Sindraws met Sultān at the door of the Taqwā mosque and again cursed Mu'āwiya. This time Sultān 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'āwiya and the *tardiya* for 'Alī b. Abī Ṭālib--may God be pleased with him. They headed to Qubbat al-Mahdī 'Abbās in lower Sanaa, for in it were people of the Hāshimites who were then praying the late evening prayer. They continued cursing Mu'āwiya and headed for Bustān al-Sultān where Sindraws al-Ḥabashī 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 Aḥmad, 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'āwiya 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...<sup>3</sup>

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

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<sup>2</sup> Cf. al-'Amrī, 1989, *al-Umarā' al-'abīd wa-l-mamālik fī al-Yaman*, pp. 53 - 65.

<sup>3</sup> Luṭf Allāh b. Aḥmad Jaḥḥāf, *Durar nuḥūr ḥūr 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.<sup>4</sup> The exact involvement of these people in the riot is not clear from the chronicle whose author, Jaḥḥāf, 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 ‘Alī had appointed as minister al-Ḥasan b. ‘Uthmān al-‘Ulufī (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. Ismā‘īl Fāyi‘ (d. 1219 / 1804), who had been demoted whilst al-‘Ulufī’s star rose in government.<sup>5</sup> 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.<sup>6</sup>

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-Shī‘ī friction in Sanaa, with the imām unequivocally taking the side of the Sunnīs 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 Hādawī influence at this time. It is telling that a later Hādawī Imām, 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 Shī‘īte sentiments

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<sup>4</sup> See his biography in *Badr*, II : 124 - 6.

<sup>5</sup> 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-‘Ulufī’s biography see *Nayl*, I : 342 - 343.

<sup>6</sup> Cf. *Badr*, I : 462; *Nayl*, II : 84 - 5.

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 Ramaḍān 1216 / 11 January 1802. Shawkānī reports that in Ramaḍān of this year he was teaching Bukhārī's *Ṣaḥīḥ* in Sanaa's Great Mosque after the evening prayers (*ṣalāt al-'ishā' al-ākhirā*) and many learned scholars and ordinary people were attending his lectures.<sup>7</sup> This, he says, aroused the ire of an unnamed *Rāfiḍī* minister, who then requested Sayyid Yaḥyā 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 Ṣalāḥ al-Dīn mosque with numerous candles lit around it. From it al-Ḥūthī read out a work entitled *Tafrīj al-kurūb* by Ishāq b. Yusuf b. al-Mutawakkil Ismā'īl (d. 1173 / 1759), which extolled the virtues of 'Alī.<sup>8</sup> 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 *Rāfiḍī* 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.<sup>9</sup>

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 'Alī sent word to his minister of religious endowments (*awqāf*), Sayyid Ismā'īl b. al-Ḥasan al-Shāmī, to order al-Ḥūthī back to the Ṣalāḥ al-Dīn

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<sup>7</sup> Shawkānī was trying to establish the practise of reading and teaching the canonical Sunnī ḥadīth collections in mosques during the month of Ramaḍān, 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.

<sup>8</sup> Ishāq b. Yusuf also wrote a book entitled *Ijābat al-dā'ī ilā nafy al-ijmā' fī anna Abā Bakr al-ḍal min amīr al-mu'minīn 'Alī*, MS. Gharbiyya Library, *Majmū'* No. 22 and 37. Cf. *Badr*, I : 135 - 37 where Shawkānī says that he inclined to justice (*iṣṣāf*) in the matter of the Sunna versus the Hādawī 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 Hādawīs (*al-jāmidīn min al-fuqahā*).

<sup>9</sup> The sources for the events described here are: *Badr*, II : 344 - 348; *Adab al-ṭalab*, pp. 30 - 34; Jaḥḥāf, *Durrar nuḥūr*, fols. 223 - 224; al-'Amrānī, *Ithāf al-nabīh*, fols. 34 - 35; al-'Amrī, 1990, pp. 106 - 116.

mosque. Al-Shāmī in turn asked Aḥmad b. Muḥsin Ḥātim, the head muezzin at the Great Mosque (*ra'īs al-ma'dhana*), 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 *rafḍ* [i.e. their Shī'ite sentiments]" joined them and all left the mosque shouting.<sup>10</sup> A detailed description of what happened next is provided in Jaḥḥāf's chronicle which will be quoted *in extenso*.

In the year 1216, in Ramaḍān, the common people rioted in factional fashion and the Shī'ites revealed their hatred. The mob shouted in the streets and markets curses against Mu'āwiya and blessings on 'Alī--may God be pleased with him. This took place on Monday evening the 12th of Ramaḍān 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 *miḥrāb*. They went to the house of Ḥasan b. 'Uthmān, 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. 'Alī Ḥanash, which was close by. [The latter's] companions threw stones at them which hit the rioters and they returned to Ibn 'Uthmān's, shouting curses against him and Mu'āwiya. 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, Ismā'īl b. Ḥasan al-Shāmī--the Hāshimī--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 Mu'āwiya. ... Some of the rioters heard the women screaming, whereupon they told them that they would not stop throwing stones until they, too, cursed Mu'āwiya. 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 (*nāzir al-awqāf*) was [hiding] there. He was [truly] from among the best of 'Alī b. Abī Tālib'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 Mu'āwiya, and many people also massed around the house of the Umayyad minister. This led the imām to dispatch his son Muḥammad with

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<sup>10</sup> *Badr*, II : 345.

his troops to save the minister Ibn ‘Uthmān, and when the people saw him coming, they dispersed...<sup>11</sup>

Unlike Shawkānī who presents the *Rāfiḍī* minister as playing a key role in these events, Jaḥḥāf blames the riot on the actions taken by the muezzin Aḥmad Ḥātīm, who, he claims, was envious of ‘Alī 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.<sup>12</sup> Jaḥḥāf says that the muezzin, Ḥātīm, was trying to reduce al-Amīr’s popularity by getting al-Ḥūthī to preach in the Great Mosque. Later, however, Ḥātīm was forced to obey the imām’s orders. Whatever the case, Shawkānī, who comments on the events, says that ‘Alī al-Amīr’s house was attacked because “he was not an ever cursing *Rāfiḍī* (*lam yakun rāfiḍiyyan la‘ānan*),” and in al-‘Ulufī’s case it was because “he was of Umayyad descent (*Umayyad al-nasab*),” whereas in that of Ḥanash it was due to his “manifesting the Sunna and dissociating from *rafḍ* (*mutaḏāhiran bi-l-sunna mutabarri’an min al-rafḍ*).”<sup>13</sup>

One can only guess who the unnamed *Rāfiḍī* minister was. The most likely candidate is Sayyid Aḥmad b. Ismā‘īl Fāyi‘, who had been a minister in al-Manṣūr’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.<sup>14</sup> The imām could then draw on these savings in case of an emergency elsewhere. As a result of this information about

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<sup>11</sup> Jaḥḥāf, *Durrar nuḥūr*, fols. 223 - 224

<sup>12</sup> Cf. *Badr*, I : 420 - 422. ‘Alī b. Ibrāhīm al-Amīr died in 1219 / 1805.

<sup>13</sup> *Badr*, II : 346.

<sup>14</sup> Cf. *Nayl*, I : 73.

Fāyi' 's doings the imām took away his supervision rights over Hodeida, and, for reasons unknown, in 1206 / 1791-2 took away Fāyi' 's supervision rights over the Harāz regions, giving these to al-'Ulufī, the Umayyad.<sup>15</sup> Perhaps jealousy or resentment led Fāyi' to incite Sayyid al-Ḥūthī to recite a Hādawī work in the Great Mosque, which was a factor in instigating the riots during which al-'Ulufī's 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 Hādawīs, many of whom were not involved in the riots, be explained.

The evening after the riot the imām summoned his ministers, military commanders and Shawkānī, his chief judge, for counsel and decided to put everyone in prison: al-Ḥūthī, 'Alī al-Amīr, al-Shāmī, Ḥātīm and Ismā'īl b. 'Izz al-Dīn al-Nu'mī. The last had not been involved in the incidents but was imprisoned, by Shawkānī's own admission, for his extremist Hādawī beliefs.<sup>16</sup> Shawkānī's role was decisive. He advised the imām not only that all strict Hādawīs 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 Ramaḍān was taken up with this. Shawkānī's justification for al-Nu'mī's arrest reveals his perception of the threat posed by the strict Hādawīs.

Amongst the most extreme was Ismā'īl b. 'Izz al-Dīn al-Nu'mī who was a committed *Rāfiḍī* in addition to being a great ignoramus. His extremism led to a kind of madness. He started collecting passages from the books of the *Rāfiḍa*, 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 *Nāṣibīs*, who hated 'Alī--may God honour him. In fact, he compiled a work in which he mentions the greatest ulema and tries to make people hate them.

<sup>15</sup> *Nayl*, I: 71 - 73. Ismā'īl al-Akwa' also suspects that it was Fāyi' who was behind the specific events here, cf. *Hijar al-'ilm*, IV : 2252 - 2253; also al-'Amrī, 1988, pp. 74 - 77.

<sup>16</sup> 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 *Sunnīs*, and at others he calls them *Nāṣibīs*. Despite this, he does not know grammar, morphology, the principles of jurisprudence and theology, normative law, Qur'ānic exegesis and ḥadīth... . He does not know anything except what he has read in the works of the *Imāmī Rāfiḍīs*. Like [al-Nu'mī], but more ignorant, was Dirghām, a slave belonging to our lord the *Imām*--may God preserve him. His greatest interest lay in reading some of the works of the *Rāfiḍīs* 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].<sup>17</sup>

Shawkānī presents being a strict *Hādawī* 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 *Hādawīs* 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 *Hādawīs* highlights the influence Shawkānī had garnered with the *imām* and the extent to which the latter now came to identify with the Traditionist *ulema*. *Hādawism* had become a mobilizing ideology against the state and its authorities, much as it had always been whenever a rival claimant to the *imāmate* rose to challenge a reigning incumbent, with the exception that now the state was perceived by the *Hādawīs* to have become *Sunnī* by allowing *Sunnī* works to be read in *Zaydī* mosques and by preventing *Zaydī* works from being taught there.

On 4 Shawwāl 1216 / 7 March 1802 the *imām* 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-'Ulufī's house, had drums attached to their backs which were beaten while they were paraded around

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<sup>17</sup> *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.<sup>18</sup> 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.”<sup>19</sup> 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 ‘Alī, 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. ‘Alī, 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 (*‘amma*) and those fanatics with little knowledge (*al-mutafayqqiha al-muqaṣṣirīn*)

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<sup>18</sup> *Badr*, H : 205 - 6.

<sup>19</sup> Jaḥḥāf, *Durar nuḥūr*, fol. 224.

*al-muta‘aṣṣibīn*)” 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.<sup>20</sup> 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 Hādawīs 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 Hādawīs 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*.<sup>21</sup> This is what took place now with many Zaydīs 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‘īl b. Aḥmad al-Kibṣī (d. 1250 / 1834), whose nickname was Mughallis and who “emigrated” with some of his supporters in 1220 / 1806 to Ṣafīr Ḥajja where he made his “summons” (*da‘ā ilā nafsihī*), taking the title al-Mutawakkil ‘alā Allāh.<sup>22</sup> His “summons” was not generally recognized except, it

<sup>20</sup> *al-Tiqṣār*, pp. 355 - 356; cf. *Nayl*, I : 163 - 164.

<sup>21</sup> The practise of emigrating (*hijra*) is an established doctrine which was already clearly elaborated by the early Zaydīs. 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 (*dār al-ẓulm*),” understood as the neighbourhood of the wicked and the oppressors, even though the neighbours were nominally Muslims too. Cf. Madelung, 1965, p. 138 ff.; idem, 1985, “A Muṭarrifī manuscript,” reprinted in *Religious schools and sects in medieval Islam*, XIX, London: Variorum Reprints, p. 77.

<sup>22</sup> Ismā‘īl b. Ḥusayn Jaghmān, *al-Durr al-manẓūm fī tarājim al-thalātha 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 Hādawī scholars Ismā‘īl b. Aḥmad al-Mughallis, Aḥmad b. ‘Alī al-Sirājī, and al-Ḥusayn b. ‘Alī al-Mu‘ayyadī. The first revolted against al-

seems, by a few in Sa'da 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'da. 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 Hādawī 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 *ijtihād*, when combined with the power he wielded as chief judge, a threat to the Hādawī 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 Zaydīs 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*.<sup>23</sup> 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-Ghaṭamṭam 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

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

<sup>23</sup> Cf. *Badr*, II : 223. Al-Jalāl's *Daw' al-nahār* and Ibn al-Amīr's *Munḥat al-ghaffār* have been edited and published in 4 volumes by the Higher Judiciary Council of Yemen.

specifically, from Ibn Ḥajar's *Talkhīṣ al-ḥabīr* and *al-Fath al-bārī*.<sup>24</sup> Ibn Ḥarīwa 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*).<sup>25</sup> Moreover, in a view shared by some contemporary Hādawīs, Ibn Ḥarīwa 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-Darārī al-muḍiyya* (= *al-muḍī'a*).<sup>26</sup> Ibn Ḥarīwa ends his case by claiming that Shawkānī properly belongs to the school of Muḥammad b. 'Abd al-Wahhāb. 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 *muqallid* 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 *mujtahids*? We have not known a single *mujtahid* 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 Najdī [Muḥammad b. 'Abd al-Wahhāb] and Ḥasan b. Khālīd... .

Among the things that the Najdī has said is that he is right in matters of dispute (*masā'il al-khilāf*) 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.<sup>27</sup>

<sup>24</sup> *Ghaṭamṭam*, introduction, vol. 1, pp. 65 - 74, 132 - 133.

<sup>25</sup> *Ghaṭamṭam*, introduction, vol. 1, p. 53.

<sup>26</sup> *Ghaṭamṭam*, introduction, vol. 1, p. 50.

<sup>27</sup> *Ghaṭamṭam*, vol. 1, pp. 128 - 129. Al-Ḥasan b. Khālīd (d. 1234 / 1819) was a Traditionist sayyid from Hijrat Ḍamad in 'Asīr. He appears to have shared Shawkānī's views and was the main advisor to and judge under Sharīf Ḥamūd, who rule much of the Tihāma until Muḥammad 'Alī's troops finally defeated him. Cf. *Nayl*, I : 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 (*ifranj*) who were in the port town attacked a *sharīfa* (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 Hodeida. 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.<sup>28</sup>

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 Hādawīs 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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<sup>28</sup> Cf. *Nayl*, H : 274 - 279; al-'Amri, 1990, pp. 269 - 272; Aḥmad al-Shāmī, 1988, *Nafāḥāt wa lafāḥāt min al-Yaman*, Beirut: Dār al-Nadwa al-Jadīda, pp. 401 - 405.

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.<sup>29</sup> 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<sup>30</sup> 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."<sup>31</sup> 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 Ismā'īl 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.

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<sup>29</sup> al-Shāmī, 1988, *Nafāḥāt wa lafāḥāt*, p. 404.

<sup>30</sup> 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-'Amrī, 1988, p. 237; Jaghmān, *al-Durr al-manzūm*, pp. 10 - 11.

<sup>31</sup> 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 imāmate for himself with the backing of the tribes of “Khawlān, Arḥab, Nihm and others from the lands of Ḥāshid and Bakīl.”<sup>32</sup> 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.<sup>33</sup> 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‘īl b. Ḥusayn Jaghmān (d. 1256 / 1840).<sup>34</sup>

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 *Nāṣibīs* whom he  
describes as impudent  
He loved Ṭaha [the Prophet], the *waṣī* [‘Alī], and Fāṭima // and  
their boys who are the pride of the proud  
his edifice for the Āl [the family of the Prophet] is glorious and  
lofty // [it is] the *Ghatamṭam* [Ibn Ḥarīwā’s commentary attacking  
Shawkānī’s *al-Sayl 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 *Sayl al-jarrār*  
[even] in disgrace this [crime] will never be undone // and let the  
pious be optimistic.<sup>35</sup>

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

<sup>32</sup> *Nayl*, I : 151; al-Jirāfī, 1987, *al-Muqtataf*, p. 263; *Ḥawliyyāt Yamāniyya*, pp. 60 - 62; al-‘Amrī, 1988, pp. 236 - 239. The Hādawī mentor of those who rebelled against al-Mahdī ‘Abd Allāh and later against his son al-Manṣūr ‘Alī was Qāḍī ‘Abd al-Raḥmān b. ‘Abd Allāh al-Mujāhid (d. 1252 / 1836), cf. *Nayl*, II : 33 - 34.

<sup>33</sup> Cf. al-Jirāfī, 1987, *al-Muqtataf*, p. 263.

<sup>34</sup> For Jaghmān’s biography see *Nayl*, I : 270 - 273.

<sup>35</sup> Jaghmān, *al-Durr al-manẓūm*, fol. 20.

assassin was an agent sent by “the government of Sanaa” (*dawlat Ṣan‘ā*).<sup>36</sup> 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’ila (the dry river bed running through the city). These students and scholars met in the month of Rabī‘ (presumably al-Awwal) in the year 1249 / 1833 and secretly gave their allegiance (*bay‘a*) to Sayyid ‘Abd Allāh b. al-Ḥasan b. Aḥmad 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.<sup>37</sup>

#### 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.<sup>38</sup> 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-Qudāt was inherited by Shawkānī’s brother Yaḥyā (d. 1267 / 1851). For a while it seemed as if the order established by Shawkānī, with its network of judges and students, would continue.

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<sup>36</sup> Jaghmān, *al-Durr al-manẓūm*, fol. 12; cf. al-‘Amrī, 1988, pp. 236 - 239.

<sup>37</sup> *Hawliyyāt Yamāniyya*, 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-manẓūm*, fols. 22 - 30. Al-Mu’ayyadī, however, did not claim the imāmate 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 Abū Ṭālib. Their main teacher was Imām Aḥmad al-Sirājī, who in turn was taught by ‘Abd al-Raḥmān b. ‘Abd Allāh al-Mujāhid.

<sup>38</sup> 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-Manṣūr ‘Alī’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.<sup>39</sup> Late on Wednesday 3 Dhū al-Qa‘da 1252 / 9 February 1837 the soldiers, led by a slave commander named Farḥān Ṣāliḥ al-‘Ulufī,<sup>40</sup> attacked al-Manṣūr’s palace, Bustān al-Mutawakkil, and imprisoned him and his uncle Muḥammad. The chronicle *al-Hawliyyāt 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.<sup>41</sup> Nearly 90 years after Imām al-Mahdī ‘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.<sup>42</sup> According to the *Hawliyyāt*, many were pleased at al-Nāṣir’s accession thinking he would be a “renewer” (*mujaddid*) who would enforce the Sharī‘a. Until he

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<sup>39</sup> The story behind the rebellion is complicated. It would seem that some Baraṭī and Arḥabī tribes under the leadership of Ḥusayn b. Yaḥyā b. ‘Abd Allāh al-Baraṭī 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-Manṣūr ‘Alī refused to pay them, and instead called upon the tribes of Khawlān to come to his aid against the Baraṭīs and Arḥabīs. 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-Manṣūr ‘Alī with al-Nāṣir.

<sup>40</sup> 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-‘Ulufī.

<sup>41</sup> For a full description of the coup against al-Manṣūr ‘Alī see *Hawliyyāt Yamāniyya*, pp. 70 - 72. Also see al-Kibṣī, n.d., *al-Laṭā‘if al-saniyya fī akhbār al-mamālik al-Yamaniyya*, n.p.: Maṭba‘at al-Sa‘āda, pp. 303 - 305.

<sup>42</sup> For his biography and education see *Nayl*, II : 70 - 73. Also see al-Jirāfī, 1987, *al-Muqtataf*, 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 'Alī, and his uncle Muḥammad, al-Nāṣir also imprisoned all the governors, *waqf* administrators (*nuzzār*), and judges, including Shawkānī's brother Yaḥyā, his son Aḥmad as well as his students (e.g. Muḥammad b. al-Ḥasan al-Shijnī). The *Ḥawliyyāt* mentions that the intention was to replace all these with new people, presumably ones who were Hādawī in orientation, such as Sayyid Muḥammad b. 'Abd al-Rabb (d. 1262 / 1846), who was appointed chief judge in the *dīwān*.<sup>43</sup>

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 'Abd Allāh and read the Torah, and initiated plans to exhume Shawkānī's corpse and burn it.<sup>44</sup> 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.<sup>45</sup>

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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<sup>43</sup> *Ḥawliyyāt Yamāniyya*, pp. 73 - 74; *Nayl*, II : 282 -283.

<sup>44</sup> *Ḥawliyyāt Yamāniyya*, pp. 73. Shawkānī was later exhumed in the republican period 1386 / 1966 and re-interred as a Republican hero in the Fulayḥī mosque. This event and all that it represented for the new republican order will be discussed in the last chapter.

<sup>45</sup> Shawkānī was of the Qāḍī 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 Ta'izz, he returned to Sanaa defeated in 1253 / 1837.<sup>46</sup> Once in Sanaa, al-Nāṣir sought to rid himself once and for all of his predecessor and rivals, the former Imām al-Manṣūr 'Alī 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 Hādawī critics silenced either through execution, as in the case of Ibn Ḥarīwā, or through imprisonment on the Red Sea islands of Zayla' and Kamarān, as in the case of Ismā'īl al-Nu'mī.

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-ẓalama*). 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 (*ḥumq*). He says that the Zaydīs were never troubled by this issue and pray in, among other places, the Great Mosque of Sanaa, parts of which were built by the Ṣulayḥids, who were Ismā'īlī. The question, however, is telling of al-Nāṣir's strict Shī'ite views, since what in fact he was asking was whether Zaydīs were allowed to pray in non-Zaydī mosques. In other words, were Sunni mosques to be considered valid places of worship?

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<sup>46</sup> Cf. *Ḥawliyyāt Yamāniyya*, pp. 75 - 85; 'Abd al-Ḥamīd al-Biṭrīq, 1969, *Min tārikh al-Yaman al-ḥadīth: 1517 - 1840*, n.p.: Ma'had al-Buḥūth wa-l-Dirāsāt al-'Arabiyya, pp. 62 - 87; al-Kibsi, *al-Latā'if al-saniyya*, pp. 304 -305; al-'Amrī, 1988, pp. 258 - 267.

The scholars were not put to the test on this issue because Aḥmad b. Zayd al-Kibṣī (d. 1271 / 1854),<sup>47</sup> 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 Zaydīs 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.<sup>48</sup> 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. 614 / 1217) ordered the demolition of the Mutarrifī mosque in Sanā‘ in 611 / 1214-5 after destroying their principal centre, the *hijra* of Waqash.<sup>49</sup> 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 Sunnī Traditionist scholars.

The matter did not end here, as on the following day al-Nāṣir sent two of his supporters, Qādī Ismā‘īl Jaghmān and Sayyid Yaḥyā b. Muḥammad al-Akhfash (d. 1262 / 1845),<sup>50</sup> 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.”<sup>51</sup> Jaghmān 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

<sup>47</sup> 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 Sunnī ḥadīths.

<sup>48</sup> Cf. Ibn Miftāḥ, *Sharḥ al-azhār*, vol. 4, p. 558.

<sup>49</sup> Madelung, 1991, “The Origins of the Yemenite Hijra,” in *Arabicus Felix*, Alan Jones (ed.), Reading: Ithaca Press, p. 32.

<sup>50</sup> Cf. *Nayl*, II : 400; *al-Tiqṣār*, p. 437.

<sup>51</sup> *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 Rabī' al-Awwal 1256 / May 1840 al-Nāṣir was ambushed and brutally killed in Wādī Ḍahr 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," *fātrat 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 Khalīl 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.<sup>52</sup> 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 Abū 'Arīsh (i.e. Mikhlāf al-Sulaymānī),

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<sup>52</sup> Cf. Maḥmūd (ed.), 1983, *Dhikrayāt al-Shawkānī*, pp. 182 - 185.

Sharīf 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-Hādī Muḥammad b. al-Mutawakkil Aḥmad (d. 1259 / 1843) took control in Sanaa.<sup>53</sup> 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 Sufī called Faqīh Sa‘īd in the region of Ibb. Al-Hādī 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 Sharīf Ḥusayn. The pact broke down within two years and al-Mutawakkil led a force into the Tihāma to regain control over it from the Sharīf. A series of battles ensued in which al-Mutawakkil was ultimately defeated, forcing him to flee back to Sanaa. Sharīf 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 Sharīf 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.<sup>54</sup> ‘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-Hādī. The new imām made arrangements for the Ottoman force to return to the Tihāma and a few months

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<sup>53</sup> *Nayl*, II : 226 - 228.

<sup>54</sup> *Hawliyyāt Yamāniyya*, pp. 175 - 177.

following that had his predecessor, al-Mutawakkil, executed.<sup>55</sup> Al-Hādī gave up his claim to the imāmate after nine months, however, because of a rival claimant called al-Manṣūr Aḥmad b. Hāshim al-Waysī.<sup>56</sup> 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 Mu‘īd.<sup>57</sup> This lasted until the Ottomans were finally recalled to occupy Sanaa in 1269 / 1872 to end the period of disorder.

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<sup>55</sup> *Hawliyyāt Yamāniyya*, pp. 183 - 184; *Nayl*, II : 347.

<sup>56</sup> *Nayl*, I : 235 - 241.

<sup>57</sup> Cf. Mermier, 1997, *Le Cheikh de la nuit*, pp. 42 - 54.

## 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-ḍubbāt*). Qāḍī 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 Aḥmad. They located Shawkānī's grave and had his remains exhumed. This done, an official procession and reburial ceremony took place and Shawkānī 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 Shawkānī was spared this indignity. A new age had dawned.

Since the revolution Shawkānī 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 "Shawkānī 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 Shawkānī 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.”<sup>1</sup> 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”<sup>2</sup> 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.<sup>3</sup> The

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<sup>1</sup> Cf. *Dirāsāt Yamaniyya*, 1990, no. 40, pp. 245ff.

<sup>2</sup> 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.

<sup>3</sup> A good example of such a scholar in the 19th century is Aḥmad b. Muḥammad al-Kibīsī (d. 1316 / 1899), cf. Muḥammad b. Muḥammad Zabāra, 1979, *Nuzhat al-naẓār fī rijāl al-qarn al-rābi‘ ‘ashar*, Sanaa: Markaz al-Dirāsāt wa-l- Abḥāth al-Yamaniyya, pp. 143 - 145 (hereafter *Nuzhat al-naẓār*); *Hijar al-‘ilm*, IV : 1792 - 1793.

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.<sup>4</sup>

After the Ottomans left, these “generational students” continued to occupy equally important posts in the Ḥamīd al-Dīn imāmate, 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 Zaydī 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 Zaydī imāmates 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” (*mutaḥarrir*) version of Islam which, it is claimed, informs republican Islam and state ideology.

### Studying Sunnī Works and Other Sunnī 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 Sunnī works, especially the canonical Sunnī ḥadīth

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<sup>4</sup> 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 Zaydī books.<sup>5</sup> Echoing Shawkānī's exclusive preference for the science of ḥadīth and the cardinal role it had in his teachings, 'Abd Allāh b. 'Abd al-Karīm al-Jirāfī, a 20th century scholar and a scion of Shawkānī's school says:

The science of ḥadīth 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...<sup>6</sup>

Yet another development was that these scholars, but also at times imāms, were given the epithet renewer (*mujaddid*) or renewer of the century (*mujaddid al-qarn*), which again had not been employed in traditional Zaydism.<sup>7</sup> A further new development was that a succession of scholars, starting with Shawkānī's son Aḥmad, took on the title of Shaykh al-Islām, a custom which lasted well into the present century.<sup>8</sup> In addition, students began writing eulogistic works (something resembling a hagiography) about a single great teacher, for example the *al-Tiqṣār* which al-Shijnī dedicated to Shawkānī or the *Tuḥfat al-ikhwān* which al-Jirāfī dedicated to al-Ḥusayn b. 'Alī al-'Amrī.<sup>9</sup> 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 Zaydī context, where similar, though not identical, types of written works had been produced about the imāms.<sup>10</sup>

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<sup>5</sup> The main biographical dictionaries for this period are for the earlier period Muḥammad Zabāra's *Nayl al-waṭar* and for the last century-and-a-half Zabāra's *Nuzhat al-naẓar*. Another important work is 'Abd Allāh b. 'Abd al-Karīm al-Jirāfī's *Tuḥfat al-ikhwān*.

<sup>6</sup> 'Abd Allāh b. 'Abd al-Karīm al-Jirāfī, 1365 / 1946, *Tuḥfat al-ikhwān bi-ḥilyat 'allāmat al-zamān*, Cairo: al-Maṭba'a al-Salafiyya, pp. 39 - 40. (Hereafter *Tuḥfat al-ikhwān*).

<sup>7</sup> *Tuḥfat al-ikhwān*, p. 20; al-Laknawī, 1413 / 1992-3, *Nuzhat al-khawātir*, vol. 7, p. 270.

<sup>8</sup> Cf. *Tuḥfat al-ikhwān*, pp. 20, 25; *Nuzhat al-naẓar*, p. 438 - 39; Aḥmad b. Muḥammad al-Jirāfī, 1992, *Hawliyyāt al-'allāma al-Jirāfī*, Ḥusayn al-'Amrī (ed.), Beirut: Dār al-Fikr al-Mu'āṣir, pp. 211ff.

<sup>9</sup> For a list of such books which were written in Yemen see *Tuḥfat al-ikhwān*, pp. 5 - 6.

<sup>10</sup> A notable exception to this is the hagiographic account by sayyid Yaḥyā b. al-Mahdī b. al-Qāsim al-Ḥusaynī of the life of his shaykh and founder of a moderate Sufī order amongst the Zaydīs, Ibrāhīm b. Aḥmad al-Kayna'ī (d. 793 / 1391), entitled *Ṣilat al-ikhwān li ḥilyat barakat ahl al-zamān*, MS. Ambrosiana D 222. However, being a Sufistic work it constitutes an exception in itself in Zaydī writings.

Scholars generally became more ḥadīth oriented and were concerned to acquire licenses (*ijāza*) in both the *musalsalāt* ḥadīths and the works which fell under the rubrics of *masmū‘āt* or *marwiyyāt*.<sup>11</sup> 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 Hādawī 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.<sup>12</sup>

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-Wazīr (d. 1308 / 1891) is a good example of a scholar who was in the Hādawī

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<sup>11</sup> A *musalsal* Tradition is one where 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.

<sup>12</sup> *Tuḥfat al-ikhwān*, p. 39.

mould, despite having studied with Shawkānī.<sup>13</sup> 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 Sīrr, where it is said that he “ordained the good and prohibited the evil.”<sup>14</sup> Being imām in a single valley did not diminish him or the institution of the imāmate in any way; what mattered was that he considered himself the righteous ruler.

Another Hādawī in this period was al-Hādī 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.<sup>15</sup> Imām Sharaf al-Dīn’s 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 imāmate into a kingship,” whereupon he retired to a life of scholarship in al-Madān.<sup>16</sup>

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-Kibīsī, for example, was a ḥadīth scholar who fought alongside Imām Yaḥyā in the war against the Ottomans. After the truce of Da‘‘ān

<sup>13</sup> Cf. Muḥammad b. Ismā‘īl al-Kibīsī, 1988, *Jawāhir al-durr al-maknūn wa ‘ajā’ib al-sirr al-makhzūn*, Zayd al-Wazīr (ed.), n.p.: Manshūrāt al-‘Asr al-Ḥadīth, pp. 169 - 234.

<sup>14</sup> *Nuzhat al-naẓar*, pp. 539 - 40. For his *sīra* see Muḥammad b. Ismā‘īl al-Kibīsī, 1988, *Jawāhir al-durr al-maknūn*. Another example of a Hādawī scholar in this period is Zayd b. Aḥmad al-Kibīsī (d. 1316 / 1898), cf. *Nuzhat al-naẓar*, pp. 301 - 303.

<sup>15</sup> *Nuzhat al-naẓar*, p. 313; *Hijar al-‘ilm*, IV : 1983 - 1984; Muḥammad Zabāra, 1376 / 1956, *A ‘imnat al-Yaman bi-l-qarn al-rābi’ ‘ashar lil-hijra*, Cairo: al-Maṭba‘a al-Salafiyya, vol. 1, pp. 7 ff.

<sup>16</sup> *Hijar al-‘ilm*, IV : 1985 - 1986; *Nuzhat al-naẓar*, 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-Kibīsī compiled a work of ḥadīths 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 Sunnī collections) because these contain ḥadīths which are suspected to contradict Zaydism (*madhhab al-‘adliyya*). So they have stopped reading the beneficial ḥadīths in these works, fearing the rise of doubts in their hearts from certain obscure ḥadīths (*al-mutashābiḥa*), 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 ḥadīth] and to remind the graduate [of it] and to make known the ḥadīths of the Lord of Messengers which have sound chains of transmission.<sup>17</sup>

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 Shāfi‘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-dalīl*), for example, or “he inclined to the Sunna and gave preference to proof-texts” (*māla*

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<sup>17</sup> *Nuzhat al-naẓar*, pp. 106 - 107.

*ilā al-sunna wa tarjīh al-dalīl*) imply the person was a Traditionist by inclination.<sup>18</sup> 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-Kibṣī 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.<sup>19</sup>

### Muftī Aḥmad Zabāra’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 Zabāra, issues to petitioning scholars from around the world. Muftī Zabāra 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).<sup>20</sup> Aḥmad b. Muḥammad, the present Grand Muftī, was born on 21 Dhū al-Ḥijja 1325 / 25 January 1908, and was likewise an official in the court of Imām Aḥmad, whose daughter he married.<sup>21</sup>

<sup>18</sup> Cf. *Nuzhat al-naẓar*, p. 158.

<sup>19</sup> A good example of such a person is Imām Muḥammad b. Yaḥyā Ḥamīd al-Dīn, who was a Hādawī but nonetheless studied Sunnī works too, cf. ‘Alī b. ‘Abd Allāh al-Iryānī, 1996, *Sīrat al-imām Muḥammad b. Yaḥyā Ḥamīd al-Dīn*, Amman: Dār al-Bashīr, pp. 26 - 31

<sup>20</sup> *Nuzhat al-naẓar*, p. 585; cf. *Hijar al-‘ilm*, II : 588 - 602.

<sup>21</sup> Cf. *Hijar 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-Raḥmān 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-Iftā’* -- translated on his official letter-head as “Casuistry House” -- and he took on the official title of Grand Muftī (*al-muftī al-‘āmm*) of the republic, the form used on his letter-head and stamp.<sup>22</sup>

Zabāra’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 Zabāra 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 Zabāra had not only studied the major Zaydī-Hādawī texts but also many important Sunnī ones, in particular the ḥadīth collections and the works produced by Shawkānī and other Yemeni Traditionists. What is more remarkable is that contemporary Sunnī Muslims consider Zabāra to hold one of the strongest *isnāds* to such works as the *Ṣaḥīḥayn* of anyone alive. This is because only two individuals separate him from Shawkānī, who in turn is considered to have a very strong *isnād*.<sup>23</sup> Hence, Zabāra’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 Zabāra has for Sunnīs today begs several questions. How “Zaydī” was the Ḥamīd al-Dīn imāmate 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

<sup>22</sup> *Nuzhat al-naẓar*, pp. 148 - 151. See the appendix for a copy of one of his *ijāzas*.

<sup>23</sup> Cf. Ḥusām al-Dīn b. Salīm al-Kīlānī, n.d., *al-Amālī lī a’lā al-asānīd al-‘awālī*, Aleppo: Dār al-Qalam al-‘Arabī, p. 23. I am told that only one living member of the Ahdal family in Zabīd has a shorter *isnād* to Shawkānī, with remarkably only one person separating them.

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 Shāfi‘īs 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 *ijāza* 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 *ijāza*. It is this last category which links him to the major Islamic corpus of written works and ḥadīths, both Zaydī and Sunnī. Two of these registers may be marked out for special mention: Shawkānī’s *Ithāf al-akābir*, which has been discussed in an earlier chapter, and Qāḍī Muḥammad b. Aḥmad Mashḥam’s *Bulūgh al-amānī min ṭuruq asānīd kutub Āl man unzilat ‘alayhi al-mathānī*, which is a Zaydī compilation.<sup>24</sup>

The two most striking features in Zabāra’s *ijāza* are the pre-eminent place “Shawkānī’s students”<sup>25</sup> 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 Qāḍī al-Ḥusayn b. ‘Alī al-‘Amrī (d. 1361 / 1942). Zabāra says he studied with him (*lāzama*) for ten

<sup>24</sup> Muḥammad b. Aḥmad Mashḥam (d. 1182 / 1768-9 ), cf. *Nashr*, H : 412ff.

<sup>25</sup> A number of contemporary scholars in Yemen who considered themselves Traditionists refer to themselves as generational students of Shawkānī. For example, Muḥammad b. Ismā‘īl al-‘Amrānī, 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 *ijāza* terms, from Shawkānī.

years, covering among other works the six canonical Sunnī ḥadīth collections, *Sharḥ al-azhār*, al-Sayāghī's *Rawḍ al-naḍīr* and Shawkānī's *Fath al-qadīr*.

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 (*nāzir al-awqāf*) in Sanaa and he later played a crucial role in mediating between the Ottomans and Imām Yaḥyā during the two uprisings of 1904 and 1911. After the treaty of Da'ān was concluded (1911), one of Imām Yaḥyā'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 Yaḥyā could nominate the president and members of a court of appeals in Sanaa (*al-maḥkama 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.<sup>26</sup> 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 Yaḥyā's first secretary, and was assassinated with him in 1948. 'Abd Allāh's son, Muḥammad, would in turn become one of Imām Aḥmad'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

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<sup>26</sup> Cf. *Nuzhat al-naẓar*, pp. 265ff; al-Jirāfī, 1992, *Ḥawliyyāt*, pp. 115 - 16, 181 - 82.

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 Zabāra’s most eminent teacher after Ḥusayn al-‘Amrī was Qāḍī Yaḥyā b. Muḥammad al-Iryānī (d. 1362 / 1943), also a second generation student of Shawkānī’s.<sup>27</sup> Muftī Zabāra 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-Itqān fī ‘ulūm al-qur’ān* and Shawkānī’s *Tuḥfat al-dhākirīn*. Al-Iryānī was famous for the lessons he gave in Shawkānī’s *Nayl al-awṭār*, Jalāl’s *Ḍaw’ al-nahār* and Ibn al-Amīr’s *Minḥat al-ghaffār* at the Fulayḥī mosque, all of which Zabāra attended. This study circle was unambiguously Traditionist and is remembered fondly by contemporary republican jurists such as Muḥammad b. Ismā‘īl al-‘Amrānī, as a locus of anti-Hādawī legal thought. After Muftī Zabāra completed his studies with al-Iryānī, which lasted six years, a “banquet of termination” (*walīmat khatm*) 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 Zabāra received a general license from al-Iryānī.

Qāḍī Yaḥyā al-Iryānī was born in the Hijrat Iryān, in a border region between the Zaydī upper highlands and Shāfi‘ī Lower Yemen. Imām Yaḥyā

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<sup>27</sup> *Nuzhat al-naẓar*, p. 635 - 642; *Hijar al-‘ilm*, I : 71 - 77. Al-Iryānī was a famous poet and a prominent figure in Muḥammad Zabāra’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-Daylamī (d. 1366 / 1947). Two years later, al-Iryānī was promoted to president of the court, and held this post until his death in 1943.<sup>28</sup>

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 ‘Amrīs, Kibsīs 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-Ḍaḥyānī (d. 1343 / 1924), a rival claimant to the imāmate who was widely reckoned to be more learned than he.<sup>29</sup> The second is Yaḥyā’s imprisonment of Muḥammad b. Ibrāhīm al-Mu’ayyidī (d. 1381 / 1961 -2) for over thirty years

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<sup>28</sup> *Nuzhat al-naẓar*, p. 635; Yaḥyā b. Muḥammad al-Iryānī, n.d. *Kitāb Hidāyat al-mustabṣirīn bi-sharḥ ‘uddat al-ḥuṣn al-ḥaṣīn*, Sanaa: n.p., pp. 9 - 27.

<sup>29</sup> Cf. *Nuzhat al-naẓar*, pp. 241 - 249; *Hijar al-‘ilm*, 1: 131 - 133.

simply because of his great popularity and influence in the Sa‘da region.<sup>30</sup>

Popularity had become politically unacceptable.

**Imām Yaḥyā Ḥamīd al-Dīn (r. 1322 - 1367 / 1904 - 1948):**

Conflicting opinions are invariably given by Yemenis about Imām Yaḥyā’s religious and legal orientation. Muṭahhar al-Iryānī, a famous contemporary Yemeni poet, describes him as having been moderate religiously (*mu‘tadil dinīyyan*) and a scholar in his own right, but continues to say that Yaḥyā was in political terms a Zaydī (*zaydī siyāsiyyan*). By contrast, Zayd al-Wazīr, a contemporary Yemeni intellectual and writer, says that Imām Yaḥyā was Hādawī in applying the Sharī‘a but politically a Sunnī, because he favoured a monarchic system of rule.<sup>31</sup> Ismā‘īl al-Akwa‘ mentions that as a young man Yaḥyā had inclined to the science of the Sunna (i.e. ḥadīth) and was greatly influenced by his teacher Aḥmad b. ‘Abd Allāh al-Jindārī (d. 1337 / 1918), a Sunna-oriented scholar.<sup>32</sup> This annoyed his father, Imām Muḥammad b. Yaḥyā Ḥamīd al-Dīn (d. 1322 / 1904), who, by contrast, was a strict Hādawī. One incident highlights this feature of Imām 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 imām claimed that had Ibn al-Amīr’s *Subul al-salām* not been in the room (his son Yaḥyā had acquired a copy from Jindārī) this would not have happened.<sup>33</sup>

Al-Akwa‘ says that upon becoming imām, Yaḥyā ceased manifesting his proclivity for ḥadīth for fear of being attacked by Zaydī *muqallidīn*, and continually combined the mid-day and afternoon prayers (*al-jam‘ bayna al-ṣalātayn*) as a sign of his adherence to the Hādawī school.<sup>34</sup> The issue is

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<sup>30</sup> Cf. *Nuzhat al-nazar*, pp. 397 - 398; *Hijar al-‘ilm*, III : 1434 - 1435; Aḥmad al-Wazīr, 1987, *Ḥayāt al-amīr ‘Alī b. ‘Abd Allāh al-Wazīr*, n.p.: Manshūrāt al-‘Aṣr al-Ḥadīth, pp. 383 - 384.

<sup>31</sup> These statements are based on personal communication with the author by both individuals.

<sup>32</sup> For al-Jindārī biography see *Nuzhat al-nazar*, pp. 97 - 104.

<sup>33</sup> *Hijar al-‘ilm*, III : 1696.

<sup>34</sup> *Hijar al-‘ilm*, III : 1696 - 1697.

obviously blurred in post-revolutionary writings which depict the Ḥamīd 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 *jihad*, 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.<sup>35</sup>

Not hiding his dislike of the Zaydīs, Rihani says in another passage that “the Zaydi, ..., is the most exclusive, not to say fanatical, of all Muslims.”<sup>36</sup>

It is undoubtedly true that Shāfi'īs, especially the Shāfi'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. ... Two full hours sat the Image of Perfection under the Tree of Justice, and

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<sup>35</sup> Ameen Rihani, 1983, *Arabian Peak and Desert*, Delmar: Caravan Books, pp. 115 - 16.

<sup>36</sup> Rihani, 1983, p. 97.

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.<sup>37</sup>

Yaḥyā here resembles an ideal Zaydī 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 Zaydī imāmates.<sup>38</sup> In addition, Yaḥyā's imāmate had administrative institutions, e.g. a Shaykh al-Islām<sup>39</sup> and a standing army,<sup>40</sup> 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,<sup>41</sup> and ministries, such as a ministry of education and a ministry of health which were headed by his sons.

Imām Yaḥyā was a scholar, a *mujtahid*, unlike his 18th and 19th century predecessors who ruled during Shawkānī's tenure as *qādī al-quḍāt*. 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. Ḥamza (d. 614 / 1217), for example, issued a set of these in a work

<sup>37</sup> Rihani, 1983, p. 104.

<sup>38</sup> Cf. Rihani, 1983, pp. 90 - 91.

<sup>39</sup> The Shaykh al-Islām's duties were not specified. He appears to have been an aid and advisor to the imām in issuing letters and judgments.

<sup>40</sup> Imām Yaḥyā established a regular army (*al-Jaysh al-Nizāmī*) 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-Difā'ī* or *al-Barrānī* which consisted mainly of tribal levies.

<sup>41</sup> Messick, 1993, pp. 107 - 110.

entitled *al-Ikhtiyārāt al-manṣūriyya*.<sup>42</sup> Al-Mutawakkil ‘alā Allāh Ismā‘īl (d. 1087 / 1776) also issued *ikhtiyārāt* in a work entitled *al-Masā’il al-murtaḍāt fīmā ya‘tamiduhu al-quḍāt*.<sup>43</sup>

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-Kibṣī (d. 1358 / 1940) was appointed as chief judge of the governorate of Hodeida. Al-Kibṣī’s biography provides another interesting example of a scholar who was an official under the Ottomans and later became a judge under Imām Yaḥyā.<sup>44</sup> Among the issues covered in the letter are the following:

He [al-Kibṣī] should perform the affairs of the Sharī‘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 *madhhab* [i.e. the Hādawī 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. Should a matter arise requiring this [i.e. a monetary penalty], this should be presented to us and [judgment] will be based on our response. 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-Kibṣī]--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

<sup>42</sup> Cf. al-Ḥabshī, 1979, *Mu’allafāt ḥukkām al-Yaman*, p. 38.

<sup>43</sup> al-Ḥabshī, 1979, *Mu’allafāt ḥukkām al-Yaman*, p. 142; MS. Gharbiyya Library, *Majmu’*, no. 19, fols. 104 - 106. I would like to thank Dr. Ḥusayn al-‘Amrī for providing me with a copy of these *ikhtiyārāt*, with their commentary by al-Mutawakkil, in a work entitled *Kitāb Taftīḥ absār al-quḍāt ilā azhār al-masā’il al-murtaḍāt ikhtiyārāt amīr al-mu’minīn al-mutawakkil ‘alā allāh...*, cf. MS. Gharbiyya Library, *‘Ilm kalām*, no. 134.

<sup>44</sup> *Nuzhat al-naẓar*, p. 522.

saying or action of a district administrator which is not satisfactory. ... He must uphold the rules of God's Sharī'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].<sup>45</sup>

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-quḍāt* 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.<sup>46</sup> They were the fruits of the imām's own *ijtihād* 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 (*ḥiyal*)

<sup>45</sup> See the edited text of the letter in the appendix. Similar letters can be found in Rashād al-'Alīmī, n.d., *al-Taqlīdiyya wa-l-ḥadātha*, pp. 272 - 275; Sayyid Muṣṭafā Sālim, 1985, *Wathā'iq Yamaniyya*, pp. 357, 359.

<sup>46</sup> See for example, 'Alīmī, *al-Taqlīdiyya wa-l-ḥadātha*, pp. 258 - 259.

which were intended to suspend the law of pre-emption (*shuf'a*). 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.<sup>47</sup>

At least one of the "choices" had national political dimensions and implied clearly to Yemenis that Imām Yaḥyā was not juridically a strict Hādawī.<sup>48</sup> 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.<sup>49</sup> 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.<sup>50</sup> By effectively repealing it with his *ikhtiyār*, Imām Yaḥyā signalled that differences in origin among Yemenis would have no legal consequences--all Yemenis were equal before the law.

Imām Yaḥyā's *ikhtiyārāt* were eventually put in verse form and were commented on by Qādī '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'ārif), a hold-over from Ottoman days. In his commentary al-Shamāhī offers the legal arguments and textual bases for the *ikhtiyārāt*. Interestingly, the *Ṣaḥīḥayn* are constantly cited and the opinions of Ibn

<sup>47</sup> 'Abd Allāh b. 'Abd al-Wahhāb al-Shamāhī, 1356 / 1937, *Ṣirāt al-'ārifīn ilā idrāk ikhtiyārāt amīr al-mu'minīn*, Sanaa: Maṭba'at al-Ma'ārif, pp. 31 - 33.

<sup>48</sup> A noteworthy example of a leading Shāfī'ī scholar who commented approvingly on Imām Yaḥyā's *ikhtiyārāt* is 'Abd al-Raḥmān b. 'Alī al-Ḥaddād (d. 1340 / ) whose commentary entitled *al-Intiṣārāt naẓm al-ikhtiyārāt* is extant in the Gharbiyya Library, *Majmū'* no. 11, fols. 81 - 83. Cf. Messick, 1993, pp. 48, 272 fn. 30.

<sup>49</sup> Cf. *Azhār*, p. 108; Ibn Miftāḥ, *Sharḥ al-azhār*, vol. 2, pp. 303 - 305.

<sup>50</sup> Cf. al-Maqbalī, 1985, *al-'Alam al-shāmikh*, pp. 282 - 285; *Hijār al-'ilm*, II : 1104 - 1106, *Hijār al-'ilm*, III : 1247 - 1252.

al-Qayyim, al-Maqbalī and Shawkānī are highlighted and cited on certain issues.<sup>51</sup> 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 Hādawī 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 Yaḥyā was willing to depart from his own school’s teachings.

In al-Shamāḥī’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 (*umma*), 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-nabawiyya*) 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 (*sha‘bunā al-Yamanī*) from the flow of this sweeping torrent through the son of the Seal of Prophets Abī Shams al-Dīn Aḥmad, our lord, Commander of the Faithful, al-Mutawakkil ‘alā Allāh Yaḥyā b. Muḥammad, 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 Muḥammadan 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 Yaḥyā], may God support him and reward him for [his actions on behalf of] Islam, has risen to renew (*tajdīd*) 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

<sup>51</sup> Cf. al-Shamāḥī, 1356 / 1937, *Ṣirāt al-‘arīfīn*, pp. 6, 17, 24, 33, 51; also see Muḥammad b. Ismā‘īl al-‘Amrānī, 1984, *Niẓām al-qaḍā’ fī al-islām*, pp. 225ff.

this society (*arkān hādhā al-mujtama'*). The Legislator (*al-shāri'*) 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 ulema of the Zaydī School have been guided, as others have been too, to establish principles (*uṣūl*), branches (*furū'*) and issues (*masā'il*) in [the realm of] social interaction which are clearer in the sky of the true Islamic Sharī'a than the sun at mid-day. It is incumbent on the Yemeni community and their imāms to accept and adhere in knowledge and in practise to what they have established as issues and to their proofs. They are not to restrict ideas from roaming the realm of examination (*nazar*), *ijtihād*, and making choices (*ikhtiyār*) and criticism, given that every *mujtahid* is correct (*kull mujtahid muṣīb*). "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 adherence (*ilzām bi-mulāzamat*) to the Noble School [i.e. the Hādawī 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 imām who watches over the interests of his community (*umma*) and the defence of his people (*sha'b*) and nation (*waṭan*).<sup>52</sup>

Messick has described how Imām 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.<sup>53</sup> Until 'Abd al-Wāsi' b. Yaḥyā al-Wāsi'ī'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 Imām 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 imām, 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 Imām Yaḥyā was promoting the notion that the Zaydīs were a "moderate" sect no different in

<sup>52</sup> al-Shamāhī, 1356 / 1937, *Sirāt al-'arīfīn*, pp. 3 - 4.

<sup>53</sup> Messick, 1993, pp. 123 - 131; cf. *Hijar al-'ilm*, I : 368 - 369.

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.<sup>54</sup> 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 (*iṣlāḥ*) and renewal (*tajdīd*) of Islam in modern times. Ibn al-Wazīr’s work entitled *Īthār al-ḥaqq ‘alā al-khalq* was published as early as 1318 / 1900 and was very favourably reviewed in Riḍā’s journal *al-Manār*.<sup>55</sup> Eleven years later, in 1911, al-Manār Press published an edition of al-Maqbalī’s *al-‘Alam al-shāmikh* and its addendum *al-Arwāḥ al-nawāfikh*.<sup>56</sup> 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.”<sup>57</sup> 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, Aḥmad Taqī al-Dīn b. Taymiyya. ... [Then] the imām Abū ‘Abd Allāh Muḥammad b. al-Qayyim inherited the knowledge of his teacher [Ibn

<sup>54</sup> Cf. Serjeant, 1969, “The Zaydīs”, p. 285; al‘Amrī, 1985, pp. 115 - 116.

<sup>55</sup> al‘Amrī, 1987, *al-Manār wa-l-Yaman*, Damascus: Dār al-Fikr, pp. 42 - 43; cf. *al-Manār*, 1318, no. 1, p. 16.

<sup>56</sup> al‘Amrī, 1987, p. 124, fn. 2.

<sup>57</sup> It must be noted that a number of Shawkānī’s and Ibn al-Amīr’s treatises were also first published in Egypt in 1343 / 1924 and later 1346 / 1927 by Muḥammad Munīr at Idārat al-Ṭibā‘at al-Munīriyya. These appeared, along with other works by Traditionists such as Ibn Taymiyya, in two volumes entitled *Majmū‘at al-rasā‘il al-munīriyya*. It seems that Munīr was Rashīd Riḍā’s brother-in-law and an Azharī scholar himself.

Taymiyya] and was his elucidator. ... The most beneficial work by a supporter of the Sunna which was thereafter produced is *Fath al-bārī sharḥ ṣaḥīḥ al-Bukhārī* by the all encompassing dictionary of the Sunna, the *ḥāfiẓ*, Aḥmad b. Ḥajar al-‘Asqalānī. ... Also among the most beneficial books in ḥadīth-based law is *Nayl al-awṭār fī sharḥ muntaqa al-akhbār*, as is *Irshād al-fuḥūl fī taḥqīq ‘ilm al-uṣūl* 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. ‘Alī al-Shawkānī.<sup>58</sup>

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 ulema, who would now consciously highlight this.

Riḍā felt that Imām 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.<sup>59</sup> It is not clear how Imām 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” (*ḍuriba bi-dār al-khilāfa al-mutawakkiliyya Ṣan‘ā’ al-Yaman*).<sup>60</sup>

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.<sup>61</sup> His spirit

<sup>58</sup> al-‘Amrī, 1987, pp. 374 - 375, 118 - 123. *Al-Manār* also had an article praising Ibn al-Amīr’s *Subul al-salām* which was first published in 1344 / 1926, cf. al-‘Amrī, 1987, pp. 126 - 127.

<sup>59</sup> Henri Laoust, 1938, *Le Califat dans la doctrine de Rašīd Riḍā*, pp. 6, 90, 92, 119 - 120.

<sup>60</sup> Cf. Chester Krause *et al* (eds.), 1998, *Standard Catalogue of World Coins*, Iola, Wisconsin: Krause Publications, p. 1749 - 1750. One of these which was struck in 1358 / 1939 has two crossed imāmīc/national flags in the centre. Imām Aḥmad issued a number of coins with the same inscription, cf. Krause, 1998, p. 1751.

<sup>61</sup> al-‘Amrī, 1987, p. 124; *Tuḥfat al-ikhwān*, p. 94; *Nuzhat al-nazar*, p. 411; *Hijaz al-‘ilm*, III : 1675. There is some discrepancy over the publication date of these works. In the *Sharḥ al-azhār* it is stated that ‘Alī Yaḥyā al-Yamānī paid the costs of its publication and that it was published in Egypt with Maṭba‘at Sharikat 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 Yaḥyā'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-tāli'* and this was followed by his *Tuḥfat al-dhākirīn* and *al-Fath al-qadīr*. Zabāra also published Ibn al-Wazīr's *al-Burhān al-qāṭi'*, *Tarjīḥ asālīb al-qur'ān 'alā asālīb al-yūnān*, *al-Rawḍ al-bāsim* and finally Ḥusayn al-Sayāghī's commentary on Zayd b. 'Alī's *Majmū'* entitled *al-Rawḍ al-naḍīr* as well as collection of treatises entitled *Majmū'at al-rasā'il al-Yamaniyya*.<sup>62</sup> 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 Zaydī *madhhab* was not very different from that of Ahl al-Sunna."<sup>63</sup>

The argument that the Zaydī-Hādawī school was like Sunnism continued to be made by Yemeni scholars throughout the Ḥamīd 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 Zaydī or Hādawī *madhhab* than it is to the Ḥanbalī *madhhab*."<sup>64</sup>

Drawing on the Traditionist legacy he later says in the same article:

...the Zaydīs 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 Sunnīs, especially the Ḥanafīs. As for those who practise *ijtihād* and become liberated (*taharrarū*), such as the *ijtihād* of al-Wazīr, al-Maqbalī, al-Amīr, al-Jalāl and al-Shawkānī, no one knows the worth of these ulema except after becoming knowledgeable in all their precious works.

<sup>62</sup> Cf. *Hijar al-'ilm*, III : 1741.

<sup>63</sup> *Hijar al-'ilm*, II : 590 - 591. Elsewhere, al-Akwa' says that this impression is a great delusion because these Traditionists had severed their ties with the Zaydī-Hādawī *madhhab* by rejecting *taqlīd*. Cf. Ismā'īl al-Akwa', 1993, *al-Zaydiyya nash'atuhā wa mu'taqadātuhā*, Beirut: Dār al-Fikr al-Mu'āṣir, p. 40.

<sup>64</sup> Muḥammad b. Ismā'īl al-'Amrānī, 1990, *al-Zaydiyya bi-l-Yaman*, Sanaa: Maktabat Dār al-Turāth (reprint), p. 9. This article was first published in 1369 / 1950 in the journal *Risālat al-Islām*, Cairo: Dār al-Taqrīb.

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.<sup>65</sup>

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.

Imām Yaḥyā held a pragmatic view of the Traditionist legacy and its scholars, who had a long history of working for the state. Though a Zaydī imām, he does not appear to have been dogmatic or to have based his policies on strict Hādawī beliefs. ‘Abd Allāh al-Shamāḥī, whom we saw earlier writing on the imām’s *ikhtiyārāt*, claims in a historical work published after the revolution that Imām Yaḥyā 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 Tihāma, Shamāḥī says that the imām veered in the direction of conservative Zaydism because of the support the northern Zaydī tribes had offered him during the war.<sup>66</sup> 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. Imām Yaḥyā continued to appeal to his Shāfi‘ī 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 Hādawī celebrations of Yawm al-Ghadīr and the Tenth of Muḥarram. Furthermore, the Sunna-oriented judges were maintained in their posts after 1934, as in the case of Qāḍī Yaḥyā al-Iryānī, who continued to teach Sunnī works in

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<sup>65</sup> al-‘Amrānī, 1990, p. 14.

<sup>66</sup> ‘Abd Allāh al-Shamāḥī, 1985, *al-Yaman al-insān wa-l-ḥaḍāra*. Beirut: Manshūrāt al-Madīna, pp. 190, 194ff.

mosques and schools, namely the works of Shawkānī and Ibn al-Amīr which were also taught at the *Madrasa 'Ilmiyya*.<sup>67</sup> 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.<sup>68</sup>

### The Issue of *wilāyat al-'ahd* :

As was mentioned earlier, Zaydīs have consistently opposed the idea of kingship (*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" (*lā ilāha ilā allāh al-mulk li-llāh rabb al-'ālamīn*).<sup>69</sup> 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 (*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" (*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 imāmate (*al-imāma al-*

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<sup>67</sup> Cf. Ismā'īl al-Akwa', 1986, *al-Madāris al-islāmiyya fī al-Yaman*, Beirut: Mu'assasat al-Risāla, pp. 404 - 406.

<sup>68</sup> Qāḍī Muḥammad al-'Amrānī, for example, was prohibited by Imām Aḥmad from teaching the *Sayl* in the Fulayḥī mosque (taped interview with Qāḍī 'Amrānī). Cf. Qāsim Ghālib Aḥmad, 1969, *Min a'lām al-Yaman*, p. 72.

<sup>69</sup> Cf. Krause, 1998, p. 1747.

*shar'īyya al-'uẓmā*). Yaḥyā answered that it was up to them to pursue the matter, given that it was a known fact that the supreme imāmate 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 Ḥusayn al-'Amrī, 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 *walī 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'ū 'alā ijāb naṣb imām khalīfa 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 Yaḥyā's children. These ulema finally advise Imām Yaḥyā 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.<sup>70</sup>

Imām Yaḥyā 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 *walī al-'ahd*, a first in recent Zaydī history. Some

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<sup>70</sup> Zabāra, 1376 / 1956, *A'immat al-Yaman bi-l-qarn al-rābi' 'ashar lil-hijra*, vol. 2, pp. 106 - 110.

Zaydī scholars objected to the innovation and were critical of Imām Yaḥyā for remaining silent about it.<sup>71</sup> 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 Yaḥyā 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.<sup>72</sup> Again Imām Yaḥyā 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 Yaḥyā'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."<sup>73</sup> It is reported that Imām Yaḥyā 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 *Tārīkh al-Yaman*. In the first edition published in 1346 / 1928, al-Wāsi'ī says the following:

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<sup>71</sup> Cf. *Hijār al-'ilm*, II : 822, I : 190; al-Wazīr, 1987, *Ḥayāt al-amīr*, pp. 209 - 210.

<sup>72</sup> For the text of this letter see *Hijār al-'ilm*, II : 822 - 826. The link between the Indian scholars and Yemen which led to this statement being issued is not yet established.

<sup>73</sup> 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 (*naḥnu*) which Imām Yaḥyā 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 Imām 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.<sup>74</sup>

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. Aḥmad vowed to avenge his father's murder and declared himself imām, taking the title al-Nāṣir.<sup>75</sup> 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.

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<sup>74</sup> 'Abd al-Wāsi' b. Yaḥyā al-Wāsi'ī, 1346 / 1928, *Tārīkh al-Yaman*, p. 279. I would like to thank my supervisor Dr. Paul Dresch for pointing this "notice" out to me.

<sup>75</sup> An exchange of telegrams took place between the Imām 'Abd Allāh al-Wazīr and Imām Aḥmad which shows clearly the dynastic conception of rule which Imām Aḥmad now subscribed to. Claiming to be the rightful imām, al-Wazīr asked Aḥmad 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 Muḥammad Zabāra who had traveled to Egypt, Mecca and Jerusalem where they met Muslim reformers like Riḍā and Shawkat 'Alī. 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 shūrawayyā munazzama*), and that he would establish a Higher Islamic Council (*majlis islāmī a'lā*) 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 Imām Aḥmad son of Imām Yaḥyā son of Muḥammad 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.<sup>76</sup> The 3 Jumādā al-Ulā, the day of his accession, became a national

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<sup>76</sup> Cf. Krause, 1998, p. 1750 - 1751.

holiday called the “Day of Victory” (‘Īd al-Naṣr).<sup>77</sup> His son al-Badr Muḥammad was called *walī al-‘ahd* from a very early date after 1948, and the imām’s brother, al-Ḥasan, was designated prime minister.<sup>78</sup>

Yet Aḥmad remained in some respects a Zaydī imām. He was considered a scholar but not of his father’s stature. He issued *ikhtiyārāt*, some of which restated those made by his father.<sup>79</sup> 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 *kafā’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 Aḥmad b. Mūsā al-‘Ujayl’s tomb in Bayt al-Faqīh.<sup>80</sup> This assessment, like that of many post-revolutionary republican authors, is too polemical and skews reality by depicting the rule of the Ḥamīd al-Dīns as determined more by doctrine and sectarian sentiments than by pragmatism and *Realpolitik*. It is not evident that Imām Aḥmad 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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<sup>77</sup> Cf. *Hijar al-‘ilm*, pp. 841 - 846.

<sup>78</sup> Cf. Aḥmad b. Muḥammad al-Shāmī, 1965, *Imām al-Yaman Aḥmad Ḥamīd al-Dīn*, Beirut: Dār al-Kitāb al-Jadīd, pp. 12 - 13. In the preface dated 1954, Aḥmad Muḥammad Nu‘mān (d. 1997), who was an important figure among the Free Yemenis, says that al-Badr was referred to by then as *walī al-‘ahd*. It is also interesting to note that Nu‘mān here praises Imām Yaḥyā 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 Aḥmad 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.

<sup>79</sup> 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, Aḥmad al-Shāmī has informed me that Muḥammad b. ‘Abd Allāh ‘Amu, the Ḥanafī muftī of Zabīd, composed a mnemonic poem of these *ikhtiyārāt*, cf. *Nuzhat al-naḥat*, p. 547.

<sup>80</sup> *Hijar al-‘ilm*, II : 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 Imām Aḥmad's judicial and administrative appointments, one sees that they did not conform to a clearly defined policy of favouring Zaydīs 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-Wazīrs, 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 Yaḥyā b. Muḥammad b. 'Abbās (d. 1962), for example, had been one of Imām Yaḥyā's judges and military commanders. He was loyal and sided with Imām 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 Yaḥyā was an 'Adnānī fanatic who was in favour of the *kafā'a fī al-nasab* and had opposed the appointment of Qaḥṭānīs to high posts, namely that of Qāḍī Aḥmad b. Aḥmad al-Sayāghī, who was the imām's representative in Ibb.<sup>81</sup> Again, however, this claim is misleading since it does not seem that Imām Aḥmad was prejudiced against those of Qaḥṭānī descent in deciding his appointments. A number of them, including Shāfi'īs, were given posts by him. Al-Sayāghī, for example, had been appointed commander of the governorate of Ibb by Imām Yaḥyā in 1357 / 1938, and because of his loyalty in 1948 he was reappointed by Imām Aḥmad as his representative there and held the post until 1961.<sup>82</sup>

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<sup>81</sup> *Hijar al-'ilm*, II : 1104; cf. *Nuzhat al-nazar*, pp. 643 - 644. Sayyid Yaḥyā and his grandson were shot dead by a republican officer on 26 September 1962.

<sup>82</sup> *Hijar al-'ilm*, III : 1533ff.

By contrast with Sayyid Yaḥyā's appointment, that of Qāḍī 'Abd al-Raḥmān b. Yaḥyā al-Iryānī (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 Aḥmad made him member of the judicial council (*al-hay'a al-shar'iyya*) 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 *mu'āmalāt* (transactional law).<sup>83</sup> 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 Yaḥyā'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 *ikhtiyārāt* of the Imām of our age, our Lord, the Commander of the Faithful al-Mutawakkil 'alā Allāh Yaḥyā... . 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" (*da'wa*) to the imāmate--as we shall see in *siyar* [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 Sharī'a in accordance with its laws, since he can do this through *taqlīd*. 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 obdurateness 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.<sup>84</sup>

The *ikhtiyārāt* 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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<sup>83</sup> al-'Ansī, n.d., *al-Tāj al-mudhhab li-aḥkām al-madhhab*, vol. 1, pp. 4 - 5.

<sup>84</sup> al-'Ansī, vol. 2, pp. 13 - 14, fn. 1.

A second work which had even more the qualities of a code was commissioned by Imām Aḥmad. This work is entitled *Kitāb Taysīr al-marām fī masā'il 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.<sup>85</sup> 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 Imām 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 Sunnī schools and, moreover, all the imāms of the schools were *mujtahids* and therefore their opinions are correct.<sup>86</sup>

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'ī from Lower Yemen, who justified this on grounds that it was a bastion of Zaydī thought, reproducing Zaydī jurists.<sup>87</sup> The net effect was that no jurists were trained until the creation of the Higher Institute of Justice (*al-Ma'had al-'Ālī li-l-Qaḍā'*) in the early 1980s.<sup>88</sup> Judges

<sup>85</sup> al-'Alīmī, n.d., *al-Taqlīdiyya wa-l-ḥadātha*, p. 129.

<sup>86</sup> Qāsim b. Ibrāhīm *et al*, 1986, *Kitāb Taysīr al-marām*, Sanaa: Manshūrāt al-Madīna, pp. 5 - 6.

<sup>87</sup> al-Akwa', 1986, *al-Madāris al-islāmiyya*, p. 406.

<sup>88</sup> In the early 1970s a faculty of law (*kulliyyat al-sharī'a wa-l-qānūn*) was established at the University of Sanaa but its graduates were not considered sufficiently qualified to act as judges

trained under the Ḥamīd al-Dīns 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.<sup>89</sup> A full third of the *qarārāt* were identical to the Ḥamīd al-Dīn *ikhtiyārāt*. The *Tāj al-mudhhab* was assigned to students at Sanaa University's faculty of law in the early 1970s and the *Taysīr al-marām* was published and is presently taught in the *Ma'had al-‘Ālī li-l-Qaḍā’*. In other words, the works which were produced under the Ḥamīd al-Dīns were incorporated into the Republic's educational curricula, though these now also include a greater number of Sunnī 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-niyāba 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-Dīns whilst in opposition became part of official state

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by the existing judicial hierarchy who were trained under the old system, mainly in the *Madrasa ‘Ilmiyya*. Cf. al-‘Alīmī, pp. 174 - 175.

<sup>89</sup> Ministry of Justice, 1971, *Qarārāt wizārat al-‘adl*, Sanaa; cf. al-‘Amrānī, 1984, pp. 233 - 244 and Ministry of Justice, 1980, *Majallat al-buḥūth wa-l-aḥkām al-qaḍā’iyya*, no. 1.

propaganda against the *ancien regime*, whose defenders during the civil war (1962 - 1970) were labeled royalists (*malikiyyīn*). The Ḥamīd al-Dīns 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 *quḍāt* 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.<sup>90</sup> Men like Vice-President ‘Abd al-Raḥmān al-Bayḍānī and Minister of Education Qāsim Ghālib 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 Qaḥṭānīs, and on these grounds a number of sayyids were summarily executed or persecuted.

Al-Bayḍānī, an Egyptian-born Shāfi‘ī whose family was from al-Bayḍā’, 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.<sup>91</sup> The Free Yemeni leader, Qāḍī Muḥammad Maḥmūd al-Zubayrī, had also engaged in the Qaḥṭānī versus ‘Adnānī debate but had tempered his attack against the sayyids by focusing more on the Ḥamīd al-Dīn family, arguing that there were poor sayyids who suffered equally at the hands of the royal family.<sup>92</sup> Al-Zubayrī seems to have objected to the crudeness of al-Bayḍānī’s rhetoric and therefore refused to cooperate with him whilst still in opposition in Egypt.<sup>93</sup>

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<sup>90</sup> 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.

<sup>91</sup> Cf. J. Leigh Douglas, 1987, *The Free Yemeni Movement*, Beirut: The American University of Beirut Press, pp. 234 - 237; Aḥmad al-Shāmī, 1984, *Riyāḥ al-taghyīr fī al-Yaman*, Jeddah: al-Maṭba‘a al-‘Arabiyya, pp. 17 - 37.

<sup>92</sup> Cf. R. B. Serjeant, 1979, “The Yemeni Poet al-Zubayrī and his polemic against the Zaydī Imāms”, in R. Serjeant and R. Bidwell (eds.), *Arabian Studies*, London: C. Hurst and Company, vol. V, pp. 87 - 130 ; J. Leigh Douglas, 1987, pp. 220 - 221.

<sup>93</sup> Peterson, 1982, p. 85.

Al-Zubayrī can be seen to represent the ulema members among the initial republican leadership. In his writings, he attacked the Ḥamīd al-Dīn regime and the Zaydī imāms for being obscurantist, reactionary, and for being sectarian by stressing differences between Zaydīs and Shāfi‘īs, 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 Imāmate and its menace to Yemeni Unity.”<sup>94</sup> Here he presents the view that the imāms had throughout Yemeni history played a divisive role, splitting regions and tribes and discriminating against the Shāfi‘ī 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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<sup>94</sup> This text has been commented on and translated by R. B. Serjeant, *supra*.

Qāsim Ghālib Aḥmad, 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 ‘aṣruhu: ṣūra min kifāḥ 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 imāmate who tries to unite the Yemeni people by calling them back to the Qur’ān and Sunna.<sup>95</sup> 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 Aḥmad’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.

Aḥmad’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 *qādī 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*.<sup>96</sup> Republicans were obviously also attracted to him because of

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<sup>95</sup> Qāsim Aḥmad *et al*, 1983, *Ibn al-amīr wa ‘aṣruhu*, Sanaa: Wizārat al-I‘lām wa-l-Thaqāfa, p. 155.

<sup>96</sup> Qāsim Aḥmad, 1969, *Min a‘lām al-Yaman: shaykh al-islām al-mujtahid Muḥammad b. ‘Alī al-Shawkānī*, Cairo: Maṭābi‘ al-Ahrām al-Tijāriyya, p. 17.

his critical stance toward Zaydī jurisprudence and his advocacy of a return to the Qur’ān and the Sunnī ḥadīth 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 (*tashrīʿ*) from their grip, returning it “to God’s Book and the Sunna of His Prophet,” sources all Yemenis consider to be authoritative.<sup>97</sup> 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.<sup>98</sup> Again, what remained unstated was that the process by which this took place entailed a rejection of Hādawī teachings in favour of Sunnī ones. Unity, therefore, would be clearly one-sided.

Unlike the earlier work on Ibn al-Amīr, Aḥmad’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-Ḥimyarī (d. 573 / 1178) and al-Ḥasan b. Aḥmad al-Hamdānī (d. circa 336 / 947), both famous Yemenis, of South Arabian stock, who held critical stances toward the Zaydī imāms. Aḥmad says in this regard:

... al-Shawkānī, like al-Hamdānī and Nashwān al-Ḥimyarī and others is proud of Yemen and of Yemen's free-thinking ulema. They [all] wish the unity of Yemen.<sup>99</sup>

In doing this, Aḥmad inserted Shawkānī into a 1960s polemic against the “northern Arabs,” the Hāshimīs, who were depicted as having divided a naturally united Yemen and exploited in particular the Shāfiʿī populations and regions.<sup>100</sup>

Although historically untenable, Aḥmad’s characterization of Shawkānī and Ibn al-Amīr as courageous opponents of the imāms and Zaydism has

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<sup>97</sup> Ibid., p. 35.

<sup>98</sup> Cf. ‘Abd Allāh al-Baraddūnī, 1994, *al-Yaman al-jumhūrī*, Beirut: Dār al-Fikr al-Mu’āṣir, p. 199.

<sup>99</sup> al-Baraddūnī, 1994, p. 38.

<sup>100</sup> al-Baraddūnī, 1994, p. 20.

pervaded modern Yemeni political rhetoric.<sup>101</sup> As such, both scholars have been used effectively as anti-imāmic 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."<sup>102</sup> 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 'Abd 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

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<sup>101</sup> Cf. Hārith al-Shawkānī, 1992, "al-Malikiyya fikra wa laysat 'irqan 'aw sulāla", *al-Ṣaḥwa*, no. 326, Sanaa, p. 4; Muḥammad Zabāra, 1992, "Ra'y al-imām al-Shawkānī fī al-rāfiḍa," *al-Ṣaḥwa*, no. 328, Sanaa, p. 4.

<sup>102</sup> This is a gloss written in al-'Amrānī's copy of the book (photocopy in my possession).

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 Sharī'a with the result that order and justice prevailed.<sup>103</sup> 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 ḥadīth and the science of its transmitters. The lighthouse of the Sunna was raised and the collections of the *Ṣiḥāḥ* and *Sunan* were taught in the congregational mosques and in smaller mosques after [a period] when their voice had been low or totally absent.<sup>104</sup>

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 *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.<sup>105</sup>

<sup>103</sup> Cf. al-'Amrānī, 1984, *Nizām al-qadā' fi al-islām*, pp. 244 - 245, 271 - 274.

<sup>104</sup> Muḥammad al-Akwa', 1987, *Ḥayāt 'ālim wa amīr*, Sanaa: Maktabat al-Jīl al-Jadīd, p. 62.

<sup>105</sup> 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-Ghanī al-Shar'abī, head of the department of education at Sanaa University, entitled *Imām al-Shawkānī ḥayātuhu wa fikruhu* (Imām Shawkānī: his life and thought).<sup>106</sup> In it al-Shar'abī describes Shawkānī's pedagogical views as laid out in his work *Adab al-ṭalab* and situates him among the those who contributed to the movement of Islamic awakening (*al-yaqza al-islāmiyya*). The work is in essence an extended eulogy of the man and al-Shar'abī 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-Maqāliḥ, 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-Maqāliḥ entitles the section in which he writes about Shawkānī *Salafīyyūn lākin aḥrār* (Salafis yet Free Thinkers). The term *aḥrār* is republican and denotes that Shawkānī is to be considered a forebear of the Free Yemenis who led the

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<sup>106</sup> 'Abd al-Ghanī b. Qāsim al-Shar'abī, 1988, *Imām al-Shawkānī ḥayātuhu wa fikruhu*, Beirut: Mu'assasat al-Risāla.

opposition to the imāmate. Here al-Maqālīḥ reviews *Adab al-ṭalab* 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.”<sup>107</sup> 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 *qādī al-quḍāt* and by having good relations with the imāms.<sup>108</sup> The only criticism al-Maqālīḥ levels at Shawkānī comes from a passage in *Adab al-ṭalab* 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.<sup>109</sup> 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.<sup>110</sup>

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<sup>107</sup> ‘Abd al-‘Azīz al-Maqālīḥ, 1982, *Qirā’a fī fikr al-zaydiyya wa-l-mu’tazila*, Beirut: Dār al-‘Awda, p. 225.

<sup>108</sup> al-Maqālīḥ, 1982, pp. 236 - 237.

<sup>109</sup> Cf. *Adab al-ṭalab*, p. 129.

<sup>110</sup> al-Maqālīḥ, 1982, pp. 241 - 243.

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 (*munṣif*) thinker and reformer calling for the reawakening and unity of the Muslim *umma* through *ijtihād*.<sup>111</sup> Moreover, al-‘Amrī is quick to condemn Shawkānī’s Hādawī opponents; he sees him as having “led the free Zaydīs... and faced fanatics who were for the most part supported by the rabble.”<sup>112</sup> The question of whether Shawkānī is a Zaydī at all is not clarified by al-‘Amrī, and it is only Ismā‘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-Hādawī school after rejecting *taqlīd*.”<sup>113</sup> 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 Hādawī 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 Sunnī 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.

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<sup>111</sup> Cf. Ḥusayn b. ‘Abd Allāh al-‘Amrī, 1985, *The Yemen in the 18th & 19th centuries*, London: Ithaca Press, part two; idem, 1990, *al-Imām al-Shawkānī rā’id ‘aṣrih*, Beirut: Dār al-Fikr al-Mu‘āṣir; idem, 1990, “Ḥarakat al-tajdīd wa-l-iṣlāḥ fī al-Yaman fī al-‘aṣr al-ḥadīth,” in *al-Ijtihād*, no. 9, pp. 175 - 194.

<sup>112</sup> al-‘Amrī, 1985, pp. 115 - 116.

<sup>113</sup> al-Akwa’, 1993, *al-Zaydiyya*, p. 40.

## 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-Raḥmān al-Iryānī the Ministry of Justice promulgated a set of 68 rulings which were binding on the judges of the Republic. Qāḍī 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.<sup>114</sup> 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 Hādawī law which does accord the neighbour this right.<sup>115</sup> Shawkānī restricted the right of pre-emption by excluding the neighbour on the basis of *ḥadīths* found in the *Ṣaḥīḥayn* and the *Musnads* of Abū Dāwūd and Ibn Mājah.<sup>116</sup> 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.<sup>117</sup> 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.<sup>118</sup>

Qāḍī 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

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<sup>114</sup> al-'Amrānī, 1984, pp. 232-244.

<sup>115</sup> Cf. al-'Ansī, *al-Tāj al-mudhhab*, vol. 3, p. 9.

<sup>116</sup> Cf. Shawkānī, 1985, *al-Sayl al-jarrār*, vol. 3, pp. 171 - 172.

<sup>117</sup> This is based on an interview with Qāḍī Muḥammad al-Ḥajjī, Vice-President of the Higher Judicial Council.

<sup>118</sup> Cf. *al-Qānūn al-madanī*, 1979, Yemen Arab Republic, n.p., p. 677; *al-Qānūn al-madanī* no. 19, 1992, The Republic of Yemen, Mu'assasat 14 October, n.p., p. 207.

and chose only that which conforms with the Qur'ān and Sunna. Furthermore, al-Ḥajjī stated that many of Shawkānī's opinions influenced the 1979 civil code, e.g. the division of contracts into the two categories of *ṣaḥīḥ* (valid) and the *bāṭil* (vain) instead of the Hādawī division of contracts into the three categories of *ṣaḥīḥ*, *bāṭil* and *fāsid* (invalid).<sup>119</sup> Although one can differ with al-Ḥajjī 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-Ḥajjī gives to al-Shawkānī's imprimatur.<sup>120</sup>

*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-Raḥmān al-Iryānī set up a radio programme called *Fatāwā* on which jurists read out their *fatwās* in answer to questions sent them by the public.<sup>121</sup> Muḥammad b. Ismā'īl al-'Amrānī 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 Zaydī-Hādawī *madhhab*, 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 *madhhab*, the Shāfi'īs say that the marriage is not prohibited unless they have suckled five times, because of a ḥadīth from 'Ā'isha [the Prophet's wife] that "the five nursings prohibit." And this corresponds to Shawkānī's *madhhab*. So, you are free to choose between the two. As to my opinion, [I say that] only the five [suckles] prohibit because the ḥadīth which specifies the five is sound (*ṣaḥīḥ*). And God knows best.<sup>122</sup>

<sup>119</sup> Cf. *al-Qānūn al-madanī*, 1979, p. 174.

<sup>120</sup> This information is based on an interview held with al-Ḥajjī.

<sup>121</sup> Cf. Messick, 1996, "Media Muftis: radio fatwas in Yemen," in *Islamic Legal Interpretation*, Muhammad Masud *et al* (eds.), Cambridge: Harvard University Press, pp. 310 - 320.

<sup>122</sup> Al-'Amrānī read this *fatwā* out to me after writing it in preparation for the radio programme.

The importance of this *fatwā* 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 *muftī* 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 *muftī* 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 *fatwā* how Shawkānī's opinion on the matter, as well as the *muftī*'s, is presented as transcending the sectarian differences between Zaydīs and Shāfi'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 *fatwā*, 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-Iryānī 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.<sup>123</sup> 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.<sup>124</sup>

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<sup>123</sup> 'Abd al-Raḥmān al-Iryānī (ed.), 1983, *Majmū'at rasā'il fī 'ilm al-tawḥīd*, Damascus: Dār al-Fikr, pp. 148 - 149.

<sup>124</sup> Cf. Muḥammad Ḥasan al-Ghamārī, 1981, *al-Imām al-Shawkānī mufasssiran*, Jeddah: Dār al-Shurūq; 'Abd Allāh Nūmsūk, 1994, *Mihaj al-imām al-Shawkānī fī al-'aqīda*, Riyadh: Maktabat

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.<sup>125</sup> 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-ma‘āhid 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 Ṣubḥī 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.<sup>126</sup> 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 Ṣa‘da, establishing there a seminary for ḥadīth studies. Since his return he has engaged in virulent attacks against the Zaydīs, amongst others, through the medium of cassette tapes and written works. Al-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-Maqtarī, who is presently based in the Camp area of Ta‘izz. Al-

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Dār al-Qalam; Ṣāliḥ Muḥammad Muqbil, 1989, *Muḥammad b. ‘Alī al-Shawkānī wa juhūhuh al-tarbawiyya*, Jeddah: Maktabat Jadda; Ṣāliḥ b. ‘Abd Allāh al-Zabyānī, 1411, *Ikhtiyārāt al-imām al-Shawkānī al-fiqhiyya*, Ph.D. thesis, The Imām Muḥammad b. Sa‘ūd Islamic University. The last work mentioned is over two thousand pages long and can be more properly considered to be a traditional super commentary on Shawkānī’s *Nayl al-awṭār* and *al-Sayl al-jarrār*.

<sup>125</sup> 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.

<sup>126</sup> He has for example edited Shawkānī’s *Wabl al-ghamām* and Siddīq Ḥasan Khān’s *al-Rawḍa al-nadiyya* which is a commentary on Shawkānī’s *fiqh* manual entitled *al-Durra al-bahiyya*.

Maqṭarī is a great devotee of Shawkānī's and has edited a number of his treatises. When a leading member of the Salafīs was questioned about the specific appeal of Shawkānī, he answered that Shawkānī was a great Salafī 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 Salafī.<sup>127</sup>

### The Zaydī Reaction:

Republican state ideology which, as we have seen, valorizes the Traditionist legacy and excoriates certain Zaydī-Hādawī elements of the past has led to the effective political and social marginalization of distinctively Zaydī ulema. With few notable exceptions, these have not benefited in terms of administrative or political appointments. Zaydīs 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 Zaydīs 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].<sup>128</sup>

And:

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<sup>127</sup> Based on an interview with Mr. 'Alī al-Kawl, the financial director in Sanaa of the Yemeni Wisdom Benevolent Association (*Jam'iyyat al-Ḥikma al-Yamaniyya al-Khayriyya*), which is run by the Salafīs.

<sup>128</sup> Muḥammad 'Izzān (ed.), 1994, *al-'Alāmā al-Shāmī: Ārā' wa mawāqif*, Amman: Maṭābi' Sharikat al-Mawārid al-Ṣinā'iyya al-Urduniyya, p. 89, also see pp. 87 - 90.

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.<sup>129</sup>

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 Zaydī political party operating in a republican context. In an unsuccessful attempt to clarify matters al-Shāmī and other Zaydī scholars issued a statement (*bayān shar‘ī*) in which they abandoned the very institution of the imāmate.<sup>130</sup> 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 (*ṣalāh*) and the betterment (*iṣlāh*) 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.<sup>131</sup> An institution which once defined Zaydism was thus done away with in a few pages. Not all Hādawī 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.

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<sup>129</sup> *Yemen Times*, 1 July 1992, cited in Dresch and Haykel, 1995, “Stereotypes and Political styles: Islamists and Tribesfolk in Yemen,” *The International Journal of Middle East Studies*, No. 27, p. 412.

<sup>130</sup> It appeared in *al-Waḥda* 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.

<sup>131</sup> Cf. ‘Izzān (ed.), 1994, p. 90.

Ideologically, the response of Zaydīs to the Sunnī 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 Zaydī works are taught. Ṣa‘da 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 Ṣa‘da which is called Ma‘had al-Shahīd al-Samāwī (The Institute of the Martyr al-Samāwī). The person referred to here is Shawkānī’s opponent, Muḥammad b. Ṣāliḥ al-Samāwī or Ibn Ḥarīwah, who was executed at the order of al-Mahdī ‘Abd Allāh and, the Zaydīs claim, with Shawkānī’s fervent approval. They have also edited and published Ibn Ḥarīwah’s critical response to Shawkānī’s *al-Sayl al-jarrār*, entitled *al-Ghaṭamṭam al-zakhkhār*.<sup>132</sup> 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 Shawkānī and the Zaydīs 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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<sup>132</sup> Muḥammad b. Ṣāliḥ al-Samāwī, 1994, *al-Ghaṭamṭam al-zakhkhār al-muṭahhir li-riyāḍ al-azhār min āthār al-sayl al-jarrār*, 6 vols., Amman: Maṭābi‘ Sharikat al-Mawārid al-Ṣinā’iyya.

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## العقيدة الصّحيحة والدين النّصيحة

للإمام المتوكل على الله إسماعيل بن القاسم بن محمد<sup>1</sup>

قال مولانا أمير المؤمنين المتوكل على الله ربّ العالمين إسماعيل بن أمير المؤمنين المنصور بالله القاسم بن محمد أيد<sup>2</sup> الله نصره وأنفذ أمره. هذه عقيدتنا وعقيدة آبائنا عليهم السلام، فَمَنْ قَبِلَهَا فَقَدْ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَى مِنَ الدِّينِ، وَمَنْ أَبِي قَبُولَهَا بِغَيْرِ حُجَّةٍ فَهُوَ مِنَ الْخَاسِرِينَ، وَبِحُجَّةٍ وَاضِحَةٍ بَلَّغْنَا إِلَيْنَا فَحَنِّ لَهَا قَابِلُونَ، وَبِالْحَقِّ إِنْ شَاءَ اللَّهُ قَائِلُونَ، وَبِالْعِلْمِ النَّافِعِ عَامِلُونَ، وَاللَّهُ حَسْبُنَا وَنَعْمَ الْوَكِيلُ وَصَلَّى اللَّهُ عَلَي سَيِّدِنَا مُحَمَّدٍ وَآلِهِ وَسَلَّمَ.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الحمدُ لله الذي هدانا لهذا وما كُنَّا لنهتدي لولا أن هدانا الله، وأشهد أن لا إله إلا الله وحده لا شريك له وأشهد أن محمداً رسول الله، والصلاة والسلام على محمد وعلى آل محمد، الذين هم دعاة الخلق إلى الحقّ وسفن النجاة.

أما بعد، فهذه عقيدة الفرقة الناجية<sup>3</sup> والطائفة التي على الحق ظاهرة. وهي الدين الذي شرعه الله لمحمد المصطفى ووصّى به نوحاً وإبراهيم وموسى وعيسى وحتم الاجتماع عليه واقامته، وحرّم الاختلاف فيه وفرقته.

<sup>1</sup> أنظر الحبشي، "مصادر الفكر العربي الإسلامي"، ص 620 - 623. وحكم المتوكل إسماعيل من سنة 1054 إلى 1079 هـ / 1644 إلى 1668 م. وفي الأصل مقدمة للرسالة بقلم ناسخها مهدي بن محمد المهلا (ت 1070 هـ / 1666 م)، وكان معاصراً للمتوكل إسماعيل، نصها ما يلي: هذه النسخة المباركة هدية إلى السيد العلم الوحيد المفيد المستفيد جمال الإسلام علي بن أحمد بن أمير المؤمنين زين الله به أندية السادة ونفع به أهل الرغبة والإفادة. من الفقير إلى الله مهدي بن محمد المهلا عفى الله عنه، وقد أجزت له أن يرويها عني بقراءتي لها على مؤلفها حفظه الله مراراً. والمستحاز هو السيد علي بن أحمد بن الإمام القاسم بن محمد (ت 1121 / 1709) الذي تولى أعمال صعدة وبلادها في أيام عمه المتوكل إسماعيل. أنظر "ذيل البدر الطالع"، 2 : 156 - 157.

أنظر ذيل البدر الطالع، 2 : 217 للحصول على ترجمة مهدي بن محمد المهلا.

<sup>2</sup> أو "أبد".

<sup>3</sup> يقصد هنا فرقة الزيدية.

وهي أن الذي خلق العالمين وهو الله الواحد الذي لا إله إلا هو الحي القيوم عالم الغيب والشهادة. "وأنه هو الأول والآخر وهو على كل شيء قدير، وهو العزيز الحكيم والسميع البصير والغني الحميد".

وأنه ﴿ليس كمثلته شيء﴾<sup>4</sup> ﴿لا تدركه الأبصار وهو يدرك الأبصار﴾<sup>5</sup>، وهو اللطيف الخبير. وأنه العدل فلا يظلم ربك أحداً، وأنه لا يريد ظلماً للعالمين وأنه لا يريد ظلماً للعباد. وأنه الصادق في وعده ووعدته ومن أصدق من الله حديثاً لا يبدل القول لديه، وما هو بظلام للعبيد، ف ﴿لا تزر وازرة وزر أخرى﴾<sup>6</sup>، ﴿وأن ليس للإنسان إلا ما سعى﴾<sup>7</sup>، ﴿إن الله لا يظلم الناس شيئاً ولكن الناس أنفسهم يظلمون﴾<sup>8</sup>.

فلا يعاقب أحداً ولا يثيبه إلا بعمله، وإنه لا يكلف الله نفساً إلا وسعها ولا يكلفها إلا ما أتاها، وأن الأعمال منسوبة إلى من نسبها الله إليه في نحو قوله: ﴿من عمل صالحاً فلنفسه ومن أساء فعليها﴾<sup>9</sup>، وأن ما كلفنا الله به نستطيع القيام به كما قال: ﴿فاتقوا الله ما استطعتم﴾<sup>10</sup>، ويتركه العاصي وهو مستطيع لخلافه كما حكى الله عن المنافقين ﴿وسيحلفون بالله لو استطعنا اخرجنا معكم﴾<sup>11</sup>، وأكذبهم تعالى وذمهم بقوله تعالى: ﴿يهلكون أنفسهم والله يعلم أنهم لكاذبون﴾<sup>12</sup>، وأنه لا يريد ظلماً للعباد، ولا يحب الفساد، وأنه لا يرضى لعباده الكفر وأنه لا يقضي إلا بالحق، وأنه لم يخلق الجن والأنس إلا ليعبدوه وما أراد منهم من رزق وما أراد أن يطعموه<sup>13</sup>، وأن من تعدى حدود الله

<sup>4</sup> الشورى : 11.

<sup>5</sup> الأنعام : 103.

<sup>6</sup> الأنعام : 164؛ الإسراء : 15؛ فاطر : 18؛ الزمر : 7؛ النجم : 38.

<sup>7</sup> النجم : 39.

<sup>8</sup> يونس : 44.

<sup>9</sup> فصلت : 46.

<sup>10</sup> التغابن : 16.

<sup>11</sup> التوبة : 42.

<sup>12</sup> التوبة : 42.

<sup>13</sup> أنظر الذاريات : 56 - 57.

فله عذاب النار خالداً فيها، وأنَّ الشفاعة لمن ارتضى، ﴿وما للظالمين من حميمٍ ولا شفيعٍ يطاع﴾<sup>14</sup>، وأنَّ الجنة لمن اتقى، وأنَّ الجحيم لمن طغى، وأنَّ الله يبعث من في القبور، وأنَّ من عمل سوءاً فهو مجزيٌّ به لا تنفعه الأمانى، إلا من تاب وآمن وعمل عملاً صالحاً ومن دخل النار فهو خالدٌ فيها ﴿وما هم منها بمخرجين﴾<sup>15</sup>، ﴿أفمن حق عليه كلمة العذاب أفأنت تنقذ من في النار﴾<sup>16</sup>، ﴿وقالوا لن تمسنا النار إلا أياماً معدودة قل أتخذتم عند الله عهداً فلن يخلف الله عهداً أم تقولون على الله ما لا تعلمون بلى من كسب سيئة وأحاطت به خطيئته<sup>17</sup> فأولئك أصحاب النار هم فيها خالدون﴾<sup>18</sup>، ﴿ليس بأمانيتكم ولا أمانى أهل الكتاب من يعمل سوءاً يُجز به ولا يجد له من دون الله ولياً ولا نصيراً﴾<sup>19</sup>. ومن دخل الجنة فهو خالد فيها ﴿ولهم فيها نعيم مقيم﴾<sup>20</sup>، وأن ما بالمخلوقين من نعمة فمن الله، وأنَّ الرزق من الله، وأنَّ الإيمان اعتقاداً بالجنان، وقولٌ باللسان، وعملٌ بالأركان، ويزيد وينقص ﴿فأما الذين آمنوا فزادتهم إيماناً﴾<sup>21</sup>، وأنَّ الأنبياء حق، وأنَّ كتب الله حق، وأنَّ من يتبع غير الإسلام ديناً فلن يقبل منه، وأنَّ محمداً صلى الله عليه وعلى آله وسلم خاتم النبيين، وأنه ما ينطق عن الهوى ﴿إن هو إلا وحي يوحى﴾<sup>22</sup>، وأنَّ الأنبياء معصومون عن العصيان وأنهم لو خالفوا لعوقبوا كما قال تعالى: ﴿قل إني أخاف إن عصيت ربي عذاب يوم عظيم﴾<sup>23</sup>، ﴿لقد كدت تركن إليهم شيئاً قليلاً إذا لأذقناك ضعف الحياة وضعف الممات ثم لا تجد لك علينا نصيراً﴾<sup>24</sup>، وأن القرآن معجزٌ

<sup>14</sup> غافر : 18.

<sup>15</sup> الحجر : 48.

<sup>16</sup> الزمر : 19.

<sup>17</sup> في الأصل "خطيئاته".

<sup>18</sup> البقرة : 80 - 81.

<sup>19</sup> النساء : 123.

<sup>20</sup> التوبة : 21.

<sup>21</sup> التوبة : 124.

<sup>22</sup> النجم : 4.

<sup>23</sup> الأنعام : 15.

<sup>24</sup> الإسراء : 74 - 75.

لن يقدر أحدٌ على الاتيان بمثله<sup>25</sup> ولا بسورة من مثله وأن الله هو الذي جعله قرآناً عربياً<sup>26</sup>، وأنه ذكر محدث محفوظ ﴿لا يأتيه الباطل من بين يديه ولا من خلفه تنزيل من حكيم حميد﴾<sup>27</sup>، وأن الله جعله نذيراً لمن بلغه من المكلفين<sup>28</sup>. وأورثه الذين اصطفى من عباده وهم ذرية نبيه كما جعل في ذرية إبراهيم النبوة والكتاب جعل في ذرية محمد صلى الله عليه وعليهم الإمامة والكتاب وجعلهما نبيه صلى الله عليه وعلى آله خليفته فقال: "إني تارك فيكم ما إن تمسكتم به لن تضلوا من بعدي أبداً كتاب الله وعترتي أهل بيتي"<sup>29</sup>، إن اللطيف الخبير نبأني أنهما لن يفترقا حتى يردا عليّ الحوض". وأن الله حصر الولاية للمؤمنين في قوله تعالى: ﴿إنما وليكم الله ورسوله والذين آمنوا الذين يقيمون الصلاة ويؤتون الزكاة وهم راكعون﴾<sup>30</sup>. فالولاية وهي الإمامة لمن جعلها الله له ووصفه بأيتاء الزكاة وهو راعع ولم يفعل ذلك أحد غير أمير المؤمنين علي بن أبي طالب عليه السلام، فهو السابق إلى الايمان لا يساويه فضل سقاية الحاج ولا عمارة المسجد الحرام<sup>31</sup> وما دونهما من الفضائل، فلا فضل من السبق إلى الايمان بالله وبرسوله، فهو أفضل الناس بعد الرسول وأكثرهم بلاءً فيه لم يكن في سرية مؤمراً عليه إلا أن يكون رسول الله فيها، فمن كان رسول الله مولاه فعليّ مولاه وهو أخوه ووصيه وهو منه بمنزلة هارون من موسى إلا في النبوة، وهو أقرب الناس منزلة من رسول الله صلى الله عليه وعلى آله وسلم في جميع خصال الفضل، والأفضل هو الأحق بالإمامة بإجماع الصحابة واحتجوا على الأنصار به وصدقوا، ولكنه أخص منهم بذلك وأولاهم به، وانحصرت العترة المأمور بالتمسك بها مع الكتاب في الحسن والحسين عليهما السلام، وقال النبي صلى الله عليه وعلى آله وسلم "فهما الحسن والحسين إمامان قاما أو قعدا وأبوهما خير منهما"، وانحصرت في ذريتهما من بعدهما، فأية الوراثة لهم شاهدة<sup>32</sup>، وآية المودة<sup>33</sup> والتطهير<sup>34</sup> عليهما عائدة، فهم الشهداء على الناس بدليل قوله تعالى ﴿ملة

<sup>25</sup> أنظر الإسراء : 88.

<sup>26</sup> أنظر الزخرف : 49.

<sup>27</sup> فصلت : 42.

<sup>28</sup> أنظر الفرقان : 1.

<sup>29</sup> الترمذي، المناقب رقم 3720 والمناقب رقم 3718.

<sup>30</sup> المائدة : 55.

<sup>31</sup> أنظر التوبة : 19.

<sup>32</sup> فاطر : 32.

أبيكم إبراهيم هو سَمَّاكم المسلمين من قبل وفي هذا ليكون الرسول شهيداً عليكم وتكونوا شهداء على الناس<sup>35</sup>، ولم يختلف أحد في أن غيرهم من سائر ولد إبراهيم من اليهود والنصارى وقريش ليسوا بمرادين، فتعين المراد فيهم، فكانوا هم الأحق بها والأولى فانه لا خلاف في أنهم يصلحون لها بخلاف غيرهم ففيهم الخلاف، فكان أهليتهم لها بالدليل القاطع بخلاف غيرهم، وأنه لا يستحقها منهم إلا من كان جامعاً لشروطها الخلقية والاكسابية، وأنه يجب تولى الصحابة رضوان الله عليهم أجمعين، وأنه ليس منهم المنافقون ولا الفساق، وفي الحديث الصحيح أنهم ليسوا بأصحاب لما أحدثوه، وأن الأمر بالمعروف والنهي عن المنكر واجبان على كل مكلف، وأن المعاصي مُحبطات رفع الصوت فوق صوت النبي وما فوقه من المعاصي إلى أكبرها الذي هو الشرك، ولئن أشركت ليحبطن عملك وأن الله يريد الاجتماع في الدين والاعتصام بجبل الله المتين والاستمسك بعروته الوثقى التي هي كلمة التقوى، ونهى النفس عن الهوى، واتباع الأدلة وترك التقليد في أصول الدين إلا مع وضوح الحجة، وأن مولاة المؤمنين واجبة، ومعاداة الفاسقين لازمة، وأنه لا يحل لمؤمن يرى الله يُعصى فيطرف حتى يُغَيَّرَ أو ينتقل مهاجراً، ﴿ومن يهاجر في سبيل الله يجد في الأرض مراغماً كثيراً وسعةً﴾<sup>36</sup>، وأنه لا يحل للذين أوتوا العلم كتمه، ولا ردّ الحجة إلى المذهب ومقالة الأصحاب، ولكن ردّ الخلاف إلى صحيح السنة ومُحكَم الكتاب فرض لازم وحتم واجب على جميع أولي الألباب. والحمد لله رب العالمين وصلى الله على سيدنا محمد وآله وسلم.<sup>37</sup>

<sup>33</sup> الشورى : 23.

<sup>34</sup> الأحزاب : 33.

<sup>35</sup> الحج : 78.

<sup>36</sup> النساء : 100.

<sup>37</sup> كتب ذلك مهدي بن محمد المهلا (ت. 1070 / 1666) حامداً لله وشاكراً ومصلياً ومسلماً على سيدنا محمد وآله مستوصياً لمن وقف على خطه بالدعاء له ولوالديه بالعمو والمغفرة والرضوان. أنظر ذيل "البدر الطالع" 2 :

رسالة إرشاد الغبي  
إلى مذهب أهل البيت في  
صحاب النبي صلى الله عليه وعلى آله وسلّم  
للقاضي العلامة محمد بن علي الشوكاني رحمه الله تعالى<sup>1</sup>

// ص 1 //

بسم الله الرحمن الرحيم الحمد لله الذي أرشدنا إلى الدعاء للسلف الصالح بقوله ﴿ وَالَّذِينَ جَاءُوا مِنْ بَعْدِهِمْ يَقُولُونَ رَبَّنَا اغْفِرْ لَنَا وَلِإِخْوَانِنَا الَّذِينَ سَبَقُونَا بِالْإِيمَانِ وَلَا تَجْعَلْ فِي قُلُوبِنَا غِلًّا لِلَّذِينَ ءَامَنُوا رَبَّنَا إِنَّكَ رَءُوفٌ رَحِيمٌ ﴾ (59 سورة الحشر 10) والصلاة<sup>2</sup> والسلام على حبيبه المصطفى الذي قال: لا تسبوا أصحابي فوالذي نفسي بيده لو أن أحدًا أنفق مثل أحد ذهبًا ما بلغ مدًّا أحدهم ولا نصفه<sup>3</sup>، وعلى آله الذين صحَّ إجماعهم من طرقٍ كثيرة على تعظيم الصحابة. وبعد فإنها لما خفيت على غالب أهل الزمان مذاهب<sup>4</sup> أئمة الآل، وجُهِلَتْ مصنفاتهم التي تُقَطَّع في الرحلة إلى مثلها أكباد الإبل فلم يبق بأيدي أهل عصرنا من أتباعهم غير القليل والقال، فلا يكاد ترى<sup>5</sup> إلا رجلاً قد رغبَ عن جميع أصناف العلوم وهجرَ لِحَسَّةِ هِمَّتِهِ ودناءة نفسه الاشتغال بمنطوقها والمفهوم، أو آخر قد هجر من علوم العترة المطهرة الحديث والقديم واشتغل بعض الاشتغال بعلوم غيرهم فلم يُفَرِّق بين الصحيح والسقيم، أو رجلاً ينتحل أتباعهم والانتساب إلى مذاهبهم، ولكنه قد قنع<sup>6</sup> من البحر المتدفق بقطرة، وقصر هِمَّة على الاشتغال بمختصرٍ من مختصرات كتبهم فلم يحظ من غيره بنظرة،

<sup>1</sup> وأضاف هنا القاضي محمد بن إسماعيل العمراني التالي: ويحسن أن يسمّى براءة أئمة المذهب الزيدي من بدعة الرفض.

<sup>2</sup> في النص "الصلوة".

<sup>3</sup> صحيح مسلم: فضائل الصحابة 221، 222، أبو داود: سنة 10، 16، الترمذي: مناقب 58، ابن ماجه: مقدمة 10، 11، أحمد بن حنبل: 3، 11، 54، 64، 266، 5، 182، 185، 189، 6، 6.

<sup>4</sup> في النص "مذهب".

<sup>5</sup> في النص "ترا".

<sup>6</sup> في النص "منع".

فحصل بسبب ذلك الخبط والخلط من الجَمِّ الغفير، ونسب إلى أهل البيت من المسائل ما يخالف قول كبيرهم والصغير، وكان من جملة ذلك مسألة تعظيم القرابة للصَّحابة فإنَّ كثيراً من الغافلين عن العلوم يتجرأ<sup>7</sup> على ثلب أعراض جماعة من أكابر خير القرون، فإذا عوتب في ذلك قال هذا مذهب أهل البيت، وذلك فرية صانهم الله [عنها] فإنَّهم عند من له أدنى إلمام بمذاهبهم مبرؤن عن هذه الخصلة الشنيعة.

// ص 2 // فأحببت بيان مذهبهم في هذه المسألة بخصوصها لأنها هي التي ورد فيها السؤال من بعض أهل العلم ليستدلَّ بذلك على صحة ما ذكرنا من اندراس معاهد علومهم الشريفة في هذه الأزمنة وقد اقتصرنا على مقدار يسير من نصوصهم لأن الإكثار من دواعي الإملال ولم أشتغل بإيراد الأدلة لأن غرض السائل ليس إلا بيان ما يذهبون إليه في ذلك.

فأقولُ قد ثبت إجماع الأئمة من أهل البيت على تحريم سبِّ الصحابة وتحريم التكفير والتفسيق لأحد منهم إلا من اشتهر بمخالفة الدين والمعاندة لسنة سيِّد المرسلين، فإنَّ الصحبة ليست بموجبة لعصمة من اتصف بها على ما ذهب إليه الجمهور بل هو إجماع كما حققنا ذلك في الرسالة المسماة بالقول المقبول في رد رواية المجهول من غير صحابة الرسول. وهذا الإجماع الذي قدّمنا ذكره من أهل البيت مروى من طرق ثابتة عن جماعة من أكابرهم. الطريق الأولى عن الإمام المؤيد بالله أحمد بن الحسين الهاروني<sup>8</sup> فإنه روى عن جميع آباءه من أئمة الآل تحريم سبِّ الصحابة حكى ذلك عنه صاحب حواشي الفصول<sup>9</sup>. الطريق الثانية قال المنصور بالله عبد الله بن حمزة<sup>10</sup> في رسالته في جواب المسائل التهامية بعد أن ذكر تحريم سب الصحابة ما لفظه: وهذا ما يقضي به علم آبائنا إلى علي عليه السَّلام، ثم قال فيها ما لفظه: وفي هذه الجهة من يرى محض الولاء<sup>11</sup> سبِّ الصحابة رضي الله عنهم والبراء منهم فيتبرأ من محمد صلى الله عليه وعلى آله وسلّم من حيث لا يعلم. شعر:

فإن كنتُ لا أرمي وترمي كِنانتِي      تُصِبُّ جَائِحَاتُ النَّبْلِ كَشْحِي وَمَنْكَبِي

<sup>7</sup> في النص "يتجرأ".

<sup>8</sup> إمام ديلمي (333 - 411 هـ) وله كتاب شرح التجريد في فقه الزيدية.

<sup>9</sup> وربما هو السيد شمس الدين أحمد بن محمد بن لقمان الحسني (ت 1039) والكتاب اسمه "حاشية الفصول اللؤلؤية" وهو في أصول الفقه. (مؤلفات الزيدية ج 1: 408).

<sup>10</sup> الإمام عبد الله بن حمزة (583-614/1185-1217)، أنظر زبارة، "أئمة اليمن"، ص 108-143.

<sup>11</sup> في النص "الولي".

انتهى. قال في الترجمان<sup>12</sup>، عند شرح قوله في البسامة<sup>13</sup> "ورض عنهم كما رضى أبو حسن" إلى آخر ما لفظه: قال المنصور بالله عبد الله بن حمزة ولا يمكن أحداً أن يُصحح دعواه على أحد من سلفنا الصالح أنهم نالوا من المشايخ أو سبّوهم بل يعتقدون فيهم أنهم خير الخلق بعد محمد وعلي وفاطمة صلوات الله عليهم وسلامه. ويقولون قد أخطأوا في التقدم وعصوا معصية لا يعلم قدرها إلا الله سبحانه والخطأ لا يبرأ منه // ص 3 // إلا الله تعالى وقد عصى آدم ربه فغوى فإن حاسبهم الله بذنب فعلوه وإن عفى عنهم فهو أهل العفو وهم يستحقونه بحميد سوابقهم انتهى. الطريق الثالثة، قال المؤيد بالله يحيى بن حمزة<sup>14</sup> عليه السلام في آخر التصفية<sup>15</sup> ما لفظه: تنبيه: اعلم أن القول في الصحابة على فريقين. القول الأول مصرحون بالترحم عليهم والترضية وهذا هو المشهور عن أمير المؤمنين وعن زيد بن علي وجعفر الصادق والناصر للحق والمؤيد بالله فهؤلاء مصرحون بالترضية والترحم والموالاة. وهذا هو المختار عندنا ودلنا عليه وذكرنا أن الإسلام مقطوع به لا محالة وعروض ما عرض من الخطأ في مخالفة النصوص ليس فيه إلا الخطأ لا غير. وأما كونه كفراً أو فسقاً، فلم تدل عليه دلالة شرعية فلهذا بطل القول به فهذا الذي نختاره ونرتضيه مذهباً ونحب أن نلقى الله به ونحن عليه<sup>16</sup>. والفريق الثاني متوقفون عن الترضية والترحم وعن القول بالتكفير والتفسيق وهذا دل عليه كلام القاسم والهادي وأولادهما، وإليه يشير كلام المنصور بالله. فهؤلاء يحكمون بالخطأ ويقطعون به ويتوقفون في حكمه. فأما القول بالتكفير والتفسيق في حق الصحابة فلم يؤثر عن أحد من أكابر أهل البيت عليهم السلام وأفاضلهم كما حكيناها وقررناها وهو مردود على ناقله انتهى. وقال الإمام يحيى

<sup>12</sup> تأليف القاضي محمد بن أحمد المظفر الحمدي (ت. 1519/926)، واسم الكتاب: الترجمان المفتوح لثمرات كمائم البستان.

<sup>13</sup> البسامة (جواهر الأخبار في سيرة الأئمة الأخيار)، نظم: صارم الدين إبراهيم بن محمد الوزير الصنعاني (ت. 1508/914). موجود الكتاب في المكتبة الشرقية (44م و 1696) وانظر مؤلفات الزيدية، ج 1: 206 - 207.

<sup>14</sup> (ت. 1349/749).

<sup>15</sup> الإمام يحيى بن حمزة، كتاب تصفية القلوب عن درن الأوزار والذنوب، صنعاء: دار الحكمة اليمنية، 1408 / 1988.

<sup>16</sup> سقطت الكلمة "عليه" من المخطوطة.

بن حمزة في رسالته الوازعة للمعتدين عن سب أصحاب سيد المرسلين<sup>17</sup> بعد أن حكى عن أهل البيت أنهم لم يكفروا ولم يُفسقوا من لم يقل بإمامة أمير المؤمنين أو تخلف عنه أو تقدمه، ما لفظه: ثم أن لهم بعد القطع بعدم التكفير والتفسيق مذهبين. الأول مذهب من صرح بالترحم والترضية عنهم. وهذا هو المشهور عن علي وزيد بن علي وجعفر الصادق والباقر والناصر والمؤيد بالله وغيرهم وهو المختار عندنا. ثم قال المذهب الثاني من توقف عن الترضية والترحم والإكفار والتفسيق وإلى هذا يشير كلام القاسم والهادي وأولادهما والمنصور بالله<sup>18</sup> لأنهم لما قطعوا على الخطأ ولم يدل دليل على عصمتهم فيكون الخطأ صغيرة في حقهم جاز أن يكون خطأهم كبيرة // ص 4 // فلذلك توقفوا<sup>19</sup> عن جهر الترضية. قال ويقابله أنا قاطعون على إيمانهم قبل هذه المعصية فنستصحب الأصل ولا ننتزع عنه إلا لدلالة قاطعة تدل على كفر أو فسق. قال وما روي عن المنصور بالله أنه قال من رضي عنهم فلا تصلوا خلفه ومن سبهم فاسألوه ما الدليل، الرواية المشهورة من سبهم فلا تصلوا خلفه ومن رضي عنهم فاسألوه ما الدليل انتهى كلام الإمام يحيى عليه السلام. وقد بالغ في كتابه المسمى بالتحقيق في الإكفار والتفسيق في الاستدلال<sup>20</sup> على جواز الترضية وكذلك في سائر كتبه الكلامية. قال العلامة يحيى بن الحسين بن القاسم في الإيضاح<sup>21</sup> واعلم أن القائلين بالترضية على الصحابة من أهل البيت هم أمير المؤمنين والحسن والحسين وزين العابدين علي بن الحسين والباقر والصادق وعبد الله بن الحسن ومحمد بن [عبد] الله النفس الزكية وإدريس بن عبد الله وزيد بن علي وكافة القدماء<sup>22</sup> من أهل البيت، ومن المتأخرين سادة الجيل والديلم المؤيد بالله وصنوه أبو طالب

<sup>17</sup> طبعت في صنعاء عند مكتبة دار التراث عام 1990/1411.

<sup>18</sup> المنصور بالله عبد الله بن حمزة (583 - 614 / 1185 - 1217).

<sup>19</sup> في النص توقفوا.

<sup>20</sup> يحيى بن حمزة، التحقيق في الإكفار والتفسيق، المكتبة الشرقية من الجامع الكبير في صنعاء، رقم 587. أنظر م. ز.

ج 1، ص 271.

<sup>21</sup> يحيى بن الحسين بن القاسم (ت 1100 / 1688): "الإيضاح لما خفي من الاتفاق على تعظيم صحابة المصطفى"،

صنعاء، المكتبة الغربية، مجموع رقم 106. أنظر الحبشي، مصادر، ص 131 والشوكاني، البدر الطالع، ج 2 ص 9 -

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<sup>22</sup> القدماء.

والناصر الحسن بن علي الأطروش والإمام الموفق بالله وولده السيد المرشد بالله والإمام يحيى بن حمزة ومن المتأخرين باليمن الإمام المهدي أحمد بن يحيى<sup>23</sup> والسيد محمد بن إبراهيم<sup>24</sup> وصنوه الهادي والإمام أحمد بن الحسين والإمام عزّ الدين بن الحسن وولده الحسن بن عزّ الدين والإمام شرف الدين وغيرهم. وسائر الأئمة يتوقف كالهادي والقاسم مع أنّ في رواية الهادي الترضية. والمنصور بالله عبد الله بن حمزة له قولان التوقف في كتابه الشافي والترضية كما في الجوابات التهامية. وكثير منهم لا حاجة بنا إلى تعداد<sup>25</sup> أعيانهم لأنّه يكفي في ذلك القول الجملي بأنّ أئمة أهل البيت كافة بين متوقف ومترض لا يرى أحدٌ منهم السب للصحابة أصلاً يعرف ذلك من عرف انتهى بلفظه. الطريق الرابعة، حكى السيد الهادي بن إبراهيم الوزير<sup>26</sup> في كتابه المعروف بتلقيح الألباب أنه سئل الإمام الناصر محمد بن علي المعروف بصلاح الدين<sup>27</sup> عن المتقدمين لأمر المؤمنين وسائر من خالفه، فأجاب بأنّ مذهب الزيدية القول بالتخطئة<sup>28</sup> لمن تقدم أمير المؤمنين. // ص 5 // قال وهؤلاء فرقتان: فرقة تقول باحتمال الخطأ ويتوقفون في أمرهم، وفرقة يتولونهم ويقولون بأنّ خطأهم مغتفر في جنب مناقبهم وأعمالهم وجهادهم وصلاتهم. قال وهذا القول الثاني هو الذي نراه، إذ هم وجوه الإسلام وبدور الظلام. وحكى السيد الهادي في ذلك الكتاب عن الإمام المهدي علي بن محمد بن علي والد الإمام صلاح الدين أنه سئل عن تقدم أمير المؤمنين أو خالفه فأجاب أنّ مذهب جمهور الزيدية أنّ النص وقع على وجه يحتاج في معرفة المراد به إلى نظر وتأويل، ولا يكفرون من دافعه ولا يفسقونه إلى آخر كلامه في ذلك. ولا يخفى أنّ حكايته لذلك عن جمهور الزيدية [لا]<sup>29</sup> تنافي حكاية

<sup>23</sup> المهدي أحمد بن يحيى المرتضى (ت 840 / 1436)، صاحب كتاب الأزهار.

<sup>24</sup> محمد بن إبراهيم الوزير (ت. 840 / 1436).

<sup>25</sup> في النص تعدادهم.

<sup>26</sup> السيد الهادي بن إبراهيم الوزير (ت. 822 هـ) وكتابه يسمى تلقيح الألباب في شرح ألباب اللباب (موضوعه في علم الكلام).

<sup>27</sup> الناصر صلاح الدين محمد بن المهدي علي (حكم 773 - 1371/793 - 1390).

<sup>28</sup> في النص بالتخطية.

<sup>29</sup> سقطت "لا" من النص.

غيره له عن جميعهم لأنَّ الحاكي [عن] الجميع ناقل للزيادة وقبولها متحتم وغاية ما عند من<sup>30</sup> حكي عن البعض أو الأكثر أنه لم يعلم. الطريق الخامسة، قال يحيى بن الحسين بن القاسم بن محمد في كتابه الإيضاح بما خفي من الاتفاق على تعظيم الصحابة بعد حكاية أقوال الأئمة من أهل البيت ما لفظه: وإذا تقرر ما ذكرنا وعُرِفَتْ أقوال أئمة العلم الهداة عُلِمَ من ذلك بالضرورة التي لا تنتفي بشكٍ ولا شبهة إجماع أئمة الزيدية على تحريم سبِّ الصحابة لتواتر ذلك عنهم والعلم به فما خَالَفَ ما علم ضرورة لا يُعمَل به إلى آخر كلامه انتهى.

الطريقُ السَّادسة، حكاها السيد إدريس في كتابه المعروف بكنز الأخبار<sup>31</sup>، الطريق السَّابعة، حكاها الديلمي<sup>32</sup> في كتاب قواعد عقائد آل محمد.<sup>33</sup> الثامنة، حكاها حُمَيْد بن أحمد المحلي في كتابه عقيدة أهل البيت. التاسعة، حكاها السيد صارم الدين إبراهيم بن محمد في المسائل التي اتفق عليها الزيدية. العاشرة، حكاها الكني في كتاب كشف الغلطات له<sup>34</sup>. الحادية عشر، حكاها الإمام شرف الدين في شرح مقدمة الأئمة<sup>35</sup>. الثانية عشر، حكاها // ص 6 // في شرح البسامة الصغير لبعض بني الوزير. الثالث عشر، حكاها القاضي عبد الله الدواري في كتاب السير من آخر الدنيا<sup>36</sup>. فهذه طرق متضمنة لإجماع أهل البيت من أئمة الزيدية ومن غيرهم كما في بعض هذه الطرق والناقل لهذا الإجماع مَنْ أسلفنا ذِكرَهُ من أكابر أئمتهم. فيا مَنْ أفسدَ دينَهُ بدمٍ خير القرون وفعل بنفسه ما لا يفعله المجنون إن قلت إنك اقتديت في سبِّهم بالكتاب العزيز كذَّبك في هذه الدعوى من كان له في معرفة القرآن أدنى تبريز فإنه مصرح بأنَّ الله جل جلاله قد رضي عنهم

<sup>30</sup> في النص "ما".

<sup>31</sup> في النص الأخبار. وهو كنز الأخبار في معرفة السير والأخبار للسيد عماد الدين ادريس بن علي الحمزي اليميني (ت 1314/714). (م.ز. 2: 388-389).

<sup>32</sup> الفقيه بدر الدين محمد بن الحسن الديلمي (ت 711هـ). (م.ز. 2: 265).

<sup>33</sup> في النص "عقائد إعتقاد آل محمد".

<sup>34</sup> ربما هو أحمد بن أبي الحسن الكني (م.ز. 2: 383).

<sup>35</sup> السيد عبد الله بن يحيى شرف الدين الحسيني اليميني (ت. 973 هـ). (م.ز. 2: 187).

<sup>36</sup> وهو عبد الله بن حسن الداوري الصعدي (ت. 800 / 1397). أنظر البدر الطالع 1: 381-382. لم أجد تلميح إلى هذا الكتاب في مراجع مؤلفات الزيدية.

ومشحون بمناقبتهم ومحاسن أفعالهم مُرشد إلى الدعاء لهم. وإن قلت اقتديت بسنة رسول الله صلى الله عليه وآله وسلم المُطَهَّرَة قام في وجه دعواك الباطلة العاطلة ما في كتب السنة الصحيحة من مؤلفات أهل البيت وغيرهم من النصوص المصراحة بالنهي عن سبهم وعن أذية رسول الله صلى الله عليه وآله وسلم بذلك وأنهم خير القرون وأنهم من أهل الجنة، وأن رسول الله صلى الله عليه وآله وسلم مات وهو راضٍ عنهم. وما في طيِّ الدفاتر الحديثية من ذكر مناقبتهم الجمة كجهادهم بين يدي رسول الله صلى الله عليه وآله وسلم وبيعهم نفوسهم وأموالهم من الله ومفارتهم الأهل والأوطان والأحباب والأخذان طلباً للدين وفراراً من مساكنة الجاحدين. وكم يعد العاد<sup>37</sup> من هذه المناقب التي لا تتسع لها إلا مجلدات. ومن نظر في كتب السير والحديث عرف من ذلك ما لا يحيط به الحصر. وإن قلت أيها السابّ خير هذه الأمة من الأصحاب أنك اقتديت بأئمة أهل البيت في هذه القضية الفضيعة<sup>38</sup>، فقد حكينا لك في هذه الرسالة إجماعهم على خلاف ما أنت عليه من تلك الطرق. وإن قلت أنك اقتديت بعلماء الحديث أو علماء المذاهب الأربعة أو سائر المذاهب فلتأتنا بواحد منهم يقول بمثل مقالتك. فهذه كتبهم قد ملأت الأرض وأتباعهم على ظهر البسيطة أحياء وقد اتفقت كلمة متقدميهم ومتأخريهم على أن من سبَّ الصحابة مُبتدع وذهبَ بعضهم إلى تفسيقه وبعضهم إلى كُفره كما حكى ذلك جماعة من علمائهم منهم ابن حجر الهيتمي.<sup>39</sup> فإنه // ص 7 // ذكر في كتابه المعروف بإلصاق عار الهوس أن كثيراً من الأئمة كفّروا من سبَّ الصحابة. وفي البحر، في كتاب الشهادات في قوله فصل والخلاف ضروبٌ ما لفظه: وضرب يقتضي الفسق لا غير كخلاف الخوارج الذين يسبّون علياً والروافض الذين يسبّون الشيخين لجراتهم على ما علّم تحريمه قطعاً انتهى.<sup>40</sup> وإن قلت أيها السابّ أنك اقتديت بفرقة من غلاة الإمامية، فنقول صدقت فإنّ فيهم فرقة مخذولة تصرح بسبِّ أكابر الصحابة وقد أجمع على تضليلهم جميع علماء الإسلام من أهل البيت وغيرهم. وهم الرافضة الذي رويت الأحاديث في ذمهم. فمن جملة من روى ذلك الإمام الأعظم الهادي يحيى بن الحسين عليهم السلام فإنه روى في كتابه الأحكام في كتاب الطلاق منه بسنده

<sup>37</sup> في النص "وكم يعد المعاد".

<sup>38</sup> في النص الفضيعة.

<sup>39</sup> عالم شافعي مصري (ت 1567/974) وقد عادى الشيعة ومن كتبه "الصواعق المحرقة في الردّ على أهل الزيغ والزندقة".

<sup>40</sup> أنظر أحمد بن يحيى المرتضى، كتاب البحر الزخار، ج 5، ص 25.

المتصل بأبائه الأئمة الأعلام إلى أمير المؤمنين علي عليه السلام أنّ النبي صلى الله عليه وآله وسلم قال له: يا علي يكون في آخر الزمان فرقة لهم نبرؤ يُعرفون به يقال لهم الرافضة، فإذا لقيتهم فاقتلهم قتلهم الله فاقتلهم فإنهم كافرون<sup>41</sup> أو كما قال. فهذا الإمام الأعظم يروي هذا الحديث عن آبائه الأئمة حتى قيل أنه لم يكن في كتابه الأحكام حديث مسلسل من أول إسناده إلى آخره بأبائه<sup>42</sup> إلا هذا الحديث. ذكر ذلك العلامة محمد بن الوزير وغيره. وفيه التصريح بكفرهم فكيف اقتديت أيها المغرور في مثل هذه المسألة التي هي مزلة الأقدام. تمثل هذه الفرقة، وكيف تزعم إنك مُتبع لأهل البيت وهم مخالفون للإمامية ومصرحون بسبهم ومتوجعون من اعتقاداتهم الفاسدة. ولقد بالغ المؤيد بالله في ذلك حتى صرّح في كتابه المعروف بالإفادة<sup>43</sup> بأنّها لا تُقبل الأخبار المروية من طريقهم قال: لأنّهم يعتقدون أنّه كل ما يروى عن كل من يُشار إليه من أئمتهم يجوز أن يروى<sup>44</sup> عن رسول الله صلى الله عليه وآله وسلم. وقد بالغ الإمام الهادي في التوجع منهم في كتبه. فإن قلتَ ومن أين لك أنّهم الرافضة؟ فأقول قال في القاموس الرافضة فرقة من الشيعة بايعوا زيد بن علي ثم قالوا تبرأ من الشيخين فأبى<sup>45</sup> وقال "كانا وزيري جدي" فتركوه ورفضوه وارفَضُوا عنه والنسبة رافضي // ص 8 // انتهى.<sup>46</sup> فتقرر بهذا أنّ الروافض من رفض ذلك الإمام لتركه لسبب الشيخين. والإمامية يسبّون الشيخين وجمهور الصحابة بل وسائر المسلمين ما عدا من كان على مثل اعتقادهم. ويسبّون أيضاً زيد بن علي كما يعرف ذلك من له إلمام بكتبهم. وقال النووي في شرح مسلم في مباحث المقدمة ما لفظه: وسُموا رافضة من الرفض وهو الترك، قال الأصمعي وغيره لأنّهم رفضوا زيد بن علي وتركوه انتهى. وهكذا صرّح جماعة من العلماء بأنّ الرافضة هم هؤلاء. وصرّح جماعة أيضاً بأنّ

<sup>41</sup> الإمام الهادي إلى الحق يحيى بن الحسين، كتاب الأحكام، المجلد الأول الصفحة 455. "يا علي يكون في آخر الزمان قوم لهم نبرؤ يُعرفون به يقال لهم الرافضة، فإن أدركتهم فاقتلهم قتلهم الله فإنهم مشركون".

<sup>42</sup> في النص "بأبائه".

<sup>43</sup> المؤيد بالله أحمد بن الحسين الهاروني (ت 411 / 1020)، الإفادة كتاب في الفقه، أنظر م. ز. 1 : 138).

<sup>44</sup> في النص "يروا".

<sup>45</sup> في النص "فأبأ".

<sup>46</sup> محمد بن يعقوب الفيروزآبادي (ت 817 / )، القاموس المحيط، بيروت: مؤسسة الرسالة، 1987 ص 831 -

الرافضة هم الذين يسبّون الصّحابة من غير تقييد. وبالله العجب من هذه الفرقة كيف تبلغ بهم محبة أمير المؤمنين إلى ما لا يرضاه بل إلى ما هو على خلافه كما أسلفنا عن الإمام يحيى أنّ مذهب أمير المؤمنين جواز الترضية. وقد حكى الإمام عبد الله بن حمزة في كتابه الكاشف للإشكال الفارق بين التشيع والاعتزال ما لفظه: والمسلك الثاني أنّ أمير المؤمنين هو القدوة ولم يُعلم من حاله عليه السلام لعن القوم ولا التبرؤ<sup>47</sup> منهم ولا تفسيقهم يعني المشايخ، قال وهو قدوتنا فلا نزيد على حدّه الذي وصل إليه ولا ننقص شيئاً لأنّه إمامنا وإمام المتقين وعلى المأموم اتباع آثار إمامه ومقاله فإنّ تعدى خالف وظلم انتهى. وقد حكى هذا الكلام بالفاظه السيد الهادي بن إبراهيم الوزير<sup>48</sup> في كتابه المعروف بتلقيح الألباب في شرح أبيات اللباب<sup>49</sup> وحكى في البسامة أنّ علياً عليه السلام كان يترضى عليهم فقال شعراً،

ورضٍ عنهم كما رضيتُ أبو حسنٍ أو قف عن السبِّ إمّا كنتَ ذا حذرٍ

وروى الإمام المهدي في يواقيت السير<sup>50</sup> أنّه حين مات أبو بكر قال علي عليه السلام "رضي الله عنك والله لقد كنتَ بالناس رؤوفاً رحيماً" انتهى. وقد روى أئمة الحديث والسير عن أمير المؤمنين أنّه كان يترضى على الصّحابة ويترحم عليهم ويمدحهم ويبالغ في الثناء. وذلك أمر معروف عند أهل العلم ولكننا اقتصرنا على نقل كلام أولئك الأئمة من أولاده لأن روايتهم أقطع لعرق الشك وأحسّم لداء اللجاج من رواية غيرهم. فهل يليق بمن يعدّ نفسه من شيعة أمير المؤمنين أن يخالفه هذه المخالفة فيلعن من كان يُرضي عنه ويترحم عليه؟ وهل هذا إلّا من المعاندة له عليه السلام والمخالفة // ص 9 // لهديه القويم والخروج عن الصراط المستقيم؟ فأبي خير في تشيع يُفضي إلى ميل يوقع في الهلكة كما ورد أنّه يهلك في فرقتان محبّ غالٍ وباغضٍ قال. وفرقة الإمامية هي الفرقة التي غلت

<sup>47</sup> في النص "التبري".

<sup>48</sup> السيد الهادي بن إبراهيم الوزير (ت. 822 هـ) وقد كتب ضد ابن عربي (البدر الطالع 2: 316-317).

<sup>49</sup> تلقيح الألباب في شرح ألباب اللباب. وهذا شرح لمنظومة اللباب المصاصة في نظم مسائل الخلاصة (كلام).

<sup>50</sup> الإمام المهدي أحمد بن يحيى بن المرتضى (ت. 840 هـ): يواقيت السير في شرح سيرة سيد البشر وأصحابه

العشرة الغرر والأئمة المنتجبين الزهر، وهو الجزء الخامس من "غايات الأفكار ونهايات الأنظار".

في المحبة فهلكت. فمن اقتدى بهم فهو من جملة<sup>51</sup> الهالكين بنصوص الأحاديث الصحيحة وتصريح علماء الدين. فيا من يدعي أنه من أتباع الإمام زيد بن علي كيف لا تقتدي<sup>52</sup> في ذلك المنهج الجلي؟ ألا تراه رضي بمفارقة تلك الجيوش التي قامت تنصره على منابذة سلاطين الجور ولم يسمح بالتبرؤ<sup>53</sup> من الشيخين أبي بكر وعمر بل احتج على الرافضة بأنهما كانا وزيرَي رسول الله صلى الله عليه وآله وسلم. ولا شك أنه يؤلم الرجل ما يؤلم وزيره. ومن أهان الوزير فقد أهان السلطان. ولهذا قال المنصور بالله عليه السلام في كلامه السابق إن من تبرأ من الصحابة فقد تبرأ من محمد صلى الله عليه وآله وسلم. ولقد قال الإمام المهدي في القلائد<sup>54</sup> إن قضاء<sup>55</sup> أبي بكر في فدك والعوالي صحيح. وروى في شرح هذا الكتاب عن زيد بن علي أنه قال لو كنت أبا بكر لما قضيتُ إلا بما قضى. فتصحیح الإمام المهدي لقضاء أبي بكر وقول زيد بن علي بهذه المقالة يدل على أنه عندهما عدلٌ مرضي. ولو كان عندهما على خلاف ذلك لما كان حكمُهُ صحيحًا. وقال الإمام يحيى بن حمزة في كتابه الموسوم بالشامل<sup>56</sup> في علم الكلام عند تكلمه على ما نُقِمَ على أبي بكر في إغضاب فاطمة: إنما طلب منها إقامة البيّنة وقد جاءت<sup>57</sup> بعلي وأم أيمن فقال "امرأة مع المرأة أو رجل مع الرجل"، قال الإمام يحيى "فغضبتُ لأجله فالحقُ أغضبها". هذا كلام الإمام يحيى بن حمزة في ذلك الكتاب. وقد حكاها أيضاً السيد الهادي بن إبراهيم في كتابه المعروف بنهاية التنويه في إزهاق التمويه.<sup>58</sup> فانظر

<sup>51</sup> في النص "جملت".

<sup>52</sup> في النص "يقتدني".

<sup>53</sup> في النص "بالتبري".

<sup>54</sup> الإمام المهدي بن يحيى بن المرتضى (ت 840 / 1436): كتاب القلائد في تصحيح العقائد، تحقيق البير نادر، بيروت: دار المشرق، 1985، ص 144. وهو الكتاب الثاني من كتاب البحر الزخار.

<sup>55</sup> في النص "قضى".

<sup>56</sup> المؤيد بالله يحيى بن حمزة (ت. 749 هـ): الشامل لحقائق الأدلة العقلية وأصول المسائل الدينية، في 3 مجلدات.

<sup>57</sup> في النص "جات".

<sup>58</sup> وهو كتاب في العقائد وشرح قصيدة ميمية للهادي نفسه (الجامع الكبير 47م، سنة 1080). انظر مؤلفات الزيدية، المجلد 3: 133.

كيف صوّب هذا الإمام أبا بكر في حكمه. ولو كان غير عدلٍ عنده لكان حكمه باطلاً سواء<sup>59</sup>  
وافق الحق أو خالفه لأنّ العدالة شرط في صحة الحكم. وقال محمد بن المنصور بالله من قصيدةٍ  
يفتخرُ بها على قحطان،

ومنا أبو بكرٍ وصاحبُه<sup>60</sup> الذي على السننِ الغرِّ الكريمةِ يغضبُ

ولو كان أبو بكر وعمر عند هذا السيد الجليل من الظلمة المتغلبين لما افتخر بهما. والوصف  
بالغضب على السننِ الغرِّ الكريمة من دأب المتقين المناصرين لها. ويا مَنْ // ص 10 // يدّعي أنه من  
أتباع الإمام الهادي يحيى بن الحسين هلاً سلكت مسلكه ومثيت على سنن مذهبته فتوقفت كما صح  
عنه التوقف بما أسلفنا من حكاية الإمام الأجل يحيى بن حمزة عنه. وهلاً عملت بكلامه الذي صرح  
به عليه السلام في كتابه الذي كتبه من المدينة جواباً على أهل صنعاء<sup>61</sup> قال فيه ما لفظه: ولا أبغضُ

أحداً من الصّحابة رضي الله عنهم الصادقين والتابعين لهم بإحسان المؤمنين منهم والمؤمنات أتولى<sup>62</sup>

جميع من هاجر ومن آوى<sup>63</sup> منهم ونصر. فمن سب مؤمناً عندي استحلالاً فقد كفر، ومن سبّه  
استحراماً فقد ضلّ عندي وفسق. ولا أسبُّ إلا من نقض العهد والعزيمة وفي كل وقت له هزيمة من  
الذين بالنفاق تفرّدوا وعلى الرسول مرة بعد مرة تمرّدوا وعلى بيته اجترأوا<sup>64</sup> فطعنوا. وإني أستغفر  
الله لأمهات المؤمنين اللواتي خرجن من الدنيا على يقين وأجعل لعنة على من تناولهنّ بما لا يستحقن  
من سائر الناس أجمعين انتهى كلامه.

فأنت أيّها السّاب المدّعي أنك من أتباع هذا الإمام بصريح كلامه هذا إما كافر أو ضالّ  
فاسق. وهذا الذي صرح به عليه السّلام هو مذهب أتباعه من الهادوية إلى الآن. قال ابن مظفر في

<sup>59</sup> في النص "سوى".

<sup>60</sup> يعني عمر بن الخطاب.

<sup>61</sup> في النص "صنعاً".

<sup>62</sup> في النص "اتولاً".

<sup>63</sup> في النص "آوا".

<sup>64</sup> في النص "اجترأوا".

البيان مُدرساً لهاذوية هذه الأزمان ما لفظه: مسألة قال الإمام يحيى ولا يصح الائتمام<sup>65</sup> بفاسق التأويل ولا بمن يُفسق الصحابة الذين تقدموا علياً عليه السّلام انتهى.<sup>66</sup> ولم يحك خلافاً لأحد. قال في البستان<sup>67</sup> قال عليه السّلام، يعني الإمام يحيى، إن<sup>68</sup> من يُفسق الصحابة فهو فاسق تأويل لأنه اعتقد ذلك لشبهة طرأت<sup>69</sup> عليه، وهو تقدّمهم على أمير المؤمنين. فلا تصح الصلاة خلف من يسبهم لأنه جرأة على الله واعتداء<sup>70</sup> عليهم مع القطع بتقدم إيمانهم واختصاصهم بالصحة لرسول الله صلى الله عليه وآله وسلّم والفضائل<sup>71</sup> الجمّة وكثرة الثناء<sup>72</sup> عليهم من الله سبحانه ومن رسول الله صلى الله عليه وآله وسلّم وأكثر الأئمة وعلماء<sup>73</sup> الأمة. ولا دليل قاطع على كفرهم ولا فسقهم. فأما مطلق الخطأ<sup>74</sup> فهو، وإن قطع به، لا يكون كفراً ولا فسقاً إذ لا بد فيهما من دليل قطعي شرعي وقد قال صلى الله عليه وآله وسلّم "لا يؤمنكم ذو جرأة في دينه" وأي جرأة أعظم من اعتقاد هلاك من له الفضل والسبق إلى الإسلام والهجرة // ص 11 // وإحراز الفضل والمراتب العلية والإنفاق في الجهاد

<sup>65</sup> في النص "الائتمام".

<sup>66</sup> يحيى بن أحمد بن مظفر (ت 875 / 1470)، كتاب البيان الشافي المنتزع من البرهان الكافي، 4 أجزاء، صنعاء: مجلس القضاء الأعلى، 1984، ج 1، ص 282. ويعني هنا الإمام يحيى بن حمزة.

<sup>67</sup> القاضي محمد بن أحمد مظفر (ت 925 / 1519)، البستان في شرح البيان، المكتبة الشرقية من الجامع الكبير في صنعاء، رقم 1230. أنظر م. ز. ج 1، ص 207.

<sup>68</sup> في النص "لا".

<sup>69</sup> في النص "طرت".

<sup>70</sup> في النص "اعتدا".

<sup>71</sup> في النص "الفضائل".

<sup>72</sup> في النص "الثنا".

<sup>73</sup> في النص "علماء".

<sup>74</sup> في النص "الخطأ".

وبذل النفوس والأموال لله ولرسوله". وقد قال صلى الله عليه وآله وسلم "لو أنفق أحدكم مثل أُحد ذهباً ما بلغ مدَّ أحدِهِمْ".<sup>75</sup> فنعوذ بالله من الجهل والخذلان انتهى لفظه.

وقال المنصور بالله في كتابه الكاشف للإشكال الفارق بين التشيع والاعتزال ما لفظه: إن القوم، يعني الصحابة، لهم حسنات عظيمة بمشايعة النبي صلى الله عليه وآله وسلم ونصرتة والقيام دونه والرمي من وراء<sup>76</sup> حوزته ومعادات الأهل والأقارب في نصرة الدين وسبقهم إلى الحق وحضور<sup>77</sup> المشاهد التي تزيغ فيها الأبصار وتبلغ القلوب الحناجر إلى آخر كلامه.

وعلى الجملة إنه إذا لم يقنع المتبع لأهل البيت بما أسلفناه من إجماعهم ونصوصهم فهو إما جاهل لا يفهم ما يُخاطب به ولا يدري ما هو العلم، وإما مكابر. فقد أعمى التعصب بصر بصيرته واستحوذ عليه الشيطان فقاده بزمام الغي والطغيان إلى هذه المصيبة التي هي مهلكة الأديان بإجماع حملة السنة والقرآن. وكلا الرجلين لا ينفعه التطويل والاستكثار من نقل نصوص الأئمة<sup>78</sup> ومن

صرائح<sup>79</sup> الأدلة. فلنقتصر على هذا المقدار فإن من لم ينتفع به لم ينتفع بأكثر منه. فالعاقل المراعي لحفظ دينه إذا لم يعلم بما ورد في الصحابة الراشدين من نصوص القرآن والسنة القاضية بأنهم أفضل من غيرهم من جميع الوجوه أن ينزلهم منزلة سائر المسلمين. وقد ثبت عنه صلى الله عليه وآله وسلم في الصحيح أن قتال المسلم كفر وسبابه فسوق.<sup>80</sup> وثبت عنه في الصحيحين أن لعن المؤمن كقتله.<sup>81</sup>

وثبت عنه صلى الله عليه وآله وسلم في صحيح مسلم أنه لا يكون اللعان شُفعا<sup>82</sup> ولا شُهداء<sup>83</sup>

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<sup>75</sup> أبو داود، كتاب السنة 4039.

<sup>76</sup> في النص "ورا".

<sup>77</sup> في النص "حظور".

<sup>78</sup> في النص "الائمة".

<sup>79</sup> في النص "صرايح".

<sup>80</sup> أنظر البخاري، كتاب الإيمان 46، وأيضاً البخاري، الأدب 5584، الفتن 6549؛ ومسلم، الإيمان 97، الحج 2137.

<sup>81</sup> أنظر البخاري، الأدب 5640 وأيضاً البخاري الإيمان والنذور 6161؛ ومسلم، الإيمان 160.

<sup>82</sup> في النص "شفعا".

<sup>83</sup> في النص "شهدا".

يوم القيامة.<sup>84</sup> وفي سنن أبي داود أنه صلى الله عليه وآله وسلم قال "إنَّ العبد إذا لعن شيئاً سعدت اللعنة إلى السماء"<sup>85</sup> فتغلق أبوابها ثم تأخذ يميناً وشمالاً فإذا لم تجد مساعاً رجعت إلى الذي لعن<sup>86</sup> فإن كان أهلاً لذلك وإلا رجعت إلى قائلها.<sup>87</sup> وفي مسند أحمد وصحيح البخاري وسنن النسائي أن النبي صلى الله عليه وآله وسلم قال "لا تسبوا الأموات فإنهم قد أفضوا إلى ما قدموا".<sup>88</sup> وفي حديث آخر رواه أحمد والنسائي "لا تسبوا أمواتنا فتؤذوا أحياءنا". // ص 12 // وفي صحيح مسلم وسنن أبي داود والترمذي والنسائي أن الرسول صلى الله عليه وآله وسلم قال: "أتدرون ما الغيبة؟ قالوا الله ورسوله أعلم. قال ذكرك أخاك بما يكره قال وإن كان في أخي ما أقول؟ قال إن كان في أخيك ما تقول فقد اغتبت<sup>89</sup> وإن لم يكن فيه ما تقول فقد بهت<sup>90</sup>". قال الترمذي حديث حسن صحيح وفي سنن أبي داود والترمذي أن عائشة ذكرت صفية فقالت: "إنها قصيرة"، فقال النبي صلى الله عليه وآله وسلم: "كلمة لو مزجت بماء<sup>89</sup> البحر لمزجته". وفي سنن أبي داود أن النبي صلى الله عليه وآله وسلم قال: "لما عرج بي مررت على أقوام لها أظفار من نحاس يخمشون وجوههم وصدورهم. فقلت من هؤلاء يا جبريل؟ فقال هؤلاء الذين يأكلون لحوم الناس ويقعون في أعراضهم. والأحاديث في هذا الباب كثيرة وهي متناولة للأموات تناوياً أولاً وأولياً وبعضها نص في الأموات.

تنبيه، ربما قال من يطلع على ما سقناه من الرويات<sup>90</sup> القاضية بإجماع أهل البيت على عدم سب الصحابة أنه قد وجد في مؤلف لفرد من أفرادهم ما يشعر بالسب. فنقول له، إن كان ممن يعقل الخطاب، هذا الفرد الذي تدعي أنه وجد في مؤلفه ما يشعر بالسب إن كان عصره متقدماً على عصر الأئمة الذين روينا عنهم إجماع أهل البيت فمن البعيد أن يحكوا الإجماع عن جميعهم. وثم فرد يخالفهم للقطع بأنهم أخبر من غيرهم بعلم بعضهم بعضاً. فدعواهم الإجماع من دون استثناء مشعرة

<sup>84</sup> مسلم، البر والصلة 4702.

<sup>85</sup> في النص "السماء".

<sup>86</sup> في النص "لعن".

<sup>87</sup> في النص "قائلها". أنظر أبو داود، الأدب 4259.

<sup>88</sup> أنظر البخاري، جناز 97، رفاق 42، فضائل اصحاب النبي 5، فضائل الصحابة 221، 222، أبو داود، سنة 10.

<sup>89</sup> في النص "بماء".

<sup>90</sup> في النص "المرويات".

بعدم صحة ما وجد من ذلك الفرد. فالتوجه عليك وعلينا اعتقاد أن ذلك الموجود مدسوس يخالف ما حكاه الأئمة من أهله المختبرين بمذهبه. وإن كان ذلك الفرد عصره متأخراً عن عصر الأئمة الذين حكوا الإجماع عن أهل البيت، فكلامه مردود لأنه يخالف إجماع آبائه<sup>91</sup> وشدُّ عن طريقتهم ومشى في غير منهجهم القويم وسلك في غير صراطهم المستقيم. وما كان بهذه المثابة فلا ينبغي لأحد أن يعمل [به] ولا يحل لمؤمن<sup>92</sup> أن يتمسك به في معارضة إجماع المتقدمين والمتأخرين من العترة المطهرة. ومع هذا فمسألة السبِّ وما يترتب عليها من التكفير والتفسيق من المسائل التي لا يجوز التقليد فيها // ص 13 // عند أهل البيت كما صرحت به مطولات كتبهم ومختصراتها. فعلى فرض أنه قد صرح فرد من أفراد العلماء<sup>93</sup> من أهل البيت أو من غيرهم بجواز السبِّ، لا يجوز لأحد أن يقلده في ذلك لأن التقليد في المسائل الفرعية العملية لا في المسائل العلميّة ولا فيما يترتب عليها. فمن رام اتباع الشيطان في سبِّ أهل الإيمان فليقف حتى يجتهد في المسألة<sup>94</sup> ثم يعمل بما رجع له ولا يخالف كتاب الله وسنة رسوله وإجماع المسلمين من أهل البيت وغيرهم. وهو موثق بربقة التقليد قاصر الباع حقير الاطلاع لا يعقل الأدلة ولا يعرف الحجج.

خاتمة، ربما تجاوز بعض جهال الشيعة من أهل عصرنا سبَّ الصحابة فحكم على من لم يسب بأنه ناصبي. وهذه قضية أشد من قضية السبِّ لأن ذلك الجاهل حكم على أهل بيت رسول الله أجمع، وعلى جميع العلماء<sup>95</sup> من السلف والخلف بالنصب. والناصبي كافر، فيستلزم هذا الحكم تكفير جميع المسلمين. وليس بعد هذا الخذلان، ولا أشنع من هذه الخصلة التي تبكي عيون الإسلام ويضحك لمثلها ثغر الكفران. وما درى هذا المخذول أن من كفر مسلماً واحداً صار كافراً بنصوص السنة المطهرة. فكيف بمن كفر جميع المسلمين؟ فيا لله العجب من رجل يبلغ به جهله الفظيع إلى الكفر المضاعف. نسأل الله السلامة. وإنما قلنا إنَّ الناصبي كافر لما تقرر في كتب اللغة. وغيرها

<sup>91</sup> في النص "اباه".

<sup>92</sup> في النص "لمؤمن".

<sup>93</sup> في النص "العلماء".

<sup>94</sup> في النص "المسئلة".

<sup>95</sup> في النص "العلماء".

<sup>96</sup> في النص "نسئل".

أنَّ النصب بغض أمير المؤمنين عليه السلام. قال في القاموس ما لفظه: النواصب والناصبية<sup>97</sup> وأهل النصب المتدينون ببغضة علي رضي الله عنه لأنَّهم نصبوا له أي عادوه انتهى.<sup>98</sup> وإذا ثبت أنَّ الناصبي من يبغض علياً عليه السلام، فقد ثبت بالأحاديث الصحيحة الصريحة في كتب الحديث المعتمدة أنَّ بغضه كرم الله وجهه نفاق وكُفر. فمن ذلك ما رواه مسلم وصحَّحه وابن أبي شيبة والحميدي وأحمد والترمذي والنسائي<sup>99</sup> وابن ماجه وابن حبان وأبو نعيم في الحاشية وابن أبي عاصم عن علي عليه السلام أنه قال: "والذي فلق الحبة وبرأ النسمة إنه لعهد النبي الأمي إليَّ أن لا يجنبي إلَّا مؤمن<sup>100</sup> ولا يبغضني إلَّا منافق".<sup>101</sup> // ص 14 // وأخرج نحوه الترمذي وعبد الله بن أحمد في زيادات المسند عن أم سلمة والديلمي عن ابن عباس والخطيب في تاريخه عن أنس. وثبت أنَّ من أبغض علياً فقد أبغض الله ورسوله. وبُغض الله ورسوله كفر. فمن ذلك ما رواه الطبراني وابن عساكر عن عمار بن ياسر والدارقطني والحاكم في مستدركه والخطيب عن علي كرم الله وجهه والطبراني عن أبي رافع وأخرجه ابن عساكر عن عمر وقال إسناده رجاله مشاهير غير أبي عيسى المعروف ببلبل، فإنه غير مشهور. وأخرجه أيضاً ابن النجار عن ابن عباس. وفي الباب أحاديث كثيرة من طريق جماعة من الصحابة. وفي هذا المقدار كفاية، فإنَّ به يثبت أنَّ الناصبي كافر وإنَّ مَنْ قال لرجلٍ يا ناصبي فكأنه قال له يا كافر. ومَنْ كفر مسلماً كفر كما تقدم وقد أحسن مَنْ قال:

عليٌّ يظنون بي بُغضَهُ فهُلَّا سِوَى الكُفْرِ ظَنُوهُ بِي

وقد أراح الله سبحانه من النواصب والخوارج ومن سلك مسلكهم. فلم يبق منهم أحد إلا شردمة يسيرة بعمان وطائفة حقيرة بأطراف الهند يقال لهم الإباضية. فليتحذّر المتحفظ من إطلاق مثل هذه اللفظة على أحد من أهل الإسلام غير هؤلاء. فإنه بمجرد ذلك الإطلاق يخرج عن الإسلام، وهذا ما لا يفعله عاقل بنفسه.

ما يبلغ الأعداء من جاهلٍ ما يبلغ الجاهل من نفسه

<sup>97</sup> في النص "الناصبية".

<sup>98</sup> الفيروزآبادي، القاموس المحيط، ص 177.

<sup>99</sup> في النص "النسائي".

<sup>100</sup> في النص "مومن".

<sup>101</sup> مسلم، الإيمان 113.

وَمِنَ الْعَجَائِبِ أَنَا سَمِعْنَا مِنْ جِهَالٍ عَصْرْنَا مَنْ يُطَلَقُ إِسْمُ النَّصْبِ عَلَيَّ مِنْ قَرَأَ<sup>102</sup> فِي كِتَابِ  
 الْحَدِيثِ، بَلْ عَلَيَّ مِنْ قَرَأَ<sup>103</sup> فِي سَائِرِ عُلُومِ الْاجْتِهَادِ. وَيُطَلَقُونَهُ أَيْضًا عَلَيَّ أُمَّةً<sup>104</sup> الْحَدِيثِ وَأَهْلَ  
 الْمَذَاهِبِ الْأَرْبَعَةِ. وَهَذِهِ مَصِيبَةٌ مُهْلِكَةٌ لِدِينِ مَنْ تَسَاهَلَ فِي ذَلِكَ. وَلَا يَكُونُ إِلَّا أَحَدُ رَجُلَيْنِ: إِمَّا  
 جَاهِلٌ لَا يَدْرِي مَا هُوَ النَّصْبُ وَلَا مَا النَّاصِبِيُّ أَوْ غَيْرُ مِثَالٍ بِهَلَاكِ دِينِهِ. وَمَنْ كَانَ بِهَذِهِ الْمَنْزِلَةِ لَا  
 يَنْتَفِعُ بِمِثْلِ هَذَا النَّصِيحِ الَّذِي أَوْدَعْنَاهُ هَذِهِ الرَّسَالَةَ. وَلَيْسَ عَلَيْنَا إِلَّا الْقِيَامُ بِعَهْدَةِ الْبَيَانِ لِلنَّاسِ الَّذِي //  
 ص 15 // أَوْجِبَهُ اللَّهُ وَرَسُولُهُ عَلَيْنَا. لِيَهْلِكَ مَنْ هَلَكَ عَنْ بَيِّنَةٍ. اللَّهُمَّ ارشِدِ الْخَاصَّ مِنْ عِبَادِكَ وَالْعَامَّ  
 وَاسْلُكْ بِنَا سُبُلَ السَّلَامِ انْتَهَى. وَصَلَّى اللَّهُ وَسَلَّمْ عَلَيَّ سَيِّدِنَا مُحَمَّدٍ وَآلِهِ هـ.<sup>105</sup>

<sup>102</sup> فِي النَّصِّ "قَرَأَ".

<sup>103</sup> فِي النَّصِّ "قَرَأَ".

<sup>104</sup> فِي النَّصِّ "أُمَّةً".

<sup>105</sup> فِي آخِرِ النَّصِّ: ثُمَّ نَقَلَ هَذِهِ الرَّسَالَةَ الْكَرِيمَةَ مِنْ خَطِّ مُؤَلِّفِهَا شَيْخِ الْإِسْلَامِ الْحَافِظِ الْعَلَامَةِ مُحَمَّدِ بْنِ عَلِيِّ  
 الشُّوْكَانِيِّ رَحِمَهُ اللَّهُ الْمَوْجُودَةِ فِي مَكْتَبَةِ الْجَامِعِ الْكَبِيرِ بِصَنْعَاءَ، وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، بِتَارِيخِ 29 شَهْرِ مُحَرَّمِ الْحَرَامِ  
 سَنَةِ 1408 هـ. بِخَطِّ الْمُفْتَقِرِ إِلَى رَحْمَةِ اللَّهِ مُحَمَّدِ بْنِ عَلِيِّ بْنِ الْمَنْصُورِ رَحِمَهُ اللَّهُ.  
 الْحَمْدُ لِلَّهِ

كَانَتْ مِطَالَعَةُ هَذِهِ الرَّسَالَةِ فِي يَوْمِ 6 شَعْبَانَ سَنَةِ 1410، الْمَوْافِقِ مَارِسَ سَنَةِ 1990. وَقَدْ كُنْتُ طَالَعْتُهَا فِي نَسْخَةٍ  
 أُخْرَى قَبْلَ نَيْفِ وَأَرْبَعِينَ عَامًا. كَمَا طَالَعْتُ الرَّسَالَةَ الْوَاظِعَةَ لِلْإِمَامِ يَحْيَى بْنِ حَمْزَةَ قَبْلَ نَيْفِ وَخَمْسِينَ عَامًا. وَمَا  
 أَحَقُّ هَذَيْنِ الْكُتَابَيْنِ بِأَنْ يُطْبَعَا وَيُنْشَرَا وَقَدْ سَمِعْتُ أَنَّ وَزَارَةَ الْأَوْقَافِ سَتُطْبَعُ هَذِهِ الرَّسَالَةُ بَعْدَ تَحْقِيقِهَا. وَنَعْمَ الْعَمَلُ  
 الَّذِي سَتَعْمَلُهُ. وَيُحَسِّنُ أَنْ يَكُونَ عِنْوَانُ هَذِهِ الرَّسَالَةِ (بِرَاءَةُ أُمَّةِ الْمَذْهَبِ الزَّيْدِيِّ مِنْ بَدْعَةِ الرَّفْضِ). وَاللَّهُ وَلِيُّ  
 التَّوْفِيقِ. [خَادِمٌ؟] السَّنَةِ النَّبَوِيَّةِ، مُحَمَّدُ بْنُ إِسْمَاعِيلَ الْعِمْرَانِيُّ.

(كتاب ب) السيف الباتر المضيء  
لكشف الإيهام والتمويه في إرشاد  
الغبي إلى مذهب أهل البيت  
في صحب النبي<sup>1</sup>

تأليف<sup>2</sup> الفقير إلى مولاه الغني السيد إسماعيل بن عز الدين بن الحسن النعمي لطفه الله باللطف  
الخفي بحق محمد وآله سادات كل ولي وصلى الله وسلّم على سيّدنا محمد وعلى آله وأصحابه  
الراشدين آمين الله آمين.

// fol. 2 A; fol. 56 B // بسم الله الرحمن الرحيم وبه نستعين اللهم صلّ وترحمّ وتحنّن وبارك  
وسلّم على سيّدنا محمد وعلى آل محمد، الحمد لله الذي خلق السموات والأرض وجعل الظلمات  
والنور ﴿ثُمَّ الَّذِينَ كَفَرُوا بِرَبِّهِمْ يَعْدِلُونَ﴾ (6 الأنعام 1) لا نُشْرِكُ بِاللَّهِ شَيْئاً وَلَا نَتَّخِذُ مِنْ دُونِهِ إِلهاً  
(ولا ولياً A). نحمده على ما خصّنا من نعمته، ودلّنا عليه من طاعته (طاعاته B)، واستنقذنا به من  
الهلكة برحمته، وبصّرنا من سبيل النجاة وابتدأنا به من الفضل العظيم والإحسان الجسيم. بمحمد البرُّ  
الرؤوف الرّحيم صلى الله عليه وعلى آله البررة الميامين، أرسله إلينا فكان كما قال عزّ وجل ﴿لَقَدْ  
جَاءَكُمْ رَسُولٌ مِنْ أَنْفُسِكُمْ عَزِيزٌ عَلَيْهِ مَا عَنِتُّمْ حَرِيصٌ عَلَيْكُمْ بِالْمُؤْمِنِينَ رَءُوفٌ رَحِيمٌ﴾ (9 التوبة  
128). فبلغ عليه وعلى آله أفضل الصلاة والتسليم رسالة ربّه ونصح لأمتّه أذاء ما أوْتُمِنَ عليه.

<sup>1</sup> 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'mī'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-Hijja 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-Ḥusayn b. Yaḥyā al-Daylamī's response to Shawkānī's *Irshād al-ghabī* and quotes a short response against Shawkānī by al-Ḥasan b. Muḥammad b. 'Abd Allāh b. al-Mu'ayyad, 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.

<sup>2</sup> B تأليف السيد العلامة إسماعيل بن عز الدين النعمي رحمه الله تعالى آمين.

واحتجَّ لله عز وجل<sup>3</sup> ودعا إليه بالموعظة البالغة والحكمة الجامعة واجتهد في أمره واحتمل الأذى في دينه واصطبر على كل محنة وبلوى حتى قبضه الله عزَّ وجلَّ إليه وقد رضي فعله وشكر سعيه وغفر ذنبه وأقام الحجة وأبان المحجَّة كما قال عليه<sup>4</sup> أفضل الصلاة والسلام "تركتكم على المحجة البيضاء ليلها كنهارها"<sup>5</sup> صلى الله عليه وعلى آله سادات الدنيا وملوك الأخرى. أما بعد فإنِّي اطلعت على الرسالة المسمّاة "إرشاد الغبي إلى مذهب أهل البيت في صُحب النبي" للفقير العلامة محمد بن علي الشوكاني غفر الله له، فأول ما تصرف فيه من زُخرف القول وغروره بقوله: فلا تكاد ترى إلا رجلاً قد رغب عن جميع أصناف العلوم وهجر لحسة همّته ودناءة نفسه بالأشتغال بمنطوقها والمفهوم، أو آخر قد هجر من علوم العترة المطهرة الحديث والقديم واشتغل بعض إشتغال بعلوم غيرهم فلم يفرق بين الصحيح والسقيم، أو رجلاً ينتحل أتباعهم والانتساب إلى مذاهبهم، ولكنه قد قنع من البحر المندفق بقطرة، وقصر همّه على الاشتغال بمختصرٍ من مختصرات كتبهم فلم يحظَ من غيره بنظرة، فحصل بسبب ذلك الخبط والخلط من الجُمِّ الغفير، ونسب إلى أهل البيت (عليهم السلام +B) من المسائل ما يخالف قول كبيرهم والصغير، إلى (آخر B +) ما شرّحه في هذه الرسالة وزخرفه [من]<sup>6</sup> زخرف القول غروراً. فظهر لك أيُّها العاقل من قوله عفا الله عنه أنّه لا عالم سواه والصحيح ما نتجت به قريحته ورواه وتلاه (تاه A) بنفسه معجباً بالفاظه حتى رماه كبرُهُ على قفاه. و[حتى]<sup>7</sup> تراه بين جُلُساته يتنطّع بزور بهتانته منتفخةً أوداجه وشدقاه غافلاً عن قول ربّه ومولاه الذي أنزله على نبيّه ومصطفاه ﴿وَمَا أُوتِيتُمْ مِنَ الْعِلْمِ إِلَّا قَلِيلاً﴾ (17 الإسراء 85) وتعليمه له بقوله ﴿وَقُلْ رَبِّ زِدْنِي عِلْماً﴾ (20 طه 114) ولرُبَّ حامل فقه إلى من هو أفقه منه، وترك التواضع الذي هو شأن العلماء الهداة، ويا ليتته ترك ما لا يعنيه في نهايته ومبدأه (مبتدأه B). ولكنه زاد به التيه والخذلان، وسوّلت له نفسه والخبيثُ الشيطان، أن يرمي أهل العدل والتوحيد بالزور والبهتان، وأنَّ أتباع القرابة يسبُّون الراشدين من الصحابة. // fol. 3 A // ألا ترى أيُّها الإنسان هل سمعت أحداً في هذه الديار من أتباع آل محمد الأطهار، يُعلن بسبِّ الراشدين من الصحابة الأخيار، في طريق أو في مسجدٍ من مساجد الزيدية الأقمارة؟، حتى (أنَّ B +) نسب إليهم الغباوة في الدين وتجاراً على ثلب أعراض

<sup>3</sup> سقطت "و" في B.

<sup>4</sup> سقط في B "أفضل الصلوة والسلام تركتكم على المحجة البيضاء ليلها كنهارها، صلى الله عليه".

<sup>5</sup> أنظر مسند ابن ماجه، المقدمة 43، ومسند أحمد، مسند الشاميين 16519.

<sup>6</sup> وهنا وضعت "من" بدل "و" من الأصل.

<sup>7</sup> وهنا وضعت "حتى" بدل "حين" من الأصل.

الموحدين، فسارِعُ بالتوبة أيُّها المغرور، بما رميت هؤلاء الأخيار من البهتان والزور، وزخرفت هذه الوريقات، لتوهم أن آل محمد وأشياعهم من أهل الرفض والإثم والضلالات، فحسبك ربُّ الأرض والسموات، فأَيُّ ذنبٍ أعظم من هذا الذنب وأيُّ سبٍّ أعظم من هذا السبِّ، وسباب المؤمن فسقٌ وقاتله كفرٌ. لقد رميت أهل العدل والتوحيد بالبهت العظيم حتى شملك<sup>8</sup> قول المصطفى المختار صلى الله عليه وعلى آله النجوم رجوم المعاندين الأشرار، بقوله: من بهت مسلماً أو قال فيه ما ليس فيه أوقفه الله على تلٍ من نار يوم القيامة حتى يخرج مما جاء به، إلى آخره<sup>9</sup>. فو الله لقد جاء شيئاً إذاً وسود صحيفته جداً، فأقول سبحانك هذا بهتان عظيم، شعر<sup>10</sup>: [المتقارب]

أحلفُ بالله ربِّ الأنا // م ما تركَ الله شيئاً سُدّاً  
ولكنْ خُلِقْتَ لنا فِتنةً // لِكِي نُبتلى بِكَ أو تُبتلى

فالغمط والاحتقار للعلماء وسائر المسلمين هو شعار المتكبرين، ومما لهج به أيضاً في هذه الرسالة من الإيهام العظيم والتغميد<sup>11</sup> البهيم من دعوى إجماع أهل البيت المطهَّرين بقوله قد ثبت إجماع الأئمة من أهل البيت عليهم السلام على تحريم سبِّ الصحابة وتحريم التفسيق والتكفير إلى آخر ما لمقه وزخرفه من القول الفظيع. وأين الإجماع والسيد حميدان<sup>12</sup> رضوان الله عليه في مجموعته قد شفى وكفى في روايته عن الإمام الأعظم المنصور بالله عبد الله بن حمزة قدس الله روحه في رسالته // fol. 57 B // الناصحة<sup>13</sup> أنه روى عن آبائه الطاهرين قوله صلى الله عليه وعلى آله من ناصب علياً الخلافة فهو كافر ومن أبى فقد كفر أيضاً، ومن الذخيرة الفاخرة<sup>14</sup> ما لفظه: خير وعنه صلى الله

<sup>8</sup> وقعت كلمة "شملك" من B.

<sup>9</sup> أنظر إلى سورة مريم.

<sup>10</sup> الأصل "شعراً".

<sup>11</sup> أو "التغميد".

<sup>12</sup> هو أبو عبد الله حميدان بن يحيى بن حميدان القاسمي (أنظر م. ز. 2 : 429). مجموع السيد حميدان (في العقائد) مكتبة الجامع الكبير (595) سنة 1041 هـ. أنظر العمري، مصادر، ص 175 - 172 والحبشي، مصادر، ص 108.

<sup>13</sup> المنصور عبد الله بن حمزة (ت 614 / 1217) وهذه الرسالة إحدى ثلاثة بنفس الاسم، أنظر الحبشي، مؤلفات حكام اليمن، تحقيق الكه نيونر-ابرخرد، ص 42 - 43.

<sup>14</sup> الأصل "الذخيرة". وهي الذخيرة الفاخرة (أو الزاخرة) في مناقب العترة الطاهرة، تأليف السيد محمد بن إدريس بن ناصر الحمزي الصنعاني (ت 736 / 1335). أنظر مؤلفات الزيدية 1: 496، البدر الطالع 2: 126 - 127،

عليه وعلى آله أنه قال من ناصب علياً الخلافة بعدي فهو كافر ثم هو كافر وقد حارب الله ورسوله ومن شك في عليٍّ فهو كافر رواه في العمدة لأبي المغازلي الشافعي (رحمه الله A+) ورواه أيضاً الفقيه محمد بن زيد ولا يقال هذه الأخبار آحادية لأنها متواترة المعنى، انتهى بلفظه من الذخيرة (الفاخرة B+). فأين الإجماع من هذا ومن الذخيرة الفاخرة أيضاً ما لفظه: خبر عنه صلى الله عليه وعلى آله أنه قال يا علي لا تبال من مات وهو يُبغضك مات يهودياً أو نصرانياً أو مجوسياً فقيل لأبي ذرٍّ رحمه الله سمعت رسول الله صلى الله عليه وعلى آله يقول هكذا لعلي؟ قال: نعم وإلا فصُمت أذناي بمسمار من نار، انتهى بلفظه. تأمل كيف تقدم عليه أبو بكر وعمر وعثمان وهو منصوص عليه من الله ورسوله وهمّوا بقتله على ما رواه ابن<sup>15</sup> العباس عليه السلام<sup>16</sup> وغيره من المخالف والمؤالف، وأخذوا فداً على بنت رسول الله صلى الله عليه وعلى آله وهمّوا بإحراق أمير المؤمنين وزوجته وابنيه عليهم السلام وأحاديث الإحراق معلومة مروية عن المخالف والمؤالف. أفلا يكونون مبغضين له؟ فارجع إلى الحق والله المستعان. وهذه الروايات صحيحة معلومة متناقلة في كتب أهل البيت الطاهرين وأشياعهم العاملين وهم الثقات المواليين. فأين الإجماع من هذا؟ فتأمل وغير بعيد أن تنكر هذا، فإن أنكرته كتبناك من المنصب المارقين ولك أسوة في الذهبي // fol. 4 A // وابن معين<sup>17</sup> الواقعيين في أعراض المؤمنين والموحدين فله الإمام المهدي عليه السلام حيث يقول: (الطويل)

وَلِأَبْنِ مَعِينٍ فِي الرَّجَالِ مَقَالَةٌ // سَيْسَأَلُ عَنْهَا وَالْمَلِكُ شُهَيْدٌ  
فَإِنْ تَكُ صِدْقًا فَاَلْمَقَالَةُ غَيْبَةٌ // وَإِنْ تَكُ كِذْبًا فَاَلْمَقَامُ شَدِيدٌ<sup>18</sup>

ومما يؤيد<sup>19</sup> ما أوضحناه أن من خالف علياً فهو تحت لواء الضلالة إلى يوم القيامة ما رواه الإمام المنصور بالله الحسن بن بدر الدين<sup>20</sup> عما رواه عن الحاكم<sup>21</sup> في السفينة وهو قوله وعن عبد الرحيم

مطلع البدور، 4 : 119 - 120، هجر العلم، 4 : 1923. كان هادوي المذهب ولكن لم أحظ بالكتاب المذكور. ويظهر لي أنه كان جارودي في العقائد.

<sup>15</sup> الأصل "أبو".

<sup>16</sup> من العجيب أن النعمي يلفظ عبارة "عليه السلام" بعد اسم ابن عباس.

<sup>17</sup> وهم من علماء الحديث: يحيى بن معين (ت 233 / 848) هو صاحب "معرفه الرجال" و"الجرج والتعديل" وشمس الدين محمد بن أحمد الذهبي (ت 748 / 1347) هو صاحب "تذكرة الحفاظ" و"ميزان الاعتدال في نقد الرجال".

<sup>18</sup> أنظر كتاب أحمد بن يحيى المرتضى، "المنية الأمل في شرح الملل والنحل"، ص 123.

البارقي عن الإمام الأعظم أبي الحسين زيد بن علي عليهما السلام قال: الإمامة والشورى لا تصلح إلا فينا. تأمل وكذلك أيضاً قوله عليه السلام ما رواه أبي الجارود رحمه الله وهو أن المعتزلة قالوا لأمير المؤمنين أبي<sup>22</sup> الحسين زيد بن علي عليهما السلام: سلم لمن مضى من الصحابة ونصرك، فقال عليه السلام: كل لواء عقد في الإسلام لغيرنا فهو لواء ضلالة. فانظر وتأمل قول هذا الإمام العظيم، والمنهاج الواضح المستقيم، أن من مضى من أهل السقيفة وأهل الجمل ومعاوية اللعين ومن والاهم من المارقين والقاسطين ومن إخوانهم الروافض الغالين ومن تابعهم من التابعين تحت لواء الضلالة إلى يوم الدين، فأين الإجماع من هذا وهذه الأقوال لهؤلاء الأئمة من الآل قاضية بالكفر والضلال؟ فانظر أيها العاقل لهذا الإيهام من دعوى إجماع أهل البيت سادات الأنام. ومما يؤيد<sup>23</sup> أيضاً ما حكيناه من بطلان دعوى الإجماع وينقطع به إن شاء الله النزاع رأيت بخط القاضي العلامة أحمد بن عبد الحق المخلافي<sup>24</sup> رحمه الله ما لفظه: رأيت بخط مولاي ومولى المتقين وعلم الهداية للمهتدين يحيى بن الحسين بن أمير المؤمنين المؤيد بالله<sup>25</sup> عليه السلام ما لفظه: فائدة نفيسة من الذخيرة الفاخرة نقلت بلفظها في تفسير قوله تعالى من سورة حم غافر ﴿إِنَّا لَنَنْصُرُ رُسُلَنَا وَالَّذِينَ ءَامَنُوا فِي الْحَيَاةِ الدُّنْيَا وَيَوْمَ يَقُومُ الْأَشْهَادُ يَوْمَ لَا يَنْفَعُ الظَّالِمِينَ مَعذِرَتُهُمْ وَلَهُمُ اللَّعْنَةُ وَلَهُمْ سُوءُ الدَّارِ﴾ (40 سورة غافر 51 - 52) روى الإمام علي بن موسى الرضى<sup>26</sup> عليه السلام في تفسيره عن ابن عباس رحمه الله أن المراد بـ ﴿الذين آمنوا﴾ أمير المؤمنين عليه السلام وفيه نزلت وقوله ﴿ويوم يقوم الأشهاد﴾ هم الأنبياء والملائكة عليهم السلام ويريد بالظالمين في قوله تعالى ﴿يوم لا ينفع الظالمين معذرتهم﴾ الذين ظلموا

<sup>19</sup> أو ربما "يوكد" في A.

<sup>20</sup> المنصور الحسن بن بدر الدين (ت 668 / 1270). أنظر الحبشي، مؤلفات حكام اليمن، ص 52 - 53.

<sup>21</sup> هو الحاكم الجشمي.

<sup>22</sup> في A "أبو".

<sup>23</sup> في A "يوكد".

<sup>24</sup> لم أجد له ترجمة مستقلة إنما ذكره إسماعيل الأكوغ من ضمن رفاق الحسن الهبل ويحيى بن الحسين بن المؤيد الذين كانوا جاروديين المذهب وفي حماية الإمام أحمد بن الحسن. أنظر الأكوغ، هجر العلم، 3 : 1566 وأيضاً 1 : 241.

<sup>25</sup> وهو يحيى بن الحسين بن الإمام المؤيد بالله محمد بن الإمام القاسم بن محمد الشهاري (ت 1090 هـ / 1679 م). أنظر البدر الطالع 2 : 329 - 330.

<sup>26</sup> الأصل "علي بن محمد الرضى" وهذا خطأ لأن المقصود علي بن موسى وهو الإمام الثامن عند الشيعة الإمامية.

آل محمد صلى الله عليه وعلى آله تراثهم من أبيهم وجحدوا حقَّ علي أمير المؤمنين وزحزحوه عن مرتبته التي جعلها الله له، رواه الإمام الناصر للحق<sup>27</sup> عليه السلام يعني بهم أبا بكر وعمر وعثمان لأنَّهم الذين ظلموا أهل البيت عليهم السلام الميراث وجحدوا الولاية لأمر المؤمنين صلوات الله عليه. فبطل دعوى الإجماع بهذا عند أهل الإنصاف (من B +) الموالين لآل محمد المنزهين عن الزيف والاعتساف. ومما يؤيد (يؤكد A) ما أوضحناه فائدة منقولة من خط مولانا إمام المنقول والمعقول يحيى بن الحسين بن أمير المؤمنين المؤيد بالله محمد بن القاسم عليهم السلام ولفظها منقول من خط مولانا الوالد الإمام المجدد أمير المؤمنين // fol. 58 B // القاسم بن محمد<sup>28</sup> في هامش الفصول<sup>29</sup> ما هذا لفظه: يقول الفقير إلى الله تعالى القاسم بن محمد لطف الله به سألت أمير المؤمنين الناصر لدين الله الحسن بن علي<sup>30</sup> عليه السلام عن حكم من تقدم علي أمير المؤمنين عليه السلام، قال الناصر لدين الله الحسن: من تخلف عنه فهو فاسق فضلاً عما اغتصب عليه حقه، انتهى كلامه عليه السلام فبطل دعوى الإجماع على تحريم التفسير والتكفير وإن كان مذهبي التوقف عن ذلك لما هو مذهب أهل الورع من المقصرين، ولو شرحنا ما علمناه في مظانته<sup>31</sup> في كتب الآل المطهرين لأطلنا الكلام وخرجنا عن المقصود إنما هذه قطرة من البحار الزاخرة. شعراً<sup>32</sup>:

(و) ما يَضُرُّ البحرُ أمسى زاخراً // إن رَمَى فيه سَفِيهٌ بحجرٍ

ومن جنس ما تقدم أضاف بعد دعوى الإجماع ثلاث عشر طريقاً كما تراه // fol. 5 A // في رسالته من النقل الفطيع، والهذيان البليغ والتنميق الفاحش الشنيع، وأضاف ذلك إلى قدماء أهل البيت المطهرين وأنَّ دينهم الترضية والترحم على أهل السقيفة المخالفين لشرع ربِّ العالمين. وقسمهم على ذلك التقسيم الباطل السقيم وأنَّ العترة الزكية على قسمين: قسم يقول بالترضية والترحم والموالاتة حتى قال: وهو المشهور عن أمير المؤمنين وزيد بن علي عليهما السلام ومن والاهم إلى آخره. فهذا

<sup>27</sup> وهو الإمام الناصر للحق الحسن بن علي بن الحسن الأطروش.

<sup>28</sup> وهو المنصور بالله القاسم بن محمد (ت 1029 / 1620) مؤسس الدولة القاسمية. أنظر مؤلفات حكام اليمن، ص 126 - 136.

<sup>29</sup> لعله كتاب الفصول اللؤلؤية لصارم الدين إبراهيم بن محمد الوزير (ت 914 / 1508) في أصول الفقه.

<sup>30</sup> وهو الإمام الناصر الحسن بن علي بن داود المؤيدي (ت 1024 / 1615) الذي حارب العثمانيين وأسر من قبلهم ومات محبوساً في بلاد الروم. أنظر البدر الطالع، 1 : 204.

<sup>31</sup> الأصل "مضانه".

<sup>32</sup> الأصل "شعراً".

الإيهام في هذا القسم باطلٌ لما قدمناه لك من النصوص الماضية عن زيد بن علي ومن والاه من العترة الزكية، فكيف تكون الترضية والترحم والموالاتة لأناس هم تحت لواء الضلالة عنده وعند إخوانه [من] العترة الزكية كما حققناه لك آنفاً. فانظر أيُّها العاقل كيف عكس الحكم ورمى هؤلاء الأئمة الأخيار بموالاتة أهل الضلالة والفسوق والعصيان. فكيف وأهل البيت عليهم السلام يروون الروايات الواضحة في إيضاح الحق والبرهان على أعداء الدين ويسئلون سيوف الجهاد على أعناق الظالمين المخالفين لأهل البيت الطاهرين فنسبتهُم لموالاتة الظالمين. فما أقبح ما تقمصت به من هذا الفعل القبيح، وأشنع ما تسربلت به من القول الفضيح، حتى عكست الحكم تعكيس<sup>33</sup>، وجئت بالغاية من التلبيس، فإذا قيل بالترضية والموالاتة مع هذا التجرم العظيم منهم سلام الله عليهم فيكون كما قال القائل:

ويلٌ لتالي القرآن في ظلّم الليل // وطوبى لعابد الوثن

فلا تتوهم أيُّها المتوهم فأهل البيت عليهم السلام في اعتقادهم كالجسم الواحد وإنَّهم مجمعون أنَّ أبا بكر ليس بالخليفة بعد رسول الله صلى الله عليه وعلى آله ولا بالمنسوب من قبل الإمام ولا بالصلاحية. فسقط ما جاء به هذا الفقيه من الإيهام على العوام. نعم، وأما القسم الثاني من أقسامه فهم القذى في عين كل ناصبي وشانئ فهما القاسم بن إبراهيم الرسي وابنه أمير المؤمنين الهادي إلى الحق القويم يحيى بن الحسين بن القاسم بن إبراهيم وأولادهما عليهما السلام لا يقولون بالترضية ولا بالترحم، وظاهر قوله ولا بالموالاتة إلى آخره.<sup>34</sup> فظهر لك من هذا التنويه أنَّهم مختلفون مفترقون وأنَّهم شيع<sup>35</sup> لست منهم في شيء. فانظر لهذا النقم العظيم على أئمة الدين أولاد الرسول وسلالة حيدرته والبتول، أما<sup>36</sup> علمت أيُّها الفقيه الغبي أنَّ المُفرِّق بين الأئمة الهادين كالمُفرِّق بين النبيين؟ قال السيد العلامة (النحرير + A) حميدان عليه السلام في مجموعته يروي عن أمير المؤمنين سحَّال المعاندين صاحب العلم الغزير، والإمام المجاهد الشهير، القاسم العياني<sup>37</sup> عليه السلام أنَّه قال: المُفرِّق

<sup>33</sup> الأصل "تعكيس" وإنما الأفضل نحوياً "تعكيساً" ولكن الخطأ في الأصل مقصود لغاية السجع.

<sup>34</sup> على هامش النص: "ولقد قال الوالد محمد بن إبراهيم [الوزير] في العواصم [والقواصم] أنَّ تقدم المشايخ على أمير المؤمنين عليه السلام معصية وظلم...؟".

<sup>35</sup> الأصل "ضيعة".

<sup>36</sup> في B "ما".

<sup>37</sup> وهو المنصور بالله القاسم بن علي العياني (ت 393 / 1003). وقد حقق عبد الله الحبشي سيرته للقاضي

الحسين بن أحمد بن يعقوب وطبعت في صنعاء عند دار الحكمة اليمانية سنة 1996.

بين الأئمة الهاديين كالمُفرِّق بين النبيين. ولا شك أنَّه قد ورد الوعد والوعيد على من فرَّق بين النبيين. ونحن لا نفرِّق بين أحدٍ منهم ونحن لهم مسلّمون. فإذا عرفت أيُّها العاقل هذا عرفت أنَّ صاحب هذه الرسالة اعتمد في رسالته على الروايات الواهية الباطلة التي رواها<sup>38</sup> مثله وأمثاله واختلقوها على أئمة العترة سلام الله عليهم. والكلام على هذا مبسوط في مظانه<sup>39</sup> فما أدرى جهل أو تجاهل ما رواه لنا السيد العلامة داود بن الهادي بن أحمد بن المهدي بن أمير المؤمنين في كتابه الكوكب<sup>40</sup> المضيء في ديجور الأغالاس المجلي لغوامض كتاب الأساس<sup>41</sup> ما لفظه: اعلم بأنَّ لأهل الترضية دلائل واهية وروايات عن قدماء أهل البيت عليهم السلام غير متواتية أخذوها من روايات المعتزلة في الترضية ولا صحة لها عن القدماء ولا ثبات بل المعروف منهم عليهم السلام التجرُّم العظيم، // fol. 6 A // والنكير لما اقتزفه المشايخ والتعظيم. فأما ما احتج به أهل الترضية من الأحاديث المروية عن النبي صلى الله عليه وعلى آله فما صحَّ<sup>42</sup> منها فهو مشروط في المعنى بالاستمرار وعدم مقارفة شيء مما يُغضب الجبار أو بالنظر إلى تلك الحال وذلك لا يقتضي استمرارهم إلى المآل انتهى. وأيضاً ما ورد من العمومات فقد خصصت بدلائل أظهر من الشمس وأشهر من الصلوات الخمس، فسقطت حجة المتعلق بها فظهر لك // fol. 59 B // أيُّها العاقل مجازفة هذا الفقيه والتعلق بالعمومات من دون نظر إلى التخصيصات. ومما يؤيد أيضاً ما قدمناه آنفاً مما روينا في كتاب المعرفة عن أبي جعفر الباقر<sup>43</sup> عليه السلام قال قال أمير المؤمنين الوصي عليه السلام "والله لأخصمن"<sup>44</sup> أبا بكر وعمر إلى ربي والله ليقتضينَّ لي عليهما، وقول علي حجة عند

<sup>38</sup> الأصل "الذي رووها".

<sup>39</sup> الأصل "مضانه".

<sup>40</sup> الأصل "الكواكب".

<sup>41</sup> وهو داود بن الهادي بن أحمد بن المهدي بن عزّ الدين بن الحسن المؤيدي (ت 1035 / 1625) كات مقره

بهجرة فللة. وقد شرح الأساس للإمام القاسم بن محمد ويسمى "الكوكب المضيء في ديجور الاغالاس المجلي لغوامض كتاب الأساس" وهو مخطوط في مكتبة شخصية. وكان على مقال الشوكاني "شيخ شيوخ الزيدية في زمانه" ومن تلامذته أحمد بن يحيى حابس وأحمد بن سعد الدين المسوري وأحمد بن علي بن أبي الرجال. أنظر

الحبشي، مصادر ص 125، البدر الطالع 1 : 246 - 247.

<sup>42</sup> في B "فأصح".

<sup>43</sup> وهو محمد بن علي زين العابدين الإمام الخامس عند الشيعة الإمامية.

<sup>44</sup> في A "لأخصمن".

كافة أولاده إلا من لا<sup>45</sup> يعلم فلا حجة. قال الأمير الحسين<sup>46</sup> رحمه الله تعالى في حجة قول أمير المؤمنين الوصي سلام الله عليه وعلى آله في قوله صلى الله عليه وعلى آله "علي مع الحق والحق معه" كلاماً<sup>47</sup> معناه قضى النبي صلى الله عليه وعلى آله، وهو لا ينطق عن الهوى، بأن<sup>48</sup> 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 والام على الحق، إفادات العموم إذ<sup>49</sup> ما من حق إلا واستثناؤه منه<sup>50</sup>، قال وهذا الخبر مما تلقته الأمة بالقبول. قال وقد اشتهرت أخبار في معنى هذا الخبر فيجب القطع على أن بعضها صحيح نحو قول النبي صلى الله عليه وآله "أنا مدينة العلم وعلي بابها"، ولقوله صلى الله عليه وعلى آله "ستكون بعدي فتن فإذا كان كذلك فالزموا علي بن أبي طالب فإنه أول من يراني يوم القيامة وأول من يصفحني وهو الصديق الأكبر وفاروق هذه الأمة وهو يعسوب المؤمنين" وغير ذلك من الأخبار فثبت ما قلناه انتهى كلامه عليه السلام.<sup>51</sup> فظهر لك من هذا أيها العاقل كيف يلهج أمير المؤمنين بالترضية والترحم عليهم وهو سيخاصمهم عند ربه يوم القيامة وهو الأمير على الحوض، ويأتي يوم القيامة واللواء في شماله وهو يزود أعداءه عن الحوض حقاً كما رواه الشيخان البخاري ومسلم "أنه يؤتى بجماعة من أصحابي ذات الشمال فأقول أي رب أصحابي"، فيجيب فيقول "يا محمد ما تدري ما أحدثوا بعدك، فأقول "سُحِقاً سُحِقاً الويل لمن بدّل بعدي" وغير ذلك من الأخبار المروية الكثيرة الواسعة في هذين الكتابين الصحيحين عندكم أنهم يُزادون عن الحوض يوم القيامة. ومما يؤيد ما أوضحناه لهذا الفقيه الغبي ما رواه لنا الشيخ أبو

<sup>45</sup> سقطت "لا" من B.

<sup>46</sup> وهو الأمير الحسين بن محمد بن أحمد بن يحيى (ت من بعد 662 / 1264) وهو صاحب كتاب شفاء الأوام الذي يعتبر من أمهات الحديث عند الزيدية. وقد طبع مؤخراً مع حاشية الشوكاني عليه المسماة وبل الغمام وقد اعتنى بطبعه جمعية علماء اليمن وهو في 3 مجلدات سنة 1996. وهناك الطبعة أخرى بتحقيق محمد حلاق لكتاب وبل الغمام من دون نص شفاء الأوام وهي في مجلدين وطبعت عند مكتبة ابن تيمية في القاهرة سنة 1416.

<sup>47</sup> في B "كلاماً ما معناه".

<sup>48</sup> في B "فإن".

<sup>49</sup> في B "إذا".

<sup>50</sup> الأصل "منها".

<sup>51</sup> لم أجد هذا الكلام في كتاب شفاء الأوام. أنظر 3 : 495 - 497 لمعرفة آراء أمير الحسين في مسألة إمامة علي.

جعفر الهوسمي الناصري في كتاب أصول الديانات عن فضيل بن مرزوق كنت مع أمير المؤمنين الإمام الأعظم الهادي للخلق إلى طريق الحق الأقوم أبي الحسين زيد بن علي عليه السلام بالكُناسة فسأله رجل عن الشيخين فأعرض عنه فلمَّا دخل الليل ووقع به السهم قال عليه السلام أين السائل؟ فأحضره فقال عليه السلام هما رمياني هما قتلاني هما أقاماني هذا المقام وهما أول من ظلمانا<sup>52</sup> حقنا وحملا الناس على أكتافنا، فدمأونا في رقابهما إلى أن تقوم القيامة انتهى كلامه عليه السلام والله القائل

وكلُّ مُصابٍ نالَ آلَ مُحَمَّدٍ // فَلَيْسَ سِوَى يَوْمِ السَّقِيْفَةِ جَالِيَهُ

فظهر لك من كلام هذا الإمام عليه السلام أنهما اللذان<sup>53</sup> ظلماه وهما اللذان قتلاه. // fol. 7 A // فكيف تصحَّ منه الترضية والترحم والموالة مع هذا<sup>54</sup> التجرم العظيم؟ فبطل ما زخرقه هذا الفقيه الغبي من الإيهام والإبهام على العوام. ومن جنس ما قدمناه من الإيضاح ما رواه الحاكم رحمه الله في السفينة مما رواه عنه الإمام الحسن بدر الدين عليه السلام في أنوار اليقين<sup>55</sup> قال عن الإمام الأعظم أبي الحسين زيد بن علي عليهما السلام أنه قال: "كان أمير المؤمنين عليه السلام يقول بايع والله الناس أبا بكر وأنا أولى الناس بالناس منه بقميصي هذا، فكظمت<sup>56</sup> غيظي وانتظرت أمري وألزقت بالأرض كللي، ثم إنَّ أبا بكر هلك واستخلف عمر، وقد علم والله إنني أولى الناس بالناس منه بقميصي هذا، فكظمت<sup>57</sup> غيظي وانتظرت أمري وألزقت بالأرض كللي، ثم إنَّ عمر هلك وجعلها شورى وجعلني سادس ستة كسهم الجدة وقال اقتلوا الأول، فكظمت<sup>58</sup> غيظي وانتظرت أمري وألزقت بالأرض كللي حتى ما وجدت إلا القتال أو الكفر انتهى كلامه عليه السلام. فظهر لك أيُّها العاقل من هذا كيف يصح منه الترضية والترحم والموالة، فبطل ما قاله صاحب هذه الرسالة الذي زعم أنَّها إرشاد الغبي، فما أحقها بالتسمية بإضلال الغبي والله المستعان. ومن خط القاضي

<sup>52</sup> في B "ظلمنا".

<sup>53</sup> في A "الذي" وفي B "اللذين".

<sup>54</sup> في B "هذه".

<sup>55</sup> وهو الإمام المنصور الحسن بن محمد بدر الدين (ت 670 / 1271) وكتابه مسمى أنوار اليقين في إمامة أمير المؤمنين. أنظر مؤلفات الزيدية 1 : 176.

<sup>56</sup> في A "فكظمت".

<sup>57</sup> في A "فكظمت".

<sup>58</sup> في A "فكظمت".

العلامة أحمد بن [ناصر بن B +] عبد الحق المخلافي رحمه الله ما لفظه: روى في كتاب الأزهار في مدح إمام الأبرار علي الوصي الكرار صلوات الله وسلامه عليه للعلامة المحدث الحافظ محمد الملقب بسليم بن أبي الهذام بن سالم الناصري<sup>59</sup> رحمه الله تعالى ما لفظه: وروى أن الضحاك سأل أبا<sup>60</sup> سعيد الخدري عما اختلف فيه الناس بعد الرسول صلى الله عليه وعلى آله، فقال والله ما أدري ما الذي اختلفوا فيه ولكني أحدثك بحديث سمعته أذناي ووعاه قلبي فلن يخالجنني فيه الظنون إن النبي صلى الله عليه وعلى آله خطبنا على منبره قبل موته في مرضه الذي توفي فيه، لم يخطبنا بعدها، فحمد الله وأثنى عليه ثم قال أيها الناس إني تارك فيكم الثقلين ثم سكت، فقام إليه عمر بن الخطاب فقال ما هذان الثقلان؟ فغضب رسول الله صلى الله عليه وعلى آله حتى احمرَّ وجهه، فقال عليه الصلاة والسلام ما ذكرتهما إلا وأنا أريد أن أخبركم بهما ولكن أضرتني وجع فامتنعت عن الكلام، وأحدهما فهو الثقل الأكبر كتاب الله عز وجل سب بينكم وبين الله تعالى طرف بيده وطرف بأيديكم، والثقل الأصغر عترتي أهل بيتي علي وذريته، والله إن في أصلاب المشركين لمن هو أرضى من كثير منكم (انتهى A +). فانظر أيها الفقيه لهذا (هذا B) الخبر الشريف لقد أزاح ما جئت به من التحريف فكيف تحل الترضية والترحم والموالاتة لرجل قد أغضب رسول الله صلى الله عليه وآله حتى احمرَّ وجهه، فبطل ما لمقته من الهذيان في هذه الوريقات (لأهل العدوان A +)، والله أمير المؤمنين سلام الله عليه حيث يقول (كامل مرفل)

أُسَلِّكُ وَإِنْ بَعْدَ الطَّرِيحِ // قِ عَلَيْكَ مَا فِيهِ السَّلَامَةُ  
لَا تَرَكُنَّ إِلَى الْأُمُو // رِ الْمُلْحِقَاتِ<sup>61</sup> بِكَ النَّدَامَةُ  
الْعَبْدُ يُقْرَعُ بِالْعَصَى // وَالْحُرُّ تَكْفِيهِ<sup>62</sup> الْمَلَامَةُ

ومما يؤيد ما أوضحناه ويدل على ما ذكرناه ما ذكره السيد العلامة الهادي بن إبراهيم الوزير رحمه الله في كتاب تنقيح الألباب في شرح أبيات الكتاب (وأن سقيفة بني ساعدة هي المحنة إلى يوم القيامة، قوله في شرح البيت A +)

فَلَمَّا دَخَلْنَا فِي الْإِمَامَةِ أَحْجَمُوا // وَمَالُوا إِلَى تَصْوِيبِ رَأْيِ أَبِي بَكْرٍ<sup>63</sup>

<sup>59</sup> لم أجد ترجمة له. أنظر مؤلفات الزيدية 1 : 113، 2 : 434.

<sup>60</sup> في B "أبي".

<sup>61</sup> في B "الملمقات".

<sup>62</sup> في B "يكفيه".

<sup>63</sup> الأصل "أبا".

إلى آخر الأبيات. // fol. 8 A // قال مولانا في شرح هذه الأبيات ما يؤدي إلى الإطالة، وقد استوعب (حي A +) جدي المرتضى قدس الله روحه الكلام في أحوال أهل السقيفة وما تفرع على ذلك من التقدّم على علي كرم الله وجهه وأورد الأدلة على بطلان كلام المعتزلة في إمامة الثلاثة وزيّف ما يدلون به من المتمسكات لهم على إمامة المشايخ، وأزال متعلقاتهم<sup>64</sup> في ذلك بأوضح الدلائل وأبين المسائل في شرحه بيان الأوامر المجملة في وجوب طاعة أولي (أولوا A) الأمر وفرض المسألة، وهو كتاب مفيد ما عليه في هذا المعنى من مزيد فمن أراد الاطلاع على رغائب الفوائد وغرائب الرائد فعليه بهذا الكتاب، ولا بد من الإشارة إلى شرح كل بيت من هذه الأبيات مما يكشف معناه ويظهر مغزاه، قوله في البيت:

وساروا على نهج الثلاثة واقتفوا // مسالكهم في القول والمسلك الوعر

أراد بالثلاثة أبا بكر وعمر وعثمان والافتاء [الاتباع]<sup>65</sup> والمسالك الطريق، وأراد بالوعر كناية عن أخذهم الإمامة على صاحبها من وردت فيه النصوص الشريفة، أخذوها بغير دليل نبوي ولا برهان سماوي إنما كان ذلك رأياً منهم رأوه ونظراً نظروه وتوخّوه ومن هاهنا مسلماً وعراً. وعزيز علينا أن نقول فيهم هذا القول ولكن الحق أحق أن يتبع، والباطل جدير بأن لا يُستمع. وساق الكلام مولانا الهادي بن صارم الدين رحمه الله في هذا الشرح النفيس حتى قال في شرح البيت الذي بعده وهو قوله (لعمرى B +) لقد لاقت سليم وعامر // على جانب الثرثار راغية البكر

فأراد بإدخال هذا البيت في جملة الأبيات الإشارة إلى عظيم ما كان من خلافة القوم التي<sup>66</sup> كانت سبباً للمحنة وأصلاً للفتنة، لأن أبا بكر لو لم يتقمصها لم يُدَلِّ بها إلى عمر، ولو لم ينلها عمر لم يجعلها في ستة زعم أن أمير المؤمنين (كرم الله وجهه B +) كأحدهم. فيا لله وللشورى<sup>67</sup> كما قال عليه السلام متى اعترض الريب فيه مع الأول منهم حتى صار يقرب إلى هذه النظائر<sup>68</sup>. ولو لم يملكها عثمان، لم يطمع فيها معاوية اللعين ويتغلب عليها جبابرة بني أمية وطواغيت بني مروان، وكان في أثناء ذلك ما كان من الحوادث الكبار. وأصل ذلك كله خروج الأمر عن أهل رسول الله

<sup>64</sup> في B "متعلقاً بهم".

<sup>65</sup> النص غير واضح هنا وقد استبدلت "الطريق" بـ "الاتباع".

<sup>66</sup> الأصل "الذي".

<sup>67</sup> في B "الشورى".

<sup>68</sup> الأصل "النضائر".

صلى الله عليه وآله ومفتاح ذلك يوم السقيفة وما كان من تأخير الخليفة المخصوص بالنصوص الشريفة. وقد أحسن العباس بن عبد المطلب رحمه الله حيث قال:

ما كنت أحسبُ أنَّ الأمرَ ينتقلُ // عن هاشمٍ ثمَّ منها عن أبي حَسَنِ  
أليسَ أوَّلَ مَنْ صَلَّى لِقِبَلَتِكُمْ // وَأَعْلَمَ النَّاسِ بِالآثَارِ وَالسُّنَنِ  
فَمَا الَّذِي صَدَّكُمْ عَنْهُ لِنَعْرِفَهُ // ها إِنَّ بِيَعْتَكُمْ مِنْ أوَّلِ الْفِتَنِ

فجل بيعة أبي بكر من أول الفتن كما ذكرناه آنفاً انتهى كلام مولانا الهادي بن صارم الدين رحمه الله. فظهر لك من هذا أيها العاقل بطلان هذه الرسالة التي<sup>69</sup> اخترعها هذا الفقيه وما زوّق فيها من الإيهام والتمويه. فإن قلت إنَّ أمير المؤمنين وسيد الوصيين علي بن أبي طالب كرم الله وجهه لم يخالفهم ولم يحاربهم بل ظاهره السكوت عما فعلوه من عظيم فعلهم، فنقول قال الإمام إبراهيم بن تاج الدين<sup>70</sup> عليه السلام في الاعتذار لأمير المؤمنين // fol. 9 A // سلام الله عليه (كرم الله وجهه + B) عن منابذة من غصبه حقّه وأنكره سبقه ما لفظه: أما منابذتهم الحرب فقد اعتذر عليه السلام عن ذلك لما قيل ما بال علي لم يحارب أبا بكر وعمر وعثمان على هذه الخلافة وحارب الطلحة والزبير وعائشة ومعاوية؟ فلما بلغه ذلك سلام الله عليه أمر فنودي الصلاة جامعة، ثم صعد المنبر فحمد الله وأثنى عليه وصلى على النبي صلى الله عليه وعلى آله وسلّم فقال يا معاشر الناس بلغني أنّ قوماً يتكلمون<sup>71</sup> فقالوا لم لم يحارب أبا بكر وعمر وعثمان على هذه الخلافة وحاربت طلحة والزبير وعائشة ومعاوية فلي أسوة بستة من أنبياء الله عزّ وجلّ (عليهم السلام + B): // fol. 61 B // بنوح صلى الله عليه إذ يقول ﴿فدعى ربّه إنّي مغلوب فانتصر﴾ (54 القمر 10)، فإن قلت إنّه لم يدع ربه كفرتم، وإن قلت غير ذلك فالوصي أعذر، وبإبراهيم صلى الله عليه إذ يقول ﴿وأعتزلكم وما تدعون من دون الله وأدعو ربي﴾ (19 مريم 48) فإن قلت إنّه اعتزلهم من غير عذر كفرتم، وإن قلت غير ذلك فالوصي أعذر، وبلوط صلى الله عليه إذ يقول ﴿لو أنّ لي بكم قوة أو آوي إلى ركنٍ شديد﴾ (11 سورة هود 80)، فإن قلت إنّه كان له قوة أو مأوى إلى ركنٍ شديد كفرتم، وإن قلت غير ذلك فالوصي أعذر، وبموسى صلى الله عليه إذ يقول ﴿ففررت منكم لما خفتكم﴾ (26 سورة

<sup>69</sup> الأصل "الذي".

<sup>70</sup> وهو الإمام المهدي إبراهيم بن تاج الدين أحمد الحسيني (ت 683 - 1284). أنظر زيارة، أئمة اليمن ص،

190 - 194.

<sup>71</sup> الأصل "يتكلموا".

الشعراء 21)، فإن قُلتهم إنَّهم لم يخيفوه كفرتم، وإن قُلتهم غير ذلك فالوصي أعذر، وبهارون صلى الله عليه إذ يقول ﴿إِنَّ الْقَوْمَ اسْتَضَعَفُونِي وَكَادُوا يَقْتُلُونَنِي﴾ (7 سورة الأعراف 150)، فإن قُلتهم إنَّهم لم يستضعفوه كفرتم، وإن قُلتهم غير ذلك فالوصي أعذر، وبمحمد صلى الله عليه وعلى آله إذ ذهب من فراغة قريش إلى الغار، فإن قُلتهم إنَّه هرب إلى الغار من غير عذر كفرتم، وإن قُلتهم غير ذلك فالوصي أعذر. قالوا صَدَقْتَ يَا أَمِيرَ الْمُؤْمِنِينَ انتهى كلام الإمام إبراهيم بن تاج الدين رحمه الله. وروى مثل هذا في كتاب قواعد عقائد آل محمد، وروى مثل هذا أيضاً الإمام المنصور بالله الحسن بن بدر الدين في أنوار اليقين، وروى أيضاً مثل هذا في الإعتذار مِخْنَفِ بْنِ لُوطِ بْنِ يَحْيَى<sup>72</sup> أَنَّ أَمِيرَ الْمُؤْمِنِينَ يَوْمَ السَّقِيْفَةِ قَالَ لَوْ وَجَدْتُ أَرْبَعِينَ رَجُلًا لَقَاتَلْتُ. وقد روى ذلك في شرح النهج منهم البحراني وغيره. فهذه الحجة التي تدفع والبرهان الذي هو أنفع، فهذه قطرة من البحار الزاخرة من روايات العترة الزكية الطاهرة قد عرفها من عرف، وتعسف عنها من تعسف وانحرف. ففي هذا كفاية لمن له توفيق ودراية والله دَرُّ الْقَاضِي الْعَلَامَةِ عَلَّمَ الدِّينَ مُحَمَّدُ بْنُ جَعْفَرٍ رَحِمَهُ اللَّهُ صَاحِبَ هَجْرَةِ الْخُمُوسِ<sup>73</sup> لَقَدْ شَفَى وَكَفَى فِي هَذِهِ الْأَبْيَاتِ:

قَالُوا الْإِمَامُ أَبُو بَكْرٍ فَقُلْتُ لَهُمْ // بَلِ الْإِمَامُ أَمِيرُ الْمُؤْمِنِينَ عَلِي  
 قَضَتْ لَهُ آيَةٌ فِي الذِّكْرِ مُحْكَمَةٌ // بَأَنَّهُ لَجَمِيعِ الْمُسْلِمِينَ وَكَلِي  
 وَنَصَّ أَحْمَدُ فِي يَوْمِ الْغَدِيرِ بِهَا // نَصًّا صَرِيحًا جَلِيَّ الْقَوْلِ أَيَّ جَلِي  
 فَغَيَّرُوا النَّصَّ بِالتَّأْوِيلِ وَأَنْفَرَجَتْ // بِهِمْ لِغَيْرِ الْهُدَى مُعْوَجَّةً السُّبُلِ  
 قَالُوا رَأَوْا مِنْ صَلَاحِ الدِّينِ أَنْ رَفَضُوا // خَيْرَ الْبَرِيَّةِ مِنْ حَافٍ وَمُنْتَعِلِ  
 سَفِينَةَ الْمُصْطَفَى الْمُخْتَارِ خَلْفَهَا // تَحْكِي سَفِينَةَ نُوحٍ تَلْكَ فِي الْأَوَّلِ

// fol. 10 A //

لَمْ يَرْكُبُوا بَلْ غَدَوْا مِنْ قُبْحِ رَأْيِهِمْ // مِثْلَ ابْنِ نُوحٍ الَّذِي آوَى إِلَى الْجَبَلِ  
 يَقُولُونَ مَاتَ وَمَا أَوْصَى بِأُمَّتِهِ // هَذَا النَّبِيُّ وَأَوْصَى جَمَّةَ الرُّسُلِ (A meter broken)  
 قَالُوا فَهُوَ مَاتَ وَمَا أَوْصَى بِأُمَّتِهِ // هَذَا النَّبِيُّ وَأَوْصَى جُمَّلَةَ الرُّسُلِ (B meter broken)  
 قَالُوا فَمَاتَ وَمَا أَوْصَى بِأُمَّتِهِ // هَذَا النَّبِيُّ وَأَوْصَى جَمَّةَ الرُّسُلِ (Corrected)  
 حَاشَاهُ مَا ضَيَّعَ الْمُخْتَارَ أُمَّتَهُ // لَكِنَّهُمْ غَيَّرُوا مَا حَالَ بِالْحَيْلِ

<sup>72</sup> في A "مخنف أبو لوط بن يحيى" وفي B "مخنف بن لوط بن يحيى" وهذا الأصح.

<sup>73</sup> أنظر حجر العلم ومعاقله للأكوع 1 : 576 - 577. ولم أجد ترجمة لمحمد بن جعفر.

هُوَ الْوَصِيُّ فَلَا تَسْمَعُ مَقَالَ فَتَى // غَدَا مِنَ الْجَهْلِ كَالهُوجَا مِنَ الْإِبْلِ  
 هَذَا اعْتِقَادِي الَّذِي أَرْجُو النِّجَاةَ بِهِ // وَالْفَوْزَ بِالْجَنَّةِ الْخَضْرَاءِ وَالْحُلْلَ  
 دِينِي التَّشْيِيعُ لَا أَهْوَى سِوَاهُ وَلَا // أَقُولُ إِنِّي شَيْعِيٌّ وَمُعْتَزَلِيٌّ

ومما يؤيد هذه الأبيات ما روي عن سيد السدات موسى الكاظم سلام الله عليه في <sup>74</sup> كتاب الذخيرة  
 الفاخرة ما لفظه: خبر وعن الكاظم عن أبيه عن جده عنه صلى الله عليه وعلى آله أنه جمع  
 المهاجرين والأنصار فقال لهم إنني قد دُعيتُ وإنني <sup>75</sup> مُجيبُ الداعي وقد اشتقتُ إلى لقاء ربي  
 واللحوق باخواني من الأنبياء، وإنني أعلمكم إنني قد أوصيت وصييتي ولم أهملكم إهمال البهائم  
 ولم أترك من أمركم شيئاً سُدِّي، وإنني رسول الله إليكم وإنني أوصيكم بولاية علي بن أبي طالب  
 وطاعته والتصديق بولايته، فإنَّ ولايته ولايتي وولايتي ولاية الله، وقد أبلغتكم فليبلغ شاهدكم  
 غائبكم أنَّ علي بن أبي طالب هو العَلَمُ فمن قضى دون العلم فقد ضلَّ، ومن تقدمه تقدم إلى النار،  
 ومن تأخره تأخر في النار، ومن صدَّ عن العلم يميناً أو شمالاً هلك انتهى. فظهر لك من هذا أيُّها  
 العاقل أنَّ أمير المؤمنين علي بن أبي طالب سلام الله عليه هو العَلَمُ لأهل الجنة والنار ومن تقدم عليه  
 صار ضالاً من أهل النار. فما ظنك أيُّها الفقيه بأهل السقيفة حين تقدموا على أمير المؤمنين؟ هل  
 ينجو من عذاب النار وسخط الجبار كما حكاه هذا الخبر وغيره من الأخبار؟ فلا وربك إنَّهم  
 واقعون مذادون عن الحوض يوم القيامة يوم الحشر (الحسرة B) والندامة. وغير بعيد أن تنكر هذا  
 كلُّه من النصوص الواردة فيه وفي أهل بيته وترمي من روى لك هذه الروايات عن أهل البيت  
 الطاهرين أنَّه من أهل الرفض والإثم والضلالات، تارة تقول فلان باطني وتارة تقول محبُّ غالٍ  
 وتارة تنسب الأخيار إلى قبائح الأفعال فما سلِّمتُ من لسانك فاطمة الزهراء البتول. أما (ما B)  
 ترجع إلى الله أيُّها الفقيه المخدول من تقحمتك هذه الأخطار؟ يا لهفي عليك من سخط الجبار،  
 وأنت من أهل العفة والنسك وتحمل الشنآن لآل محمد الأخيار. نعم، وأما السبِّ والسباب فليس  
 من أخلاق بيت النبوة، شأنهم العلم والحلم والاشتمال بالمرورة دأبهم الإغضاء لأن كل حليم دأبه  
 الإغضاء، فإن نابهم أمرٌ صبروا والله صاحب البسامة بقوله:

وَالصَّبْرُ شِيْمَةٌ أَهْلِ الْبَيْتِ إِنْ ظَلِمُوا // وَهَلْ يَكُونُ كَرِيماً غَيْرُ مُصْطَبِرٍ (B) <sup>76</sup>

<sup>74</sup> الأصل "من".

<sup>75</sup> في B "إنه".

<sup>76</sup> والصبر شيمة أهل البيت إن ظلموا // وكيف كريم الأصل غير مصطبر (Meter broken in A)

فالسبّ والشقاق هو شأن السفهاء من أهل الأسواق كيف والله عز وجل يقول في محكم التنزيل ﴿وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ كَذَلِكَ زَيْنًا لِكُلِّ أُمَّةٍ عَمَلُهُمْ ثُمَّ إِلَىٰ رَبِّهِمْ مَرْجِعُهُمْ فَيُنَبِّئُهُمْ بِمَا كَانُوا يَعْمَلُونَ﴾ (6 سورة الأنعام 108). فلا يسعنا إلا ما وسع أبانا<sup>77</sup> أمير المؤمنين وأهل بيته الطاهرين من التوجع والنكير على من تقدم على أمير المؤمنين وأوجع قلب البتول بنت حبيب رب العالمين. ولا نقول إلا كما قال أمير المؤمنين القاسم بن إبراهيم الرسي عليه السلام "إنما<sup>78</sup> لنا أمٌ صديقةٌ ابنة صديق ماتت وهي غاضبة ونحن غاضبون لغضبها".<sup>79</sup> // fol. 11 A // وعزيز علينا أن نقع في أعراضهم أو نتدين بسبهم، معاذ الله أن نكون من المعتدين. كيف وقد أنزل الله عز وجل على نبيه الأمين (عليه وعلى آله أفضل الصلاة والتسليم B) ﴿خُذِ الْعَفْوَ وَأْمُرْ بِالْعُرْفِ وَأَعْرِضْ عَنِ الْجَاهِلِينَ﴾ (7 سورة الأعراف 199)، ولسنا بمشغولين بأهل السقيفة ونحن من أمة محمد الأمين، ومن أهل بيته إن شاء الله من الناجين، وليس نحن من أمة أبي بكر بن أبي قحافة، إن كنت أيها الفقيه من أمته الذاب عن عرضه المتشيع في حقه المترحم عن إمامته، فالمرء يُحشر مع من أحبَّ بلا محالة كما قاله أصدق القائلين محمد المصطفى الأمين عليه وعلى آله أفضل الصلاة والتسليم. فبطل الإشكال والتمويه بما حققناه لك من أقوال العترة الزكية عن جدّهم المختار خير البرية وانسدت تلك الطرق فلا مدخل إليها ولا تعويل عليها. فلا يعول عليها إلا من أعمى الله بصيرته وجمدت حفيظته والله المستعان.

ومن جنس ما تقدم ما نتجت به قريحته وانطوت عليه سريرته في هذه الرسالة من الموبقات وما زخرفه هذا الفقيه من الباطل الكبير في هذه الوريقات فيا ليته اكتفى بثلب أعراض الموحدين من أتباع آل محمد المطهرين حتى أضاف ما تراه في عرض فاطمة بنت محمد الأمين صلوات الله وسلامه عليهم أجمعين بقوله: قال الإمام المهدي في القلائد أنّ قضاء أبي بكر في فذك والعوالي صحيح. وروى في هذا الكتاب عن زيد بن علي لو كنتُ أبا بكر لما قضيت إلا بما قضى. فتصحيح الإمام المهدي لقضاء أبي بكر وقول زيد بن علي بهذه المقالة يدل على أنّه عندهما عدلٌ مرضيٌّ، ولو كان عندهما على خلاف ذلك لما كان حكمه صحيحاً إلى أن قال: قال الإمام يحيى بن حمزة في كتابه الموسوم بالشامل في علم الكلام عند تكلمه على من نقم على أبي بكر من إغضابه لفاطمة عليها السلام إنّ

<sup>77</sup> الأصل "أبيناً".

<sup>78</sup> الأصل "إن".

<sup>79</sup> وعلى هامش الصفحة: والله القائل أتموت البتول غضباً ونرضى، ما هكذا يفعل البنون الكرام.

الله يغضب لغضبها ما معناه لا حرج على أبي بكر في إغضاب فاطمة عليها السلام وإنما طلب منها إقامة البيّنة وقد جاءت بعلي (بأمر المؤمنين B) وأم أيمن، فقال امرأة مع امرأة أو رجل مع الرجل فغضبت فاطمة لذلك وإنما طلب أبو بكر الحق فاذا غضبت لأجله فالحق أغضبها، هذه رواية الإمام يحيى بن حمزة على زعمه في كتابه الشامل. فانظر أيها العاقل لهذا الإيهام العظيم وأن فاطمة عليها السلام هي المدّعية والزمّت البيّنة وأبو بكر في الحقيقة هو المدّعي لما ليس له لا بولاية ولا بوكالة ولا بوصاية. فلما رأت فاطمة عليها السلام قلب الحقيقة، والإلزام بغير الإلزام لما يعلم من أهل العصيان أنّهم يقبلون الحق باطلاً، والباطل حقاً، كما نطقت به الأخبار ونصوص القرآن.<sup>80</sup> فنقول فلا يخلو إما (أن B) تكون هذه الروايات عن الثلاثة الأئمة سلام الله عليهم صحيحة معلومة مروية، فهي مردودة بنصوص الكتاب والسنة باطلة ظاهرة البطلان لأنهم ليسوا بمعصومين ولا حجة واضحة (ظاهرة B) مع إجماع العترة الزكية وإجماع الأمة أن فاطمة عليها السلام ماتت غاضبة مظلومة ممنوعة من ميراث أبيها أظهر من ظهور الشمس، وأشهر من الصلوات الخمس، وحكم عليها بغير حكم الله عز وجل. فيا لله ويا للمسلمين من شيء ما سمعنا به أن فاطمة (عليها السلام B) ما رضيت بالحق والله عز وجل يقول ﴿إِذَا دُعُوا إِلَى اللَّهِ وَرَسُولِهِ لِيَحْكُمَ بَيْنَهُمْ أَنْ يَقُولُوا سَمِعْنَا وَأَطَعْنَا﴾ (24 سورة النور 51). وفاطمة عليها السلام // fol. 12 A // تقول سمعنا وعصينا، فهكذا يكون العمى والخذلان والزور والبهتان والله المستعان. الوجه الثاني أو (أن A) تكون هذه الروايات عن هؤلاء الأئمة الثلاثة غير صحيحة أو تكون مدسوسة أو مغمورة أو لا عمل عليها. فما وجه الاستدلال بذلك بشيء (الشيء B) باطل أو لا حقيقة له؟ فإن كنت أيها الفقيه الغبي معتقداً للقول الأول، كما ظهر، فهو ردٌ للكتاب والسنة، ومن ردّ الكتاب والسنة فهو ضالٌّ قد شمله ما نطق الله به (الله به B) عز وجل في آيات المائدة ﴿وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ﴾ (5 سورة المائدة 44)، ﴿وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ﴾ (5 سورة المائدة 45)، ﴿وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ﴾ (5 سورة المائدة 47). وإن قلت إنها غير صحيحة فما وجه (هو A) الاعتماد على أمر غير صحيح. فانظر أيها العاقل أين الرشاد والإرشاد في هذه الرسالة ﴿إِنَّا لِلَّهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ﴾ (2 سورة البقرة 156). ولا بد من الإيضاح والكلام بالرد على كل إمام بما هو نقيض ما توهمته أيها الفقيه في رسالتك هذه العجيبة الغريبة. فنقول فأما

<sup>80</sup> هذه الجملة غير واضحة لأنه لم يذكر ماذا فعلت فاطمة بعد رؤية الحقيقة. ولعل حدث سقط.

الرواية التي<sup>81</sup> رواها الإمام المهدي في القلائد وشرحها فقد ردّ ذلك وزيفه إمام المحدثين ونبراس المحققين السيد العلامة شرف الإسلام والمسلمين الحسن بن أحمد الجلال // fol. 63 B // (رحمه الله +A) في حاشيته على شرح القلائد للنجري<sup>82</sup> ما لفظه: قوله وحجتهم أنّه قد ثبت عصمة علي عليه السلام، اعلم أنّ ثبوت عصمة علي عليه السلام لم تثبت ضرورةً وإنما ثبتت استدلالاً عند البعض (أيضاً +A). وساق الكلام حتى قال رحمه الله غايته خطأً أبي بكر بتقديم (بتقدم B) العموم الذي سمعه من رسول الله صلى الله عليه وعلى آله على خصوص ما شهد به علي وأم أيمن ومثل ذلك لا ينقض بعد الحكم به لأنها قاعدة ظنيّة. والجواب الحق ما أشار إليه الشارح في آخر البحث من أنّ صحة قضاء أبي بكر تنبني على صحة ولايته وهي غير صحيحة. وبهذا يُعلم أنّ المسألة إن كانت معقودة على أصول المعتزلة فلا وجه لتخصيص قضاء أبي بكر في فدك بالذكر للعلم بذلك عندهم في كل قضية، وإن كانت على أصول أصحابنا فلا وجه لقول الإمام المهدي عليه السلام ومن تبعه بأنّ قضاء أبي بكر في فدك صحيح لأنّه إن أريد بالصحة كون ظاهر من طلب بالبينة وترتيب منع فاطمة (عليها السلام B) على نقصان نصاب الشهادة هو المعتبر فمُسَلَّم لكن ليست (صحة القضاء A). بما ذكر فحسب بل ثمة أمرٌ ناقضٌ هو شرط، وهو صدور القضاء من أهله وأبو بكر عند الأصحاب ليس بأهل للقضاء بذلك لأنّه ليس بالإمام ولا بالمنصوب من قبل الإمام ولا بالصلاحيّة، أما الأولان فظاهرٌ وأما الثالث فلأن شرط حاكم الصلاحيّة أن لا يكون ثمة من هو أولى منه، وعلي عليه السلام هو أولى منه لحق الإمامة ولصريح قوله صلى الله عليه وعلى آله "أقضاكم علي" وأيضاً أبو بكر مُدَّع لما هو ولي أو وكيل. فلا يصح أن يكون حاكماً لأن الولي أو الوكيل لا يحكم لما تولاه كما لا يحكم لنفسه. بهذا (لهذا B) تنقطع (ينقطع B) في هذه المسألة التطويلات التي ما تحتها طائل انتهى كلامه رحمه الله. فظهر لك أيّها الفقيه الغبي ما أورده هذا السيّد من البرهان الجلي فبطل ما تعلقت به من كلام الإمام المهدي ومن تبعه عليه السلام والله المستعان. وأما رواية الإمام المهدي عليه السلام التي<sup>83</sup> رواها علي زعمك أنّ الإمام أبا (أبو A) الحسين زيد بن علي عليه السلام يقول "لو كنت أبا بكر لما قضيت إلا بما قضى". فانظر أيّها العاقل لهذا الغموض في هذه الرواية، // fol. 13

<sup>81</sup> في A "الذي".

<sup>82</sup> شرح القلائد في تصحيح العقائد للشيخ عبد الله بن محمد النجري (ت 877 / 1472). أنظر مؤلفات الزيدية، 2 : 174.

<sup>83</sup> الأصل "الذي".

A // بقوله (يقول B) "لو كنت أبا بكر" فظاهر هذا اللفظ الوضع والسقوط. وكيف ونص الإمام أبي الحسين زيد بن علي محفوظ معلوم في مظانه لما علمناه في تثبيت الإمامة لجدّه الوصي علي المرتضى،<sup>84</sup> وأقام الحجّة وأبان الحجّة بالحجج القاطعة من الكتاب والسنة حتى سقطت الحجج التي روتها<sup>85</sup> أمة أبي (أبو A) بكر بن قحافة بن تيم علي إمامته وساق الكلام حتى قال (عليه السلام +B): هذا ما اجتمع عليه كل بارٍّ وفاجرٍ ومؤمنٍ وكافرٍ، اجتمعوا أنّ كل ميّت يموت فميراثه لأهل بيته. فظهر لك من هذا النص له عليه السلام بطلان ما روه عنه وأنّ الميراث حقٌّ لكل وارث يرث على ملته، إلا فاطمة بنت محمد عليها وعلى أبيها المصطفى (وآله B) أفضل الصلاة والسلام لم تتصل إلى ميراثها ولا إلى نخلتها من أبيها. فظهر لك أيُّها العاقل بطلان ما حكاه هذا الفقيه على إمامنا أبي (أبو A) الحسين زيد بن علي عليه السلام وسأل أيضاً أبا<sup>86</sup> الحسين زيد بن علي عليه السلام سائلٌ عن فاطمة (عليها السلام B) بعد أبيها وكيف كان حالها مع القوم الذين ارتكبوا منها باغصابها (باغصابها A) ما حرّم الله عز وجل ورسوله صلى الله عليه وعلى آله فقال أبو الحسين زيد بن علي عليه السلام أما سمعت قول الذي عبّر عما في نفسها (بقوله A) (شعراً B)

غداة تُنادي يابنائه (يا أبتا B) ما تمزقتُ // ثيابك حتى أزمع القوم بالغدرِ

وحتى ارتكبنا بالمدلة والأذى // وليس لأحرارٍ على الذل من صبرِ

ولو استقصينا الروايات عن إمامنا أبي (أبو A) الحسين زيد بن علي عليه السلام لطال الخطاب وفي هذا كفاية لمن أراد الحق والصواب.

نعم، وأما الرواية التي<sup>87</sup> رواها عن الإمام يحيى بن حمزة (عليه السلام B) على زعمه وأنها في كتابه الشامل فهي مختلفة بلا محال (محالة A)، وليس لها وجود في الكتاب المذكور، وهل هو إلا كقول القائل بأنّي إن لم أكذب لم أستطع أن أقول، وإن لم أقل لم يؤثر عني شيء، وإن لم يؤثر عني شيء لم يقل الناس إنّي عالم، والله المستعان. فرواية الإمام يحيى بن حمزة رحمه الله معروفة مبسوطه في مظانها<sup>88</sup> كما ترى في حكم فلك والعوالي موافقة لما عليه أسلافه الطاهرين سلام الله عليهم ما نقله

<sup>84</sup> وقد حقق محمد عزان "تثبيت الوصية" للإمام زيد بن علي، وطبعت في صنعاء عند دار التراث اليمني، 1992.

<sup>85</sup> الأصل "الذي رواها".

<sup>86</sup> أنظر لو في الأصل "أبو" وهذا خطأ.

<sup>87</sup> الأصل "الذي".

<sup>88</sup> الأصل "مضانها".

عنه الإمام عز الدين بن الحسن عليه السلام في منهاجه<sup>89</sup> قال قال الإمام يحيى بن حمزة رحمه الله في كتاب التحقيق ما لفظه: المختار عندنا أمران. الأول أن الذي ادّعت فاطمة عليها السلام في فدك والعوالي كان حقاً، قال الإمام يحيى بن حمزة رحمه الله وهو الذي عليه الأكثر من أكابر أهل البيت عليهم السلام، واتفق عليه التأريخ (أهل التاريخ B) وأنها جرت بينها وبين أبي بكر المناظرة في فدك والعوالي وادّعت أنه نحلها أبوها (أباها A) صلوات الله عليه، فقال لها أتني برجلين أو رجل وامرأتين، فقالت شهودي والله أمير المؤمنين وسيد الوصيين والحرة الصالحة أم أيمن التي<sup>90</sup> اختارها رسول الله صلى الله عليه وعلى آله لخدمة ولديه. فقال أبو بكر رجل مع الرجل أو امرأة مع المرأة. فأعرضت عن ذلك وسكنت، فقال أبو بكر إن الله إذا أطعم نبيه طعمة فهو للخليفة من بعده. فلما أقر لها بملك رسول الله صلى الله عليه وعلى آله لفدك والعوالي بإقراره مقبول فيما (B) كان يده عليه. فقالت: ويحك يا ابن أبي قحافة تترث أباك ولا أرث أبي! فاحتج بالخبر // fol. 64 B //

فلما سمعت ذلك أعرضت فمرت على قبر أبيها صلوات الله عليه وعلى آله الطاهرين // fol. 14 A //

// فضربت بيدها عليه وقالت: [البحر البسيط]

قَدْ كَانَ بَعْدَكَ أَنْبَاءٌ وَهَنْبَةٌ (وَهَيْمَةٌ B) // لَوْ كُنْتَ شَاهِدَتْهَا لَمْ يَكُنْ خَطْبُ

قال الإمام يحيى بن حمزة (رحمه الله A) وهذه المناظرة بين أهل التأريخ لا يمكن انكارها لظهورها واشتهارها. الأمر الثاني أنها صادقة فيما ادّعت (ادّعت B) من ذلك لأن رسول الله صلى الله عليه وعلى آله بشرها بالجنة وأن منزلها ومنزل أمير المؤمنين عليه السلام جِذَاءَ مَنْزِلِهِ فِي الْجَنَّةِ. وقال صلى الله عليه وعلى آله كَمُلَ مِنَ الرِّجَالِ كَثِيرٌ وَلَمْ يَكْمَلْ مِنَ النِّسَاءِ إِلَّا أَرْبَعٌ: آسِيَةُ امْرَأَةِ فِرْعَوْنَ، وَمَرْيَمُ بِنْتُ عِمْرَانَ، وَخَدِيجَةُ بِنْتُ خُوَيْلِدٍ، وَفَاطِمَةُ بِنْتُ مُحَمَّدٍ صَلَّى اللَّهُ عَلَيْهِ وَعَلَى آلِهِ. وقال صلى الله عليه وعلى آله "فاطمة بضعة مني يربيني ما يرببها ويؤذيني ما يؤذيها (أذاها A)". فكيف لا تكون صادقة في تلك الدعوى؟ وقد شهد بصدقها أمير المؤمنين ولا يشهد إلا بالحق، ولا يقول إلا الحق (بالحق B)، انتهى كلام الإمام يحيى بن حمزة عليه السلام. فبطل ما حكاه هذا الفقيه من رواية الإمام يحيى بن حمزة عليه السلام وغيره من الأئمة السابقين عليهم السلام. فاعرف أيُّها العاقل ما

<sup>89</sup> وهو الإمام الهادي إلى الحق عز الدين بن الحسن بن المؤيد اليحيوي (ت 900 / 1495). يحتمل أن يكون كتاب المنهاج المذكور هنا هو كتابه المسمى المعراج في شرح المنهاج التحقيق ومحاسن التلخيص ليحيى بن الحسن القرشي (ت 780 هـ). أنظر مؤلفات حكام اليمن، ص 116 - 117، و مصادر ص 598 - 600.

<sup>90</sup> الأصل "الذي".

زخرفه هذا الفقيه من الزور والبهتان على سادات الأنام من ردّ شهادة أمير المؤمنين عليه السلام. والله عز وجل يقول في محكم التنزيل ﴿أَفَمَنْ كَانَ عَلَىٰ بَيْنَةٍ مِّنْ رَبِّهِ وَيَتْلُوهُ شَاهِدٌ مِّنْهُ﴾ (11 سورة هود 17) والشاهد الذي منه أمير المؤمنين علي بن أبي طالب عليه السلام كما جاء في بعض التفاسير، وهو نفس الرسول صلى الله عليه وعلى آله، وهو المبلّغ عنه سورة براءة<sup>91</sup>، ومنع الله عز وجل أبا بكر (أبو بكر A) من تبليغها، وأرجع (رجع B) من الطريق حتى توهم أنه أنزل (نزل B) فيه شيء من القرآن فقال يا رسول الله أُنزِلَ فيَّ شيء؟ فقال لا، لا أبلغ إلا أنا أو رجلٌ مني. فأعمى الله بصيرة من عمى. وهو مقبول عند الله عز وجل وعند رسوله الأمين. فيا ليت شعري لو قبلوا شهادة أمير المؤمنين (عليه السلام B) كما رووا قبول شهادة ذي (ذو A) اليمين<sup>92</sup>، وكما رووا أيضاً قبول الشهادة من خزيمة وأين الثرى<sup>93</sup> من الثريا، وأين علي (كرم الله وجهه B) من خزيمة وذي اليمين عند أهل الإنصاف والإيمان؟ فلو أخذوا بشهادة أمير المؤمنين (عليه السلام B) لكان أولى وأحسن من الخطر العظيم وإغضاب فاطمة عليها السلام والله عز وجل، وهو يغضب لغضبها، والله المستعان.

نعم، وإن نسب هذا القول عن الإمام يحيى بن حمزة رحمه الله (عليه السلام B) في نهاية التنويه في إزهاق التمويه<sup>94</sup> إن صحّ، وليس بصحيح، وقد أزال السيد العلامة الهادي صارم الدين (الهادي بن إبراهيم +B) رحمه الله هذا التمويه على الإمام يحيى بن حمزة رحمه الله بالحجج القاطعة، فاذا صحّ فهو كلام محجوج وليس بحجة. فليطالع هناك فما وجه الاستدلال به (بهذا B)، وهو مردود بالآيات القرآنية والنصوص المحمديّة. وهذا نص الإمام يحيى بن حمزة (رحمه الله +A) في كتاب التحقيق<sup>95</sup> قد نزهه عن الشين والمين وحاشاه أن يقول غير الحق في جانب أمّه الصديقة بنت الصديق والبشر (هو +A) محل الزلل (شعراً B +)

<sup>91</sup> يقصد هنا سورة التوبة.

<sup>92</sup> وفي الهامش "كما قبلوا روايته عليه السلام في ذي الثدية". وأما ذو اليمين فهو ذو اليمين بن عبد عمرو بن نضلة ويعتبر من طبقة الصحابة ونسبه الخزاعي.

<sup>93</sup> في B "الثرا".

<sup>94</sup> هذا الكتاب للسيد الهادي بن إبراهيم الوزير (م.ز. 3 : 133).

<sup>95</sup> وهو كتاب التحقيق في الأفكار والتفسيق. أنظر مؤلفات الزيدية، 1 : 271 وهو في المكتبة الشرقية في الجامع الكبير في صنعاء رقم 587.

ومن ذا الذي ترضى سجايه كلها // كفى المرء فخراً أن تُعدَّ معايه<sup>96</sup>

فبطل بهذه الروايات القاطعة ما نَمَقَه هذا الفقيه في هذه الرسالة. فما أدري أجهل<sup>97</sup> هذه الرواية عن الإمام يحيى بن حمزة رحمه الله في كتاب التحقيق، أو تجاهلها أو أعرض عنها أو تاه به الكبر والعجب بنفسه وأنَّ العلم كله عنده وأنه قد حوى علوم آل محمد (صلى الله عليه وآله وسلم + B) (بأجمعها + A). فما أفصح (أفطع B) هذا الإيهام وأشنعه، أو صار هذا الفقيه // fol. 15 A // يتتبع هفوات الأئمة سلام الله عليهم مثل الذباب يراعي موضع العُذْر<sup>98</sup> أو كابن دأية المؤذي بمنقاره موضع الإقراح. فيا لها من زلَّة عظُمت، وقبيحة أوحشت، قد سار<sup>99</sup> بها الركبان، إلى جميع البلدان، فانظروا عباد الله لهذا الأمر العظيم، والخطب الجسيم، أنَّ فاطمة بنت محمد (صلى الله عليه وعلى آله + A) سيد البشر عليه أفضل الصلاة والسلام وعلى آله الكرام ماتت وهي غاضبة مفارقة للحق. هل أحدٌ (قد + A) قال بهذا من أهل الإسلام؟ لقد عصى ربَّه وخالف أمره وأذى نبيَّه في رميِّه لبنته البتول سيِّدة نساء العالمين، فيا لله ويا للمسلمين من مخالفة سيِّد المرسلين. أما علمت أيُّها الفقيه أنَّ الله يغضب لغضبها، وغير بعيد أنَّ اعتقادك فيها وفي أولادها أن الروايات في فضلها وفضلهم غير صحيحة تقليداً للذهبي وابن معين، لأنَّ الصحيح عندك ما صححوه والباطل عندك ما أبطلوه. فهكذا يكون العمى والخذلان، والزور والبهتان، والله المستعان.

الحجة الثانية القاطعة المبطللة لما حكته من الزور الكبير والبهت الشهير قال الأمير الحسين بدر الدين بن محمد بن أحمد بن يحيى بن يحيى الهادي عليهم السلام في كتاب ثمرة الأفكار<sup>100</sup> وقد ذكر الرد على أبي بكر في اغتصاب فدك،<sup>101</sup> ثم ذكر استدلاله بالخبر نحن معاشر الأنبياء إلى آخره، فقال عليه السلام أما استدلال أبي بكر بنحن معاشر الأنبياء لا نورث فغير صحيح لوجهين. أحدهما أنَّ فاطمة البتول عليها السلام تدعي الهبة وهو يحتج عليها في إبطال (بإبطال B) الإرث فلم يتناول نفس

<sup>96</sup> في B فما الذي ترضى سجايه كلها // كفى المرء فخراً إن تعد معايه

وهنا خطأ.

<sup>97</sup> الأصل "أنه جهل".

<sup>98</sup> الأصل "العلل".

<sup>99</sup> في A "صارت" وفي B "صار".

<sup>100</sup> وهو كتاب ثمرة الأفكار في أحكام الكفار. أنظر مؤلفات الزيدية، 1 : 352.

<sup>101</sup> حدث سقط في B هنا.

الدعوى. فجرى في ذلك مجرى من قيل له من أبوك؟ قال خالي شعيب، وكما قالت العامة (قيل + A) للبلغل من أبوك؟ قال خالي الحصان، لأن الجواب لا يطابق السؤال فجرى الجميع مجرى قول الشاعر [السريع]

سألتُه عنْ خَبْرٍ واحدٍ // ما كان من قِصَّةِ حَسَّانِ  
فَقَالَ في عَافِيَةِ بنتِهِ // فقلتُ هذا خَبْرٌ ثانِي

ثم ذكر عليه السلام الوجه الثاني. قال وحاصله أنها عليها السلام ولو ذكرت الميراث فخبره (فخبر B) مصادم للقرآن لقوله تعالى ﴿يَرْتَبِي وَيَرْتُبُ مِنْ آلِ يَعْقُوبَ﴾ (19 سورة مريم 6) وقوله تعالى ﴿وَوَرِثَ سُلَيْمَانُ دَاوُدَ﴾ (27 سورة النمل 16). (قال عليه السلام A+) وتخصيص الكتاب بهذا (الخبر A+) باطل لأنه معارض لما علم من الكتاب والسنة لأن الأنبياء عليهم السلام كغيرهم في التوارث لإجماع الصحابة على عدم النسخ بأخبار الآحاد، وكذلك إجماع أهل البيت عليهم السلام انتهى كلامه عليه السلام. فبطل ما حكاه هذا الفقيه عن أئمة الآل في هذا المقال (الهذيان B+) والله المستعان.

الحجة الثالثة القاطعة لأعناق المعتدين، المروية عن إمامنا أمير المؤمنين، القاطع بسيفه رقاب الناصبين والجاحدين، الهادي إلى الحق القويم، يحيى بن الحسين بن القاسم بن إبراهيم، عليه السلام في كتابه تثبيت الإمامة<sup>102</sup> لجدته أمير المؤمنين ويعسوب المسلمين، علي بن أبي طالب وصي حبيب رب العالمين. // fol. 65 B // فأوضح عليه السلام الحجج الواضحة والبراهين القاطعة في<sup>103</sup> إبطال إمامة أبي بكر بن قحافة وأنه من جند أسامة ثابتاً في ديوانه إلى يوم القيامة. فأبان عليه السلام الحجة، وأوضح المحجة، وساق الكلام في ذلك حتى قال عليه السلام وقد وجدنا أبا بكر أقام نفسه مقام رسول الله صلى الله عليه وعلى آله وأقامه من أقامه من هذه الفرق، ذلك المقام مستيقنين منه، // fol. 16 A // زعموا بالصالح والرشاد والقيام بما في كتاب الله عز وجل ومحكم تنزيله من فرائضه والترجمة عنه والقيام بالقسط في عباده وبلاده وإمضاء سنن نبيه صلى الله عليه وعلى آله والاعتداء بفعله. فكان أول ما نقض أبو بكر مما أسند إليه ما فعل (تفعل B). بمحمد وأهل بيته عليهم السلام

<sup>102</sup> يقول صاحب المؤلفات الزيدية إنه منتزع من كتاب "أنوار اليقين" للإمام الحسن بن بدر الدين ولكنني لم أجده في نسختي المصورة لهذا الكتاب.

<sup>103</sup> الأصل "من".

بعد شهادته وشهادته من أقامه ذلك المقام لرسول الله صلى الله عليه وعلى آله بالإبلاغ والأداء لما حمّله الله تعالى إليهم، وأنه عليه وعلى آله الصلاة والسلام خيرهم نفساً وحسباً ونسباً، وأنه ما جاء به عن الله تعالى فحق وصدق، لا يحل لأحد من المسلمين أن يحكم بغير ما في كتاب الله عز وجل وبغير ما صحّ من سنن رسوله (رسول الله B) صلى الله عليه وعلى آله. فمن تعدى ذلك إلى غيره فمخطئ ضال جاهل، ومن تركه وهو يعلم أنّ الحق العمل به مستخفاً به مطروحاً عنده فكافر.

فكان من أبي بكر أنه أطرح ما في كتاب الله عز وجل وحكم بغيره لأن الله عز وجل يقول ﴿يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ﴾ إلى قوله سبحانه ﴿وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ﴾ (4 سورة النساء 11) آية جامعة لم يخرج منها نبياً ولا غيره. فقال أبو بكر إنني سمعت رسول الله صلى الله عليه وعلى آله يقول "إننا معاشر الأنبياء لا نورث ما تركناه فهو صدقة".<sup>104</sup> فكان رسول الله صلى الله عليه وعلى آله أول من قصد بالأذى في نفسه وأقاربه، وأول من شهد عليه بالزور، وأول من أخذ (من B) ماله، وأول من رُوّع أهل بيته واستخف بحقهم، فروّعوا وأوذوا وهم يروون أنّ رسول الله صلى الله عليه وعلى آله قال "من روع مسلماً فقد برئت منه وخرج من ربة الإسلام"، وقال الله تعالى فيهم ﴿قُلْ لَّا أَسْأَلُكُمْ عَلَيْهِ أَجْرًا إِلَّا الْمَوَدَّةَ فِي الْقُرْبَى﴾ (42 سورة الشورى 23). وقد فعل بفاطمة عليها السلام ما ذكرنا في كتابنا هذا ورسول الله صلى الله عليه وعلى آله يقول "فاطمة بضعة مني يؤذيها ما يؤذيها، ويؤذيها ما يؤذيها". فأذوها أشد الأذى ولم (لا B) يلتفت فيها ولا في أقاربه إلى شيء مما ذكرنا. فكانت حرمت رسول الله صلى الله عليه وعلى آله أول حرمة انتهكت بعده (بعده انتهكت B) في الإسلام، وكان أول شهود شهد (شهدوا B) عليه بالزور، وكان ماله أول مال أخذ غصباً من ورثته بالدعوى (الدعوى A) التي ذكرها أبو بكر، والله عز وجل (تعالى B) يقول غير ذلك قال سبحانه ﴿وَوَرِثَ سُلَيْمَانُ دَاوُدَ﴾ (27 سورة النمل 16)، وقال تعالى فيما يحكى عن زكرياء عليه السلام ﴿فَهَبْ لِي مِنْ لَدُنْكَ وَلِيًّا يَرِثُنِي وَيَرِثُ مِنْ عَالٍ يَعْقُوبَ وَاجْعَلْهُ رَبِّ رَضِيًّا﴾ (19 سورة مريم 5 - 6). فحكم الله تعالى لأولاد الأنبياء بالميراث من آبائهم، فقال أبو بكر "إننا معاشر الأنبياء لا نورث ما تركناه صدقة".<sup>105</sup> فتبت وترحت أيدي قوم رفضوا كتاب الله عز وجل وقبلوا ضده. ولو سألنا<sup>106</sup> جميع من (ما B) نقل من أصحاب

<sup>104</sup> مسند أحمد 2 : 463.

<sup>105</sup> مسند أحمد 2 : 463.

<sup>106</sup> في B "سئلنا".

محمد صلى الله عليه وعلى آله أنه (من A) سمع من رسول الله صلى الله عليه وعلى آله مثل ما قال أبو بكر لقالوا اللهم لا. (لا حاجة بعد ذلك B) ثم جاءت<sup>107</sup> من بعد ذلك أسانيد جمعها الجهال حُب<sup>108</sup> التكرير لما لا ينفع عن عائشة وابن عمر. فنظرنا بعد ذلك إلى أصل هذه الأحاديث التي<sup>109</sup> أسندوها إلى عائشة وابن عمر. فإذا عائشة تقول سمعت أبا بكر (رضي الله عنه B) يقول سمعت رسول الله (يقول B) إننا معاشر الأنبياء إلى آخره وابن عمر (كذلك A) يقول سمعت أبا بكر يقول سمعت رسول الله صلى الله عليه وعلى آله إننا معاشر الأنبياء لا نورث إلى آخره. وإذا هذه الأسانيد المختلفة ترجع إلى أصل واحد. ولم يوجد واحد من أصحاب محمد صلى الله عليه وعلى آله شهد بمثل شهادة أبي بكر في الميراث. // fol. 17 A // فدفع أبو بكر<sup>110</sup> فاطمة (عليها السلام A) عن ميراثها بهذا الخبر الذي أسنده إلى رسول الله صلى الله عليه وعلى آله وهذا الخبر ينقض كتاب الله عز وجل وحكمه في عباده. فويل لمن توهم على رسول الله صلى الله عليه وعلى آله بنقض ما جاء به محكماً عن الله عز وجل. ولقد كان في كلام فاطمة عليها السلام لأبي بكر بيان لمن خاف (خالف B) الله سبحانه وتعالى أترث أباك ولا أترث أبيه (أبي B) لقد جئت شيئاً فرياً ثم انصرفت عنه. ومن أعجب العجائب أن جميع هذه الأمة أجمعت أن من ادعى دعوى لنفسه أو ادعى له فيها حقاً<sup>111</sup> أن دعواه<sup>112</sup> لا تقبل حتى يشهد على ذلك شاهدان عدلان لا دعوى لهما فيما شهدا فيه. وأجمعوا أيضاً أن الإمام لا يحكم لنفسه بحقه دون أن يشهد له (به A) غيره. واحتجوا في ذلك (في B) بدرع أمير المؤمنين صلوات الله عليه وسلامه (صلوات الله وسلامه عليه B) سقطت (وسقطت B) منه يوم الجمل فاعترفها على رجلٍ من النصارى، فقال: درعي لم أبع ولم أهب (لم أهب ولم أبع B)، فقال الرجل: بل (جل A) درعي، فقال (له B) أمير المؤمنين (عليه السلام A): فخاصمني وحاكمني إلى شريح. فخاصما إليه، فقال شريح: من كان في يده شيء فهو أحق به حتى يقيم المدعي البينة شاهديك يا أمير المؤمنين. فضحك أمير المؤمنين عليه السلام وقال: والله لو غيرها قلت لما حكمت بين اثنين. فأحضر أمير المؤمنين عليه السلام شاهديه فاستحق // fol. 66 B // درعه ثم وهبها

<sup>107</sup> الأصل "جاءت".

<sup>108</sup> في B "لحُب".

<sup>109</sup> في A "الذي".

<sup>110</sup> في B "أبي بكر".

<sup>111</sup> الأصل "حق".

<sup>112</sup> في A و B "أن شهادته" وفي الهامش "أن دعواه لا تقبل إحداهما أصل".

للذي وجدها معه بعد الاسحقاق، ثم الناس على ذلك إلى يومنا هذا لا تقبل شهادة الرجل لنفسه، ولا يحكم لأحدٍ على أحد في دعوى يدعيها عليه إلا بشاهدين عدلين غير فاطمة عليها السلام. فإنَّه حكم عليها بخلاف ما حكم به على جميع الخلق وانتزع من يدها ما كانت تملكه وتحوزه من ميراث أبيها صلى الله عليه وعلى آله وماله من فذك المعروف بها ولها بلا شهود إلا بما ادَّعى أبو بكر لنفسه وللمسلمين من الصدقة عليهم بأموال رسول الله صلى الله عليه وعلى آله، فكان (أبو بكر A) المدَّعي له ولأصحابه أموال رسول الله صلى الله عليه وعلى آله. ولو أنَّ رجلاً من سلاطين الجور في وقتنا هذا ادَّعى مالاً لنفسه ولأصحابه، ثم قال أنا أشهد لنفسي ولأصحابي إذ<sup>113</sup> لم أجد شاهداً غيري، وأنا أحكم لي ولهم إذ<sup>114</sup> لم أجد حاكماً غيري، وأقبض هذا المال لي ولهم ممن يحوزه وممن هو معه، ثم سمع هذا الخبر مجنون لا يعقل أو صبي لا يفقه لأنكر ذلك ولعلم ذلك أنه أظلم<sup>115</sup> الظلم وأجور الجور. وقد جوز هذا ذلك من ينتحل المعرفة والدين. افتزى أنهم جهلوا ما في هذا من المنكر والفضيحة؟ لا، ما جهلوا ولكنهم أغضوا على ما علموا بغضاً لله ولرسوله صلى الله عليه وعلى آله ولأهل بيته وتحاملاً عليهم، وسيعلم الذين ظلموا أي منقلب ينقلبون. ثم أنَّ أبا بكر عمد إلى هذا الذي له لأصحابه فأوقفه على نفسه وولده وولد ولده وعلى أصحابه وأولادهم وأولاد أولادهم مؤبداً إلى أن تقوم الساعة. وترك أهله أجمعين جائعين ضارعين فتداول ذلك الظالمون ظالم بعد ظالم من يومهم ذلك إلى يومنا هذا يصرفونه حيث شاءوا ويعيش فيه الفاجرون ويتخذونه<sup>116</sup> معونة للفاسقين لشرب الخمر، يركب به (تركب بها B) الذكور، ويستعان به (بها B) على الشرور، وأهله أهل بيت الحكمة ومعدن الخير وموضع الفضل ومنزل (ومنوال B) الوحي ومختلف الملائكة مُبْعَدون عنه مظلومون فيه مأخوذ من أيديهم ظلماً ومغتصب غصباً. ثم يقول همج (من A) الناس الرعاع (رعاع A) صدقات رسول الله صلى الله عليه وعلى آله اعطونا منها شيئاً // fol. 18 A // نتبارك به، مستبصرين<sup>117</sup> في الحيرة والعمى. يا لهم الويل، متى<sup>118</sup> تصدَّق بها رسول الله صلى الله عليه وعلى آله؟ ومن رواه عنه؟ أم من شهد أم من أقرَّ (أقرا B) بهذه الصدقة من أهل بيته

<sup>113</sup> الأصل "إذا".

<sup>114</sup> الأصل "إذا".

<sup>115</sup> تأكد من الأصل هنا.

<sup>116</sup> الأصل "يتخذونها".

<sup>117</sup> الأصل "مستبصرون".

<sup>118</sup> الأصل "حتى".

صلى الله عليه وعلى آله؟ فيأخذون زعموا ما يتباركون به منها مستبصرين<sup>119</sup> في الجهالة والخطأ. تالله لو كان رسول الله صلى الله عليه وعلى آله تصدق بها ما أخفى ذلك عن أمته ولكان الشاهد بها كثيراً من أصحابه وأهل بيته عليهم السلام، وما خفي هذا الفعل لمن هو دون رسول الله صلى الله عليه وعلى آله. فكيف به وأثره يُقَصُّ وفعله يُتَّبَع في الدقيق والجليل؟ ولكان عِلْمُ ذلك عند علي وفاطمة والحسن والحسين عليهم السلام. ولقد كان فيهم من الفضل والورع والدين والمعرفة بالله سبحانه (وتعالى B) والافتداء برسول الله صلى الله عليه وعلى آله ما لا يطلبون معه ما ليس لهم. ومع هذا شهادة رسول الله صلى الله عليه وعلى آله لهم بالثقة والأمانة وأنهم من أهل الجنة. وكيف يجوز علي من هذه صفته أن يطلب ما ليس له وهم الذين أذهب الله عنهم الرجس وطهرهم تطهيراً، فقطع أبو بكر حقهم ودفعهم عن ميراثهم وطلب من فاطمة عليها السلام الشهود على أن فداً لهم وهي في يدها. وكيف يطلب منها على شيء هو في يدها ولم يطلب من نفسه ولا من أصحابه شهوداً على ميراث بنت محمد صلى الله عليه وعلى آله حين قبضه وجازاه من أصحابه؟ فيا للعجب من قبضه ما ليس بيده (له B) ولا له شهود ولا بينة وطلب الشهود والبينة (البينة والشهود A) من فاطمة بنت محمد صلى الله عليه وعلى آله على ما هو بيدها ولها. وقد أجمعت (اجتمعت B) الأمة على أن كل من كان في يده شيء فهو أحقّ به حتى يستحق بالبينة العادلة. فقلب أبو بكر البينة عليها فيما كان في يدها، وإنما تجب عليه هو وأصحابه فيما ادّعاه له ولهم. فحكم على فاطمة عليها السلام بما لا يحكم به على أحدٍ من أهل الإسلام وطلب منها البينة على ما في يدها، ومُنِعَتْ ميراث أبيها وشهد على رسول الله صلى الله عليه وعلى آله أنه لم يورثها، والله تعالى قد ورث الولد من والده نبياً كان أو غيره وذلك قوله تعالى ﴿وَوَرِثَ سُلَيْمَانُ دَاوُدَ﴾ (27 سورة النمل 16) وقوله (قال A) تعالى ﴿يَرِثُنِي وَيَرِثُ مِنْ آلِ يَعْقُوبَ﴾ (19 سورة مريم 6) فلما لم تجد بداً أن يركبها من العنف ما أركبها، جاءت بعلي والحسن والحسين عليهم السلام وأم أيمن رضي الله عنها، فقال: لا أقبل شهادتهم لأنهم يجرون بها المال إلى أنفسهم وأم أيمن امرأة لا أقبلها وحدها. وقد سمع رسول الله صلى الله عليه وعلى آله يشهد لهم بالعدالة والثقة والخير والعفة والأمانة والجنة. فأبي تزكية (أو A) وتعديل بعد تعديل رسول الله صلى الله عليه وعلى آله وتزكيته؟ وقد أجمعت (اجتمعت B) الأمة عن رسول الله صلى الله عليه وعلى آله أنه جاءه رجل، فقال: يا رسول الله أوصي بمالي كله، فقال له رسول الله صلى الله عليه وعلى آله: لا، قال الرجل: فنصفه، فقال عليه الصلاة والسلام لا،

<sup>119</sup> الأصل "مستبصرون".

فقال (B قال) فثلثه، فقال (A قال) صلى الله عليه وعلى آله نعم والثلث كثير. فكيف ينهى<sup>120</sup> رسول الله صلى الله عليه وعلى آله // fol. 67 B // الناس عن الوصية بالمال كله، ويُحرّم ذلك عليهم رافةً منه ورحمةً لمن يخلفون من أولادهم، ويوصي هو عليه وعلى آله أفضل الصلاة والسلام بماله كله وهو أرأفهم وأرحمهم؟ فيا سبحان الله العظيم ما أقبح هذا الذي أُسند إلى رسول الله صلى الله عليه وعلى آله وأفسده، فيا للضلالة والعمى بقول أبي بكر<sup>121</sup> "يجرّون إلى أنفسهم" وهم يشهدون لغيرهم ولا حقّ لهم في مال فاطمة عليها السلام إلا من (إلى B) بعد موتها، وإنما يجرّ لنفسه (إلى نفسه B) من شهد بمثل شهادة أبي بكر لنفسه بشيء هو في يد غيره. // fol. 19 A // وأمير المؤمنين (عليه السلام A) ومن شهد معه لم يكن لهم حق في مال فاطمة عليها السلام إلا بعد موتها.

فأئيُّ عجب أعجب مما ذكرنا؟ فمضى حكم أبي بكر وولايته على ما وصفنا من تلعبه بالدين والمسلمين حتى حضر يومه عقدها لعمر (بن الخطاب B) (من A) بعده وأمر المسلمين بالبيعة له والطاعة وأجلسه مجلسه وأقامه مقامه. و (قد B) قال للمسلمين هذا إمامكم بعدي وهو بالامس صاحبه.<sup>122</sup> ومن قال بإمامته يقولون إنّ رسول الله صلى الله عليه وعلى آله لم يُؤلّ (يوال B) أحداً بعده لا نصّاً ولا إشارة وترك المسلمين يختارون لأنفسهم، وإنّ الواجب على كل إمام أن يفعل ما فعل رسول الله صلى الله عليه وعلى آله وترك الناس يختارون لأنفسهم وإنّ رسول (برسول B) الله صلى الله عليه وعلى آله الأسوة وبه القدوة، فمن رغب عن سنته أو تعدى عن فعله فمخطئ ضالّ وإنّ ليس لأحد من المسلمين، إماماً كان أو غيره، أن يتعدى ما فعل رسول الله صلى الله عليه وعلى آله أو يقول بغيره. فكانوا بهذا يحتجون على من قال إنّ رسول الله صلى الله عليه وعلى آله نصب عليّاً عليه السلام بعينه. فخالف أبو بكر رسول الله صلى الله عليه وعلى آله وفعل بغير فعله وصوّبه<sup>123</sup> عمر وجميع أصحابه وأطاعوه على ذلك. فإذا به وبعمرو وأصحابهما قد أحلّوا ما حرّموا، وتركوا ما أصّلوا، وشهدوا على أنفسهم بالخطأ والضلال والخلاف لرسول الله صلى الله عليه وعلى

<sup>120</sup> في A "ينها".

<sup>121</sup> في A "أبو بكر".

<sup>122</sup> الأصل "وصاحبه".

<sup>123</sup> في B "صوب".

آله، وأفسدوا بفعلهم عقدهم الذي عقده، وأصلهم الذي أصلوه، فاستغنى من خالفهم عن الطعن فيهم بطعنهم على أنفسهم. فأىُّ بليَّةٍ أشدَّ وعظيمةٍ أجلُّ مما أسند هؤلاء القوم على أنفسهم من الضلالة والعمى. فلماً هلك أبو بكر نهض (نهب B) صاحبه الذي نصب.<sup>124</sup> فنظر فيما سار أبو بكر وحكم به فلم يرضَ بكل سيرته ولا بكل حكمه، فردَّ مما حكم به كثيراً، من ذلك السبي الذي قد كان سباه أبو بكر حتى تخلصه من أيدي الناس بعد البيع والشراء وبعد أن ولد كثير<sup>125</sup> منهم. فخالف عمر (إذ B) أنه لا يأخذ (يؤخذ A) ذلك (هذا B) السبي ورأى أنَّ أبا بكر مُخطئ في سببهم. فأىُّ بليَّةٍ أو عظيمةٍ أجسم وأكبر وأجلُّ وأعظم مما أتى به أبو بكر إن كان الأمر في أبي بكر على ما ذكره عمر؟ وعمر إذ ذاك يصبُّ أبا بكر<sup>126</sup> في سببه وفعله في حياته ويطعن عليه بذلك الفعل بعد وفاته، وكثيراً من أحكام أبي بكر قد ردَّها عمر في ولايته وعابها عليه، يغني هذا الخبر عن ذكرها إذ (إذا A) كان فعلاً وطئ (وطئ و طئ B doubled) به الفرج الحرام وسفك به الدم الحرام. فالويل والثبور لمن فعل ذلك. فياللعجب هل يخلو أمر عمر في طعنه على أبي بكر من (في B) أحد وجهين، إما أن يكون أعمى خلق الله قلباً وأقلَّهم عقلاً وأسخفهم ديناً، إذ خفي عليه أفعال أبي بكر في حياته التي ثلته بها بعد وفاته (مما ته B)، أو يكون بها عالماً وهو يستعمل النفاق مع أبي بكر في دين الله ويصبُّ أبا بكر في أمور يفعلها وهي عند الله سخط. فإن كان هكذا فليس لعمر في الإسلام حظ إن كان سخط أبي بكر أعظم من سخط الله (عزَّ وجل B) وسخط رسول الله (رسوله B) صلى الله عليه وعلى آله (والله المستعان على هذه الأمور A). و(قد B) كان مما أمضى عمر من أحكام أبي بكر أخذ أموال رسول الله صلى الله عليه وعلى آله وسلَّم وإنفاذها على ما فعل ودفع ورثة (ورث B) فاطمة عليها السلام عن ميراثها وعن فدك، وكان يكثر الطعن على أبي بكر في جميع أشيائه، حتى حضره يومه فرأى<sup>127</sup> عند ذلك إن ما كان<sup>128</sup> من فعل رسول الله صلى الله عليه وعلى آله الذي شهد به أنَّ الأمة (الإمامة B) // fol. 20 A // تختار لأنفسها خطأً (خطأً B) من رسول الله صلى الله عليه وعلى آله، ورأى أنَّ خلافه في ذلك حرام وأنَّ الذي فعله صاحبه فيه من تقليده الأمور ونصبه له خطأً أيضاً وأن غيره خيرٌ منه. فعزم على ترك الاقتداء برسول الله صلى الله

<sup>124</sup> على الهامش "تورية عظيمة منه عليه السلام".

<sup>125</sup> الأصل "كثيراً".

<sup>126</sup> في B "أبو بكر".

<sup>127</sup> الأصل "قرأ".

<sup>128</sup> الأصل "إنما".

عليه وعلى آله وبصاحبه الذي كان يتمنى في حياته<sup>129</sup> أن يكون شعرة في صدر أبي بكر، وجعلها عمر شورى بين ستة نفر زعم أنهم خير من على وجه الأرض من أصحاب محمد صلى الله عليه وعلى آله وغيرهم، وأن هذا الأمر لا يصلح إلا لهم وفيهم لأنهم بقية العشرة السابقين الأولين الذين حضروا بيعة الفتح وبيعة الرضوان تحت الشجرة وأن (فإن B) الله عز وجل أنزل فيهم ﴿لَقَدْ رَضِيَ اللَّهُ عَنِ الْمُؤْمِنِينَ إِذْ يُبَايِعُونَكَ تَحْتَ الشَّجَرَةِ﴾ (48 سورة الفتح 18)، وزكاهم ومدحهم وشهد لهم بالثقة والأمانة حتى إذا فرغ مما ذكرنا قال: "احفظوا وصييتي يا معشر المسلمين ولا تضيعوها، إن أبى هؤلاء نفر الستة أن ينصبوا رجلاً منهم فتسمعوا له وتطيعوا في ثلاثة أيام، فاضربوا أعناقهم فإن اختلفوا و (أو B) أجمع منهم ثلاثة ولم يجمع معهم (منهم B) الباقون، فاضربوا أعناق الثلاثة الذين ليس فيهم عبد الرحمن بن عوف، وإن اجتمع أربعة وخالف اثنان فاضربوا الاثنان". وذلك بعدما شهد لهم بما ذكرنا من الإيمان والمعرفة ثم يأمر بضرب أعناقهم على غير جرم أجرموه، ولم يُحلَّ الله (سبحانه A) دم مؤمن كما أحلَّ عمر قال تعالى ﴿وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ﴾ (4 سورة النساء 93) إلى آخر الآية (الكريمة B)<sup>130</sup>. وقال رسول الله صلى الله عليه وعلى آله "من شرك في دم مسلم ولو بشرط كلمة جاء يوم القيامة وهو مكتوب بين عينيه آيس من رحمة الله".<sup>131</sup> ويقول (لقوله B) صلى الله عليه وعلى آله "من روع (ورع B) مسلماً فقد برئت منه وخلع ربقة الإسلام". وعمر إذ ذاك غير ملتفت إلى شيء من ذلك ويقتل خير من على<sup>132</sup> وجه الأرض بزعمه. فيا للعجب من هذه الأمور المختلفة والأقاويل التي هي غير مؤتلفة التلاعب بالدين حتى كأنهم // fol. 68 B // أنسوا. فبأي حجة أو بأي معنى أراد عمر قتل هؤلاء الستة؟ وما كانت حجته عند الله وعند رسوله صلى الله عليه وعلى آله لو وقع القتل؟ فكيف كان يكون حال الأمة التي تبقى بعدهم؟ وزعم أنه أراد بقوله اقتلوهم ما هو أصلح للأمة. أفلا يرى أنه على قوله وقياسه (وقيامه B) أن الأمر لو تمَّ كان فتنة دمار الأمة وهلاكها إذ (إذا B) بقيت سائبة بلا راعي. فما أقرب النظر أكثر العمى والتخليط وأبين فضيحة القوم عند من عرف (وفهم A) وأنصف.

<sup>129</sup> في B "حيوته".

<sup>130</sup> في B ﴿وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ﴾.

<sup>131</sup> ابن ماجه، ديات 1.

<sup>132</sup> في A "علا".

نسأل الله (تعالى A) التثبت واليقين، إنَّه على كل شيءٍ قدير، انتهى كلام إمامنا أمير المؤمنين الهادي إلى الحق القويم، يحيى بن الحسين بن القاسم بن إبراهيم، زاده الله من التشريف والتكريم. والله هذا الإمام لقد شفى وكفى بالنصوص الباهرة والحجج القاطعة فبطل ما حكاه هذا الفقيه في رسالته الباطلة إلا أن ينكر هذا أو يلوي عنقه. فغير بعيد أن (أو A) يقول هذا مدسوسٌ على إمام الهدى وقد شهد (شهدوا A) بذلك العدول من أولاده، منهم هذا الإمام (العظيم A) إمام المنقول والمعقول عماد الإسلام (والمسلمين A) يحيى بن الحسين بن أمير المؤمنين المؤيد بالله سلام الله عليهم أجمعين يقول في تثبيت الإمامة تقریظاً<sup>133</sup> والله درّه (شعراً B) [الوافر]

أَلَا مَنْ رَامَ إِدْرَاكَ السَّلَامَةِ // يُحِبُّ الْآلَ لَا يَخْشَى الْمَلَامَةَ  
وَطَرْحاً لِلتَّعْصِبِ وَالْمَهَاوِي // وَدَفْعاً لِلخَسَارَةِ وَالنَّدَامَةَ  
وَحِفْظَ أَصُولِ أَهْلِ الْبَيْتِ حِفْظاً // يُبَلِّغُهُ إِلَى دَارِ الْمَقَامَةِ  
يُؤَدِّي أَجْرَ خَيْرِ الرُّسُلِ نَقْداً // لِيَأْخُذَ مِنْ جِمَاهُ لَهُ مَرَامَةَ  
فَإِنَّ عُلُومَ أَهْلِ الْبَيْتِ فِيهَا // لَدَى الطُّلَابِ مَا يَشْفِي أُوَامَةَ  
وَإِنَّ إِمَامَهَا السَّبَّاقُ حَقًّا // إِذَا أَنْصَفْتَ تَثْبِيتَ الْإِمَامَةَ  
قَصَدْتُ بِهِ الَّذِي لِلهَادِ<sup>134</sup> يَحْيَى // أَمِيرِ الْمُؤْمِنِينَ أَخُو<sup>135</sup> الْكِرَامَةِ

// fol. 21 A //

فَفِيهِ مِنَ الْكَلَامِ نَفِيسٌ دُرٌّ // لُبَّابِ الْحَقِّ رُدٌّ وَأَقْصِدْ كَلَامَهُ<sup>136</sup>  
فَقَدْ جَلَّى الْأُمُورَ بِقَوْلِ حَقِّ // وَدَعَّ النَّاصِبِينَ يَدًا وَهَامَةً  
وَقَدْ صَفَى الْأَدِلَّةَ مِنْ قَدَاهُمْ // فَيَا تَعَسَّ الَّذِي فِي الْحَقِّ لَامَةً  
فَمَهْلًا مَعْشِرَ (معشه B) النَّصَابِ مَهْلًا // سَتُجْزَوْنَ الْعَذَابَ لَدَى الْقِيَامَةِ  
جَحَدْتُمْ حَقَّنَا بُغْضًا وَكُفْرًا // عَلَى مَا الْجَحْدُ يَا قَوْمًا عَلَى مَهْ  
أَلَمْ يَأْمُرْ رَسُولُ اللَّهِ فِينَا // بِمَا غَشِيَتِ الرُّوَاةُ لَهُ سَامَةَ  
إِلَيْكُمْ يَا بَنِي الْمُخْتَارِ مَدْحِي // وَلَمْ أَذْكَرْ سَعَارَ<sup>137</sup> وَلَا أُمَامَةَ

<sup>133</sup> في الأصل "تقریظاً".

<sup>134</sup> الأصل "الهادي".

<sup>135</sup> الأصل A "أخا"، وفي B "أخ".

<sup>136</sup> "لباب الحق رد واقصد كلامه" Line corrupted

<sup>137</sup> تأكد من الأصل "سعاد".

عَلَيْهِمْ كُلَّ حِينَ صَلَاةُ رَبِّي // وَآلِ الطُّهْرِ مَا انْهَلَتْ غَمَامَةٌ<sup>138</sup>

ولإمامنا الهادي إلى الحق (المبين B) أمير المؤمنين رضوان الله عليه وسلامه حيث يقول (ولله هو A)

عَجِبْتُ لِمَنْ يَدِينُ بِحُبِّ قَوْمٍ // لَهُمْ فَرَضُ الْمَوَدَّةِ وَالْوَلَايَةِ  
وَيَتْلُو فِيهِمْ آيَاتِ رَبِّي (رَبِّهِمْ B) // وَهَلْ مِنْ بَعْدِ آيِ اللَّهِ آيَةٌ  
وَيَرَوِي فِيهِمْ سُنَنًا أَنْارَتْ // مَعَالِمَهَا لِكُلِّ أَخِي هِدَايَةَ  
إِذَا مَا أُسْنِدَتْ فِإِلَى رِجَالٍ // عَلَتْ بِهِمْ أَسَانِيدُ الرُّوَايَةِ  
وَإِنْ عُرِضَتْ عَلَى مِيزَانِ مَعْنَى // (نَعَمْ B) شَهَدَتْ لَهَا مَوَازِينَ الدَّرَايَةِ  
تَنَاقَلَهَا أُمَّةٌ ذَا وَهَذَا // أَمَا فِيهِمْ لَدِي عَقْلٌ كِفَايَةَ  
إِذَا ذُكِرَتْ خِلَافَتُهُمْ أَبَاهَا // وَأَظْهَرَ مِثْلَهُ عَنْهَا وَقَايَةَ<sup>139</sup>  
وَإِنْ ذُكِرَتْ رِوَايَتُهُمْ رَأَاهَا // ضَلَالًا فَهَوَ يَرُكُضُ فِي العَمَايَةِ (الغمايه B)  
وَإِنْ سَمِعَ القِرَاءَةَ فِي كِتَابٍ // لَهُمْ أَبْدَى التَّوَجُّعِ وَالشُّكَايَةِ  
وَدَعَا الحَقَّ وَالتَّحْقِيقَ مِمَّنْ (عَنْ B) // يُدِينُ بِمَا اسْتَبَانَ مِنَ الغَوَايَةِ  
يُعْظَمُ كُتُبَ أَهْلِ الجَبْرِ حَتَّى // يَعُدُّهُمْ لَدِي الطَّلَبِ النُّهَايَةِ  
وَإِنَّ المُرْجِيْنَ وَمَنْ تَلَاهُمْ // مِنْ أَرْبَابِ النَّمِيمَةِ (البهيمه B) وَالسَّعَايَةِ  
أَحَقُّ بِالَاتِّبَاعِ فَلَيْتَ شِعْرِي // أَذَاكَ فِي الْإِتِّبَاعِ أَمْ فِي الْبِدَايَةِ

وفي هذا كفاية لمن له توفيق ودراية و (أو B) كان له قلب أو أَلْفُ السَّمْعِ وهو شهيد.

فإن قلت قد روي غير هذا في كتب العامة من الأمهات الست وغيرها منها حديث مالك بن أوس بن الحدثان وما حكاه عن عمر ومواليه، فهو باطل مُخْتَلَقٌ مكذوب على الصحابة وعلى (أمير المؤمنين B) علي بن أبي طالب والعباس بن عبد المطلب سلام الله عليهم قد تكلم فيه الحفاظ من أهل البيت عليهم السلام وغيرهم مثل الذهبي في تذكرة الحفاظ. ولا بد من إشارة إلى طرف من ذلك ليبطل الاحتجاج بحديث "ما تركناه فهو صدقة". وقد أوضح مولانا أمير المؤمنين الإمام المجدد القاسم بن محمد سلام الله // fol. 69 B // عليه بطلان هذا الحديث، حديث مالك بن أوس وأنه مُخْتَلَقٌ. قال مولانا أمير المؤمنين القاسم بن محمد عليه السلام هذا الخبر مضطرب واضح التناقض

meter broken as in A <sup>138</sup>

عليهم صلاة ربي كل حين // وآل الطهر ما انهلت عمامة Broken

<sup>139</sup> الأصل "وتايه".

لأنَّ من لفظه ثم أقبل عمر على العباس بن عبد المطلب و(على A) علي كرم الله وجهه وقال  
أنشدكما بالله الذي بإذنه تقوم السموات والأرض أتعلمان أنَّ رسول الله صلى الله عليه وعلى آله  
قال لا نورث ما تركناه فهو صدقة.<sup>140</sup> ثم ساق الحديث إلى أن قال فلماً توفي رسول الله صلى الله  
عليه وعلى آله قال أبو بكر أنا ولي رسول الله صلى الله عليه وعلى آله وجئت تطلب<sup>141</sup> ميراثك من  
ابن أخيك ويطلب هذا ميراث امرأته من أبيها<sup>142</sup>، فذكر الحديث ما تركناه فهو صدقة. فلو كان  
العباس وعلي سلام الله عليهما علما ذلك من رسول الله صلى الله عليه وعلى آله ما طلبا أبا بكر فيما  
لم يكن حقاً لهما. إذا تأملت ذلك فهو أشبه بكلام من وضعه، لا بكلام عمر ومن حضر من كبار  
الصحابة. قال الذهبي في تذكرة الحفاظ قال ابن عدي سمعت عبدان<sup>143</sup> يقول قلت لابن خراش ما  
تركناه فهو صدقة، قال باطل اتُّهمَ به مالك بن أوس ونحو هذا ذكره الذهبي في الميزان.<sup>144</sup> وأخرج  
البخاري في كتاب فرض الخمس من صحيحه عن عروة بن الزبير أنَّ عائشة أمَّ المؤمنين أخبرته أنَّ  
فاطمة بنت رسول الله صلى الله عليه وعلى آله // fol. 22 A // سألت أبا بكر بعد وفاة رسول  
الله صلى الله عليه وعلى آله أن يقسم لها ميراثها مما أفاء الله على رسوله صدقة. فقال لها أبو بكر إنَّ  
رسول الله صلى الله عليه وعلى آله قال: "لا نورث ما تركناه صدقة". فغضبت فاطمة بنت رسول  
الله صلى الله عليه وعلى آله فهاجرت أبا بكر فلم تزل مهاجرة له حتى توفيت عليها السلام،  
وعاشت فاطمة عليها السلام بعد أبيها (عليه أفضل الصلاة والسلام B) ستة أشهر. قالت عائشة  
كانت فاطمة عليها السلام تسأل أبا بكر حصَّتها مما ترك رسول الله صلى الله عليه وعلى آله من  
خير وفدك وصدقة بالمدينة فأبى أبو بكر<sup>145</sup> عليها وقال: لست تاركاً شيئاً كان رسول الله صلى الله  
عليه وعلى آله يعمل به إلا عملت به، فإنِّي أخشى إن تركت شيئاً من أمره (و B) أن أزيغ.<sup>146</sup>  
فليتأمل الناظر أن لو كان عليٌّ والعباس سلام الله عليهما علما ذلك من رسول الله صلى الله عليه

<sup>140</sup> أنظر صحيح البخاري، فرض الخمس، رقم 2863.

<sup>141</sup> الأصل "جتتما تطلبنا".

<sup>142</sup> في B "ونطلب ميراث امرأته من أبيها فذكر الحديث...".

<sup>143</sup> الأصل في A "عبد لي" و في B "عبد إلي".

<sup>144</sup> وهو عبد الرحمن بن يوسف بن خراش وانظر ميزان الاعتدال في نقد الرجال، 2 : 122، القاهرة: مطبعة  
السعادة، 1325 هـ.

<sup>145</sup> في A "أبا بكر".

<sup>146</sup> أنظر صحيح البخاري، فرض الخمس، رقم 2862.

وعلى آله لبيناه للبتول صلوات الله عليها (عليهم B). فلم تطلبه (تطلب البينة B) ولم تغضب على أبي بكر وتهاجرته حتى ماتت. وقد أخرج البخاري في باب مناقب قرابة رسول الله صلى الله عليه وعلى آله من صحيحه عن المسور بن مخرمة أن رسول الله صلى الله عليه وعلى آله قال: فاطمة بضعة مني فمن أغضبها باطلاً لما كان رسول الله صلى الله عليه وعلى آله ليغضب باطلاً. فإن قيل عن عائشة، قلت وبالله التوفيق في حال حديث عروة عن عائشة: هذا إسحاق بن محمد الفروي، نسبة إلى فروة، وقد تكلموا فيه وهأه أبو داود جداً وقال أبو حاتم مرة مضطرب، وقال النسائي ليس بثقة، وقال الدارقطني ضعيف. فلما شاع عندهم خبر (حديث B) مالك بن أوس بن الحدثان تقحم إسحاق هذا وافتري على رسول الله صلى الله عليه وعلى آله وعلى من بينه وبين النبي صلى الله عليه وعلى آله من الرجال، وتهافت على ذلك من رجح خبره وخبر مالك بن أوس على كتاب الله عز وجل حيث قال تبارك وتعالى ﴿وَوَرِثَ سُلَيْمَانُ دَاوُدَ﴾ (27 سورة النمل 16) و(حيث A) قال تعالى ﴿فَهَبْ لِي مِنْ لَدُنْكَ وَلِيًّا يَرِثُنِي وَيَرِثُ مِنْ آلِ يَعْقُوبَ﴾ (19 سورة مريم 6). فإن قيل قد رواه البخاري عن أبي اليمان عن شعيب عن الزهري عن عروة بن الزبير عن عائشة في أول مناقب (في A) رسول الله صلى الله عليه وعلى آله. ولفظه من حديث طويل ما تركناه صدقة، قلت وبالله التوفيق أبو اليمان هو الحكم بن نافع القضاعي البهراني الحمصي، وجميع أهل حمص نواصب، فهو حينئذ ناصبي غير مأمون أن سرق هذا الحديث المفترى على عائشة. وشعيب بن أبي حمزة الحمصي مولى بني أمية وفيه ما تقدم في بني أمية ومواليهم أعداء آل محمد (صلى الله عليه وآله وسلم B)، إلا من رحم الله كعمر بن عبد العزيز، والزهري كان على شرط بني أمية ورؤي أنه كان من حُرَّاس خشبة الإمام الأعظم أبي<sup>147</sup> الحسين زيد بن علي عليه السلام وعروة بن الزبير، قال أبو جعفر الاسكافي رحمه الله إن معاوية (لعنه الله B) وضع قوماً من الصحابة وقوماً من التابعين في رواية (روايات B) أخبار قبيحة في أمير المؤمنين علي عليه السلام تقتضي الطعن فيه والبراءة منه. وجعل لهم جعلاً يرغب في مثله، فما أرضاه منهم إلا ثلاثة من الصحابة ذكرهم ومن التابعين عروة بن الزبير وحده. فكذب على رسول الله صلى الله عليه وعلى آله وذكر حديثين تنكرهما العقول وهما مخالفان لما علم من الأصول التي أجمع عليها المخالف والمؤالف. // fol. 23 A // فإذا كان هؤلاء رجال هذا الحديث فكل واحد منهم غير مأمون أن يسرق حديث مالك بن أوس ويروي عن غيره. وهذا الحديث معارض بما رواه أبو بكر عبد الله بن محمد بن أبي شيبة وهو من رجال البخاري

<sup>147</sup> الأصل "أبو".

ومسلم في مسند أبي بكر عن محمد بن فضيل عن غزوان، وهو // fol. 70 B // من رجال البخاري ومسلم وروى له في الأدب عن أبي الطفيل وهو عامر بن وائلة الكناني وهو من رجال البخاري ومسلم وروى له الجماعة، وقد أثبت مسلم وابن عدي صحبته ووُلِدَ عام أُحُد. قال أبو الطفيل هذا بهذا الإسناد إليه أرسلت فاطمة عليها السلام إلى أبي بكر فقالت: "أأنت"<sup>148</sup> وارث رسول الله صلى الله عليه وعلى آله أو (و B) أهله؟" قال: "لا بل أهله". قالت: "ما بال سهم رسول الله صلى الله عليه وعلى آله؟" قال: "إنِّي سمعت رسول الله صلى الله عليه وعلى آله يقول: إِنَّ اللَّهَ إِذَا أَطْعَمَ نَبِيَّهُ طَعْمَةً<sup>149</sup> ثُمَّ قَبَضَهُ جَعَلَهَا لِلَّذِي يَقُومُ بَعْدَهُ، فَرَأَيْتَ بَعْدَ أَنْ أَرَدَهُ عَلَى الْمُسْلِمِينَ". وفي رواية الشيعة رضوان الله عليهم ورحمته أَنَّ أبا بكر كتب لفاطمة عليها السلام كتاباً في مصير فدك إليها بعد أن صدَّقها بما قالت، فأخذه عمر فتفل فيه ومزَّقه. فهذا، إن صحَّ، دليلٌ على أن ليس لخبر مالك بن أوس أصل. ومما يدل على المناقضة رد عمر بن عبد العزيز الأموي رحمه الله لورثة النبي صلى الله عليه وعلى آله أملاكه بالمدينة التي سموها صدقاته صلى الله عليه وعلى آله. ومما يدل أن الخبر موضوع رد عمر بن عبد العزيز رحمه الله فدكاً لورثة فاطمة عليها السلام. وكان أعلم الناس بالرواية منهم فليتأمل الناظر، وبالله التوفيق انتهى كلام إمامنا المنصور بالله رب العالمين القاسم بن محمد سلام الله عليه، لقد شفى وكفى من بطلان ما اختلقه هؤلاء الناصبيَّة على خير البريَّة فجراه الله عن نبيِّه وجدِّه المختار أفضل (فضل A) الجزاء، فبطل بهذا ما تعلق به صاحب الرسالة من الإيهام العظيم على العوام وبالله التوفيق، والهادي إلى أوضح الطريق. ومن جنس ما تقدم في هذه الرسالة ما ذكره هذا الفقيه في خاتمة رسالته بقوله إنَّهم ينسبون إلى من قرأ في كتب الحديث أنَّه ناصبي. هذا معنى ما حكاه (كلامه B) من التوبيخ وإظهار ما انطوت عليه سريرته من تعظيم المخالفين لآل رسول الله المطهرين. ولا شك ولا ريب أنَّ من عرف كتب العامة وتحققها وأمعن النظر فيها من عجب العُجاب من الكذب والبهتان على رسول الله صلى الله عليه وعلى آله في أصولهم وفروعهم معروفٌ قد حققه الحفاظ منهم ذهبيُّهم وابن معين. فذكر الذهبي (وابن حجر وغيرهما A) أنَّ من قدَّم علي بن أبي طالب عليه السلام على أبي بكر بن أبي قحافة في الخلافة فهو الرافضي عندهم. ومن انتحل حبَّ آل رسول الله (آل محمد B) صلى الله عليه وعلى آله وذبَّ عن أعراضهم وروى فضائلهم أنَّه ليس بالثقة لديهم. فلهذا قالوا فلان شيعي محترق، وتارة شيعي منحرف، وتارة يقولون

<sup>148</sup> الأصل "أنت".

<sup>149</sup> الأصل "أطعمه".

محبُّ غالٍ، وتارةً يقولون فلان ليس بالثقة لأنه يروي تلك البلايا، يعنون بذلك فضائل آل رسول [الله] صلى الله عليه وعلى آله (وغير ذلك من الوقوع في أعراض آل رسول [الله] صلى الله عليه وعلى آله A) وشيعتهم رضوان الله عليهم. وهذا معروف في كتبهم قد رووه ودونوه وصار عندهم شرطاً من شروط الحديث. فما أحقك أيُّها الفقيه الغبي لو ترسلت على هؤلاء الذين نسبوا // fol. 24 A // إلى آل محمد وشيعتهم الرفض والضلالة وليس لهم ذنب<sup>150</sup> إلا حبُّ أهل البيت والعناية بعلومهم وما نعموا منهم إلا أن يؤمنوا بالله العزيز الحميد. فكيف لا يكون ناصبياً<sup>151</sup> من كان هذا حاله؟ والله القائل [البحر الطويل]

إِذَا مَا ذَكَرْنَا فِي عَلِيٍّ فَضِيلَةً // رُمِينَا بِبَهْتَانٍ وَبُغْضِ أَبِي بَكْرٍ<sup>152</sup>

ومن قرأ في هذه الكتب وتدبَّر بما فيها فهو عند آل رسول الله صلى الله عليه وعلى آله ضالٌّ مخطئٌ. من اعتقادهم الجبر والتشبيه. واعتقدوا أيضاً وأثبتوا في كتبهم أنَّ أبا بكر أفضل من علي بن أبي طالب نفس الرسول صلى الله عليه وعلى آله. وأثبتوا أيضاً الرؤية لله عزَّ وجل تعالى (تبارك A) عن ذلك علواً كبيراً. وقالوا بخلق (الله B) الأفعال. وقالوا بخروج الموحدين الظالمين من النار يوم القيامة. واختلقوا على نبيِّهم المصطفى (صلى الله عليه وآله وسلم B) أنَّه قال "يقال يوم القيامة يا مسلم هذا يهودي فداك (فكاك A) من النار"، ولفظ الحديث أيضاً رواه مسلم في صحيحه عن أبي موسى الأشعري عنه صلى الله عليه وعلى آله "لا يموت رجلٌ مسلمٌ إلا أدخل الله مكانه من النار يهودياً أو نصرانياً".<sup>153</sup> فانظر أيُّها العاقل لهذا الحديث العجيب. فاليهودي والنصراني مستحقان النار بكفرهما، فإذا أدخلها (دخلاها B) عوض المسلم فمن ذا الذي يدخل النار عوضاً عنهما؟ ومن هذا النظير ما رواه أبو داود عن أبي موسى الأشعري عن رسول الله صلى الله عليه وعلى آله قال "أمّتي أمّةٌ مرحومةٌ ليس عليها عذاب في الآخرة إنما عذابها في الدنيا الفتن والزلازل والقتل". ومن هذا النظير أيضاً في كتب الحديث ما رواه الترمذي عن عبد الرحمن بن (أبي A) عميرة عن النبي صلى الله عليه وعلى آله أنَّه قال لمعاوية الباغي بالنص النبوي "اللهم اجعله هادياً مهدياً". فانظر أيُّها العاقل كيف // fol. 71 B // كذبوا على رسول الله صلى الله عليه وعلى آله، فأضلُّوا

<sup>150</sup> الأصل "ذنباً".

<sup>151</sup> الأصل "ناصبي".

<sup>152</sup> البيت في A غير صحيح وهو:

إذا نحن رويناه في عليٍّ فضيلة // رمينا بالرفض وبسب أبي بكر.

<sup>153</sup> أنظر صحيح مسلم، التوبة، رقم 4970.

وضلُّوا. فإِ رحمتاه للجاهل مع هذه الأحاديث إذا قرأت<sup>154</sup> عليه وهو لا يعرف الدلالة، فيظنُّ الظن الحسن بمعاوية بن أبي سفيان الباغي على ابن عمِّ رسول الله صلى الله عليه وعلى آله القاتل لعمَّار بن ياسر بغياً وعدواناً. وقد قال صلى الله عليه وعلى آله لعمَّار بن ياسر رضي الله عنه وأرضاه "تقتلك الفئة الباغية تدعوهم إلى الجنة ويدعونك إلى النار". فإِ للضلالة والعمى فمن (فيمن B) اعتقد في معاوية (وأشيعاه deleted in A) أنه هادي<sup>155</sup> مهدي فهو الناصبي حقاً بلا محالة. وصدقت دعوى العامة من الزيدية أن من قرأ في كتب الحديث (وتدين بها A) فهو الناصبي. ومما رواه أيضاً الترمذي عن أبي إدريس الخولاني عن عمر بن الخطاب قال: "لا تذكروا معاوية إلا بخير سمعت رسول الله صلى الله عليه وعلى آله يقول اللهم اهده".<sup>156</sup> فانظر أيُّها العاقل أين الهداية (والهدى A) من معاوية اللعين وشيعته المقبوحين الباغي على عليٍّ أمير المؤمنين بالنص النبوي من سيّد المرسلين. فصدقت ما قالت له (فصدقت ملقا B) العامة من النصب في كتب الحديث. ولو توجَّع منهم هذا الفقيه، مصنف هذا الهديان من تعظيم كتب أهل البطالة والعدوان (والجبر والتشبيه A). فإِ للعجب ﴿لَقَدْ صَدَّقَ عَلَيْهِمْ إِبْلِيسُ ظَنَّهُ فَاتَّبَعُوهُ﴾ (34 سورة سباء 20) إلى آخر الآية (الكريمة B). (نعم A) وهذا البخاري ومسلم وأبو داود والنسائي يروون عن الأحنف بن قيس قال خرجت أريد هذا الرجل، يعني أمير المؤمنين علي سلام الله عليه (عليه السلام B)، فلقيني أبو بكر (أبا بكر A)، فقال: أين تريد يا أحنف؟ قلت: ارجع فإنِّي سمعت رسول الله صلى الله عليه وعلى آله يقول إذا التقى<sup>157</sup> المسلمان بسيفيهما فالقاتل والمقتول في النار، قلنا يا رسول الله هذا القاتل فما بال المقتول؟ قال إنَّه أراد قتل صاحبه.<sup>158</sup> فانظر لشهادة أبي بكر أن من قُتل من أصحاب علي ابن عمِّ رسول الله (صلى الله عليه وآله وسلَّم B) في النار، مثل عمَّار بن ياسر ومن والاه (قتلا معه A above line) من أهل الإيمان. فإِ سبحان الله كم هذا العمى والخذلان،<sup>159</sup> ونسبوا إلى رسول الله (صلى الله عليه

<sup>154</sup> في الأصل "قرئت".

<sup>155</sup> الأصل "هادي".

<sup>156</sup> أنظر سنن الترمذي، المناقب، رقم 3778.

<sup>157</sup> الأصل "التقيا".

<sup>158</sup> أنظر صحيح البخاري، الإيمان، رقم 30، الديات، رقم 6367.

<sup>159</sup> على هامش الصفحة "النبى سيد ولد عدنان يشهد أن عمَّاراً وأخوانه الشهداء مع حيدرة في الجنان وهذا أبو بكر يشهد أنهم من أهل النيران مخالفة لمحمد نبي الرحمان".

وآله وسلم B) هذا الحديث المختلق<sup>160</sup> فكفى بجهنم سعيراً والله المستعان. // fol. 25 A // فلا حرج على العامة من الزيدية إذا نفروا من هذه الكتب المذكورة. وكثير من هذه النظائر مزبورة<sup>161</sup> مشهورة، ولو (فلو A) استقصينا على جميع هذه الروايات (الباطلات A above line) في كتب أهل الحديث (لاحتجنا إلى مجلدات B) لخرجنا عن المقصود فتكفيك (فيكتفي B) هذه (بهذه B) الإشارات (الرسالات B) (لمن كان له قلب أو ألقى السمع وهو شهيد B+). فيا ليت شعري ما كان هُدى معاوية اللعين؟ أقتال أمير المؤمنين علي بن أبي طالب (عليه السلام B+) ومن معه من أهل البيت الطاهرين والمهاجرين والأنصار رضي الله عنهم وأرضاهم؟ ومن أحق من الفريقين بالهُدى أو (و B) الفسوق (الفسق B) والكفر؟ وهذا ابن بهران<sup>162</sup> يذكر في حقه ما تقدم حتى شرح كلامه في شرح القصص الحق كحديث "إذا رأيت معاوية على منبري فاقتلوه"، وهو حديث مشهور وقد قواه الذهبي بعد أن رواه من طرق كثيرة وهو خصمٌ، لا يقبل إلا في مثل هذا وإلا ما هو في حكم المتواتر، وحديث<sup>163</sup> الأغيلمة من بني مروان، وحديث لعن الله الراكب والسائق والقائد وغير ذلك فهي أحاديث صحيحة عند أهل البيت عليهم السلام بل متواترة. وقد صحح الحاكم حديث الأغيلمة وحديث "لعن الله مروان وهو مولود" وقول النبي صلى الله عليه وعلى آله فيه "الوزغ ابن الوزغ، الملعون ابن الملعون" كما هو مبسوط في المستدرک للحاكم، وقد ذكر<sup>164</sup> كثير من العلماء أنه متواتر. وهل سب معاوية لعنه الله أمير المؤمنين علياً وأهل بيته هُدى<sup>165</sup> وهداية؟ وهل قال النبي صلى الله عليه وعلى آله وسلم في حديث الغدير اللهم وال من والاه وعاد من عاداه وانصر من نصره واخذل من خذله؟ وهذا الحديث الذي قال فيه الإمام شرف الدين عليه السلام بقوله "وهو الحديث اليقين الكون قد قطعت بكونه فرقة كانت توهيه. قال ابن بهران في شرحه فأما حديث الغدير فهو من الأحاديث المتواترة وقد روي من طرق كثيرة عن خلق كثير من الصحابة، إلى قوله وما ينكره إلا مكابر مناصب، انتهى". فانظر أيها العاقل ما في كتب أهل الحديث من الخلط

<sup>160</sup> على هامش الصفحة "ولا محالة عند أهل العرفان".

<sup>161</sup> في B "من بورة".

<sup>162</sup> وهو ابن بهران الصعدي.

<sup>163</sup> على هامش الصفحة "حديث الراكب والسائق والقائد أخرجه الهيثمي روى ذلك كثير صاحب العواصم

والقواصم" إي محمد بن إبراهيم الوزير.

<sup>164</sup> الأصل "ذكره".

<sup>165</sup> الأصل "هدا".

والخبط وهذا الأمر شاهر ظاهر في مصنفاتهم من الاختلاف العظيم والزور والبهتان على النبي الكريم. فانظر هذا الفقيه في خاتمة رسالته السقيمة كيف صرح بالذب عن هؤلاء الواقعين في الاختلاف والأهواء كما سنبينه لك أيُّها الغبي من اختلاف أهل الحديث وأهوائهم على بعضهم بعضاً. فمن اختلافهم أنَّهُم اختلفوا في وجه الجرح واضطربوا في مواقع التعديل كما حكي ذهبيُّهم ونحوه عن محمد بن يحيى الذهلي شيخ البخاري في حق البخاري بقوله ومن يقربه فلا يقربنا وقوله من ذهب إلى محمد بن إسماعيل البخاري فاتهموه فإنه لا يحضر مجلسه إلا من كان على مذهبه، وأنَّ أبا حاتم محمد بن إدريس الرازي وأبا زرعة تركا حديثه لما كتب إليهما محمد بن يحيى الذهلي بذلك لأنهم رموه أنَّهُ يقول بخلق القرآن وأنه محدث وأنَّ من قال بخلق القرآن // fol. 72 B // فهو كافر عندهم، فتأمل، بعد أن سمعنا منه. والبخاري رمى محمد بن يحيى بالكذب واعتمده في صحيحه ودلَّسه، وكان يقول محمد بن عبد الله نسبة إلى جده. فانظر أيُّها العاقل للبخاري محمد بن إسماعيل وشيخه محمد بن يحيى الذهلي هذا رمى هذا بالكفر حيث يقول بخلق القرآن ولا يسمع حديثه ولا يتبع، والبخاري يرمي شيخه الذهلي بالكذب ويدلَّسه. فكيف يصح الأخذ من هذه الكتب وهؤلاء شيوخها يسب<sup>166</sup> بعضهم بعضاً؟ وهذا معروف في مظانه إن كنت تعرفها أيُّها الفقيه الغبي // fol. 26 A // تريد أن تذب عن أعرض هؤلاء وهم قد طعنوا على أنفسهم، فاكتفى خصمهم بطعنهم على أنفسهم. فيا للعجب هذا البخاري صاحب الصحيح هكذا، فما ظنك بالسقيم من كتبهم؟ فاحذرهم أيُّها العاقل أن يوقعوك في شباك الاختلاف، والأمر جلي واضح والله المستعان. ومن عجائب ما رأينا في كتبهم من الطعن على أهل المذاهب الأربعة، هذا قول يحيى بن معين في الشافعي محمد بن إدريس رضي الله عنه: إنَّه ليس بثقة ونسبوه إلى الرفض لما كان يحب آل محمد عليهم السلام ويظهر الموالاتة لأمير المؤمنين علي عليه السلام حتى قال في أبياته: [الكامل]   
 إِنَّ كَانَ رَفُضاً حُبُّ آلِ مُحَمَّدٍ // فَلْيَشْهَدْ الثَّقَلَانِ أَنِّي رَافِضِي<sup>167</sup>   
 فانظر أيُّها العاقل هذا في إمامهم محمد بن إدريس، فما ظنك بآل محمد عليهم السلام المخالفون لهم في الأصول والفروع؟ هل يقلون<sup>168</sup> لهم عثرة أو يقبلون<sup>169</sup> لهم قولاً؟ والله المستعان.

<sup>166</sup> الأصل يسبون".

<sup>167</sup> إن كان حبُّ آل محمد رفضاً // فليشهد الثقلان أنِّي رافضي (A broken meter)

<sup>168</sup> الأصل "يقيلوا".

<sup>169</sup> الأصل "يقبلوا".

وقولهم أيضاً في أبي حنيفة رضي الله عنه فقيه العراق أنه يروي عن الضعفاء والمجاهيل، وضعفه في نفسه النسائي وابن عدي وجماعة من المحدثين وأطالوا في ذلك وأقصروا والله المستعان. وقالوا في مالك رضي الله عنه أنه يروي عن جماعة متكلم فيهم والله المستعان. وهذا أحمد بن حنبل رضي الله عنه قال فيه يحيى بن معين لما روى عن عامر بن عبد الله بن الزبير قال جن أحمد بن حنبل يروي عن عامر، وغير ذلك من الفواقير والله المستعان. فانظر أيها العاقل هذا قولهم في الفقهاء الأربعة وقد وافقوهم في اعتقادهم، فما ظنك بشيعة آل محمد عليهم السلام المخالفين<sup>170</sup> لهم في الاعتقاد؟ فمن قرأ في كتبهم وتدين بدينهم اعتقد العداوة لكل أحد كما ظهر من هذا الفقيه في رسالته من النقم على شيعة آل محمد عليهم السلام والله المستعان. ومن عجب ما رأينا في هذه الكتب، هذا البخاري ليس يعتمد على رجال مسلم ويضعفها. ومسلم بن الحجاج يضعف رواية البخاري ويهملها. ويقول<sup>171</sup> أتباعهم اتفق الصحيحان<sup>172</sup> وهما على من لم يعرفهما<sup>173</sup>، وقالوا إن البخاري نظر في كتاب مسلم بمحض منه فعلم على جماعة عددهم مسلم من الصحابة وهو من التابعين وجماعة عددهم من التابعين وهم من الصحابة. ورغب مسلم عن جماعة ولم يرغب عنهم البخاري كما قالوا في عكرمة وعاصم بن علي وغيرهما. وحكوا أن مسلماً لما وضع كتابه الصحيح عرضه على ابن زرعة الرازي فأنكر عليه وتغيظ وقال: سميت الصحيح فجعلته سلماً لأهل البدع وغيرهم. فانظر أيها العاقل لهذا الكلام من أبي زرعة الرازي في كتاب مسلم وهو من جماعتهم ومن شيوخهم وأنه سلّم<sup>174</sup> لأهل الابتداع. فيا للعجب من هذه الأمور المختلفة والأهواء التي<sup>175</sup> هي غير مؤتلفة والله المستعان. وقالوا أيضاً اعتمد البخاري على كثير ممن يقول بالإرجاء وغيرهم من أهل التدليس ومجاهيل ومتكلم فيهم. فالذي تكلم فيهم بالجرح بحق وباطل اعتدهم ثلاثمائة وخمسة وخمسون رجلاً. والذي علق لهم من المتكلم فيهم خمسة وسبعون رجلاً. والمجاهيل والمختلف فيهم وفي بعضهم مائة وثمانية وأربعون رجلاً. وقال النووي في كتابه شرح صحيح مسلم: قال أبو عبد الله الحاكم النيسابوري في كتابه المدخل إلى معرفة المستدرک عدد من أخرج له البخاري في الجامع

<sup>170</sup> في A "المخالفون".

<sup>171</sup> في A "ويقولون".

<sup>172</sup> في A "الصحيحين".

<sup>173</sup> في A "يعرفها".

<sup>174</sup> الأصل "سلماً".

<sup>175</sup> الأصل "الذي".

الصحيح ولم يخرج له مسلم، // fol. 27 A // يريد أن مسلماً استضعفهم أربعاً وأربعة وثلاثون شيخاً. وعدد من احتج بهم مسلم في المسند الصحيح ولم يحتج بهم البخاري في الجامع الصحيح، يريد أن البخاري استضعفهم ستمائة وخمسة وعشرون شيخاً. ومثله ذكره ابن حجر في مقدمة فتح الباري. فانظر أيُّها العاقل لهذا الاختلاف وعدم الائتلاف في هذين الكتابين اللذين هما العمدة (العدة B) عندهم في الصحَّة. والله إمامنا أمير المؤمنين الهادي يحيى بن الحسين رضوان الله عليه حيث يقول بين البخاري ومسلم من الصححة مسافات ومراحل، هذا معنى ما رواه (هكذا روي B) عنه الإمام المجدد المهدي أحمد بن يحيى سلام الله عليه (عليه السلام B) في كتاب الملل والنحل. فكيف يحل قراءة الجاهل الغبي في هذه الكتب المختلفة؟ (وأيضاً A) كيف يحل لولاية الأمر من<sup>176</sup> آل محمد أن يسكتوا من الإنكار على قارئ هذه الكتب في جوامع الزيدية؟ // fol. 73 B // حتى حصل الضلال لكثير (الكبير B) من أهل زماننا سيما هذا الفقيه مُصنّف هذه الرسالة والله المستعان. ومن العجائب في هذه الكتب أنهم اعتمدوا على من شهروهم بالنصب وتكلموا عليه كحريز بن عثمان وفليح<sup>177</sup> وأمثالهما ممن اشتهر ببغض آل محمد صلى الله عليه وعلى آله. قالوا في حريز بن عثمان كان ثقة في الحديث، وكذلك أخرج البخاري حديثه لكنه ناصبي من مبغضي أمير المؤمنين علي بن أبي طالب سلام الله عليه، هذا لفظهم. فانظر أيُّها العاقل أنَّ بغض آل محمد صلى الله عليه وعلى آله صار لهم دين (كما ترى A+) وليس (بقدرح الإمام علي وأهل بيته صلوات الله عليهم أجمعين A+) في العدالة ولا يجرح عندهم، فيا للضلالة والعمى والله المستعان. وأيضاً من أعجب ما رأينا من الزور والكذب في هذه الكتب على سيّد الأنام ما رواه عمرو بن العاص عن النبي صلى الله عليه وعلى آله أنه قال إنَّ آل أبي (أبا A) طالب ليسوا بأوليائي وإنما وليي<sup>178</sup> الله وصالح المؤمنين، أخرجه البخاري ومسلم.<sup>179</sup> فانظر أيُّها العاقل لهذا الحديث المختلق الذي رواه هذا الرجل المحارب لأمر المؤمنين علي صلوات الله عليه وعلى آله الطاهرين. (وأمير المؤمنين هو صالح المؤمنين كما جاء في بعض التفاسير في قوله تعالى ﴿فَإِنَّ اللَّهَ هُوَ مَوْلَاهُ وَجِبْرِيلُ وَصَالِحُ الْمُؤْمِنِينَ﴾ (66 سورة التحريم 4)، وأمير المؤمنين هو رأس آل أبي طالب فلائحة الوضع لائحة على هذا

<sup>176</sup> في A كلمة الأتباع مخدوشة وفي B "فكيف يحل الولاية الأمر من الأتباع آل محمد".

<sup>177</sup> وهو فليح بن سليمان بن أبي المغيرة الخزاعي أو الأسلمي (أبو يحيى المدني) (ت 168 هـ). (انظر ابن حجر التقريب 5443)

<sup>178</sup> في A "ولي".

<sup>179</sup> انظر صحيح البخاري، الأدب، رقم 5531.

الحديث فما أشبهه بكلام من وضعه لا بكلام النبي صلى الله عليه وعلى آله وسلم والله المستعان B-  
 .) وكم هذا التساهل من محمد بن إسماعيل البخاري ومسلم بن الحجاج يروون هذا الحديث المختلق  
 وهذا ممَّا سبق<sup>180</sup> (آنفاً + A) من الغثِّ والسمين في هذين الكتابين. فكيف يحل القراءة في هذه  
 الكتب والتدئين بها (ورايها أعداء الله عز وجل + A) ؟ فيا للضلالة والعمى والله المستعان. ولعل  
 هذا الفقيه صاحب الرسالة لم يعرف هذا في كتبهم أو تجاهلها أو قصر العلم على نفسه وأنه ما  
 أحد<sup>181</sup> يعرف هذا (هذه B) سواه أو (و B) يدعي الغباوة بأن<sup>182</sup> من قرأ في هذه الكتب نسبوا إليه  
 النصب. فكأنها لديه من فروض الاعيان. فهكذا (يكون + A) الضلال والخذلان والله المستعان.  
 وقال (حافظهم + A) الذهبي معذراً لعبد الله بن داود السجستاني لما كان عنده من الأركان ونقل  
 عنه في حديث الطير<sup>183</sup> ما لفظه إن صحَّ حديث الطير فنبوة محمد غير صحيحة ما يقتضي الكفر قال،  
 أي (حافظهم + A) الذهبي، إنما كذب في لهجته. فانظر أيُّها العاقل في اعتذار (حافظهم + A)  
 الذهبي قاتله الله لهذا الرجل (الناصبي + A) الذي تكلم بهذا الكلام المقتضي للكفر، وأنه كذب في  
 لهجته (وأنه ثقة + A) وأنَّ الكذب لا بأس به في حيال<sup>184</sup> آل محمد المطهرين (الطاهرين عليه وعلى  
 آله أفضل الصلاة والتسليم B). ولو استقصينا ونقلنا عجائب أهل الحديث المتسمين بأهل السنة  
 + A) لأطلنا الخطاب ولخرجنا عن المقصود والصواب. والبلية على هذه الأمة تمكَّن الدولة الأموية  
 والعباسية ولم يكن بلاء أشد ولا أكبر منه على آل (أتباع B) رسول الله صلى الله عليه وعلى آله  
 وعلى شيعتهم رضوان الله عليهم حتى أنَّ الرجل من شيعة علي عليه السلام ليأتيه من يثق به فيدخل  
 بيته فيلقى إليه سره ويخاف من خادمه ومملوكه ولا // fol. 28 A // يحدثه حتى يأخذ عليه الأيمان  
 المغلظة ليكتمن عليه، فظهر حديث كثير موضوع وبهتان ينتشر ومضى على ذلك الفقهاء والقضاة  
 والولاة، فكان أعظم الناس في ذلك بلية القراء المراءون والمتصنعون الذين يظهرون الخشوع والنسك  
 فيفتعلون الأحاديث ليحفظوا بذلك عند ولاتهم ويقربوا مجالسهم ويصيبيوا به الأموال والضياع

<sup>180</sup> في B "سبق".

<sup>181</sup> في A "أحداً".

<sup>182</sup> في A "أن" وفي B "أنه".

<sup>183</sup> الترمذي، 3655 عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ كَانَ عِنْدَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ طَيْرٌ فَقَالَ اللَّهُمَّ اثْنِي بِأَحَبِّ خَلْقِكَ إِلَيْكَ يَأْكُلُ مَعِيَ هَذَا الطَّيْرَ فَجَاءَ عَلِيٌّ فَأَكَلَ مَعَهُ. أنظر محمد بن إسماعيل الأمير، الروضة الندية في شرح التحفة العلوية، المكتبة الإسلامية، ص 111.

<sup>184</sup> في A "جناب".

والمنازل، حتى انتقلت تلك الأخبار إلى أيدي الديّانين الذين لا يستحلون الكذب فنقلوها ورووها وهم يظنون أنّها حق، ولو علموا أنّها باطلة ما رووها ولا تدينوا بها. فلم يزل الأمر كذلك حتى مات أمير المؤمنين الحسن بن علي عليه السلام فازداد البلاء والفتنة فلم يبقَ أحدٌ من هذا القبيل إلا وهو خائف على دمه طريداً في الأرض حتى تفاقم الأمر بعد قتل أمير المؤمنين أبي عبد الله الحسين بن علي عليهما السلام. وولي عبد الملك بن مروان الأمر واشتد البلاء على الشيعة رحمهم الله تعالى. وولى عليهم الحجاج بن يوسف فتقرب إليه أهل النسك والصلاح والدين يبغض أمير المؤمنين علي بن أبي طالب سلام الله عليه وموالاته أعدائه وموالاته من يدعي قوم من الناس أنّهم أيضاً أعداؤه. فأكثر الرواية في فضل الصحابة وسوابقهم ومناقبهم وأكثروا الغض (في رواية من أبغض B) من أمير المؤمنين عليه السلام وعيبه والطعن فيه والشنآن له حتى أنّ إنساناً وقف للحجاج بن يوسف (لعنه الله B)، ويقال إنّه جدّ الأصمعي عبد الملك بن قريش، فصاح به أيُّها الأمير إنّ أهلي عَقُونِي، سُمُونِي عليّاً وأنني فقير بائس وأنا إلى صلة (أصله B) الأمير // fol. 74 B // محتاج. فتضاحك (له B) الحجاج (لعنه الله B) وقال للطفٍ ما توصلت به قد وليتك موضع كذا. فانظر أيُّها العاقل كيف القراءة والتدوين بكتب هؤلاء القوم المواليين لأعداء الدين والله المستعان. ومن هذا القبيل ما رواه ابن أبي الحديد رحمه الله وقد روى عن ابن عرفة المعروف بنفطويه وهو من أكابر المحدثين وأعلامهم في تأريخه ما يناسب ما تقدم من هذا الخبر، وقال إنّ أكثر الأحاديث الموضوعية في فضائل الصحابة افتعلت في أيام بني أمية تقريباً إليهم بما يظنون أنّهم يرغمون به أنوف بني هاشم انتهى. (نعم + A) وإن كان المرجع به إلى المعنى، فمن أصول أئمتنا عليهم السلام تقديم ما وافق الكتاب الكريم واشترط موافقته. والمحدثون لا يعتبرون غير الشروط التي اعتبروها للصحة وغيرها على زعمهم. ثم قولهم: إنّ شروط الصحة وإن حصلت ليس المراد بها في حقيقة الأمر بل في الظاهر لجواز الخطأ أو النسيان أو الكذب على الثقة. وكذا قولهم: هذا (فهذا B) ضعيف، مرادهم: لم يظهر لنا فيه شروط الصحة، لا أنه كذبٌ في نفس الأمر لجواز صدق الكاذب وإصابة من هو كثير الخطأ، ولذلك صححوا أحاديث الجبر والتشبيه ونحوهما (نحوها B) مما يقتضي المناقض على الله عز وجل وإن صدمت كتاب الله عز وجل وصريح العقول اعتماداً على ذلك الأصل لهم، وناهيك كما قال بعض أئمتنا عليهم السلام أن يكون كتاب الله عز وجل أصلاً من الأصول كأصول ابن الصلاح والخطابي والذهبي ونحوهم. ومن عجيب ما رأيت بخط هذا الفقيه مصنف هذه الرسالة في حامية

(كتابه A) كتاب الشفاء<sup>185</sup> حاشية منقولة من كلام ابن معين في حديث العرض على كتاب الله عز وجل. قال ابن معين هذا حديث موضوع مختلق من موضوعات // fol. 29 A // الزنادقة وتكلم ابن معين بكلام فظيع<sup>186</sup> على هذا الحديث الصحيح، فقرر هذا الفقيه صاحب هذه الرسالة قول ابن معين بقوله: نصر الله ابن معين حين يرد عن السنة الغراء موضوعات الزنادقة، وصار هذا الحديث المختلق أصل في كل موقف في هذه البلدة إذا خاطبه المخاطب بحديث أجاب بهذا الحديث المختلق من موضوعات الزنادقة، هذا معنى الحاشية التي بخطه في حامية كتاب الشفاء.<sup>187</sup> (قلت A+) هذا حديث العرض<sup>188</sup> صحيح عند كافة أئمتنا عليهم السلام قد حكاها الهادي<sup>189</sup> وزيد بن علي والمنصور بالله والإمام المجدد القاسم بن محمد عليهم سلام الله أجمعين، وصار أصلاً من أصولهم كما حققناه لك آنفاً. فانظر أيها العاقل لمخالفة هذا الفقيه لأهل البيت الطاهرين والدعاء لأعدائهم بالنصرة بقوله نصر الله ابن معين في نسبه أن أهل البيت الطاهرين زنادقة يضعون على جدهم المختار ما لا يكون، فأعمى (الله A+) بصيرة ابن معين، ومن نصره خبيث السريرة والدين. فو الله لو افتقد نقل هذا الفقيه في أوراقه مما قد ثلب به أعراض آل محمد الطاهرين لرأيت عجباً، ولكن هيهات هيهات أين ولاية الأمر الذابين عن أعراض آبائهم (الأئمة + A) الطاهرين. هذه فاطمة بنت محمد حبيب رب العالمين انتهك عرضها فلم يغير من أمره شيئاً. وعمّا قليل تراه قاضياً من قضاة ولاية الأمر يحكم على الصغير والكبير مجازاً<sup>190</sup> على فعله من انتهاك فاطمة بنت محمد والأئمة من أهل بيت نبيه

<sup>185</sup> كتاب "شفاء الأوام" للأمير الحسين وشرحه للشوكاني المسمى "وبل الغمام".

<sup>186</sup> الأصل "فضيع".

<sup>187</sup> هنا يلحق النعمي إلى كتاب الشوكاني "وبل الغمام على شفاء الأوام"، وشفاء الأوام كتاب في الحديث عند الزيدية.

<sup>188</sup> في الهامش الكلام التالي عن حديث العرض: "حديث العرض المذكور المراد به أن الحديث المعروف لا مخالفاً لكتاب الله سبحانه إذا عرض. فهذا هو حقيقة العرض كما صرح به المنصور عبد الله بن حمزة. وليس المراد أن كل حديث يعرض على الكتاب ويكون معنى ما في الحديث هو معنى ما في القرآن العزيز، لأنه لو كان كذلك لما احتجنا إلى الحديث واكتفينا بما في القرآن العزيز وهذا بطلان للتشريع لأن كلام رسول الله صلى الله عليه هو شرح للكتاب وبيان لمجمله وغير ذلك فاعرف هذا". وكتبه يحيى بن عبد الله بن محمد بن علي بن الوزير عفا الله عنه.

<sup>189</sup> روى الهادي حديث العرض عن آبائه وهو أنه قال رسول الله (ص): "سيكذب علي كما كذب علي الأنبياء

من قبلي فما أتاكم عني فاعرضوه على كتاب الله فما وافق كتاب الله فهو مني وأنا قائله وما خالف كتاب الله فليس مني ولم أقله". راجع "من هم الزيدية؟" للسيد يحيى الفضيل، ص 93.

<sup>190</sup> الأصل "جائزه".

وهذه [هي] العادة في هذه الأمة، ألا ترى وهب بن أبي وهب الذي فعل الأفاعيل وحكم أن الإمام يحيى بن عبد الله بن الحسين عليهما السلام عبد<sup>191</sup> لهارون العباسي اللعين ومع هذا كان صدرأ في بني العباس، فلا تستنكر ما وقع في زمانك أيها العاقل. وتراه ينسب الأئمة سلام الله عليهم إلى الزندقة، فيا للعجب هذا ما ظهر منه وما خفي عنه أعظم ﴿إِنَّا لِلّهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ﴾ (2 سورة البقرة 156). وما أحسن ما نقل في هذا المعنى عن الإمام الأعظم جبريل أهل الأرض المرتضى لدين الله محمد بن يحيى الهادي إلى الحقّ عليهما السلام في بعض أجوبته. وقلت، لأي معنى لم ندخل الأحاديث في أقوالنا ولسنا ندخل من الحديث ما كان باطلاً عندنا؟ وإنما كثير من الأحاديث مخالف<sup>192</sup> لكتاب (كتاب B) الله عز وجل ومضاداً له فلم نلتفت<sup>193</sup> إليها ولم نحتج<sup>194</sup> بما كان كذلك منها، وكل ما<sup>195</sup> وافق الكتاب وشهد له بالصواب صح عندنا وأخذنا به. وما كان نصاً من الحديث مما رواه أسلافنا أباً فأباً عن أمير المؤمنين علي عن رسول الله صلى الله عليه وعلى آله فنحن نحتج به. وما<sup>196</sup> كان مما رواه الثقات من أصحاب رسول الله صلى الله عليه وعلى آله قبلناه وأخذناه وأنفدناه. وما كان خلاف ذلك فلم نره صواباً ولم نقل به، انتهى كلامه عليه السلام. وأحاديث العرض واسعة جداً عن المخالف والمؤالف. ولو استقصينا على ذلك لأطلنا<sup>197</sup> وخرجنا عن المقصود، ولا ينكرها إلا ناصبي ضال أعمى البصر والبصيرة مستبصر في الحيرة. فظهر لك أيها العاقل من هذا أن من قرأ في كتب الحديث أتى بهذه الشبهات وارتكب جميع المنكرات وتحمل الخبث واللوم وسوء الظن بأهل الطاعات، فمن قرأ فيها // fol. 75 B // في جوامع الزيدية وجب عليه النكير والتعزير كما قيّد إمامنا المتوكل على الله إسماعيل بن القاسم عليه السلام بعض المدرّسين فيها في الجامع الكبير بصنعاء المحميّة، علم بذلك الكبير والصغير، وكما جاء عن الأئمة الهادين السابقين فإنهم منعوا قراءة هذه الكتب في جوامع الزيدية وأمروا الناس أن يعكفوا على كتب أهل البيت الطاهرين ليكون أنزه للجاهل من الدخول في الضلال. ولكن من اعتمد على حجة العقل، التي هي

<sup>191</sup> الأصل "عبداً".

<sup>192</sup> الأصل "تخالف".

<sup>193</sup> الأصل "يلتفت".

<sup>194</sup> الأصل "يحتج".

<sup>195</sup> الأصل "كلما".

<sup>196</sup> في "أ" "مما".

<sup>197</sup> الأصل "لأطلنا".

أكبر حجج الله سبحانه وتعالى، وعلى صرائح القرآن وواضح السنّة وأصول الأئمة عليهم السلام فإنّه لا يخفى عليه مواقع الحق، فإنّ له أعلاماً واضحةً لمن أبصر ومناهج قيمة لمن استقام. فلذلك كره كثيرٌ من أئمتنا عليهم السلام لمن لا يثق من نفسه بالاستقامة وتغرّه مروجات الأقوال، // fol. 30 A // ومزخرفات الضلال، أن يقرأ من الحديث ما فيه تلك الظواهر المشار إليها من نحو الجبر والتشبيه وصرف الفضل عمّن جعله الله سبحانه له إلى غيره، حتى قال إمام الهدى الإمام الأعظم المهدي لدين الله ربّ العالمين علي بن محمد بن علي<sup>198</sup> (عليه A+) السلام الله عليه: "ومن اقتعد في مساجد الزيدية يُقرئ في كتب خصومهم ويُفري أديم أقوال العترة وعلومهم مُنع من ذلك وقُمع ووقّع (ووضّع B) إن سلك بعد تلك المسالك" انتهى كلامه عليه السلام. فظهر لك أيّها العاقل من كلام هذا الإمام العظيم وأخوانه من الأئمة الهادين ما تعين (يعني B) من القراءة في هذه الكتب لما فيها من الشبهات في مساجد الزيدية، حتى حصل التسهيل من ولاة الأمر فلم يزرخوا عن هذه الضلالة العظمى حتى صار الآن كثيرٌ من طلبة العلم في جامع صنعاء (الحمية بالله تعالى وبأئمة الهدى من الزيدية + B) (وغيره عاكفون على القراءة في هذه الكتب متدينون بما فيها وأهملوا كتب أهل البيت الطاهرين حتى ضيّعهم الله وجعلهم من المخذولين A+). و[حتى -] كثرت القراءة في هذه الكتب (التي حققنا لك ما فيها B+ deleted in A) حتى صاروا من أهل الجبر والتشبيه والإرجاء كما حققناه لك آنفاً ومن العجائب العظيمة، والروايات السقيمة. حتى ضلُّوا وأضلُّوا كثيراً من الناس، فإذا رأوا طالباً يطلب العلم في كتب أهل البيت عليهم السلام، أو يكثر ذكر أمير المؤمنين علي بن أبي طالب سلام الله عليه غمطوا حقه وتسببوا لعداوته<sup>199</sup>، وشيخهم الكبير صاحب هذه الرسالة الباطلة فقد أكلم الفؤاد وشرّد الرقاد. فأين أهل الحمية والدين؟ وأين الزيدية الميامين؟ فوالله لو يرخى لهذا الفقيه الرّسن لأفتى كما أفتى الديبع في دماء آل الحسن. فقد عرفت حاله ومقاله أنّه منطوي<sup>200</sup> على شيءٍ عظيم من البغض لآل محمد الطاهرين. فاعرف هذا والله المستعان. قلت: وما أحسن ما رأيته بخط مولاي ومولى المتقين يحيى بن الحسين بن أمير المؤمنين سلام الله عليه، ولفظه قال مولانا أمير المؤمنين وسيد المسلمين المؤيد بالله ربّ العالمين محمد بن القاسم سلام الله عليهم أجمعين

<sup>198</sup> وهو المهدي علي بن محمد بن علي (ت 773 / 1371). أنظر "البدر الطالع"، 1 : 485 - 487، "أئمة

اليمن"، 1 : 247 - 260.

<sup>199</sup> الأصل "العداوية".

<sup>200</sup> الأصل "منطوي".

في رسالته إلى أهل الله تعالى ما لفظه: وعن الداعي الحسن بن زيد عليهما السلام وقد كتب كتاباً إلى بعض عمّاله، قد رأينا أن تأخذ أهل عملك<sup>201</sup> بكتاب الله وسنة رسوله صلى الله عليه وعلى آله وما صحَّ عن أمير المؤمنين علي بن أبي طالب صلوات الله عليه في أصول الدين وفروعه وإظهار تفضيله على جميع الإئمة، وتنهاهم أشد النهي عن القول بالجبر والتشبيه ومكايدة الموحدين القائلين بالعدل والتوحيد وعن التحكك بالشيعة، وعن الرواية في تفضيل أعداء الله وأعداء أمير المؤمنين صلوات الله عليه وسلامه. وتأمّره في الصلاة ببسم الله الرحمن الرحيم والقنوت في الفجر والوتر بالقرآن وتكبير خمس على الميت وترك المسح على الخفين وبإلحاق حيّ على خير العمل في الآذان، وأن تجعل الآذان والإقامة مثني مثني وتحذّر من تعدّي أمرنا، فليس لمن خالف أمرنا ورأينا إلا سفك دمه وانتهاك محارمه، وقد أعذرنا من أنذرنا، انتهى كلامه صلوات الله عليه.

فانظر أيُّها العاقل في كلام هذا الإمام العظيم والجهيد العلامة الكريم سلام الله عليه حين أرشد عمّاله ومن تحت أيديهم من الرعايا بهذا الإرشاد العظيم إلى مذهب آبائه الطاهرين، ومن خالف اعتقادهم ومقاتلتهم صار دمه مباحاً وماله مباحاً ومحارمه منتهكة. فله العزائم الحمديّة والأخلاق المرضيّة، لو علمت أيُّها الإمام أنت وإخوانك (وإخوتك B) الإئمة الطاهرين ما قد فعلوا في زماننا هذا من هتك أعراض الأئمة السابقين واللاحقين حتى نسبوا // fol. 31 A // إلى أمك البتول أنّها ماتت وهي عاصية بغضبها على أبي // fol. 76 B // بكر بن أبي قحافة، وأنّ أخذه لأموال رسول الله على ورثته صحيح، وأنّ حكمه فيها صحيح، ومنعه لفاطمة عليها السلام من نخلتها ومن ميراثها من أبيها صحيح، وحكم بهذا الطاغون والناصبون ويتحججون (ويتحجوا A) في رسائلهم بثلب أعراض الأئمة والأولياء والمؤمنين<sup>202</sup>، ولم يرفع [أحد] من حالهم حالاً ولا من شأنهم مقالاً عاكفون على القراءة في كتب أهل الجبر والتشبيه مفتون (مفتنون B) مخالفون لما أتم عليه وسلفكم الصالحون ﴿إِنَّا لِلَّهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ﴾ (2 سورة البقرة 156). (ثمة أبيات تركتها للاختصار B+) [الطويل]

لحا الله هذا الدهر كم يستفزني // لخوضِ بجارٍ أو لشقِّ جبال  
يكلفني جرّي الجوادِ وقد لوى // شكالاً على ساقِي<sup>203</sup> خلف شكال<sup>204</sup>

<sup>201</sup> في النص "علمك" ولكنها مصححة في الحاشية.

<sup>202</sup> الأصل "المؤمنون".

<sup>203</sup> الأصل "ساقِي".

<sup>204</sup> الأصل "شكالي".

أقول وقد فكَّرتُ في أمرٍ خلَّتي // وأمري وحالِ الأردلينِ وحالي  
 ألا ليتني قد كنت خدناً مُخادِناً // لخبطِ نعامٍ في الفلا وزيالِ  
 ولم أكُ عارفت اللثامَ ولم أنطُ // حبالِ خَسيسٍ منهمُ بحِبالِ  
 فلم أرَ منهمُ غيرَ حَبٍّ يمدُّ لي // لسانَ مُحبٍّ من طويَّةِ قالي  
 له شيمَةُ السِنورِ في لُطفِ خدعه // ولكنه في اللمسِ حيَّةٌ صالي  
 إذا جئت فدَّاني وأبدى بشاشةً // ولا حظني منه بعينِ جلالِ  
 وإن غبَّت ادنى ساعة من لحاظه // يمحَّل في عيني بكلِّ محالِ  
 هو لا ذنب لي إلا حجاً وبراعةً // ومجداً وبيناً في آل محمدِ عالي  
 وميلي إلى أهل التواضع والعلا // يُودي وبغضِ الأسفل المتعالي  
 ومعرفتي آباءهم وجدودهم // ورفضي لِقيلٍ في الأنام أو قال

فيا أهل النصب والعداوة قصِّروا، ويا أهل الزور والبهتان على آل محمد (صلى الله عليه وآله وسلم  
 B) ابشروا بالإهانة في هذه الدار، وفي دار الآخرة بجلول النار، مع اخوانكم المردة الأشرار. فانظروا  
 أيُّها الأخيار، إذا ذكرت فضائل علي (المرتضى A) الكرَّار، تغيَّر حسن النَّاصبي وطار، فإنَّ أمير  
 المؤمنين (عليه السلام B) العلم في هذه الدار، للأولياء ولضدِّهم من المنافقين الأشرار، من المارقين  
 المعاندين دعاة النار، والله الصفي الحلي حيث يقول (شعراً B) [الوافر]

أميرُ المؤمنين أراكِ إمَّا // ذكركَ عندَ ذي حسبٍ صفا لي  
 وإن كرَّرتَ ذكركَ عندَ نذلٍ // تكدَّرَ سيرُهُ وبغى<sup>205</sup> قنالي  
 فصرت إذا شكَّكتُ بأصلٍ مرءٍ (مرئٍ A) // ذكركَ بجميلٍ من المقالِ  
 فليس (فلا A) يطيقُ ذكرَ ثنالكِ إلا // كريمُ الأصلِ محمودُ الفعالِ  
 فها أنا قد خبَّرتُ بكِ البرايا // فأنتَ محكُّ أولادِ الحلالِ

نعم، فإنِّي لأكثر (لا أكثر A) التعجب، وما عشت أراك الدهر عجباً من رجل عالم بمصادر الأمور  
 ومواردها، وكيفية الاستدلال ومقاصدها، ودلالات الألفاظ على معانيها، وهم كثير وما ذاك إلا  
 لإرادة الله عزَّ وجل إظهار الحق على ألسنتهم وأيديهم حجة عليهم يروون ويؤثِّون عن الله عزَّ وجل  
 وعن رسوله صلى الله عليه وعلى آله تلك الأدلة والنصوص، والقواطع في أهل البيت عليهم السلام

<sup>205</sup> الأصل "بغا".

على الخصوص. بما لا يمكن دفعه لفظاً ولا معنى<sup>206</sup> ولا سنداً ولا متناً. حتى استنتجت منهم فائدتها، وطلبت منهم عائدتها، بوجوب أتباعهم الذي هو مقتضاه في علم أو عملٍ أنكر وترطم ولوى عنقه وتجهّم إن ذكرت عنده خلافتهم رأها<sup>207</sup> نكراً أو رأى من يتابعهم في مقالة أو مذهبٍ عدّه مبتدعاً أو سمع بقراءة في كتبهم ومؤلفاتهم اتّخذها هُزواً لعباً. ما أدري ما أبقى لهم من معاني تلك الأدلة والنصوص وأي فضل ترك لهم على الناس، إذ أوجب<sup>208</sup> عليهم أن يكونوا تبعاً، والله تعالى قد جعلهم متبوعين، ومؤخرين والله تعالى قد جعلهم متقدمين (مقدمين B)، وأحلّ النظر // fol. 32 A // فيما تجده من كتب كثير محدثي العامة وفقهائها، فلا تلقاها إلا على هذا النهج. متى كان الباعث هو مجرد التأليف والتصنيف وجمع الحديث والترصيف؟ حسر اللثام<sup>209</sup> وأبان الكلام، وما ترك باباً إلا قصده ولا مسموعاً إلا أورده. فإذا كان المقصود هو اعتقاد تلك الأدلة أو العمل به زاغ عنها وتبرأ منها، ونسي ما كان منه فيها، وأعانهم كثير من أصحابنا بتكثير سوادهم واغتفار اعتقادهم وما يتوهمه كثير منهم من أنّ صناعة علم الحديث وقوانينه وقواعده، وإنما عُني (علا B) بها محدثوا الفقهاء دون أهل البيت وشيعتهم رضي الله عنهم حين رأوا من المحدثين قعقعة من غير مطر وجعجعة من دون طحن. من غير تأمل لتلك القواعد التي كثروها والقوانين والأصول التي سطروها (صدروها B) وما فيها من الاضطراب فيما بينهم، وشدة الاختلاف بين شيوخهم. هذا ما جرى به القلم وفيه كفاية، لمن له علمٌ ودراية. ولو استقصينا ما في كتب المحدثين من العجائب والغرائب لخرجنا عن المقصود وقد عرفها من عرف، وقد غرق في بحرهما من غرق وانحرف. وقد حققها العارفون وأشار إليها الأئمة الهادون سلام الله عليهم. فبطل ما حكاه هذا الفقيه من الإبهام والإيهام على العوام. وقد كثرت<sup>210</sup> الجوابات من الأعلام على هذه الرسالة شيء (بشيء B) كثير لا يصفه الواصفون. وأبطلوا ما جاء به من الزور والبهتان على سادات الأنام، وأشياعهم الأعلام، وها نحن فعلنا ونقلنا // fol. 77 B // ما يجب علينا من الردّ والجواب على هذا الفقيه بما تراه ولا بدّ لكل زمان من نشوان.<sup>211</sup> والله ولي التوفيق. وجوابنا هذا لا يقبله إلا مؤمنٌ قابلٌ للحق، ولا

<sup>206</sup> الأصل "معناً".

<sup>207</sup> الأصل "يراه".

<sup>208</sup> الأصل "وجب".

<sup>209</sup> الأصل "اللثم".

<sup>210</sup> الأصل "كثرة".

<sup>211</sup> وهو نشوان بن سعيد الحميري (ت 573 / 1178) وقد عرف عنه أنه كان معارضاً للهادوية.

محالة لا يقبله إلا أحد رجلين: إما رجلٌ قابلٌ للحق فلاشارة اليسيرة تكفيه لتنوير بصيرته، ومحبه لأهل بيت نبيّه، أو رجلٌ معاندٌ مكابر قد اختار العمى على الهدى، وتنكب [عن] سبيل الرشاد والتقى وسلك سبيل العناد والتوى، فهذا لا نُجدي عنده القواطع، ولا يخرجُه عن ظلمات الضلالة الأدلة السواطع. وبهذا ينقطع قول الناصبين والجاحدين، وأقسم بالله قسماً باراً [البسيط]

والله والله لا نال الجنان سوى // مَنْ للوصي أمير المؤمنين قفا<sup>212</sup>  
أما الذين تولوا أمره سفهاً // من دونه وتسموا بعد بالخلفاً  
والناكثون ضلالاً بعد بيعته // ومن تشكك جهلاً فيه انحرفا  
فهم عن الحوض والفردوس يوم غدٍ // مُحلّون جزاءً بالذي سلفا  
لهم عويلٌ وأصوات مروعة // يدعون واندما جهراً ووأسفاً  
في موقفٍ لا يجيب الله دعوتهم // فيه ولا ينفع الإقرار معترفا  
هذا اعتقاد بني المختار كلهم // قد أعلنوه كشمس ليس فيه خفا  
وهو اعتقادي الذي أرجو النجاة به // غداً وإن أسكن الفردوس والغرفا  
صلى الإله على طه وعترته // ما لاح برقٌ وما غيثَ السما وكفا  
ولعنة الله تترأ ما بدا قمرٌ // على الظلوم لآل المصطفى الحنفا

والحمد لله رب العالمين والصلاة والسلام على نبيّه الأمين، وعلى آله الأكرمين الأنجيين، وإن تحشرنا يا ربّ في زمرة محمد وآله الطاهرين آمين اللهم آمين. وكان الفراغ من (رقم A+) هذا الجواب ليلة سابع وعشرين شهر شوال الكريم سنة ثمان ومئتين وألف<sup>213</sup> بخط مؤلفه الفقير إلى مولاه الغني إسماعيل بن عز الدين النعمي غفر الله له ولوالديه في المحروسة صنعاء المحمية بالله.  
B) وكان الفراغ من تحرير هذا في يوم الخميس الموافق سادس وعشرون ذي الحجة الحرام سنة 1339<sup>214</sup> وحسبنا الله ونعم الوكيل وهو ربنا ورب آبائنا ورب العرش الكريم.)

<sup>212</sup> الأصل "قفي".

<sup>213</sup> الموافق 27 مايو 1794م.

<sup>214</sup> الموافق 30 أغسطس 1921م.

This is an addendum to manuscript A and is not found in B:

ثم من بعد الفراغ من هذا الجواب نتجت هذه النتيجة العجيبة وذلك أنه وصل جواب علي هذه الرسالة من مدينة ذمار حرسها الله من سيدي الصُّنو السيّد العلامة شرف الإسلام الحسين بن يحيى الديلمي، زاد الله في الرجال من أمثاله، وقد أوضح الأدلة الواضحة وزَيَّف جميع ما تعلق به هذا الفقيه من الإيهام والاعتزاز بتلك الشبهات ونصحه وأرشده إلى الدلالات الواضحات من علوم آل محمد سادات السادات، فما كان من الفقيه هذا إلا الغضب العظيم، والنكير البالغ الجسيم، وأنه باق على الإصرار بيبغض آل محمد وخالف بقلبه ما قد صنّفه ولمقه في رسالته المسماة بالدُّر المنضد في مناقب آل محمد ومثالب من طغى<sup>215</sup> عليهم وتمرد. فيا للعجب من هذا التلعب بالدين، والمجاراة على ثلب أعراض آل محمد الطاهرين، ولعله فعل هذه الرسالة الدُّر المنضد إنما هي تقية من مولانا صفى الدين أحمد.<sup>216</sup> فظهر لك من هذا الرجل الانحراف العظيم، بقوله هذا الفضيع<sup>217</sup> السقيم، كما ترى<sup>218</sup> وقد كفانا وشفانا عن الجواب عليه سيدي ومولاي الماجد العلامة العظيم، والجهيد الفهامة الزعيم، شرف الإسلام والمسلمين، الحسن بن محمد بن عبد الله بن أمير المؤمنين المؤيد بالله رب العالمين<sup>219</sup> تولى<sup>220</sup> الله مكافأته وأجزل برّه بحق محمد وآله ما هذا لفظه:

بسم الله الرحمن الرحيم، الحمد لله رب العالمين، وبعد فإنه لما أنشأ السيّد الحافظ العلامة الحسين بن يحيى الديلمي رسالةً أجاب بها على الفقيه محمد بن علي الشوكاني معترضاً عليه في رسالته المعروفة بإرشاد الغبي فنقض عليه هذا السيّد الجليل مبانيها، وزيف بجوابه معانيها، وأفرغ على آجنها عذباً زلالاً، وسحراً من البيان حلالاً، وأرسل بها من ذمار إليه فلم يتلقاها بالإنصاف، بل ردّ عليه بيبغض معجرف واعتساف، وكان مما اعترض هذا السيّد المحقق في أثناء رسالته ونقم على أهل الحديث

<sup>215</sup> الأصل "طغا".

<sup>216</sup> ولعل المقصود هنا هو أحمد بن المنصور علي والذي أصبح فيما بعد المتوكل أحمد ولكن لم يشير أي مصدر على أنه كان متشيع بل العكس فالتوكل أحمد كان يجذب علماء السنة وإنما من المحتمل أنه كان متشيع في صغره وتراجع عن ذلك فيما بعد.

<sup>217</sup> الأصل "الفضيع".

<sup>218</sup> الأصل "ترا".

<sup>219</sup> لم أجد له ترجمة.

<sup>220</sup> الأصل "تولا".

نصبهم وتماليهم على رفض أقوال العترة المطهّرين، فكأن الشوكاني أخذته العصبية فاستنكر قول الحق الذي لا خفاء فيه ولا مرية. فأطال الكلام في ردّه هذا بما لا طائل تحته ولا دليل يدل عليه من كتاب ولا سنة بل مجرد كلام خال<sup>221</sup> عن البرهان، فقال إنّ الناصبي من نصب العداوة لأمر المؤمنين علي بن أبي طالب عليه السلام فقط وعزى<sup>222</sup> ذلك إلى صاحب القاموس، وهذا الأصل غير مسلم، فإنّ الناصبي في عُرف أهل العلم من نصب العداوة لعلي عليه السلام خاصة، أو نصب العداوة لأهل البيت عليهم السلام عامة، كذا من رفض علومهم وهجر مؤلفاتهم<sup>223</sup> وضعف مسنداتهم واعتقد بأنهم لا يعرفون قواعد الحديث ورجاله ويزعمون أنّ لكل فن رجال، بل تراهم يحكون أقوال الفقهاء الأربعة وتابعيهم ولا يذكرون لأهل البيت فضلاً ولا أصلاً. فمن كان بهذه الصفة فهو الناصبي الذي يُعرف عند الأئمة عليهم السلام في محاوراتهم ومؤلفاتهم<sup>224</sup>، وكيف لا وقد تمالأ أهل الجرح والتعديل من أهل الحديث على اصطلاحات فاسدة يعرف ذلك من اطلع على مؤلفاتهم في الجرح والتعديل. إنّما المانع لأهل التحقيق عدم الإنصاف مع أنّهم قد رووا أحاديث توجب التمسك بالعترة وتوجب تقديمهم والأخذ بأقوالهم أجلى<sup>225</sup> من الشمس متناً وسنداً أغلبها متواترة، فلا كأنهم مكلفون<sup>226</sup> بنقص معانيها ومتعبدون بالإعراض عنها إلا من عصم الله // fol. 34 A // وهم القليل، فمن كان بهذه الصفة يعتقد أنّ السنة هي ما عرفها وعمل بها وما سواه فهو المبتدع إذ لا واسطة بين السنة والبدعة، ومن بدّع آل الرسول وتابعيهم وقال إنّ السنة ما في يد مخالفهم فهو الناصبي يقيناً لأن الاعتقادات هي التي تنبني عليها الأحكام وتنتفي بانتفائها، فلذا لو استخف بالمسنون رجلٌ قد أتى<sup>227</sup> بجميع الواجبات لكفر، فالاعتقاد هو فعل القلب الذي هو أمير الجوارح، مع أنّ الاستخفاف والرفض لعلوم العترة هو ردّ لما علّم من الدين بالقواطع الجليلة الدالة على أنّ الحقّ معهم كحديث الثقلين وحديث السفينة المبيّن لحديث الافتراق، ومن ردّ معلوماً من الدين فقد أتى<sup>228</sup>

<sup>221</sup> الأصل "حالي".

<sup>222</sup> الأصل "عزاً".

<sup>223</sup> الأصل "مؤلفاتهم".

<sup>224</sup> الأصل "مؤلفاتهم".

<sup>225</sup> الأصل "أجلاً".

<sup>226</sup> الأصل "إلا مكلفون".

<sup>227</sup> الأصل "أتا".

<sup>228</sup> الأصل "أتا".

بأفحش النصب، وأما قول الفقيه الشوكاني في ردّه على العلامة الديلمي بقوله: إنّ غالب أهل السنّة لا يعرف منهم البغض لعلّي عليه السلام وإنّ الوا معاوية وشيعته، هذا معنى<sup>229</sup> كلامه إلى آخره وهذا على زعمه أنّه غير قادح فيهم ولا يسمّى<sup>230</sup> نصّباً، فلعمري لقد سدّ بكلمته هذه باباً من أبواب أصول الدين فإنّ الموالاة [و]المعاداة أدلّتها من الكتاب والسنّة من أوضح الواضحات لا تحتل تأويلاً وإيراد الآيات التي في سياق هذا الباب، والأحاديث النبويّة في هذا المعنى<sup>231</sup> تحصيل حاصل لا تعزب عن ذهن كل عاقل، وقد قال العلامة المحقق إسحاق بن يوسف بن المتوكل رحمه الله في هذه المسألة<sup>232</sup> ما يزيل العلة ويشفي الغلة: وما كان سبب التحزب والتفرّق والتماي على العترة الطاهرة إلا بسبب هدم هذا الركن العظيم وهو وجوب الموالاة والمعاداة، وكيف لنا بحديث "أنا سلّم لمن سالمكم وحرب لمن حاربكم" هل يجوز موالاة من كان حرب لله عزّ وجلّ؟ فمن تولى<sup>233</sup> قوماً كان منهم، قال الله تعالى: ﴿وَمَنْ يَتَوَلَّهُمْ مِنْكُمْ فَإِنَّهُ مِنْهُمْ﴾ (5 سورة المائدة 51) وهو حكم (كلمة غير واضحة)<sup>234</sup> أن من تولى<sup>235</sup> قوماً فهو منهم سواء كان على حقٍ أم باطل لأن الأحكام لا تقتصر<sup>236</sup> على أسبابها بغير دليل وقول النبي صلى الله عليه وعلى آله "يُحشر المرء مع من أحبّ". وأخرج ابن الإمام في شرح الغاية<sup>237</sup> عن الطبراني عن ابن عباس رضي الله عنهما من قوله صلى الله عليه وعلى آله "من سرّه أن يحيا حياتي ويموت مماتي ويسكن جنّة عدن غرسها ربي فليتول علياً من بعدي وليتول وليّه وليقتد بأهل بيتي من بعدي فإنهم عترتي خلّقوا من طينتي ورزقوا فهمي وعلمي فويل للمكذّبين بفضلهم من أمّتي القاطعين فيهم صلّتي لا أنا لهم<sup>238</sup> الله شفاعتي". ومن تدبر هذا الحديث كفاه عن الإسهاب والإطناب، فمن لم يقتد بأهل البيت وكذب بفضلهم فقد قطع صلة

<sup>229</sup> الأصل "معنا".

<sup>230</sup> الأصل "يسما".

<sup>231</sup> الأصل "المعنا".

<sup>232</sup> الأصل "المسئلة".

<sup>233</sup> الأصل "تولا".

<sup>234</sup> على شكل "مستحب" وإنما هذا غلط.

<sup>235</sup> الأصل "تولا".

<sup>236</sup> الأصل "تنقصر".

<sup>237</sup> شرح غاية الوصول إلى علم الأصول للسيد الحسين بن القاسم.

<sup>238</sup> الأصل "أنا لهم" (الله above the line).

رسول الله صلى الله عليه وعلى آله فيهم، ومن قطع<sup>239</sup> ما أمر الله به أن يوصل فهو الملعون بالنص القرآني مع ما اشتهر به معاوية اللعين من مخالفته وعناده للشريعة واستخفافه بها وانسلاخه عنها وناهيك أنه من دعاة النار، فهل يجوز لمؤمن بل لمسلم موالاته كما زعم هذا الفقيه الشوكاني؟ فهذا هو عين الخذلان نعوذ بالله منه. وأما قوله إنه غير حاكي كلام // fol. 35 A // الإمام يحيى بن حمزة رحمه الله فما كان اللائق<sup>240</sup> للمعتز يعترض عليه حتى قال وقد حكى<sup>241</sup> الله حكاية فرعون وهامان وقد حكى عن اليهود والنصارى إلى آخره إلى أن قال وهذا أفضع<sup>242</sup> مما حكى عن الإمام يحيى بن حمزة رحمه الله في شأن فاطمة عليها السلام. فانظر كيف نسب الفظاعة إلى كتاب الله عز وجل لأنه أتى بالكلام مترتب بعضه على بعض وقال في آخره: وهذا أفضع، وهذا غاية قلة الأدب في حق الله عز وجل فكيف في حق العبيد؟ ثم أنه يقال له لأي وجه أتيت بهذا الكلام الفظيع في رسالتك؟ لأنك قد أقررت على نفسك بفظاعته لأن أفعل التفضيل توجب الاشتراك والمقام مقام احتجاج. فإن كنت تريد به الطعن على الإمام يحيى بن حمزة مثل ما أورده العلامة الهادي بن الوزير في نهاية التنويه<sup>243</sup> لمجرد الرد عليه وبطلانه، فلا نراك قصدت ذلك ويأبى<sup>244</sup> عليك سياق الكلام. وإن كنت أردت الاحتجاج بما هو ملتزم عند خصمك كما يحتج الخصم بما هو صحيح ملتزم عند خصمه فتكون حجة عليه، فخصمك الذي لأجله أنشأت الرسالة لا يلتزم صحة كلام الإمام يحيى بن حمزة رحمه الله في شأن فاطمة عليها السلام إذ هو مدلول لا دليل عليه. وأما قوله إن أكثر أهل الزمان لا يعرفون مذاهب أهل البيت إلى آخره، فمذاهبهم بحمد الله مدونة في كتب الفروع ودلائلهم النبوية عن جدهم المختار عنهم مروية مخرجة في كتبهم المعروفة عند أتباعهم، فمن قرأها أو أقرأها واعتمد عليها عرفها بلا شك لأنها ليست من جنس الرموز والألغاز التي لا يفهم معناها حتى يقال لا يعرفها إلا الأقل كما زعم. وأما من جنب عنها ورجع إلى كتب القوم من دون اعتماد على رواية الأئمة فلا محالة أنه جاهل بها منحرف عنها وهو الآخذ من النصب بنصيب كما ذكرنا. وأما

<sup>239</sup> حدثت هنا كلمة "صلة" من الأصل.

<sup>240</sup> الأصل "الايق".

<sup>241</sup> الأصل "حكا".

<sup>242</sup> الأصل "أفضع".

<sup>243</sup> الأصل "نهاية التمويه" واسم الكتاب "نهاية التنويه في إزهاق التمويه".

<sup>244</sup> الأصل "يأبا".

من لم يكن عالماً ولا متعلماً فلا يصوغ التعوّل<sup>245</sup> عليه، إذ لا كورة من كور الإسلام إلا وعوامها أكثر من علمائها، فهذه القعقعة على من أراد يضحك وإرشادك هو نفس مقابلة الإحسان بالاساءة، ونعوذ بالله من الكيبر وعدم قبول الحق ممن كان وحسبنا الله وكفى ونعم الوكيل انتهى الجواب على جواب الشوكاني على السيّد العلامة الحافظ الكريم الحسين بن يحيى الديلمي حمّاه الله وعافاه.

فانظر أيُّها العاقل لهذا الفقيه ينسب مقالة الإمام يحيى بن حمزة<sup>246</sup> وأنّه حكى عنه كما حكى الله عن فرعون وهامان وكما حكى عن اليهود والنصارى، فيا للعجب من ثلب عرض هذا الإمام، ولم تصح الرواية عن الإمام يحيى بن حمزة في كتابه الشامل وكلام الإمام يحيى بن حمزة رحمه الله معروف في كتابه وكتاب التحقيق كما رواه عنه الإمام عزّ الدين بن الحسن سلام الله عليه في منهاجه كما أوضحناه لك سابقاً، وأين التوبة والتوقف عن هذه الموبقات وكأنه عمّا قليل وقد ادعى الربوبية حين شبه حكايته عن الإمام يحيى بن حمزة بحكاية الله عز وجل عن اليهود والنصارى وعن فرعون وهامان. // fol. 36 A // ثم قال هذا أفضع، فما أقبح هذا الخبط والخلط نعوذ بالله من الضلال والزيغ. فيا أيُّها<sup>247</sup> العقول الراجحة انظروا بعين البصيرة أنّه من أجاب على هذه الرسالة مخطئ ضال، وبالأولى والأحرى<sup>248</sup> عندهم إذا كان من ذرية المصطفى الأمين، يقال أجاب حميةً على القرابة وعصبيةً وجدنا محمد المصطفى الذي علمهم أمر دينهم ومنحهم بلا إله إلا الله وأخرجهم من الظلمات إلى النور، فانكروا حقنا وعصوا جدنا وظلموه أجرة فينا، وترددوا<sup>249</sup> بالبغض لنا، ﴿قد بدت البغضاء من أفواههم وما تخفي صدورهم أكبر﴾ (3 سورة آل عمران 118)،<sup>250</sup> قال بعض السوقية من تلامذته: إن كل من<sup>251</sup> أجاب على هذه الرسالة مخطئاً قد نسب أهل البيت إلى الكفر، فيا ليت شعري ما الذي<sup>252</sup> 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

<sup>245</sup> الأصل "التقول".

<sup>246</sup> (إلى حكاية فرعون وهامان ~~(crossed out)~~)

<sup>247</sup> الأصل "فيايها".

<sup>248</sup> الأصل "وبالأولا والأحرا".

<sup>249</sup> الأصل "تردّوا".

<sup>250</sup> ولو ترى المشدقون من تلاميذه ~~All crossed out~~.

<sup>251</sup> الأصل "إن كل من من".

<sup>252</sup> الأصل "الذي".

ولكن هكذا أهل العصيان يقلبوا الحق باطلاً والباطل حقاً، فما أضر هذا السراج الهندي على دين الله عز وجل وتربعه للقراءة لجنسه وأجناسه من أهل الأسواق كمعلق الدر في حلوق الخنازير. وهؤلاء الأحداث الذين نشأوا في هذا الزمان إنما هم سلالة فقيه الخارقة أو البقية من شيعة معاوية بن أبي سفيان، فهيئات هيئات عباد الله ذهب الحمى وأين الشيعة الأخيار المتقون وولاية الأمر الزاجرون عن هذا الأمر الكبير والضلال الشهير. ﴿إِنَّا لِلَّهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ﴾ (2 سورة البقرة 156). اللهم إنا نسألك أن تأخذ بالتأثر ممن عادى آل محمد الأخيار عاجلاً غير آجلاً<sup>253</sup> يا شديد المحال، يا ذا القوة والطول والجلال. والحمد لله رب العالمين ولا حول ولا قوة إلا بالله العلي العظيم. وصلى الله على نبيه الأمين وعلى آله البررة الأئمة آمين اللهم آمين.

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<sup>253</sup> الأصل "آجل".

## إجازة المفتي أحمد بن محمد زبارة

بسم الله الرحمن الرحيم

Yemen Republic      الجمهورية اليمنية  
Casuistry House      دار الإفتاء  
The Grand Mufti      المفتي العام  
P.O. Box 2214      ص ب 2214  
ت 227778  
صنعاء  
تاريخ 3 رجب 1418 هـ

الحمد لله رب العالمين والصلاة والسلام على سيد المرسلين وآله الطاهرين وصحابته الراشدين  
وتابعيهم بإحسان إلى يوم الدين  
وبعد فإن الأخ العلامة محمد أكرم الندوي المتخرج من دار العلوم لندوة العلماء في الهند ومتخصص  
في الحديث النبوي ودرّس بها ست سنين ثم بعثه أبي الحسين الندوي إلى أكسفورد للدراسات  
الإسلامية ويقوم بأعماله المجيدة وكتب إلي كتاباً يدل على علمه الواسع وهمته العالية  
وطلب مني الاجازة العامة وهو لها أهل،

فأقول قد أجزته أن يروي عني ما صحت لي روايته عن مشائخي ومُحيزيٍّ ومنهم والدي العلامة  
محمد بن محمد زبارة فإني حضرت مجالسه العلمية وأجازني اجازة عامة. ومنهم العلامة الحسين بن  
علي العمري لازمته عشر سنين وأخذت عنه الأمهات الست وشرح الأزهار والروض النضير وفتح  
القدير والبحر الزخار وشرح العمدة ومنتهى المرام والذكر لمحمد بن منصور ونسخته من نسخته  
وشفاء القاضي عياض ومعجم الطبراني الصغير وشمائل الترمذي وغيرها ونقلت من خطه رسائل  
ومسائل وأجازني اجازة عامة. ومنهم العلامة أحمد بن عبد الله الكبسي لازمته سنوات وأخذت عنه  
صحيح البخاري مع أكثر فتح الباري وسبل اسلام والقلائد للنجدي وشرح منظومة الكافل والمنذري  
ومختصره لشيخنا الكبسي المسمى الأمانة ونسخته بخطي من خطه وأكثر الكشاف ومغني اللبيب

وشرح ابن عقيل والتفتازاني والمنهال وإيثار الحق وبهجة المحافل وتيسير الديق والرقائق للوزير. ومنهم العلامة أحمد بن علي الكحلاني تغيبت لديه الأزهار والملحة والحاجب والشافية والفرائض وبعض الغاية والتلخيص وأخذت عنه أمالي أبي طالب والمؤيد بالله والمرشد بالله ونهج البلاغة والروضة الندية وشرح الأزهار كاملاً وشروح الكافل للقمان وحابس والطبري وشرح الفرائض مراراً وشرح الغاية والأساس والفاكهي والقواعد والشرح الصغير شرفين وإيساغوجي. ومنهم العلامة يحيى بن محمد الإرياني البخاري في ليالي رمضان ست سنين بمجلس والدي والاتقان وتحفة الذاكرين والشمائل. وبمسجد الفليحي نيل الأوطار وضوء النهار مع أكثر المنحة والهدي النبوي والكشاف كاملاً في ست سنين مع أكثر حاشية السعد والشريف والسراج والطبي قراءة بحث وتحقيق وكانت وليمة الختم بمجلس والدي يوماً مشهوداً حضره جميع الطلبة وبعض المشائخ والأصدقاء غداءً ومتكاً وأنشد سيدنا محمد النعماني قصيدة للعزي البهلوي وقصيدة لمحمد بن قاسم أبو طالب وأجازني إجازة عامة. ومنهم العلامة محمد بن حسن دلال شمس الأخبار وتجويد القرآن غيباً وأجازني إجازة عامة. ومنهم العلامة قاسم بن حسين العزي في تفريج الكروب وأجازني إجازة عامة. ومنهم العلامة إسماعيل بن علي الريمي شرح الأزهار والبيان والأحكام والفرائض مراراً. ومنهم العلامة عبد الوهاب بن محمد الشماحي في شرح الأزهار والثمرات والمطول والمناهل ثم لما غادر المدرسة العلمية انتقلنا بنفس الدروس إلى شيخ الإسلام علي بن علي اليماني بزيادة أول الكشاف وأجازني إجازة عامة. ولما توفي إنتقلنا بنفس الدروس إلى العلامة زيد بن علي الديلمي بيته وأجازني إجازة عامة. ومنهم العلامة عبد الله بن علي عبد القادر المنهاج والنخبة وأمالي أحمد بن عيسى. ومنهم العلامة عبد الله بن محمد السرحي شرح منظومة الكافل والمغني والمناهل والفرائض. ومنهم العلامة عبد الله الجرافي مجموع الإمام زيد والسيلقية والجعفرية وسلسلة الإبريز ومسلم والنسائي. ومنهم العلامة حسين بن محمد الكبسي كتب النحو والصرف المدروسة. ومنهم العلامة عبد الخالق الأمير كافل لقمان وقطر الفاكهي وإيساغوجي. ومنهم العلامة محمد بن يحيى مداعس الثلاثين المسئلة والعلامة محمد بن محمد السنيدي في شرح الأزهار والثلاثين المسئلة والعلامة أحمد مهدي في نيل الأوطار والعلامة عبد الله اليدومي في نيل الأوطار. وبالحرم الشريف على العلامة محمد علي تركي سنة 1346 في البخاري مع والدي وكذلك في التيسير ومناسك الحج على العلامة عمر حمدان والعلامة عباس بن أحمد في الروض الباسم وسمعت درس العلامة علوي بن عباس المالكي وناولني ابنه العلامة محمد علوي أسانيده مع الإجازة. ومن مجيزي الإمام يحيى والإمام أحمد والعلامة عبد الواسع الواسعي والعلامة علي بن أحمد السدمي والعلامة عبد الله عبد الكريم أبو طالب وقد

صح لي رواية كتب الإسناد إتحاف الأكابر عن العمري والسدمي كلاهما عن إسماعيل إسحاق  
ومحمد إسماعيل الكبسي كلاهما من المؤلف الشوكاني. ومنها العقد النضيد لعبد الكريم أبو طالب  
عن ابنه عبد الله وقاسم العزي ومحمد دلال ثلاثتهم عن المؤلف. وبلوغ الأماني لمشحم عن العمري  
والسدمي وشيخ الإسلام ثلاثتهم عن أحمد بن محمد الكبسي عن عبد الله الغالي عن أحمد بن يوسف  
زبارة عن أخيه الحسين عن أبيه يوسف بن الحسين عن أبيه الحسين بن أحمد زبارة عن المؤلف.  
والعسجد المنظوم لعبد الله الغالي عن العمري والسدمي وشيخ الإسلام ثلاثتهم عن محمد العراسي  
عن المؤلف. والإعلام والتحفة لأحمد قاطن عن العمري والسدمي وشيخ الإسلام ثلاثتهم عن أحمد  
بن محمد السياغي عن الحسن بن أحمد الرباعي عن والده عن المؤلف. ومنها الأمم لإبراهيم الكردي  
عن العمري وغيره عن أحمد الكبسي عن أحمد بن زيد الكبسي عن عبد الله بن محمد الأمير عن محمد  
بن إبراهيم الكردي عن أبيه المؤلف. ومنها الاسداد لسالم البصري عن السدمي عن إسماعيل إسحاق  
ومحمد إسماعيل الكبسي وأحمد حسن المجاهد الجبلي ومحمد بن محمد العمراني أربعتهم عن الشوكاني  
عن عبد القادر بن أحمد عن محمد حياة السندي عن المؤلف. ومنها المطرب المعرب لعبد القادر خليل  
كدك المدني عن زيد الديلمي عن علي بن حسين المغربي عن أحمد بن محمد الكبسي عن أحمد بن  
زيد الكبسي عن عبد الله بن محمد الأمير عن المؤلف. ومنها فهرس الفهارس لمحمد عبد الحي الكناني  
عن والدي عن المؤلف ومنها الدر الفريد للواسعي عنه. ومنها إتحاف ذوي الهمم لمحمد علوي  
المالكي عنه وعن والده. وأرجو من المجاز له الأخ العلامة محمد أكرم الندوي أسعده الله في الدارين  
الدعوات الصالحات في الحياة وبعد الممات وأسأل الله تعالى لي وله وللمؤمنين والمؤمنات التوفيق  
وحسن الختام وسعادة الدارين وسبحان الله وبحمده سبحان الله العظيم.

المجيز المفتي العام لليمن، أحمد محمد زبارة، ختم: الجمهورية اليمنية / دار الإفتاء / المفتي العام

## رسالة الإمام يحيى في تعيين السيد محمد بن حسين الكبسي حكومة لواء الحديدية

بسم الله الرحمن الرحيم<sup>1</sup>

الحمد لله الذي يسرّ لدينه حرائباً<sup>2</sup> من أئمة الحق الأعلام، فصان بهم وكنه وحفظها من تهوّر ذوي الأنام، وأعلى<sup>3</sup> منار شريعته بالأحسنين سيرةً ومنهاجاً من الحكام، والصلاة<sup>4</sup> والسلام على من أرسله الله للعالمين رحمةً وخصه بالمقام المحمود وجعل أمته خير أمةً وعلى آله قرناء الكتاب وسفن النجاة لمن تمسك بهم في هذه الدار ويوم المآب، وصحبه الراشدين الأنجاء، وبعد، فهذا مرسوم كريم وظهير فخيم صدر من المقام الأمامي المنصوري المتوكلي، ثبت الله قواعده، ودمر شأنه ومعانده، يعلن للعموم، ويبيّن المراد منطوقه والمفهوم، بأننا قد وجهنا إلى عهدة الصنو العلامة عز الإسلام محمد بن حسين الكبسي حفظه الله حكومة لواء الحديدية وأمرناه بالتوجه على بركة الله إليها بعزيمة أكيدة ليكون منه القيام بأمر الشريعة وإقامة قناتها القويمة الرفيعة بالفصل ما بين الخصوم والانتصار للمظلوم وحسم مواد النزاع وقطع ذرائع<sup>5</sup> طول اتصاله بدون انقطاع والتحري على ما فيه مرضاة الحي القيوم وردع الظلوم ونصرة المهضوم والمحافظة على شرائط القضاء وآدابه وترتيب الدعاوى وما يتبعها إلى انتهاء المحاكمات وتهذيب ما يتحرر من رقوم الشجارات واعتماد موافقة ما يكون من الحكم لنصوص المذهب الشريف<sup>6</sup> إلا ما فيه لنا إختيار فعلى موافقة الإختيار يكون المدار، وإختيارتنا -- والله المنّة -- واضحة الأدلة ومال إليها من جهابذة الدين الجلّة وقد جعلنا ولايته شاملة للدماء والأعراض والأموال وما كان الحق فيه لله تعالى، أو للعبد في عموم الأحوال، وأوصيناه بتقوى الله عز وجل ومراقبته في كل قول وعمل وملازمة الطاعات والتوقف على ما لله من المأمورات والمنهيات وطاعة الله وطاعتنا وامثال أوامرنا ونواهيها والأمر بالمعروف والنهي عن المنكر

<sup>1</sup> أسفل البسملة ختم الإمام المتوكل على الله يحيى حميد الدين.

<sup>2</sup> ربما "حزائنا".

<sup>3</sup> في الأصل: "أعلا".

<sup>4</sup> في الأصل: "الصلوة".

<sup>5</sup> في الأصل: "ذرائع".

<sup>6</sup> وهنا يعني المذهب الهادي المدون في كتب الإمام أحمد بن يحيى المرتضى، وخاصة كتاب الأزهار وشرح لتلميذه ابن مفتاح.

المخوف وحسن السيرة وطيب السريرة وضبط الأعوان والتزام سهولة الحجاب ولين الخطاب والإمساك عن التأديب بالمال فإننا نمنعه عن ذلك كما أنا نمنع عنه جميع حكامنا والعمال وإذا حصل شيء يقتضي ذلك كان العرض علينا واعتماد ما يرد إليه منا وليس له أخذ شيء من الخصوم باسم الأجرة وكذلك جميع حكام القضاة والنواحي فقد قررنا لهم ما فيه كفاية. وليعلم الصنو العزي - عافاه الله -- بأننا قد أنطنا به جميع حكام اللواء فلهم مراجعته رأساً وله مخاطبتهم فيما يراه صلاحاً وعليه المراقبة بجميع أعمالهم والنهي عما لا يوافق مراد الله ومرادنا من أفعالهم وكذلك إذا علم بصدور ما لا يرتضي من القول والفعل من العمال فإننا نلزمه بالرفع إلينا وعلى عامل اللواء -- حفظه الله -- الضبط لمن تورد عن الإنصاف بشريعة الله وإنفاذ ما يصدر من الأحكام وعليهما معاً التعاون على كل ما يكون به نشر بزور الأمان ومنع العدوان وإخماد الفتن وإزالة المحن وإقامة ناموس شريعة الله بتحكيمها في كل ما يحصل من الحوادث وتعليم العامة آداب الدين وما أمر به رب العالمين من الصلوات والطهارات والمحافظة على ذلك في جميع الأوقات وإرشاد الناس إلى ما يرغبهم في ولاية آل الرسول وما لهم في محبتهم واتباعهم من الأجر والفوز المأمول. ومن أهم ما نفرده بالذكر عناية حاكمنا -- عافاه الله -- بالعفة فهي التي تُسهّل ما بعدها وليس المراد سوى العفة عن الميل إلى أموال الناس والتساهل في الشبه الموصلة إلى الحرام وما كان النهي عنه لأنه من أكبر الآثام هذا ومتى عرض حادث فيه حدٌّ وكان إنفاذه يقتضي إتلاف نفسٍ أو عضوٍ وكذلك القصاص فإننا نأمره بأخذ الإذن منا وعرض الحكم علينا، وليهتم -- عافاه الله -- بمنع ما فيه المنافاة لآداب الدين وبإزالة البدع التي لم يكن عليها المؤمنون وحذر عنها سيّد المرسلين وإننا نأمر جميع من في الحديدية من رعايانا بامثال أوامره ونواهيها فهي عن أمرنا ونوصي الجميع بتقوى الله وبطاعة الله وطاعتنا والصنو العزي ممن يحمد منابه إن شاء الله ويكون فوق الأمل سيره فيما أمر به وذهابه وفق الله الجميع لما فيه الرضوان والفوز بالمبتغى من الغفران والإحسان والله الرقيب وهو حسبنا ونعم الوكيل وحرر (---) عاشر رمضان الكريم سنة ثلاث وأربعين وثلثمائة وألف.<sup>7</sup>

<sup>7</sup> الموافق 4 أبريل 1925 م.

## إختيارات الإمام أحمد حميد الدين

بسم الله الرحمن الرحيم

الاختيارات الفقهية للإمام أحمد بن يحيى حميد الدين بن الإمام المتوكل على الله رب العالمين يحيى بن الإمام المنصور بالله محمد، قال في اختياراته أنه ترجح لديه واختاره بحسب الأدلة الشرعية والنظر الصحيح

أن تصرفات النساء لأقاربهن أو لأولادهن فيما هو تحت أيديهم أو تحت نفوذهن باطلة سواء كان التصرف بهبة أو نذر أو تملك أو وقف إذ لا يكون ذلك إلا لخوف أو حياء أو يأس من تمكنهن وقبضهن لما هو لهن.

اللهم إلا إذا كان التصرف بالبيع إلى أقاربهن بدون تغرير ولا تدليس عليهن منهم أو من غيرهن ولا خوف ولا غبن عليهن فذلك صحيح. وأن الوصية للوارث غير معتادة مطلقاً ولو من الثلث لوجوب التسوية لحديث النعمان بن بشير وحديث "اتقوا الله وساووا بين أولادكم وإن كان".

وفي الحديث لا وصية لوارث إلا أن يجيز الورثة والوارث الضعيف لا بد أن يعرف قدر الموصى به وأنه من الثلث أو زايد عليه. وإعلامه أن نفوذ ذلك في حصته متوقف على إجازته. وأنه لا بأس إذا لم يجز. وأن تكون الإجازة لا عن خوف ولا حياء ولا يأس. وللمجيز الرجوع عن الإجازة ولو بعد موت الموصى.

وأنه لا يعتبر في إثبات القصاص لورثة المقتول عمداً عدواناً حضور الوارث ولا في استيفائه بل يكفي فيهما الوكيل فإن ذلك من جملة الحقوق التي يعتبر فيها الوكيل. وأنه إذا ثبت بحكم شرعي أن فلاناً قتل فلاناً عمداً عدواناً وطلب البالغ من ورثة القتل الاقتصاص من القاتل لزم القصاص ولا يلزم تأخيره حتى يبلغ القاصر من الورثة أو يقدم الغائب منهم إذا كان فيهم قاصر أو غائب لقوله تعالى ﴿فقد جعلنا لوليه سلطاناً﴾ (الإسراء: 17 : 33) والولي هو الأرشد أما الصغير فلا ولاية له. ولا بأس بأخذ العهد من المكلف المطالب بتسليم نصيب من يبلغ من الورثة إن طلب نصيبه من الديّة من باب الاحتياط.

وأن إذا غاب الرجل عن زوجته وتركها بلا نفقة والكسوة // ص 2 // وثبت فقره ولم يتبرع أحد بالإنفاق عليها وطلبت الفسخ لتضرُّرها بعدم الكسوة والنفقة، هما ثبت التضرر من دون تقرير مدة ولا غيرها، فلها ذلك فلا اعتبار. كذا في الأم لإيسار أحد قرابتها فانه لا يلزم الإنفاق عليها مع

كونها مزوجةً وفي قوله تعالى ﴿الرجال قوامون على النساء﴾ (النساء 4 : 34) ما يكفي العارف كما قاله بعض العلماء. وأن المرأة إذا طلبت الفسخ من عقد نكاح زوجها لتضررها بعدم الكسوة والنفقة وثبت عدم تمكن الزوج من ذلك وإعساره فلها ذلك وعلى الحاكم أن يحكم بفسخها ولو كان الزوج موجوداً بعد أن تطلب الفسخ وتصرح بلفظه إنشأً وهذا مع امتناع الزوج عن الطلاق بعد إلزامه به من الحاكم. وأن للمرأة حق في الوطاء فإذا طلبت ذلك لزم الحكم لها استناداً إلى قوله تعالى ﴿وعاشروهن﴾ (النساء 4 : 19) وقوله ﴿ولهن مثل الذي عليهن﴾ (البقرة 2 : 228) وقوله ﴿ولن تستطيعوا أن تعدلوا بين النساء ولو حرصتم فلا تميلوا كل الميل﴾ (النساء 4 : 129) وقوله صلى الله عليه وآله وسلم "إن لأهلك عليك حقاً" وقد حرم الكثير من العلماء نكاح العاجز عن الوطاء وفي الآية ﴿للذين يؤلون من نسائهم تربص أربعة أشهر﴾ (البقرة 2 : 226) فبعد الأربعة الأشهر للحاكم إلزامه بأحد الأمرين الفئدة الرجوع إلى مجامعة زوجته أو الطلاق. إذا عرفت هذا فإن للمرأة الغائب عنها زوجها فوق الأربعة الأشهر لا لعذر والتارك لجماعها لا لعذر إذا طلبت الفسخ لخشيته العنت واحتياجها إلى الوطاء أن تفسخ عقد النكاح ولو كانت واجدة النفقة والكسوة وللحاكم أن يحكم بصحة فسخها بعد أن تصرح بلفظ الفسخ المعتبر وهذا مع حصول الظن لدن الحاكم بصحة خشيته العنت انتهى كما وجب.

وأن الضرر والضرار ممنوع سواء كان بين المتقاسمين أو غيرهم لعموم الحديث "لا ضرر ولا ضرار في الإسلام". وهو في حق الجار أولى لحديث "لا يمتنع أحدكم جاره أن يضع أحشابه على جداره" وكلام ابن عباس رضي الله عنهما لقول رسول الله صلى الله عليه وآله وسلم "ما زال جبريل يوصيني بالجار حتى ظننت أنه سيورثه وحديث "لا يؤذي أحدكم برائحة اللحم إلا أن يعطيه شيئاً" منه وكلها دالة دلالة واضحة على منع الضرر وهو // ص 3 // كما لا يخفى ممنوع عقلاً قبل الشرع. وأما إبطال سلفنا الشهيد رضوان الله عليه فيما بيع في سني المجاعة فبيع في محله لما كان في عام اثني وعشرين وثلاث مائة ألف فقط 1322 اللهم إلا أن يحدث مثلها في المستقبل ولا سمح الله فالحكم واحد.

وإن كان تواطئ من البائع والمشتري من أجل الشفيع فهو باطل ويلزم الشافع تسليم الثمن الذي وقع عليه العقد وكذا لا يلزمه إلا تسليم مثلما سلمه المشتري في مقابل الثمن المؤجل كما يفعله أهل الشام من تأجيل بعض الثمن ثم يكون تعجيله بأقل من المؤجل ويلزمون الشافع تسليم مثل المؤجل وكل ذلك حيلة على الشافع وحينئذٍ فلا يلزمه أن يسلم إلا مثلما سلمه المشتري فقط سواء كان مؤجلاً أو معجلاً. وإذا زاد المشتري في ثمن المبيع لا لرغبته فيه بل لأجل الشفيع فليس على الشفيع

إلا تسليم القيمة ما قومه عدلان والزائد يخسره المشتري ولا يرجع به على البائع. ومنها أن الطلاق البدعي لا ينفذ. ومنها أن العامة يسأل عن معنى طلاق المتتابع فإن أفاد أنه قصد واحدة فلا يلزمه إلا هي وإن أفاد أنه يريد التثليث حكم عليه به وأما العارف فلا يحكم عليه إلا مع تخلل الرجعة. وأن مال الغائب يقسم بين ورثته الموجودين عند وفاة المدة سبعين سنة لا الورثة الموجودين يوم الغيبة. وأن الشفعة تثبت بالعقد الفاسد. وأن التفاسخ بين المتبايعين بعد الحكم بالشفعة لا يبطلها لأنهم حكموا أنها ولو بعد الاستهلاك الحكمي وهذا التفاسخ لا ينقص عن ذلك الاستهلاك وإن تراخى الشافع بعد علمه بالمبيع مبطل للشفعة ولو جهل الثمن. وأن الوصية إذا ظهر فيها التحيل لا تصح. والله اعلم، هذا ما وجب والله ولي التوفيق.

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