

Yemeni Manuscript Collections and Zaydi Studies
An International Conference funded by the Carnegie
Corporation of New York
Institute for Advanced Study, Princeton
December 6-7, 2018

Participants, Titles, and Abstracts

Rodrigo Adem (El Colegio de México)

Al-Imām al-Rassī's Theory of the Imamate

The Imam al-Qāsim b. Ibrāhīm al-Rassī (d. 860) is significant historically for a number of reasons: His works not only constitute the earliest extant Shi'ite texts of theology, his formulation of the imamate is likewise the earliest extant exemplar of Shi'ite doctrine as laid down by a member of the ahl al-bayt. He is also the first of the systematic theoreticians of the school of Shi'ism commonly referred to as Zaydism, as it would come to be practiced by the Ḥasanid descendants of Alī for posterity. Given these facts, his corpus should enjoy a privileged status in the broader writing of Shi'ite intellectual history. Since Wilferd Madelung's seminal study on al-Rassī in 1965, only Binyamin Abrahamov's 1987 article has attempted to delineate the details of the imam's theory of the imamate. Yet further analysis of the text is certainly possible with reference to contemporary Mu'tazilite sources which were either not available, or not previously brought to bear on the topic. Taking that as its starting point, this paper will attempt to more fully historicize the discursive trends evident in al-Rassī's Tathbīt al-imāma. This text, not only significant due to its handling of a central tenet of Zaydī Shi'ism, documents a trend in Islamic thought in which "authority" was formulated with an increased emphasis on both exegetical and theological considerations. Al-Rassī stakes out the role of the imamate within both frameworks not only in a manner indicative of this development, but in a manner not commonly associated with the Zaydī position by the heresiologists. This is a palpable reminder of the need for caution with second-hand accounts of Zaydī Shi'ism, as well the necessity of refocusing our attention on Zaydī texts for a stronger account of both Shi'ite and broader Islamic intellectual history.

Hassan Ansari (IAS)

New Sources for the History of Zaydism in Iran

Bernard Haykel (Princeton University)

Imam al-Qasim b. Muhammad's (d. 1029) polemical response to a Sufi attack (K. Half an al-afik fi jawabihi 'ala al-Kamil al-mutadarik)

Imam al-Mansur al-Qasim b. Muhammad's (d. 1029/1620) was the founder of what later became the Qasimi dynasty as well as the ancestor of the Hamid al-Din imams. He was a towering intellectual and political figure, who had a distinctive vision of theology and law, and can be considered the last great scholar among the later Zaydi imams. My presentation, which is based on a manuscript that I have co-edited with Professor Wilfred Madelung, will consist of detailing and analyzing a polemical exchange between Imam al-Qasim and an opponent around the topic of Sufism. The manuscript, which consists of a commentary on a long poem and titled Kitab Hatf anf al-afik fi jawabihī 'ala al-Kamil al-mutadarik, sheds considerable light on later Zaydi theology, the sect's attitude toward Sufism and the Ottomans, and offers insights into the political and intellectual history of 17th-century Yemen.

Eirik Hovden (University of Bergen, Norway)

Shifting positions on the Hādawī family waqf: Yemeni Zaydī fiqh, polemics and decrees since al-Hādī until today

Land-owning individuals and elites have often been reluctant to use the Islamic inheritance rules, for example when daughters are married "out" of the extended family. One solution to keep land under the ownership of the extended family, when planning an inter-generational transfer of wealth, has been to look to the institution of family waqf. The founder of such a waqf can himself/herself freely chose whom to include and exclude, even potential heirs, such as the awlād al-banāt. In Zaydī (Hādawī) fiqh and law, such a waqf can legally be made out of one third of one's property, even in favour of certain potential heirs, partly in analogy of the concept of waṣīya. The Hādawī family waqf (tangled up with the concept of waṣīya) has been main rule in the Yemeni Zaydi legal tradition for centuries as can be seen in the Sharḥ al-azhār. However, it has also been highly contended and has been attacked by several notable Zaydi imams and scholars, among them al-Manṣūr 'Abdallāh b. Ḥamza, al-Mutawakkil Ismā'īl, al-Shawkānī, Imam Yahyā and later scholars serving the republic. The main argument against the Hādawī family waqf is the apparent reduced status of the inheritance rules relative to waqf and thus favouritism between potential heirs. Later argumentation also hinges upon Sunni ḥadīths such as "lā waṣīya li-wāritih". Some scholars have protested polemically against the Hādawī family waqf while still partly admitting it in a legal sense, or allowing old family waqfs to continue. This paper will base itself on a chapter in my PhD thesis and in my forthcoming book and will analyse the argumentation for and against the Hādawī family waqf as found in the Yemeni Zaydi tradition of fiqh. Further, it will discuss to what extent the fatawā and ikhtiyārāt on this issue can be seen as a form of pre-modern codification, explicitly instructing the judges to follow a certain rule.

Kerstin Hünefeld (Freie Universität Berlin / Herbert D. Katz Center for Advanced Judaic Studies, University of Pennsylvania)

Zaydī arguments against Muḥammad b. 'Alī al-Shawkānī's Fatwa on the Worldly Judgement of Jewish Orphans and the legitimacy of the late Qāsi'i imamate

This talk is based on two handwritten legal treatises from late eighteenth-century Yemen that research has hitherto not analyzed. Both deal with the question of whether it is legal and religiously ordained to snatch Dhimmī minor orphans from their "unbelieving" environment and forcibly convert them to Islam in the sense of "leading them back" to the "natural religion" (fiṭra) that all humans are said to be born into, and that most scholars interpret as pointing to "Islam". One of the fatwas includes the opinions of Ḥusain b. 'Abdallāh al-Kibṣī (d. 1223/1808),

Muḥammad b. ‘Alī al-Shawkānī (d. 1250/1835), and ‘Abdallāh b. Muḥammad al-Amīr (d. 1242/1826), while the other contains the standpoint of Ibrāhīm b. ‘Abd al-Qādir al-Kawkabānī (d. 1223/1808), which is taken here to represent a particular Zaydī or Shī‘ī point of view. Both treatises are kept at the Dār al-Maḥtūtāt in San‘a. Although another version of the first fatwa mentioned was published in 2002 (albeit without the introduction and al-Amīr’s opinion), al-Kawkabānī’s fatwa was not. In a contextual analysis of these texts I will share new findings regarding the socio-political circumstances that led to the discussion on the handling of Dhimmī orphans, the interplay of theory and practice, and the political dimension of discussing Dhimmī rights in general, which – as Bernard Haykel has shown for other aspects (expulsion and dung collecting) – reaches far beyond addressing these rights. Contrary to what Bernard Haykel and Yosef Tobi (plausibly) assumed, however, both texts show that the practice of converting Jewish orphans does not go back to neo-Sunni teachings but rather involves the practical implementation of a “strict” or “more shī‘ī” ḥadawī view (as briefly assumed by Shlomo Dov Goitein) of the principles of jurisprudence. It is likewise an indirect critique of the late Qāsimī imamate. Consequently, a general tendency (“stricter” neo-Sunni or “more lenient” Zaydī) cannot be ascribed to either of the two schools on the topic of Dhimmī rights. Instead this calls for scrutiny of each case and the concrete political dynamics concerned.

Nebil A. Husayn (University of Miami)

The Origins of the Adhān: Reports from the Family of ‘Alī

The adhān or call to daily worship is an iconic ritual associated with the Muslim community. The origins of the practice, according to respected ḥadīth collections in Sunnī Islam, lay in a dream that two Companions of the Prophet claimed to have experienced. Ibn Ishāq, al-Tirmidhī, Ibn Māja, Abū Dāwūd and Aḥmad b. Ḥanbal all report that the adhān was revealed to ‘Abd Allāh b. Zayd al-Anṣārī and ‘Umar b. al-Khaṭṭāb in dreams they experienced within a year of the Prophet’s arrival in Medina. On a number of legal questions the descendants of ‘Alī b. Abī Ṭālib, are portrayed as collectively supporting a position or doctrine that they attributed to ‘Alī or the Prophet. In a few cases, these ‘Alid family traditions contradicted another position that was widely-accepted in the community. ‘Alid reports about the origins of the adhān is one example. Sunnī, Twelver Shī‘ī and Zaydī ḥadīth collections all document reports from ‘Alids who explicitly rejected the possibility of anyone but the Prophet Muḥammad serving as a source of rituals in the sacred law (sharī‘a) and the historicity of the abovementioned reports about the dream of ‘Umar and ‘Abd Allāh b. Zayd. These ‘Alids go on to narrate a counter-report in which the adhān is revealed to the Prophet in his night journey (mi‘rāj) to God. The following study surveys Sunnī, Twelver Shī‘ī and Zaydī literature for reports in which ‘Alids discuss the origins of the adhān. I note any substantive differences between the various recensions and identify those ḥadīth transmitters most frequently associated with the ‘Alid report. Are there ḥadīth transmitters who were instrumental in circulating this report across all three sects? I pay special attention to Zaydī contributions to the subject as Zaydīs have concentrated a considerable amount of effort to documenting the views of ‘Alids regarding the adhān. Zaydīs did this to substantiate another doctrine: the legality of including the phrase “come to the best of deeds” (ḥayya ‘alā khayr al-‘amal) in the adhān. In the course of such polemics, one finds numerous reports from ‘Alids who narrate the origins of the adhān. Nonetheless, a curious problem exists for Shī‘īs who circulate reports about the adhān’s origins: in many cases the phrase “come to the best of deeds” does not appear. Why does it appear rarely? Was it occasionally added by Shī‘īs in later periods or intentionally omitted due to sectarian concerns? I discuss this secondary question regarding the

literary history of this phrase in texts about the origins of the adhān as well.

Maher Jarrar (American University of Beirut)

Abraham and the Search for Charisma and Legitimacy in Zaydī Discourses

The contribution aims to study how the Zaydī claim to the imamate rests on Qurʾānic verses that refer to Abraham and his progeny, as it was asserted by al-Husayn b. al-Qāsim al-Rassī (d. 246/860), and how these discourses were developed and reached a novel insinuation with the elaborated arguments forwarded by al-Manṣūr bi-llāh (d. 614/1217).

Zacky Khairul Umam (Freie Universität Berlin/Johns Hopkins)

Borders in Arabia: Hijazi Responses to Zaydi Politics and Doctrine

The Ottoman loss of sovereignty in Yemen captured by the Zaydi ruler challenged Medinan scholars to argue on Sunnism. Two prominent Medinan scholars, Ahmad al-Qushashi (d. 1661) and Ibrahim al-Kurani (d. 1690) composed some treatises to answer the legal-theological doctrines of the Zaydi thought. In addition to an attempt to reconsider the doctrine of the school's founder, Zayd b. ʿAlī (d. 740), extensively as can be seen from Kurani's writing Takmilat al-qawl al-jalī fī taḥqīq al-qawl Imām Zayd b. ʿAlī, both scholars verified the doctrinal teachings of the Zaydi ruler in the seventeenth century, Mutawakkil ʿAla Allah Ismaʿil b. Qasim (r. 1644-1676). During the reign of Mutawakkil, the Zaydi politics ruled the Greater Yemen, very close to the sanctuary city of Mecca; therefore, this political rise encouraged Hijazi scholars to respond to their political ideology and policies. According to a Damascene historian Mustafa al-Hamawi, Qushashi's father had a bitter experience with the Zaydi rule: the Zaydis abruptly blocked his preaching in Yemen, and hence he never returned to the region. Such political concerns partly triggered some Qushashi's arguments. This context also explicates why Kurani wrote treatises to counter the theological position defended by Zaydi scholars. These Hijazi responses to the problem of Zaydi doctrine and politics thus can be read as not merely their defence to the Ashʿari position against the Muʿtazili perspective which the Zaydis adopt, but this event offers more reflection on the Ottoman reaction to the newly different kingdom. To write a rebuttal commentary of Mutawakkil Ismaʿil's official doctrine of the Zaydi rule, Kurani firstly received a document from a man performing hajj which contained the ruler's short text. The text is titled Kitāb al-ʿaqīdah al-ṣaḥīhah wa al-dīn al-naṣīhah which apparently was used to ideologize the Zaydi politics. The treatise emphasizes on the truth claim of the Zaydi theological creeds, articulating the atmosphere of sectarianism. Kurani's commentary is not a fierce attack. As usual in many of his thoughtful writings, Kurani stresses on the variety of religious ways, either found in universal principles or specific particularities. Claiming itself with rational and scripturally revealed proofs to correct errs (bāṭilah bil-adillah al-ʿaqliyyah wa-l-naqliyyah), the commentary goes on to say that the meaning of the perfect salvation's ship (safīnat al-najāh al-kāmīlah) is the acts accord with the Holy Scripture and the Prophetic Tradition in all its problems. Hence, his very idea is to refute the notion of exclusivist truth claim as written by Mutawakkil. Kurani was aware of every firqah calls for its version of salvation, even the Jews and Christians, as can be seen in the Quran, also call for the same discourse. The commentary also stresses on the Ashʿari theological tradition to refute the freewill of Muʿtazilah and the powerless action of Jabbariyyah. The rise of Zaydis and the responses of Hijazi scholars for which Qushashi and Kurani played a crucial role, in general, generated later discussion of the classic debate of rational theology, and it is further evidence of the close intellectual proximity in the broader Arabian Peninsula. My presentation aims to

examine the manuscripts and their contexts in the second half of the seventeenth century and explore the nature of the relationship between Sunnis and Zaydis in Arabia.

Scott C. Lucas (University of Arizona/IAS)

Islamic Theology in Thirty Topics: A Yemeni-Zaydi Tradition Preserved in the Biblioteca Ambrosiana

This paper explores the history of Qādī Jaʿfar b. Aḥmad al-Buhlūlī’s (d. 573/1177-8) articulation of Zaydī theology in thirty topics. Qādī Jaʿfar expressed these thirty topics in his short unpublished treatise, Kitāb al-tābiʿa fī ʿilm uṣūl al-dīn, two copies of which survive in the Biblioteca Ambrosiana. His student, al-Ḥasan b. Muḥammad al-Raṣṣāṣ (d. 584/1188), adopted them with very minor adjustments in his short work, al-Mūjiz fī uṣūl al-dīn, and his son, Aḥmad b. al-Ḥasan al-Raṣṣāṣ (d. 621/1224), firmly established these thirty topics in two of his popular works, Miṣbāḥ al-ʿulūm fī maʿrifat al-ḥayy al-qayyūm and al-Khulāṣa al-nāfiʿa bi-l-adilla al-qāṭiʿa fī fawāʿid al-Tābiʿa. The Miṣbāḥ and al-Khulāṣa both attracted commentaries, written by Yemeni Zaydi scholars, over the subsequent centuries, which remain unstudied and preserved in manuscript in the Biblioteca Ambrosiana. The goals of this paper are to: 1) Raise awareness of the rich thirty-topics tradition of Zaydī theology in medieval Yemen; 2) Provide a preliminary description of the texts in this tradition; 3) Discuss strategies for editing and publishing some of these precious works of rationalist Zaydī theology, most of which are preserved in the Biblioteca Ambrosiana in Milan.

Brinkley M. Messick (Columbia University)

Interpretive and governing authority in the Zaydi imāma

My paper elaborates on the limited discussion of the theory and practice of Zaydi rule that I provided in Shariʿa Scripts (Columbia, 2018), as part of an historical anthropology of a twentieth-century textual formation of doctrinal and archival writings. After reviewing the venerable theory of imamic interpretive authority, and the exercise of this authority in the period in question in connection with court judgments—this by means of the ikhtiyārāt, the “choices,” or opinions, of the ruling imams—I will turn to the different dimension of imamic authority that is associated with concepts such as tadbīr and siyāsa. Finally, I will examine the theory and the practice of the mechanism of “delegation” (naṣb), whereby an imam divided his integrally held authority in appointing individuals to the very distinct roles of judge and governor.

Christoph Rauch (Staatsbibliothek zu Berlin—Preussischer Kulturbesitz)

New Zaydi Manuscripts in Berlin and their Traces of Ownership

Early this year (2018) the Berlin State Library was able to purchase a small collection of fourteen Zaydi manuscripts from an antiquarian book shop in London. It comprises copies of works from more or less well known authors dated between the 15th and 19th centuries. This contribution introduces this new acquisition focusing on provenance and codicological peculiarities. The manuscript notes deserve special attention. Two of the manuscripts, for example, belonged to the library of Imām al-Manṣūr Qāsim (d. 1620). Taking into account the notes in other Yemeni manuscripts in the rich Berlin collection, I want to discuss in this presentation some observations on the owner- and readership statements in the Zaydi manuscripts, because they indicate a great mobility of books especially during the 18th and 19th centuries.

Anne Regourd (Centre national de la recherche scientifique, UMR 7192, Associée, Paris)

A tiny and forgotten library of Zaidi manuscripts

The personal collection of a French Civil Engineer (1869-after 1937), who worked for the French [?] government in Yemen and elsewhere has recently come to light. It included two Zaydi manuscripts and some letters stamped by Imam Yahya. In this talk I will focus on the two Zaydi codices and introduce their text and their codicological features. Interestingly enough, one of the two manuscripts bears the ink-stamp of the famous Italian merchant Giuseppe Caprotti (1869-1919), who brought from Yemen Europe's most important collection of Yemeni manuscripts, now conserved at the Ambrosiana Library in Milan.

Valentina Sagaria Rossi (Biblioteca dell'Accademia Nazionale dei Lincei e Corsiniana, Rome)

Their hands before our eyes: strategies of mise en texte in Yemeni manuscripts

Each handwritten text is idiosyncratically shaped and formed by the unique physical act of writing it out. The more we concentrate on the physical characteristics of transcribed texts in Medieval and Modern Yemeni manuscripts, the more closely we can perceive notions in their making. Every decision of layout reflects the assumptions and cultural habits of scribes and readers, the same habits that govern the way in which the text is received and structured into the manuscript. Texts assemblage and adaptation of their semantic units, special graphical settings and layout devices, but also the density of the writing and the sizing of the letters physically mark the text up and turn it into a "contaminated" document. Is it possible to detect models for the scribes in their disseminating texts? Is it possible to identify a format while transcribing by comparing different typologies of texts (i.d. theology, sciences, grammars)? Such pioneering questions in the field of Arabic Manuscriptology seem to be legitimated by a well-defined geographical and conservative production like the Yemeni one. Emphasizing the role of the scribes – "their hand before our eyes" –, my research leads to a manuscript-centric approach, putting Yemeni manuscripts (dating from the 13th to the 17th century C.E.) back into their context, and involving two parallel perspectives, the scribal authorship of the manipulation of the readers.

Sabine Schmidtke (IAS)

Towards a History of Libraries in Yemen

Devin J. Stewart (Emory University)

Arguing over the Boundaries of the Interpretive Community in *al-Mujzi fi Usul al-Fiqh*

The recent publication of the Abu Talib Yahya b. al-Husayn al-Haruni's (d. 424/1033) al-Mujzi fi usul al-fiqh [4 vols., ed. 'Abd al-Karim al-Jadban (2013)] not only throws light on the development of Zaydi jurisprudence but on the development of Islamic legal theory in general, on Mu'tazili legal theory, and on the complex historical relationship between Islamic law and theology. George Makdisi has described the formation of the Sunni legal madhhabs and identified some of the landmarks in their gradual establishment and gain of hegemony over religious authority, portraying this as a process of traditionalist triumph over the rationalists, and also a triumph of jurists over theologians and the Abbasid caliphs. His description holds true in some obvious aspects: after a certain point in history—about the mid-tenth century—theologians cannot get away will not belonging to a legal madhhab. However, theologians continue to be authoritative figures after the establishment of the legal madhhabs, and the question of who wields authority and who decides where orthodoxy lies was hotly contested. In the jurists' system, as Makdisi describes it,

ijma‘ and khilaf determine orthodoxy. In this study I look at two opposing texts that both discuss the question of “consideration” (i‘tibar or i‘tidad), meaning whose opinions should be taken into account in determining consensus. This was a critical issue, for it determines who is included in or excluded from the legal interpretive community. The two texts are from al-Mujzi on the one hand and al-Fusul by Abu Bakr al-Jassas al-Razi on the other, which I have translated. This study will undertake a detailed comparison of the two texts, which differ in a number of ways, but the key point of difference has to do with the position of theologians. Al-Jassas holds that their opinions should not be taken into consideration, while al-Haruni insists that they must be taken into consideration. Furthermore, al-Haruni’s text confirms Makdisi’s claim that there was a concerted effort to exclude theologians from the field of legal interpretation, and his work was written in part in reaction to that trend.

Jan Thiele (CSIC, Madrid)

Ḥumayd b. Aḥmad al-Muḥallī’s framing of theology in al-Kawākib al-durriyya (participation through video)

Nancy Um (Binghamton University)

Qasimi Yemen, a View from the Red Sea Coast

The paper will treat some of the major European sources on Yemen from the 17th and 18th centuries, with a focus on the Dutch material.

Damaris Wilmers (National Records and Archives Authority, Muscat, Oman)

A Contribution to the Question: Was Ibn al-Wazīr the founder of a school that set off the “Sunnisation of Zaydism”? Muḥammad b. Ibrāhīm al-Wazīr (d. 840/1436) and Ṣāliḥ b. Maḥdī al-Maqbalī (d. 1108/1696) on Theological and Legal Diversity

The Yemenī scholar Muḥammad b. Ibrāhīm al-Wazīr (d. 840/1436) has been associated with a process within the Zaydiyya that accommodated to Sunnī theological and legal thought. This so-called “Sunnisation of Zaydism” climaxed in the 19th century and fuels the current inner-Yemenī conflict. Among the later Yemenī scholars who are frequently taken to belong to the same school as Ibn al-Wazīr is Ṣāliḥ b. Maḥdī al-Maqbalī (d. 1108/1696). Like Ibn al-Wazīr and later proponents of “Sunnisation” [al-Ḥasan b. Aḥmad al-Jalāl (d. 1084/1673), Muḥammad b. Ismā‘īl al-Amīr (d. 1182/1769) and Muḥammad b. ‘Alī al-Shawkānī (d. 1250/1834)], al-Maqbalī claimed to base his theological and legal positions on the primary texts of revelation, Quran and Sunna, rather than on literature produced within the frame of the Zaydī-Hādawī school he was born into. But what signifies his association with Ibn al-Wazīr beyond this call for independent reasoning? Far from being a comprehensive study, this paper will first highlight two central aspects of Ibn al-Wazīr [U+02BC]’s theological and legal thought, namely his concept of divine wisdom (ḥikma) and his take on the doctrine of the infallibility of all mujtahids (kull mujtahid muṣīb) in order to illustrate the role he played in the “Sunnisation of the Zaydiyya” and to emphasize the significance of his thought for the timeless challenge of theological and legal diversity beyond the Yemeni context. The sources for this discussion will be selected passages from Ibn al-Wazīr [U+02BC]’s Ithār al-ḥaqq ‘alā l-khalq and al-‘Awāṣim wa-l-qawāṣim as well as the lesser known and to date unedited Kitāb al-Qawā‘id and al-Ḥusām al-mashhūr. In a second step, Ibn al-Wazīr [U+02BC]’s reasoning in the above mentioned issues will be compared with al-Maqbalī [U+02BC]’s position on divine wisdom and infallibilism. Sources for this comparison will be passages from al-Maqbalī [U+02BC]’s multi-genre work al-‘Alam al-shāmikh

fī ithār al-ḥaqq ‘alā l-ābā’ wa-l-mashāyikh and al-Manār al-mukhtār min jawāhir al-Baḥr al-zakḥkhār, which is a commentary on Aḥmad b. Yahyā al-Murtaḍā [U+02BC]s (d. 840/1436) fiqh-compendium al-Baḥr al-zakḥkhār. In Ibn al-Wazīr [U+02BC]s case, his thought can be seen as a reaction to the increasing theological and legal diversity that impacted the Zaydī Yemen of his time; he responded with an integrative approach, claiming an essential agreement of different schools of thought as well as de-emphasizing the significance of school affiliation. His approach was based on an epistemology that restricted cognitive certainty to a minimum of religious knowledge upon which all schools agreed and located the bigger part of theological and legal knowledge in the realm of probability where diversity was expected. This epistemological distinction set him apart from his Zaydī-Hādawī contemporaries such as Ibn al-Murtaḍā. Similarly, al-Maqbalī lived in a time when numerous theological and legal schools co-existed in Yemen, de-emphasized school affiliation and provoked the indignation of his Zaydī-Hādawī contemporaries. Did al-Maqbalī [U+02BC]s reaction to the challenges of diversity take him to theological and legal positions as well epistemological conclusions that bear a likeness to those of Ibn al-Wazīr? And was the “Sunnisation” of the Zaydiyya an inevitable result in both cases? A major research question is whether and to what extent scholarship was right to put a claim on Ibn al-Wazīr as the intellectual forerunner of later proponents of this so-called “Sunnisation.” This paper is an attempt to begin answering this question.