
Fāṭimid Legal Exegesis of the Qur'an: The Interpretive Strategies Used by al-Qāḍī al-Nu'mān (d. 363/974) in His "Da'ā'im al-Islām" / التفسير التشريعي الفاطمي: استراتيجيات التفسير في كتاب دعائم الإسلام للقاضي النعمان

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Fāṭimid Legal Exegesis of the Qur'an: The Interpretive Strategies Used by al-Qāḍī al-Nu^cmān (d. 363/974) in His *Da^cā'im al-Islām*

Husain K.B. Qutbuddin

ACADEMY OF ADVANCED STUDIES IN SOUTH-ASIAN ISLAM AND ARABIC

This paper¹ will present a survey of the interpretive strategies used in explaining Qur'anic ayas by al-Qāḍī al-Nu^cmān b. Muḥammad, a Fāṭimid² *dā'i* ('missionary') and qāḍī ('judge') of the highest status, in his juristic magnum opus, the two-volume *Da^cā'im al-Islām*,³ and ascertain the role played by these strategies in the Fāṭimid system of belief. Unlike the case in Sunnī jurisprudence, where interpretive strategies evolved into a formalised system of *uṣūl al-fiqh* ('principles of jurisprudence') to act as the chief legitimisers of interpretation, the Fāṭimid tradition, I will observe, experienced no such development, and the *Da^cā'im*, as the survey will show, uses no *uṣūl* terminology. The reasons for this will be explored primarily by examining al-Nu^cmān's *Ikhtilāf uṣūl al-madhāhib*,⁴ in which he argued that interpretive strategies could not, on their own, legitimise interpretation because they only put forward possibilities, and thus could not determine meaning unequivocally. It was the living Imām, believed to be the designated heir of the Prophet physically and knowledge-wise, and therefore the definitive source of interpretation, who was, according to him, the absolute legitimiser. An analysis of the function of the *Da^cā'im*'s interpretive strategies will follow by studying the Fāṭimid epistemological and educational system, in which students were first to be taught the rituals and rules of the Sharī'a, and then, in higher grades, the comprehensive rationales behind these 'physical' requirements.

The article is divided into five sections. The first will emphasise the centrality of al-Nu^cmān and his texts in the Fāṭimid legal tradition, in order to explain my choice of the *Da^cā'im* as a vehicle for studying Fāṭimid legal interpretation of the Qur'an. The second will illustrate the interpretive strategies used therein for Qur'anic exegesis.

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The third will compare these strategies with those put forward in Sunnī texts of *uṣūl al-fiqh* and examine al-Nuʿmān's stance on their ability to legitimise interpretation. The fourth will ascertain the purpose of interpretive strategies in the *Daʿāʾim* in light of the Fāṭimid epistemological and educational system. Finally, the fifth will present my conclusions.

The Importance of al-Qāḍī al-Nuʿmān and his *Daʿāʾim*

There have been several studies on various aspects of Fāṭimid law and *fiqh* texts,⁵ but none that have examined usage of the Qur'an, including the ways in which it is quoted, the frequency and placement of quotations, the interpretations offered, the authorities cited in exegesis, and – the focus of this paper – the interpretive strategies used.⁶ The *Daʿāʾim* is an appropriate text for such an exercise because of al-Nuʿmān's overall prominence and influence on contemporary and subsequent Fāṭimid thought, and especially because the *Daʿāʾim* became, from its inception, the central text of Fāṭimid law. Observations regarding the *Daʿāʾim* therefore bear significance for the Fāṭimid view in general.

Al-Nuʿmān entered the service of al-Mahdī (d. 322/934), the first Fāṭimid caliph-Imām, in 313/925. He attained favour with the caliph-Imāms, especially the third and fourth, al-Manṣūr (d. 341/953) and al-Muʿizz (d. 365/975).⁷ He was appointed keeper of the palace library and entrusted with the collection, preservation and copying of books. At the time of al-Manṣūr, he served as qāḍī of Tripoli and then as supreme qāḍī of the capital, al-Manṣūriyya, in charge of appointing qāḍīs in al-Manṣūriyya, al-Mahdiyya and Qayrawān. In al-Muʿizz's time, his jurisdiction spanned the whole of the Fāṭimid Empire.⁸

Al-Nuʿmān was a prolific author in several subjects, chief amongst them jurisprudence, exhortation, history, *taʾwīl* ('esoteric interpretations') and philosophy. According to the *ʿUyūn al-akhbār*, al-Muʿizz continuously endorsed and attested to al-Nuʿmān's scholarly excellence and also charged him with conducting the *majālis al-ḥikma* ('sessions of wisdom' – the regular meetings in which *duʿāt* imparted Fāṭimid teachings to their followers) in the Fāṭimid palace.⁹

The contemporary historian, Ibn Zūlāq (d. 386/996) says, in his *Akhbār quḍāt Miṣr*, that al-Nuʿmān:¹⁰

... was a man of the highest abilities, deeply versed in the Qur'an, fully acquainted with the meaning of the expressions contained in that book, skilled in the systems of jurisprudence, well-informed in the conflicting opinions entertained by the legists, learned in Arabic philology, in poetry of the higher class, in the history of the battle-days of the people (the Ancient Arabs), and distinguished for intelligence

and equity. He composed for the *ahl al-bayt* (the Fatimids) some volumes containing thousands of leaves; they were drawn up with the best of composition and in a style remarkable for the beauty of its cadences and rhymes.

The *ʿUyūn al-akhbār* lists 44 works by al-Nuʿmān in total, eighteen of which are fully preserved today, four are partially preserved and 22 are believed to be lost.¹¹ Several of these are mentioned by later Fāṭimid and Ṭayyibī *duʿāt* as constituting important rungs in their system of learning.¹² Amongst his *fiqh* works are *al-Īdāh*,¹³ *al-Ikḥbār fī'l-fiqh*, *al-Iqtīṣār*, *Mukhtaṣar al-āthār*, *al-Muntakhaba* and, of course, the *Daʿāʾim*.¹⁴

Daʿāʾim al-Islām was composed circa 347/957¹⁵ and comprises, as Bayard Dodge confirms, 'like other great codes of Jurisprudence ... a complete manual for religious and secular behaviour'.¹⁶ *Daʿāʾim I* consists of seven sections ('*kutub*'), each explicating one of the seven pillars of Fāṭimid Islam: *walāya* ('faith, devotion and obedience'), *ṭahāra* ('ritual purity'), *ṣalāt* ('prayer', under which *kitāb al-janāʾiz* ('the section on funerals') is subsumed), *zakāt* ('alms'), *ṣawm* ('fasting'), *ḥajj* ('pilgrimage'), and *jihād* ('fighting in the path of God'). Each *kitāb* in turn is divided into many 'chapters' (sing. *dhikr*), each of which covers a certain aspect of the subject of the *kitāb*. *Daʿāʾim I* covers the *ʿibādāt*, the duties of a Muslim towards God, whereas *Daʿāʾim II* covers the *muʿāmalāt*, the rules and guidelines governing the behaviour of a Muslim towards others. *Daʿāʾim II* includes *kutub* such as *buyūʿ* ('commerce'), *nikāḥ* ('marriage'), *ṭalāq* ('divorce'), *waṣāyā* ('bequests'), *farāʾid* ('inheritance'), *ḥudūd* ('legal punishments'), *shahādāt* ('testimonies') and *ādāb al-quḍā* ('essential guidelines for judges').¹⁷ Under each of the 'chapters' in the *Daʿāʾim*, al-Nuʿmān lists the relevant *āyas* as well as the series of traditions pertinent to the topic at hand. These consist of *aḥādīth* ascribed to the Prophet, and sayings attributed to ʿAlī b. Abī Ṭālib (d. 40/661) and the Shīʿī Imāms, usually up to and including Jaʿfar al-Šādiq (d. 148/765). Frequently, the traditions also encompass quotations of *āyas*. Al-Nuʿmān comments that his motivation for writing the *Daʿāʾim* is to present a *mukhtaṣar*, an abridgement of other lengthier texts by him, most notably *al-Īdāh*. The *Daʿāʾim*, he maintains, includes exclusively the authentic traditions, and is purposefully presented, for ease of reading, without lengthy *asānīd* except for the names of the Prophet and the Imāms.¹⁸

According to the *ʿUyūn al-akhbār*, al-Muʿizz commissioned the writing of the *Daʿāʾim* and subsequently went over the whole of it, made revisions and additions where necessary, and stamped it with his authority. Out of the mass of available traditions, al-Muʿizz affirmed the authentic ones for al-Nuʿmān, and omitted the false.¹⁹ Coming forth from the personal initiative of the caliph-Imām, the *Daʿāʾim* came to occupy a cardinal position in Fāṭimid law and pedagogy almost immediately

after its composition. It was used as *the* reference text for qāḍīs, being widely propagated throughout the empire,²⁰ and became a fundamental text to be taught to Fāṭimid initiates.²¹ Al-Nuʿmān also held public teaching sessions of the *Daʿāʾim* in the mosque after every Friday prayer, first in Qayrawān and then in al-Manṣūriyya.²² Furthermore, al-Muʿizz is reported by al-Nuʿmān to have encouraged the reading, copying and studying of the *Daʿāʾim*.²³

The *Daʿāʾim* continued to be taught and applied after al-Nuʿmān's death. His sons and grandsons, the chief qāḍīs of the Fāṭimids, continued to publicly lecture from it, as well as from other texts by him.²⁴ A letter from the caliph-Imām al-Ḥākim (d. 411/1021) in 391/1001, preserved in the *ʿUyūn al-akhbār*, enjoins the addressed *dāʿī* to strictly follow the *Daʿāʾim* in his dispensation of law.²⁵ In 416/1025, the caliph-Imām al-Zāhir (d. 427/1036) is reported to have promised a monetary reward for whosoever memorised the *Daʿāʾim*.²⁶ References to the *Daʿāʾim* in texts by eminent *duʿāt* such as Ḥamīd al-Dīn al-Kirmānī²⁷ and al-Muʿayyad fī'l-Dīn al-Shīrāzī²⁸ also indicate that it remained an integral part of Fāṭimid programs of education.

The *Daʿāʾim* has acted as a basic template for most of the subsequent *fiqh* texts in post-Fāṭimid works, especially in the Ṭayyibī corpus. The most notable of these is *al-Ḥawāshī* ('The Marginal Notes'), which is generally attributed to the prolific Ṭayyibī jurist Amīnjī b. Jalāl (d. 1010/1602).²⁹ Ṭayyibī *duʿāt* have continued to stress the centrality of the *Daʿāʾim*, and have deemed it a basic text to be learnt by all initiates in the community.³⁰ *Daʿāʾim al-Islām* can therefore be viewed as a representative text in the genre of Fāṭimid and post-Fāṭimid *fiqh*. It is an apt vehicle through which to study the strategies employed in Fāṭimid legal interpretation of the Qur'an, and the observations regarding it, in large part, may apply to other participating texts.

A Survey of Interpretive Strategies Used in *Daʿāʾim al-Islām*

Daʿāʾim al-Islām contains about 1,200 quotations of Qur'anic ayas.³¹ Many ayas are quoted multiple times. The number of distinct ayas – each aya counted only once – is about 630. The number of ayas that are quoted to put forward legal precepts is about 470,³² close to the total of 500 legal verses (*āyāt al-aḥkām*) in the Qur'an as estimated by several medieval, as well as modern, scholars.³³ A survey of the strategies that al-Nuʿmān employs in interpreting the legal verses now follows, with two aims. First, it will provide a categorisation of these strategies, a task that has not been undertaken in scholarship prior to this study. The categorisation will be useful in the latter half of the essay for comparing al-Nuʿmān's strategies with those found in the genre of Sunnī *uṣūl al-fiqh*. Second, the survey and the excerpts from the *Daʿāʾim* that are presented therein will serve to provide the reader with a feel for the text, especially the manner in which it conveys exegesis. This will be essential in discerning the role of interpretive strategies in the Fāṭimid epistemological system.³⁴

For about half the number of quotations, al-Nuʿmān lists the aya but does not provide any explicit assignment of meaning. This usually happens when the meaning seems to be uncontroversial and to follow straightforwardly from the context. Consider the following example:

Translation	Excerpt
[In the introduction to the 'Chapter on the Favourable Reasons for Giving Obligatory and Voluntary Alms'] God says: ... <i>and those who give the obligatory alms.</i>	[في مقدمة 'ذكر الرغائب في إيتاء الزكاة والصدقة'] قال الله عز وجل: ... <u>والذين هم للزكاة فاعلون</u>
Referring to: Q. 23:4	
Remarks: None of the words in the quotation are explicitly expounded; the context of the quotation – falling under the 'Chapter on the Favourable Reasons for Giving Obligatory and Voluntary Alms', which is in <i>Kitāb al-zakāt</i> in the <i>Daʿā'im</i> – seems to be enough to indicate the relevant meanings without needing explicit explanation.	

Table 1: Quotation without explicit assignment of meaning³⁵

In most cases where there is some explicit assignment, al-Nuʿmān simply states that Word *x* means *y*, without providing more justification. An explanation is usually put forward only for interpretations that are uncommon, difficult, or seem to be contentious vis-à-vis competing interpretations by other non-Fāṭimid schools of law. For example:

Translation	Excerpt
[In the 'Chapter on the Enjoinment of Prayer'] God says: <i>verily, the prayer is upon the believers a duty that is mawqūtan</i> . It was related to us, on the authority of Jaʿfar b. Muḥammad, regarding God's word <i>mawqūtan</i> , he said [that it means] 'made obligatory'.	[في 'ذكر إيجاب الصلوة'] قال الله عز وجل: <u>إن الصلوة كانت على المؤمنين كتابا موقوتا</u> . ورويانا عن جعفر بن محمد (ص) أنه قال في قول الله عز وجل <u>موقوتا</u> ، قال: مفروضا.
Referring to: Q. 4:103	
Remarks: Observe that <i>mawqūtan</i> is said to mean 'made obligatory' without any further explanation. This is probably because the assignment is not expected to be contentious or contested by other non-Fāṭimid schools.	

Table 2: Assignment of meaning without justification³⁶

Where justification is provided, al-Nu^cmān tends to use one or a combination of the following strategies:³⁷ first, he often performs semantic and – to a lesser degree – syntactic analyses to justify his interpretations.³⁸ Consider these examples:

Translation	Excerpt
[Analyses the meaning of <i>afā'</i> in the <i>ayas</i> that refer to the spoils of war] <i>that which God returned (afā')</i> to His Prophet from the people of the towns; and that which God returned (afā') to His Prophet from them. So <i>al-fay'</i> is the return of a thing to its [original] place and people, and from this it is said <i>fā'</i> <i>al-fay'</i> when the shadow [of an object] returns ... ³⁹	[يحلل معنى لفظ 'أفاء' في الآيات التي تتحدث عن الغنائم] ما أفاء الله على رسوله من أهل القرى، وما أفاء الله على رسوله منهم، فالفاء رجوع الشيء إلى موضعه وأهله، ومنه قيل فاء الفاء إذا رجع الظل ...
Referring to: Q. 59:6–7	
Remarks: Al-Nu ^c mān puts forward the lexical meaning of <i>al-fay'</i> and an example of its common usage.	

Table 3: Semantic analysis⁴⁰

Translation	Excerpt
[When relating the rule of wiping the feet in ablution, he brings in part of Q. 5:6] ... <i>and wipe your heads (ru'ūsikum) and feet (arjulikum) to the ankles</i> , according to the reading of those who read <i>arjulikum</i> , with a <i>kasra</i> [under the <i>lām</i>]. So He made that [i.e. the rule of wiping the feet] to [symmetrically] follow [that of] wiping the head ...	[عند حكم المسح على الرجلين في الوضوء يذكر بعض آية ٥:٦] ... <i>وأمسحوا بآذانكم، وأرجلكم إلى الكعبين، على قراءة من قرأ "وأرجلكم" خفضاً، فجعل ذلك نسقاً على مسح الرأس ...</i>
Referring to: Q. 5:6	
Remarks: Al-Nu ^c mān argues for the requirement of wiping (rather than washing) the feet in ablution – a feature common to both the Twelver and the Fāṭimid traditions – by indicating that <i>arjulikum</i> follows <i>ru'ūsikum</i> syntactically as required by sentence structure; therefore, as the head is to be wiped, so too are the feet.	

Table 4: Syntactic analysis⁴¹

Second, word order sometimes plays an important role:

Translation	Excerpt
[He says that shaving the head is better than trimming it in Ḥajj and 'umra, bringing in this aya] ... <u>you will enter the Sacred Mosque ... with shaved heads and trimmed</u> . So He mentioned shaving first and it is better.	[يقول إن الحلق أفضل من التقصير في الحج والعمرة فيذكر هذه الآية] "... لتدخلن المسجد الحرام ... محلقين رؤوسكم ومقصرين"، فبدأ بالحلق وهو أفضل.
Referring to: Q. 48:27	
Remarks: Notice that the justification provided for shaving being better than trimming is that the former is mentioned before the latter in the aya.	

Table 5: The significance of word order⁴²

Third, variant readings in a few instances direct a particular interpretation:

Translation	Excerpt
On the authority of Ja'far b. Muḥammad, regarding the Word of God: <u>if a man or a woman is inherited by neither parents nor offspring and he has a brother or sister (akhun aw ukhtun) – from [only] a common mother (min ummin) – then each of them gets a sixth ...</u> , ⁴³ he said: this is how [God] revealed it: <u>a brother or sister from [only] a common mother</u> ... [bold added to indicate the variant]	وعن جعفر بن محمد (ع) أنه قال في قول الله (ع ج): <u>وإن كان رجل يورث كلالة أو امرأة وله أخ أو أخت – من أم – فلكل واحد منهما السدس ...</u> قال: فهكذا أنزلها أخ أو أخت من أم ...
Referring to: Q. 4:12	
Remarks: Al-Nu'mān advocates reading <i>min ummin</i> after <i>akhun aw ukhtun</i> in order to limit the rule of the aya, viz. a specific share in the inheritance of a person who has neither parents nor offspring, to exclusively uterine siblings. This reading is generally reported as <i>shādhda</i> ('isolated') in Sunnī sources, and not included in any of the canonical readings.	

Table 6: Variant readings⁴⁴

Fourth, one or more ayas are frequently brought in to support the interpretation of the verses in focus:

Translation	Excerpt
[On the authority of °Alī, regarding the exegesis of Q. 5:4: it is permissible to eat that which is caught by] <i>those you have taught from the jawāriḥ ...</i> He said: they [i.e. <i>al-jawāriḥ</i>] are the dogs, and <i>al-jāriḥ</i> [means] an acquirer; and from this follows the word of God <i>and He knows that which you have jarahtum during the day</i> , meaning ‘acquired’.	[عن علي أنه قال في تفسير آية ٥:٤ إنه يحل أكل ما أمسكه] ما علمتم من الجوارح ... قال: هي الكلاب، والجارح الكاسب، ومنه قول الله تعالى : ويعلم ما جرحتم بالنهار يعني كسبتم.
Referring to: Q. 5:4, Q. 6:60	
Remarks: On the authority of °Alī, al-Nu°mān says that <i>al-jawāriḥ</i> in the aya in focus refers to dogs. The connection is that <i>al-jāriḥ</i> (sing.) means ‘an acquirer’, and dogs are acquirers in the scenario of catching prey. To support the interpretation of <i>al-jāriḥ</i> , he cites the other aya.	

Table 7: Supporting an interpretation by using another aya⁴⁵

Al-Nu°mān often lists ayas and phrases that are adjacent or non-adjacent in the Qur’an together to convey, sometimes explicitly, inter-relationships such as causality, continuity, co-occurrence of revelation, deductive premises, explanation and elaboration, parallelism, qualification, similarity of subject, and revision.⁴⁶ I present examples for some of these inter-relationships:

Translation	Excerpt
[In the ‘Chapter on Encouragements to Pray’] <i>have patience and pray</i> , for God is <i>with those who have patience</i> .	[في ‘ذكر الرغائب في الصلوة’] وعليكم بالصبر والصلوة، فإن الله مع الصابرين.
Referring to: Q. 2:153	
Remarks: This modified quotation of <i>wa’sta°inū bi’l-ṣabri wa’l-ṣalāti inna’llāha ma°a’l-ṣābirīn</i> adds the particle <i>fa-</i> (‘because’) before <i>inna</i> , thereby making explicit the causal relationship that exists between the two parts of this aya: the first part enjoining patience and prayer is to be performed <i>because God is with those who have patience</i> .	

Table 8: Causality within an aya⁴⁷

Translation	Excerpt
[On the authority of °Alī: the minimum duration of pregnancy is six months, relying upon the following two ayas] God has said: <u>and his [i.e. the child's] bearing and weaning is 30 months</u> , and has said: <u>and mothers shall suckle their children for two complete years</u> .	[عن علي أنه قال إن أقل الحمل ستة أشهر سنداً على هذين الآيتين] قال الله عز وجل: <u>وحمله وفصاله ثلاثون شهراً، وقال (تع): والوالدات يرضعن أولادهن حولين كاملين</u>
Referring to: Q. 46:15, Q. 2:233	
Remarks: The ayas are used in conjunction to deduce that the minimum duration of pregnancy in order for a child to be born alive is six months.	

Table 9: Deductive premises⁴⁸

Translation	Excerpt
[Warns against giving false testimony and says on the authority of Muḥammad al-Bāqir (d. c. 114/732–3)] ... God has said: <u>so shun the filth of idols and shun the word that is false; being pure of faith unto God, not associating anything with Him</u> . So God equated [the act of] false testimony with polytheism.	[يحذر من شهادة الزور فيقول عن محمد الباقر] ... قد قال الله (ع ج): <u>فاجتنبوا الرجس من الأوثان واجتنبوا قول الزور، حنفاء لله غير مشركين به، فعدل تبارك الله وتعالى شهادة الزور بالشرك</u> .
Referring to: Q. 22:30–31	
Remarks: Here, al-Nu°man emphasises the prohibition on false testimony by invoking parallelism between <i>shahādat al-zūr</i> ('false testimony') and the statements regarding <i>shirk</i> ('polytheism') that occur adjacently to it: <i>shahādat al-zūr</i> is as grave as <i>shirk</i> !	

Table 10: Parallelism⁴⁹

Translation	Excerpt
[As part of the exegesis of the word <i>al-mayta</i>] God has said: <u>forbidden unto you is al-mayta</u> ... everything that falls off of the parts of living	[في ضمن تفسير كلمة 'الميتة'] قال الله عز وجل: <u>حرمت عليكم الميتة</u> ... كل شيء سقط من أعضاء الحيوان وهي أحياء فهو ميتة لا

animals [that are lawful to eat] is <i>mayta</i> and cannot be eaten. And it is made permissible regarding wool, fur and hair which is sheared off them, that if washed, [the material made of it] can be worn and prayed in and upon, providing it is clean ... God has said: <u>and of their wool and fur and hair [We have given you] articles of convenience and provisions for a while.</u>	يؤكل، ورخص فيما جز عنها من أصوافها وأوبارها وأشعارها إذا غسل أن يلبس ويصلى فيه وعليه، إذا كان طاهرا ... قال الله تعالى: <u>ومن أصوافها وأوبارها وأشعارها أثاثا ومتاعا إلى حين.</u>
Referring to: Q. 5:3, Q. 16:80	
Remarks: <i>Al-Mayta</i> in Q. 5:3 is said to refer to – amongst other things – any bodily part that falls off from an animal that is lawful to eat. Q. 16:80, however, qualifies this assignment by providing an exception for wool, fur and hair.	

Table 11: Qualification⁵⁰

Translation	Excerpt
God has said: <u>say, I do not find in that which has been inspired to me anything forbidden for an eater to eat except if it be carrion or blood poured forth or flesh of swine</u>, the aya. So if there was not after [the revelation of] this aya a forbiddance of anything of food in God's Book or the Sunna of His Prophet, then everything other than that which is named [in this aya] would have been permissible to eat. But God commanded His Messenger to inform those to whom he was sent that he did not find in that which had been inspired to him anything [that was] forbidden for an eater to eat other than [those things] which he [had] mentioned at the time [God] commanded him of that. Later after that, God sent down to him among [the ayas] which He sent down: <u>forbidden to you are carrion and blood and flesh of swine</u>, to the end of the aya. And God [also] forbade via the tongue of His Prophet what we will [now] relate ...	قال الله (ع ج): <u>قل لا أجد فيما أوحى إلي محرما على طاعم يطعمه إلا أن يكون ميتة أو دما مسفوحا أو لحم خنزير، الآية، فلو لم يكن بعد هذه الآية تحريم شيء من المأكول من كتاب الله ولا سنة نبيه (صلع) لكان ما عدا هذه المسميات حلالا أكله، ولكن الله تبارك وتعالى أمر رسوله بأن يعلم من أرسل إليه أنه لم يجد فيما أوحى إليه محرما على طاعم يطعمه غير ما ذكره في الوقت الذي أمره بذلك، ثم أنزل الله (ع ج) بعد ذلك عليه فيما أنزل: <u>حرمت عليكم الميتة والدم ولحم الخنزير.</u> إلى آخر الآية، وحرّم الله (ع ج) على لسان نبيه (صلع) ما سنذكر ...</u>

Referring to: Q. 6:145, Q. 5:3
Remarks: Q. 6:145 ruled that all things other than those it mentions were permissible to eat. Q. 5:3, which was revealed later, as well as some traditions of the Prophet, which al-Nu'mān relates in the rest of the chapter, revised and updated this rule by forbidding several additional things that were previously deemed permissible.

Table 12: Revision⁵¹

Fifth, reasoning that can appeal to common sense is extensively employed to put forward particular interpretations:

Translation	Excerpt
[On the authority of al-Ṣādiq regarding the explanation of 'capability of finding a way to the Ka'ba' in Q. 3:97] <i>and for God [as a duty] upon the people is pilgrimage to the House, for whosoever is capable of finding a way to it</i> the people say regarding this [that it refers to] provisions [for the journey] and a mount [He comments on this and says]: If [the pilgrim] was someone who does not have [anything] except for provisions [for the journey] and a mount, and for his dependents [back home] there is no sustenance except for these, and he takes off with it and leaves them, they would die ['Capability' refers to] the capability of [enduring] the journey, and [having] enough expenses for it, and also availability of sustenance for dependents, and security.	[عن الصادق أنه قال في تفسير 'استطاعة السبيل' في آية ٩٧:٣] "ولله على الناس حج البيت من استطاع إليه سبيلاً" ... يقول الناس في هذا ... الزاد والراحلة ... [فيعلق على ذلك ويقول] لأن كان من ليس له غير زاد ولا راحلة ، وليس لعياله قوت غير ذلك ، ينطلق به ، ويدعهم لقد هلكوا إذا ... [الإستطاعة هي] استطاعة السفر. والكفاية من النفقة فيه. ووجود ما يقوت العيال، والأمن.
Referring to: Q. 3:97	
Remarks: <i>Istiṭā'at al-sabīl</i> is interpreted using reasoning that can appeal to common sense: if it only referred to the availability of provisions for the journey and a mount, the family may perish back at home; therefore, it also includes the availability of sustenance for the family.	

Table 13: Reasoning that can appeal to common sense⁵²

Al-Nuḥmān also frequently applies reasoning to derive particular implications from ayas:

Translation	Excerpt
God says: <i>test the orphans till they attain the age of marriage; then, if you perceive in them maturity, handover to them their possessions</i> , the aya So that shows that one in whom maturity is not perceived should be kept away from his possessions, even though he may have reached the age of marriage, because God did not permit that [i.e. the handing over of possessions] except with [the fulfillment of] two conditions: with attaining the age of marriage, and maturity.	قال الله عز وجل: <u>وابتلوا اليتيمى حتى إذا بلغوا النكاح فإن آنستم منهم رشدا فادفعوا إليهم أموالهم الآية ...</u> فدل ذلك على منع من لم يؤنس منه الرشد من ماله، وإن بلغ النكاح؛ لأن الله عز وجل لم يأذن في ذلك إلا بشرطين، ببلوغ النكاح والرشد.
Referring to: Q. 4:6	
Remarks: Al-Nuḥmān reasons that, by putting forward two conditions for handing over the possessions of an orphan, the aya clearly implies that if one of these conditions is not fulfilled, then handing over these possessions would not be legally permissible.	

Table 14: Reasoning used to derive particular implications⁵³

Al-Nuḥmān also uses reasoning when arguing against non-Fāṭimid interpretations. Such argumentation only occurs in the *Daʿāʾim*, an abridged text,⁵⁴ for the relatively few aspects that are strikingly different from Sunnī law,⁵⁵ such as the acceptance of the Imāms as a source of law,⁵⁶ and the inheritance of the daughter, determined by the interpretation of the respective ayas in Q. 4.⁵⁷ Al-Nuḥmān wrote works dedicated to polemics, some of which are non-extant, such as those in refutation of Abū Ḥanīfa (d. 150/767), Mālik, al-Shāfiʿī and Ibn Surayj (d. 306/918), and one presenting ‘legitimate’ Qur’anic interpretations which were allegedly unacceptable to Sunnīs,⁵⁸ and some of which are preserved, such as *Ikhtilāf uṣūl al-madhāhib*, which argues against Sunnī *uṣūl al-fiqh*,⁵⁹ and *al-Urjūza al-mukhtāra*, which contends with the Sunnīs, the Muʿtazila, the Khārijis, the Zaydīs, and other Shīʿī groups.⁶⁰

I illustrate here an argument that al-Nuḥmān puts forward against washing the feet in ablution. This builds upon his syntactic justification presented

in table 4:

Translation	Excerpt
Abū Jaʿfar Muḥammad b. ʿAlī [al-Bāqir] said, when he was asked about wiping the feet: the Qur'an has spoken about it. And he said: <u>when God enjoined ablution with soil on one who does not find water, He defined ablution with soil as wiping the limbs that are washed [in ablution with water] and these are the face and the hands</u> , and he omitted the limbs that are wiped and these are the head and the legs. He said this in a detailed discourse ... which we have abbreviated.	قال أبو جعفر محمد بن علي [الباقر] (ص) وقد سئل عن المسح على الرجلين فقال: به نطق القرآن، وقال: لما أوجب الله عز وجل التيمم على من لم يجد الماء جعل التيمم مسحاً على عضوي الغسل وهما الوجه واليدين، وأسقط عضوي المسح وهما الرأس والرجلان، في حديث طويل ذكره ... اختصرناه.
Referring to: Q. 5:6	
Remarks: Al-Nuʿmān, on the authority of al-Bāqir, alludes to the part of Q. 5:6 that mentions the requirement of <i>tayammum</i> : <i>if you do not find water [for ablution] then take clean soil, and wipe your faces and hands with some of it</i> . He reasons here based on an assumption of symmetry between ablution with water and <i>tayammum</i> : the face and hands are to be washed in ablution with water but are relegated to being wiped in <i>tayammum</i> . The head and feet, on the other hand, are altogether omitted from the <i>tayammum</i> , and since the head is to be wiped in ablution with water, symmetry entails that its 'partner' in being omitted is also to be wiped – not washed – in ablution with water.	

Table 15: Reasoning used in argumentation against non-Fāṭimid interpretations⁶¹

Sixth, al-Nuʿmān, on several occasions, explicitly refers to the Qur'anic context to ascertain the meaning of the aya in focus:

Translation	Excerpt
[In explanation of this aya]: <u>permission [to fight] has been given to those who have been fought against because they have been wronged, and God is most able to [give them] help</u> It was revealed regarding the <i>muhājirūn</i> who were expelled from their homes in Mecca; [this must be so] because God's word subsequent to this [aya] is: <u>those who were expelled from their homes without right, except that they said 'Our Lord is God'</u> .	[في تفسير هذه الآية] <u>أذن للذين يقاتلون بأنهم ظلموا وإن الله على نصرهم لقدير ... إنها نزلت في المهاجرين الذين أخرجوا من ديارهم من مكة لقول الله عز وجل بعقب ذلك : الذين أخرجوا من ديارهم بغير حق إلا أن يقولوا ربنا الله،</u>

Referring to: Q. 22:39–40
Remarks: Here, the determination of the time, place and referents of the aya in focus is undertaken by examining the aya that is subsequent to it in the Qur’an. A definite assumption of coherence – at least between the ayas cited – exists in such cases.

Table 16: Explicitly referring to the Qur’anic context⁶²

To ascertain the context of an aya, al-Nu‘mān also many a time brings in *asbāb al-nuzūl* (‘occasions of revelation’):

Translation	Excerpt
[He says that God has referred to the ritual prayer (<i>ṣalāt</i>) as faith (<i>īmān</i>)]. And that is, when God turned the face of His Prophet from prayer towards Jerusalem and enjoined him to pray towards the Ka‘ba, the Muslims asked the Prophet: ‘What do you consider about these prayers that we were praying facing Jerusalem? What is their status [of validity] and our position regarding them?’ So God sent down regarding this: <u>God will not waste your faith</u> ... so He referred to prayer as faith.	[يقول إن الله سمى الصلوة إيماناً] وذلك أن الله عز وجل لما صرّف وجه نبيه عن الصلوة إلى بيت المقدس وأمره أن يصلي إلى الكعبة، قال المسلمون للنبي صلى الله عليه وعلى آله: أرأيت صلاتنا هذه التي كنا نصليها إلى بيت المقدس ما حالها وحالنا فيها؟ فأنزل الله عز وجل في ذلك: وما كان الله ليضيع إيمانكم ... فسمى الصلوة إيماناً.
Referring to: Q. 2:143	
Remarks: The occasion of revelation here justifies the assignment of <i>īmān</i> to <i>ṣalāt</i> .	

Table 17: Occasions of revelation⁶³

Finally, there are a few instances in the *Da‘ā’im* where one could desire more explanation and justification than is provided by al-Nu‘mān:

Translation	Excerpt
[Regarding <i>laylat al-qadr</i>] On the authority of ‘Alī: seek it in the last ten days [of Ramaḍān], because the sacred monuments are seven ... <u>and seven cows, and seven green ears</u> [of wheat/corn] ...	[عن ليلة القدر] وعن علي (ص) أنه قال: التمسوها في العشر الأواخر، فإن المشاعر سبع ... ويقرات سبع، وسبع سنبلات خضر ...

Referring to: Q. 12:43, Q. 12:46

Remarks: The meaning and relevance of the modified quotations are not clear. It is possible that the oral explanation given by al-Nu'mān in teaching his text would have resolved the mystery. It is not uncommon to find cryptic language in esoteric Fāṭimid texts, but one rarely comes across such usage in more basic texts such as the *Da'ā'im*.

Table 18: More explanation and justification desirable⁶⁴

In some of these difficult instances, examining other relevant texts by al-Nu'mān alleviates the confusion. *Ta'wīl al-Da'ā'im* and *Mukhtaṣar al-āthār* are particularly important in this regard.⁶⁵

The Ambiguity of Interpretive Strategies

One observes that the strategies put forward by al-Nu'mān are uncomplicated and informal explanations of meaning relying generally upon common interpretive principles such as linguistic analysis and deduction. In this, they are more or less similar to what one finds in early Sunnī texts of positive law, that is texts which came to be known as containing the *furū'* ('branches') of law.⁶⁶ Notably however, there is virtually no use in *Da'ā'im al-Islām* or any other Fāṭimid *fiqh* work of formalised categories of interpretation comparable to those that were taking shape, or had become fairly concretised, in the by then vibrant Sunnī tradition of *uṣūl al-fiqh*, such as *khāṣṣ/āmm* ('specific'/ 'general' scope), *muḥkam/mutashābih* ('clear'/ 'ambiguous' verses), *nāsikh/mansūkh* ('abrogating'/ 'abrogated' verses), *qaṭ'īlẓannī* ('assured'/ 'presumptive' interpretation), *ḥaml al-muṭlaq 'alā'l-muqayyad* ('extending the qualification of a word in one place to its unqualified occurrence in another'), *ishārat al-naṣṣ* ('implicit meaning'), *iqṭidā' al-naṣṣ* ('common ellipses'), and *mafhūm al-muwāfaqalmafhūm al-mukhālafa* ('extending/not extending a judgement to similar circumstances').⁶⁷ Al-Nu'mān's explanations do put forward meanings which in many cases can be assigned *ex post facto* to some of these categories; for example, he interprets certain nouns as being general and others as being more particular in scope, and these can be classified under *khāṣṣ* and *āmm* respectively;⁶⁸ he says that certain ayas revised the edicts of previously revealed ayas,⁶⁹ and these can be seen as a use of *nāsikh/mansūkh*. The point that is made here, however, is that there is no explicit and sustained application of such formalisations by him, even though he was well aware of the *uṣūl* tradition.⁷⁰ Furthermore, there is no effort to develop such formalisations by him or any other Fāṭimid *dā'i*. As a result, there is no comparable *uṣūl* genre in Fāṭimid works.

I contend that this absence is precisely because the function in large part that such formalised categories and institutionalised strategies served in the Sunnī arena – that

of being the chief defenders and legitimisers of interpretations that were ascribed to the Qur'an and Sunna in the *furū*^c texts⁷¹ – was not accepted by the Fāṭimid system. In his *Ikhtilāf uṣūl al-madhāhib*, a text written near the time of the *Da'ā'im*,⁷² al-Nu'mān advocates this position mainly by examining the overarching points of *Sunnī uṣūl*, and asserting that they are inadequate for univocally determining interpretations.

For concepts such as *ijmā*^c ('consensus'),⁷³ *ijtihād* ('the exercise of deriving a rule'), *istiḥsān* ('juristic preference') and *qiyās* ('analogical reasoning'),⁷⁴ al-Nu'mān painstakingly puts forward scriptural and rational rebuttals, disputes their proponents' substantiations, and argues that these terms are ambiguous in both their definitions as well as their outcomes. For example, in the case of *ijmā*^c, he examines differences of opinion over issues such as the number of people who should be in agreement for it to be valid (all groups, or only the 'righteous' group, or all people of Medina, etc.), the source of the potential rule (based on the Qur'an and Sunna, or *qiyās*, or personal opinion, etc.), and the amount of time after which it is affirmed (only after the people involved die, or immediately after agreement is expressed, etc.). He debates against each position, and states that since there is *ikhtilāf* ('divergence of opinion') over the very definition of *ijmā*^c, there can never be *ijmā*^c. The term, he concludes, is unable to univocally determine legal precepts, and is therefore unhelpful as a legitimiser of law. Paradoxically (at least at first glance), al-Nu'mān maintains that he would like Muslims to be a *jamā'a* ('united group'), but adds that such ambiguous principles serve to divide, rather than unite.⁷⁵

In the section that discusses the practice of inferring evidence from the Qur'an and Sunna, known as *istidlāl*, al-Nu'mān argues that the exercise is flawed because it is indeterminate.⁷⁶ The proof, he claims, is in the fact that any and every Islamic ideology – even ones that promote *tanāsukh* ('transmigration of souls'), anthropomorphism, *mut'a* marriage, or alcohol consumption – is able to draw support from some part of the Qur'an and some part of the Sunna for its *uṣūl* as well as its *furū*^c. As a result, he asserts, the same sacred sources are cited to declare one and the same thing as being *ḥalāl* ('permissible') according to God's law by one group, and being *ḥarām* ('forbidden') by another group.⁷⁷

The crux of his arguments seems to be his daring statement: the Qur'an is incorrectly believed to be on its own a *dalīl* and *hādī* ('guide'). He asserts that the Book of God is filled with *hudā* ('guidance'), *dalāla* ('direction'), *ilm* and *ma'rifa* ('knowledge'), *burhān* ('proof'), *bayān* ('explication') and *nadhāra* ('warning'), but maintains that it cannot on its own convey this information. *Uṣūl* strategies aimed at finding this guidance are inevitably ambiguous and indeterminate, and therefore personal opinions and dispositions unavoidably creep in to complete the interpretive act. The interpretations offered are thus inescapably *ẓannī* ('speculative') and plagued by frequently changed opinions, thereby leading to *ikhtilāf* in what is considered *ḥalāl*

and *ḥarām*, and legal and illegal. This is unacceptable, he indicates, especially when an individual may be judged in the same lawsuit by one party's law as being legally entitled to a thing – for example, a person in matrimony, a payment in damages, or a death penalty – and as not so by another party's law. Such a state of affairs, he says, is much maligned in ayas such as Q. 5:49, *and judge between them with what God has sent down, and do not follow their dispositions*, and Q. 42:13, *establish religion and do not be divided therein*.⁷⁸

So what or rather who is the *dalīl* and *hādī*? Al-Nu'mān reasons that the Prophet in his time recited the Book of God and used it to guide, give knowledge, establish proofs, explicate and warn. He brought the *risāla* ('message'), and he was the *rasūl* ('messenger'); he brought the *hudā*, and he was the *hādī*. If the Qur'an could perform these actions on its own, he asserts, even the Prophet as a *hādī* and explicator would not have been required. To continue this mission, to definitively and unequivocally convey the information which God has deposited in the Qur'an for each period, the Qur'an needs, al-Nu'mān argues, an accompanying living interpreter, a person who is designated and taught by the Prophet. This person would *know* the interpretation of the Qur'an and Sunna, and would not need to take recourse to indeterminate formalised techniques to estimate their meaning. This interpreter is, al-Nu'mān concludes, none other than the Prophet's cousin and legatee (*waṣī*), 'Alī, and after him, the successive line of designated Imāms in their progeny, each of whom is the *dalīl* and *hādī* for his time. They are the indispensable partners of the Qur'an, confirmed in his view by the *ḥadīth* 'I leave amongst you two weighty things: the Book of God and my progeny, my *ahl bayt*. They will not part [from each other] until they come to me [together] at the *ḥawḍ* ('the basin of *kawthar*') ...'⁷⁹

Al-Nu'mān does not accept justifications of *ikhtilāf* that were put forward in the Sunnī tradition. These include statements such as 'every *mujtahid* ('one who performs *ijtihād*') is correct', as well as interpretations of ayas and *aḥādīth*. For example, he argues against the contention that the *ḥadīth* 'if a judge passes judgement after performing *ijtihād* and he is correct, then he attains two rewards; and if he passes judgement after performing *ijtihād* and he is incorrect, then he has one reward',⁸⁰ validates *ijtihād* and allows for *ikhtilāf*. '*Ijtihād*' in the *ḥadīth*, says al-Nu'mān, refers not to the Sunnī definition of deriving previously unknown rules, but to the effort that the judge should exert in finding the appropriate rule from the law that has been related by the living Imām from the Qur'an and Sunna.⁸¹ If a judge cannot find an appropriate rule, he states, or if two judges differ amongst themselves on a judgement, the case should go to the Imām.⁸² An incorrect judgement is worthy of censure, al-Nu'mān asserts, and not of reward; the case in the *ḥadīth* where the judge receives a reward even though the judgement is incorrect is when the mistake occurs not due to his incompetence or corruption, but because of factors outside of his control, such as the dishonesty of witnesses and the unavailability of crucial evidence.⁸³

Al-Nuʿmān's arguments clearly regarded interpretive strategies as insufficient to bestow legitimacy to interpretations, and sought to emphasise a pragmatic basis for the existence of a living interpreter and the rightfulness of the Fāṭimid caliph-Imām. There was no formalisation of interpretive strategies into a system of *uṣūl* equivalent to that which took place in the Sunnī arena, not by al-Nuʿmān, nor by any other Fāṭimid *dāʿī*, and one does not find any such usage in the *Daʿāʾim*.⁸⁴ Observe that al-Nuʿmān's living interpreter – in theory at least – is not 'just another authority' that is cited in addition to other previous authorities. He is seen as the 'filter' who interprets previous authorities and the living source of instruction. He therefore pre-empts interpretive strategies aimed at discovering meaning. Abū Yaʿqūb al-Sijistānī (d. after 386/996), an influential *dāʿī* and contemporary of al-Nuʿmān, asserts that it is the function of the living Imām to interpret the Qur'an and previous authoritative traditions, and that this function cannot be performed by texts, because a text that contains interpretation itself needs to be interpreted.⁸⁵ These comments, as well as the general stress in Fāṭimid works on oral instruction, strongly indicate that texts written in this tradition were generally considered not as repositories of knowledge but as aids to oral pedagogy, the source of which was seen as the living Imām.⁸⁶

The Role of al-Nuʿmān's Interpretive Strategies

If the Imām is the absolute legitimiser of interpretation, what is the purpose of the interpretive strategies employed by al-Nuʿmān in *Daʿāʾim al-Islām*? Is al-Nuʿmān going against his declared principles by using them? Or does the answer lie in the possibility that he was catering for a sceptical audience, perhaps a non-Fāṭimid one as well, and thus needed to argue his points with more than the Imām's stamp of authority? In light of the fact that the *Daʿāʾim* was taught by al-Nuʿmān to a general audience of Muslims in addition to the relative minority of Fāṭimid followers, it is possible that it was composed with such listeners in mind. However, similar interpretive strategies are used – often with greater frequency – in compilations such as *Asās al-taʾwīl* and *Taʾwīl al-Daʿāʾim*, which were taught exclusively to the followers.⁸⁷ Moreover, interpretive strategies are a common feature in legal and other interpretations that occur in texts of Fāṭimid *duʿāt* in general. I therefore believe that the answer lies more at the heart of Fāṭimid epistemology, which asserts that the Prophet's knowledge as related by his legatees, the previous Imāms and the living Imām – which these texts professed to convey – is essentially expected to include rational argumentation. Here, I broadly and succinctly examine its defining points, which are common amongst all prominent *duʿāt*, including al-Nuʿmān.⁸⁸

According to them, religion, including all of its laws and rituals, is fully based on *ʿaql* ('intellect/rationality'), the defining characteristic of the human being. The Prophet is seen as the most rational and knowledgeable being, the most pure of soul, because of which he is able to receive *wahy* ('prophetic inspiration'), containing abstract truths

and comprehensive guidance needed by human beings to realise the rationality in creation. These truths and guidance include information about the organisation of the *da'wat al-ḥaqq* ('the mission of truth'; the name the Fāṭimids used for their belief system), knowledge of past and future events, the true nature of reward and punishment, the realities of the hereafter and the 'upper' world, and the intricacies of *tawḥīd*. Most of this information needs to be related gradually to human beings, who are disparate in their intelligence and knowledge, and in a way that would help them comprehend. The Prophet thus conveys it in physical terms – in symbolic form – in the language of the Qur'an, and institutes the ritual and moral requirements of the Shari'a, which are of crucial benefit to human society, but are also – at the same time – physical representations and enactments of these truths. This knowledge is disseminated to the followers in a graded system by the Imām, and under his authority, by a hierarchy of helpers – known as the *ḥudūd* (the *du'āt* were part of the *ḥudūd*) – who have reached the higher grades.⁸⁹

The Fāṭimids implemented such a system for their followers in and outside the empire. The students were first taught the *ẓāhir* ('exoteric') sciences, such as the plain-sense meanings of the Qur'an and the law. *Da'ā'im al-Islām* – a book of law – was taught at this initial stage. Then, ascending through the grades of knowledge, the adherents were given the *ta'wīlī* sciences, which included the symbolic meanings of the Qur'an and the legal commandments. In this manner, they would gradually come to realise, it was claimed, the inherent rationality in religion and creation (refer to fig. 1).⁹⁰ For example, at the initial stage, they would be taught how to perform the ritual prayers, including the specific actions and recitations that are part of it. In higher grades, it would be explained that these physical performances enact the intellectual program of the *da'wat al-ḥaqq* that leads one to realise the logic in creation, and consequently attain salvation. This program consists of the highest teacher and source of knowledge, viz. the Imām, the teachers operating under him, viz. the *ḥudūd*, the students, and the regulations and requirements governing their interaction in the process of imparting and acquiring knowledge and ascending in the grades. By performing prayer, one worships God physically, and by following the program, one is able to worship God intellectually.⁹¹

Extensively in his *Asās al-ta'wīl* and *Ta'wīl al-Da'ā'im*, texts which were taught in higher grades after the *Da'ā'im*, al-Nu'mān conveys – on the authority of the living Imām – the symbolic intellectual meaning in *āyāt* and in the rituals and rules of the Shari'a that were put forth in the *Da'ā'im*. He explains why there are, for example, specifically five compulsory prayers, a precise and different number of *raka'āt* in each prayer, seven circumambulations around the Ka'ba, and so forth. Without the existence of such symbolic meaning as rational precursors and determiners of such specific rituals, the Prophet, al-Nu'mān argues, could be accused of enjoining illogical and arbitrary duties.⁹² The various facets of Fāṭimid epistemology – including the

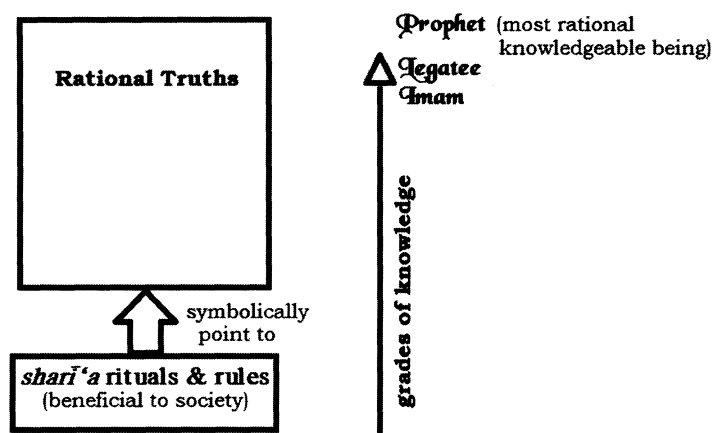


Fig. 1: Depiction of Fāṭimid epistemology.

framework of moving from the physical to the intellectual, the nexuses that are used to progress from symbols to that which they symbolise, the notion of the unity of rationality and religion, the scriptural justifications provided, the particular meanings offered, the existence of a multiplicity of meanings, and the different terminologies employed – are topics that have attracted some detailed and estimable studies, but could benefit, especially the Qur’anic aspects therein, from more intensive research.⁹³

In such a system, the common interpretive strategies offered in the *Da‘ā'im* seem to be only one part of the process of determining which interpretation and law is correct. On their own, they are indeterminate since they present several possible alternatives; the alternative that is taken as correct is seen as depending primarily upon the ‘rational’ principles that are considered the chief determinants of law. ‘True’ interpretations and laws would symbolically point towards rationally acceptable statements, whereas ‘false’ ones would not. The arguments for what is rationally acceptable continue in each grade, and as this happens, al-Nu‘mān claims, doubts gradually decrease.⁹⁴ The following quotation from *Asās al-ta‘wīl* explicates:

Translation	Excerpt
The <i>ta‘wīl</i> ... shines in the hearts and intellects, and by it the argument is established against one who denies the precepts of the Sharī‘a It is that which testifies for the <i>ẓāhir</i> [i.e. the plain-sense interpretation of the Qur’ān and the law]; it proves its validity to one who denies and doubts it because of his ignorance with regard to its	التأويل ... يصبح في القلوب والعقول، وبه تثبت الحجة على من انكر احكام الشريعة ... هو الذي يشهد للظاهر، ويثبت صحته لمن انكر وشك فيه بجهله بمعانيه والمراد به وما جعل عليه دليلا ومثلا له ... من طلب التأويل من قبل اوليائه الذين نصبهم له ... وحد الله حق توحيده ... وعلم حقيقة ما تعبد الله عز وجل به عباده مما احله

meanings, intentions, and that for which it has been put as indicator and symbol The one who seeks the <i>ta'wīl</i> from His [i.e. God's] favourites whom He has designated for it ... will perform <i>tawhīd</i> of God in its true manner ... and will know the truth regarding that which God has enjoined as duty... on His servants, that which He has made permissible and that which He has prohibited. He will know the authentic from the spurious with regard to the traditions that are reported on the authority of the Prophet, and [regarding] other things about which people disagree. [This is] because the <i>ta'wīl</i> clarifies and elucidates them, and it is their measure, balance, and the witness against them and for them.	لهم وحرمة عليهم، وعلم الصحيح من السقيم من الاخبار عن رسول الله وغير ذلك مما اختلف فيه الناس، لان التأويل يوضح ذلك ويبينه وهو عياره وميزانه والشاهد عليه وله.
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Table 19: *Ta'wīl* as determinant of *zāhir*⁹⁵

The interpretive strategies in the *Da'ā'im* seem to constitute an effort to initially convince the student – at this basic level of knowledge – of particular interpretations and the legal precepts they put forward. Doubts are expected to remain, probably due to interpretations offered by competing strategies and ideologies, and to decrease gradually as the student progresses in the grades, and is taught the *ta'wīl*. Al-Nu'mān states that the student should ask the teacher about matters that he/she finds unconvincing, doubtful or unclear. The teacher, on the other hand, should not hold back in giving the knowledge that is appropriate for each grade. The interaction should be in a manner that there is no coercion (*ikrāh*) in the acceptance of this knowledge because the knowledge would then not benefit.⁹⁶

The Fāṭimids maintained that the ascent through the grades of rational religious instruction, which gradually increases the intellect and knowledge of the student, parallels the 'physical' upbringing of a baby from birth to adulthood. The student, at the start of the program, having given the oath of allegiance to the Imām⁹⁷ and received permission to learn, is seen as newly born into *da'wat al-ḥaqq*: just as the newborn does not know much about the physical world, so the 'newborn' in religion does not know much about the intellectual religious world; just as the baby's body is tended to and groomed at the beginning, so the student's *zāhir* – his/her exoteric beliefs and actions – is, during the first grades, rectified and brought in line with the true *zāhir* of the Qur'an and the Sharī'a. Only after this stage can there be progress to

the next; just as the mother provides her baby with milk, so the 'mother' in religion, the *dā'ī* who has taken the student's oath, teaches him/her the initial grade of *ta'wīl*, sometimes referred to as *raḍā'* ('suckling'). As the infant develops into a child, is able to ingest more and more complex foods, and under the *tarbiya* ('upbringing') of its parents eventually reaches maturity, so the student progresses in intellect and rational knowledge, and is able to comprehend, under the pedagogy of his/her parents in religion, the higher more complex grades of *ta'wīl*, to eventually reach the level of *bulūgh* ('adulthood'), and the ranks of *ḥudūd*. In the religious world, the world that is believed to persist in the hereafter, the Imām and his *ḥudūd* are the 'adults', and the followers who are imparted this knowledge are the 'children' who 'grow' and 'become mature' as they ascend through the grades.⁹⁸

In light of this parallelism, what al-Nu'mān and the Fāṭimids seem to suggest particularly vis-à-vis interpretive strategies may be approximated by a hypothetical elementary example: imagine a child who does not yet know the significance of shaking hands, and that in many countries it represents friendship and a willingness to communicate amicably. Imagine that the father says to the child, 'Shake hands when you meet other children in your playgroup' and leaves, and then the mother takes the child to the playgroup. When the child meets the other children, he is confused regarding the meaning of 'shake hands;' he knows from his current vocabulary that it can stand for clasping hands with another person, or for swaying one's hands back and forth. The child has no way to judge what his father intended, and his knowledge of semantics does not produce a determinate interpretation of his father's words. The mother then clarifies that it is the clasping of hands rendition that is intended, perhaps by showing the child that other people do it as well when they meet each other. It is only when the child grows older, and his intellect and knowledge increase, that the parents are able to gradually explain in richer terms why clasping of hands is significant, the implications it has regarding the conveyance of amicability to the opposite person, its importance in building human relationships, and the vitalness of such relationships in life. As the child slowly comes to realise the significance of shaking hands, he realises why his father could only have intended clasping of hands and not swaying them from one side to the other.

Coming back to the *Da'ā'im* and its interpretive strategies, let us, for example, compare Q. 48:27 (table 5) and Q. 22:30–1 (table 10). In Q. 48:27, 'shaved heads' is taken as better than 'trimmed heads' because the former is mentioned before the latter, whereas in Q. 22:30–1, false testimony is taken via parallelism to be as grave as *shirk*. The reasons for why word order is seen as significant in Q. 48:27 but not in Q. 22:30–1, and parallelism is seen as applicable in Q. 22:30–1 but not in Q. 48:27, would only become fully apparent as the student (the 'child') realises the 'rational' determiners of the rules and rituals that result from the choice of strategy. This can only happen as he/she gradually progresses to the higher grades, and acquires, under

the pedagogy of the Imām and his *hudūd* (the 'adults'), the requisite intellect and knowledge to be able to comprehend the reasoning.

Conclusion

The survey of the various categories of strategies employed by al-Nu'mān in interpreting ayas in *Da'ā'im al-Islām* reveals that he relies upon common interpretive principles, and does not use formalisations comparable to those found in the Sunnī *uṣūl al-fiqh* tradition. Furthermore, no equivalent system of *uṣūl* is developed in the Fāṭimid tradition by al-Nu'mān or any other *dā'ī*. I argued that the Fāṭimids, in contradiction to the Sunnī case, do not accept that *uṣūl* principles could act as the chief legitimisers of interpretation. Al-Nu'mān, as I demonstrated, reasons that interpretive strategies are indeterminate in both their definitions and outcomes and are thus unable to determine and justify God's law, a law that, according to him, needs to be definite and devoid of *ikhtilāf*. He emphasises the Fāṭimid system wherein the living Imām, believed to be the inheritor of the Prophet physically and knowledge-wise, and trusted as the most rational and knowledgeable being after the Prophet, occupies the role of the absolute legitimiser.

To ascertain the role of the interpretive strategies used by al-Nu'mān in the *Da'ā'im*, I examined the framework of Fāṭimid epistemology and education. In a system where students are taught the plain-sense meanings of the Qur'an and the law in the initial grades, and as they progress to higher grades the 'rational truths' that are seen as symbolically pointed to by the Qur'an and the law, interpretive strategies seem to serve the purpose of initially convincing the student of an interpretation. Doubts are expected to remain and to be gradually eliminated as the student ascends in the grades and hears the further 'rational' arguments. In light of this framework, one can state that the Fāṭimid equivalent of Sunnī *uṣūl*, in terms of its function of legitimising the law, is the living Imām, precisely because of his alleged capacity as possessor of the comprehensive rationales behind law and creation. More accurately, the Imām *in conjunction with* the rationales that are put forward in Fāṭimid texts of higher grades, and of which he is seen as the source, acts as the legitimiser.

NOTES

1 I am grateful to Prof. Paul Walker, Prof. Devin Stewart, Dr Karen Bauer and Sarah el-Ebiary, and to my siblings, Prof. Tahera Qutbuddin, Dr Saifiyah Qutbuddin, and Dr Abdeali Qutbuddin for commenting on earlier drafts of this article. Needless to say, they are not responsible for any prevailing errors.

2 The term 'Fāṭimid' in the paper refers to the caliphate established by the Ismā'īlī Imāms from 297/910 to 567/1171 in North Africa and later in Egypt and parts of the Middle East; for an introduction, see Farhad Daftary, *The Ismā'īlīs: Their History and Doctrines*, 2nd edn (Cambridge: Cambridge University Press, 2007), pp. 137ff. I have avoided using the term

'Ismā'īlī' since it is more general, and also frequently used to subsume both pre-Fāṭimid and post-Fāṭimid groups.

3 Al-Qāḍī al-Nu'mān, *Da'ā'im al-Islām wa-dhikr al-halāl wa'l-harām wa'l-qaḍāyā wa'l-aḥkām 'an ahl bayt rasūl Allāh 'alayhi wa-'alayhim aḥdāl al-salām*, ed. Asaf A.A. Fyze (2 vols, Beirut: Dār al-Adwā', 1991), henceforth, volume 1 cited as *Da'ā'im I*, and volume 2 cited as *Da'ā'im II*.

4 Al-Qāḍī al-Nu'mān, *Ikhtilāf uṣūl al-madhāhib*, ed. Muṣṭafā Ghālib, 3rd edn (Beirut: Dār al-Andalus, 1983), henceforth, cited as *Ikhtilāf*.

5 For a good overview of Fāṭimid legal theory, its development, aims, *uṣūl*, derivation, and philosophy, see Abde-ali Khuzaima Qutbuddin, 'The Principles of Finance in Fatimi Tayyibi Law: Perception and Practice in the Dawoodi Bohra Community Today' (unpublished PhD dissertation, University of Manchester, 2003), pp. 7ff. Asaf A.A. Fyze, 'Aspects of Fatimid Law', *Studia Islamica* 32 (1970), pp. 81–91, at pp. 83ff., points out some of the differences between Fāṭimid, Sunnī and Twelver systems of law. Robert Brunschvig, 'Fiqh Fatimide et Histoire de l'Ifrīqiya' in Robert Brunschvig and Abdel Magid Turki (eds), *Études D'Islamologie* (2 vols, Paris: Editions G.-P. Maisonneuve et Larose, 1976), vol. 1, pp. 63–70, outlines aspects of Fāṭimid law that were imposed by the early caliph-Imāms on their majority Sunnī subjects.

6 I hope to analyse the other facets of Qur'anic usage in Fāṭimid *fiqh* texts in a future study.

7 This is amply observed when one goes through al-Nu'mān's works, especially *Kitāb al-majālis wa'l-musāyarāt*, ed. al-Ḥabīb al-Fiqī, Ibrāhīm Shabbūh and Muḥammad al-Ya'lāwī (Beirut: Dār al-Muntaẓar, 1996), henceforth, cited as *al-Majālis wa'l-musāyarāt*.

8 Asaf A.A. Fyze, 'Isma'ili Law and Its Founder', *Islamic Culture* 9 (1935), pp. 107–12, at p. 112, provides a good bibliography of primary sources containing information on al-Nu'mān, which includes volumes 5 and 6 of the *'Uyūn al-akhbār wa-funūn al-āthār* of Idrīs 'Imād al-Dīn (d. 872/1468), the nineteenth *dā'ī muṭlaq* of the Ṭayyibīs. See also Farhad Daftary, *The Ismā'īlīs: Their History and Doctrines*, 1st edn (Cambridge: Cambridge University Press, 1994), pp. 249ff., p. 651, n. 266; Asaf A.A. Fyze, 'Qadi an-Nu'man: The Fatimid Jurist and Author', *Journal of the Royal Asiatic Society* 1 (1934), pp. 1–32. For biographical information on the family of al-Nu'mān, his sons and grandsons, who were appointed chief qāḍīs of the Fāṭimid Empire, see Richard Gottheil, 'A Distinguished Family of Fatimide Cadis (al-Nu'mān) in the Tenth Century', *Journal of the American Oriental Society* 27 (1906), pp. 217–96.

9 Fyze, 'Qadi an-Nu'man', pp. 12f. For a detailed analysis of the *Majālis al-ḥikma*, see Heinz Halm, *The Fatimids and Their Traditions of Learning* (London: I.B. Tauris and the Institute of Ismaili Studies, 1997). These were open to men and women of the Fāṭimid faith.

10 Ibn Zūlāq's description is preserved in Ibn Khallikān, Abū'l-Abbās Shams al-Dīn Aḥmad b. Muḥammad (d. 681/1282), *Wafayāt al-a'yān wa-anbā' abnā' al-zamān*, ed. Iḥsān 'Abbās (7 vols, Beirut: Dār Ṣādir, n.d.), vol. 5, p. 416. The translation is taken with minor modifications from Fyze, 'Qadi an-Nu'man', p. 13. For similar attestations by the historian al-Musabbihī (d. 420/1029), see Ibn Khallikān, *Wafayāt al-a'yān*, vol. 5, p. 415; the editor's introduction in *Ikhtilāf*, p. 11.

11 Idrīs 'Imād al-Dīn, *'Uyūn al-akhbār wa-funūn al-āthār fī faqā'il al-a'imma al-aṭḥār: al-sub' al-sādis*, ed. Muṣṭafā Ghālib, 2nd edn (Beirut: Dār al-Andalus, 1984), pp. 41–9; also cited by Fyze, 'Qadi an-Nu'man', pp. 16ff. Fyze, 'Isma'ili Law', p. 111 provides a useful genre-based classification of al-Nu'mān's works.

12 See, for example, al-Kirmānī, Aḥmad Ḥamīd al-Dīn (d. after 411/1020), '*al-Risāla al-mawsūma bi'l-kāfiya fī'l-radd 'alā'l-Hārūnī*' in Muṣṭafā Ghālib (ed.), *Majmū'at rasā'il al-Kirmānī* (Beirut: al-Mu'assasa al-Jāmi'iyya li'l-Dirāsāt wa'l-Nashr wa'l-Tawzī', 1983), p. 165; al-Mu'ayyad, Hibat Allāh fī'l-Dīn al-Shīrāzī (d. 470/1078), *al-Mi'a al-thāniya min*

al-majālis al-Mu'ayyadiyya, ed. Ḥātim Ḥamīd al-Dīn (Oxford: World of Islam Studies, 1407 AH), p. 152; Asaf A.A. Fyzee, 'The Study of the Literature of the Fatimid *Da'wa*' in George Makdisi (ed.), *Arabic and Islamic Studies in Honor of Hamilton A.R. Gibb* (Leiden: Brill, 1965), pp. 232–49, at pp. 238–48; Ismail K. Poonawala, *Bibliography of Ismā'īlī Literature* (Malibu: Undena Publications, 1977), p. 109 (no. 17). Ismail K. Poonawala, 'al-Qāḍī al-Nu'mān's Works and the Sources', *Bulletin of the School of Oriental and African Studies* 36:1 (1973), pp. 109–15, has examined the Fāṭimid, Sunnī and Twelver sources which mention the works of al-Nu'mān. Daftary, *The Ismā'īlīs*, 1st edn, pp. 249ff., acknowledges the high esteem in which the works of al-Nu'mān were held by Twelvers, many of whom also claimed that he was a Twelver. See also below.

13 Only a small section of *al-Īḍāḥ* is extant today; for a description see Wilferd Madelung, 'The Sources of Ismā'īlī Law', *Journal of Near Eastern Studies* 35:1 (1976), pp. 29–40.

14 Ismail K. Poonawala, 'Al-Qāḍī al-Nu'mān and Isma'īlī Jurisprudence' in Farhad Daftary (ed.), *Mediaeval Isma'īlī History and Thought* (Cambridge: Cambridge University Press, 1996), pp. 117–43, at pp. 121ff., provides a list of *fiqh* works by al-Nu'mān.

15 This date has been given by Wladimir Ivanow, *A Creed of the Fatimids* (Bombay: Qayyimah Press, 1936), p. 6. Cf. Poonawala, 'Al-Qāḍī al-Nu'mān and Isma'īlī Jurisprudence', p. 127, who estimates the year of composition as 349/960.

16 Bayard Dodge, 'The Fāṭimid Legal Code', *Muslim World* 50:1 (1960), pp. 30–8, at p. 38.

17 For the complete list of *kutub* in *Da'ā'im II*, see *Da'ā'im II*, pp. 605ff. *Da'ā'im al-Islām* is similar in arrangement to texts of positive law found in other Islamic traditions; see, for example, the arrangement in Mālik's (d. 179/796) *al-Muwatta'* presented by Yasin Dutton, *The Origins of Islamic Law: The Qur'an, the Muwatta' and Madinan 'Amal* (Surrey: Curzon, 1999), pp. 27f.

18 *Da'ā'im I*, p. 2, p. 103; *Da'ā'im II*, pp. 392f. *Da'ā'im al-Islām* is available fully translated in al-Qāḍī al-Nu'mān, *The Pillars of Islam: Da'a'im al-Islam of al-Qadi al-Nu'man*, tr. Asaf A.A. Fyzee and Ismail K. Poonawala (2 vols, Oxford: Oxford University Press, 2002–4). Also, see al-Qāḍī al-Nu'mān, *The Book of Faith from the Da'ā'im al-Islām (Pillars of Islam) of al-Qāḍī al-Nu'mān b. Muḥammad al-Tamīmī*, tr. Asaf A.A. Fyzee (Bombay: Nachiketa Publications, 1974), for a translation and brief exposition of *Kitāb al-walāya*.

19 'Imād al-Dīn, 'Uyūn al-akhbār: *al-sub' al-sādis*, pp. 42–4; also cited by Fyzee, 'Qadi an-Nu'man', pp. 20ff.; Fyzee, 'Isma'īlī Law', p. 109; al-Majdū', Ismā'īl b. 'Abd al-Rasūl (d. 1183 or 1184/1769–71), *Fahrasat al-kutub wa'l-rasā'il*, ed. Alīnaqī Munzawī (Tehran: University Printing House, 1966), pp. 18f. See also al-Qāḍī al-Nu'mān, *Ta'wīl al-Da'ā'im*, ed. Muḥammad Ḥasan al-A'zamī, 2nd edn (3 vols, Beirut: Dār al-Muntaẓar, 1993), vol. 1, p. 48 (henceforth, volume 1 cited as *Ta'wīl al-Da'ā'im I*, volume 2 cited as *Ta'wīl al-Da'ā'im II*, and volume 3 cited as *Ta'wīl al-Da'ā'im III*), where al-Nu'mān attributes the *Da'ā'im* to al-Mu'izz.

20 See Amin Haji, 'Institutions of Justice in Fatimid Egypt (358–567/969–1171)' in Aziz Al-Azmeh (ed.), *Islamic Law: Social and Historical Contexts* (London: Routledge, 1988), pp. 198–214, at pp. 198ff.; Qutbuddin, 'The Principles of Finance in Fatimi Tayyibi Law', pp. 12f., who cite the 'Uyūn al-akhbār. See also Halm, *The Fatimids and Their Traditions of Learning*, pp. 41ff.

21 Al-Qāḍī al-Nu'mān, *Kitāb asās al-ta'wīl*, ed. 'Ārif Tāmīr (Beirut: Dār al-Thaqāfa, 1960), pp. 23ff., henceforth, cited as *Asās al-ta'wīl*; *Ta'wīl al-Da'ā'im I*, pp. 151f.

22 *Al-Majālis wa'l-musāyārāt*, p. 348, p. 434, p. 487 and p. 546; Halm, *The Fatimids and Their Traditions of Learning*, p. 28 and pp. 98ff.

23 *Al-Majālis wa'l-musāyārāt*, pp. 306f.; Poonawala, 'Al-Qāḍī al-Nu'mān and Isma'īlī Jurisprudence', p. 127.

24 Daftary, *The Ismā'īlīs*, 1st edn, p. 226; Samuel M. Stern, 'Cairo as the Centre of the Ismā'īlī Movement' in his *Studies in Early Ismā'īlism* (Jerusalem: The Magnes Press, 1983), pp. 234–56, at pp. 236f. Stern also lists other texts by al-Nu'mān that were propagated, such as *al-Iqtīṣār* and *Ikhtilāf*. The main source for this information is al-Maqrīzī's (d. 845/1442) *al-Khiṭaṭ*. Cf. Poonawala, 'Al-Qāḍī al-Nu'mān and Isma'ili Jurisprudence', pp. 138f., n. 42, who says it was *Mukhtaṣar al-āthār* instead of *al-Iqtīṣār*.

25 Cited from Fyzee, 'Qadi an-Nu'man', pp. 22f.

26 See Poonawala, 'Al-Qāḍī al-Nu'mān and Isma'ili Jurisprudence', p. 131, who cites al-Maqrīzī's *al-Khiṭaṭ*.

27 Cited from Fyzee, 'Qadi an-Nu'man', p. 24; Paul E. Walker, *Ḥamīd al-Dīn al-Kirmānī: Ismaili Thought in the Age of al-Hākim* (London: I.B. Tauris and the Institute of Ismaili Studies, 1999), pp. 56f. See also Paul E. Walker, 'Fatimid Institutions of Learning', *Journal of the American Research Center in Egypt* 34 (1997), pp. 179–200, at p. 185.

28 Al-Mu'ayyad, Hibat Allāh fī'l-Dīn al-Shīrāzī, *Sīrat al-Mu'ayyad fī'l-Dīn dā'ir al-du'āt: tarjamat ḥayātihī bi-qalamihī*, ed. Muḥammad Kāmil Ḥusayn (Cairo: Dār al-Kātib al-Miṣrī, 1949), p. 43. Al-Mu'ayyad says he taught the text to the Buwayhid sultan Abū Kālījār (d. 440/1048) in Iran.

29 For a good descriptive bibliography of *fiqh* works in the Ṭayyibī period, see Qutbuddin, 'The Principles of Finance in Fatimi Tayyibi Law', pp. 14ff., pp. 268ff.

30 Fyzee, 'The Study of the Literature of the Fatimid *Da'wa*'.

31 In Husain K.B. Qutbuddin, 'A Framework for an Ismā'īlī Fātimid Commentary of the Qur'ān' (unpublished PhD dissertation, University of Cambridge, 2009), I developed a methodology based on pragmatic communication principles for the identification and analysis of Qur'anic quotations. I have used this methodology to examine the *Da'ā'im* for this study.

32 Quotations in *Kitāb al-walāya* in *Da'ā'im I* are not included in this count on account of it not being strictly about legal precepts; rather, it explains the sources of law, viz. the Qur'an, the Sunna, and the sayings of the Imāms.

33 See, for example, Muqātil b. Sulaymān (d. 150/767), *Kitāb tafsīr al-khams mi'at āya min al-Qur'ān al-karīm*, ed. Isaiiah Goldfeld (Shafā'amr: Dār al-Mashriq, 1979–80); al-Zarkashī, Badr al-Dīn Muḥammad b. 'Abd Allāh b. Bahādūr (d. 794/1392), *al-Burhān fī 'ulūm al-Qur'ān*, ed. Muḥammad Abū'l-Faḍl Ibrāhīm (4 vols, Dār Iḥyā' al-Kutub al-'Arabiyya 'Isā al-Bābī al-Ḥalabī wa-Shurakā'uḥu, 1376/1957), vol. 2, p. 3; Zafar Ishaq Ansari, 'The Contribution of the Qur'an and the Prophet to the Development of Islamic *fiqh*', *Journal of Islamic Studies* 3:2 (1992), pp. 141–71, at p. 145; Noel J. Coulson, *A History of Islamic Law* (Edinburgh: Edinburgh University Press, 1964), p. 12; Wael Hallaq, art. 'Law and the Qur'ān' in *Encyclopaedia of the Qur'ān*. Al-Nu'mān's choice of legal verses seems to be close to those considered as legal by other sources; for example, Coulson, *A History of Islamic Law*, p. 14, purports that marriage and divorce laws are the most commonly dealt with subjects in the Qur'an, and this is borne out by the percentage of ayas on these subjects that are quoted by al-Nu'mān. Sources that may be used to forward this comparison are al-Shāfi'ī, Muḥammad b. Idrīs (d. 204/820), *Aḥkām al-Qur'ān li'l-Shāfi'ī*, ed. 'Abd al-Ghanī 'Abd al-Khāliq (Beirut: Dār al-Kutub al-'Ilmiyya, 2005) (compiled by al-Bayhaqī (d. 458/1066)); al-Jaṣṣās, Abū Bakr Aḥmad b. 'Alī al-Rāzī (d. 370/981), *Aḥkām al-Qur'ān*, ed. Muḥammad al-Ṣādiq Qamḥawī (5 vols, Beirut: Dār Iḥyā' al-Turāth al-'Arabī, 1405 AH); Irshad Abdal-Haqq, 'Legal Injunctions of the Qur'an', *The Journal of Islamic Law* 2 (1997), pp. 53–92; Tahir Mahmood, 'Law in the Qur'an – A Draft Code', *Islamic and Comparative Law Quarterly* 7:1 (1987), pp. 1–32; Muhammad Valibhai Merchant, *A Book of Quranic Laws* (New Delhi: Kitab Bhavan, 1981).

34 The survey will generally cover only the strategies that al-Nu'mān explicitly uses to justify his meaning assignments. Implicit strategies, such as placement in a particular context, will not

be examined in much detail. Furthermore, I have relegated the analysis of the authorities that are cited in interpretation to a future study. Authoritative traditions are an important aspect of legitimisation but these traditions need to be interpreted themselves using strategies.

35 *Da'ā'im I*, p. 240; for more examples, see also p. 202 (Q. 2:60); *Da'ā'im II*, p. 189 (Q. 30:21). For this and subsequent examples, the excerpt is pasted unaltered from the respective published text, the punctuations of which unfortunately are not always consistent, but are helpful nonetheless. The only alterations from the original are the solid underlining of verbatim Qur'anic quotations, the dashed underlining of modified ones, as well as the removal of diacritical marks, which are given quite inconsistently. The context in which the excerpt occurs in the text is, where required, summarised in square brackets at the beginning of the excerpt. The translation provided is my own and, to avoid wordiness, omits laudatory formulas that occur in the original. The translations of ayas that occur in the excerpt are also my own, and aim to relate the meaning that the author seems to have intended by embedding the quotation in its respective context in the text. The translations of ayas are underlined, solidly for verbatim quotations, and dashed underlining for modified ones. The verse numbering follows the Egyptian edition. The 'Remarks' section contains my comments on the example that is presented.

36 *Da'ā'im I*, p. 131. See also p. 170. Cf. *Ta'wīl al-Da'ā'im I*, pp. 177f. For another example, see *Da'ā'im II*, p. 233 (Q. 6:138). Cf. al-Ṭabarī, Muḥammad b. Jarīr (d. 310/923), *Jāmi' al-bayān 'an ta'wīl āy al-Qur'ān*, al-Taḥfīr (Aal al-Bayt Institute for Islamic Thought, 2002–10), accessed: 29.05.2009, available at: <<http://www.altafsir.com/Tafasir.asp?tMadhN=0&tTafsirNo=1&tSoraNo=4&tAyahNo=103&tDisplay=yes&UserProfile=0&LanguageId=1>> (the title on this online source for al-Ṭabarī's commentary is given as *Jāmi' al-bayān fī tafsīr al-Qur'ān*), who gives this assignment as one of the possibilities.

37 These are not presented in any particular order.

38 I have not found examples of explicit morphological analysis.

39 For this and subsequent examples, only that which is relevant to the presentation of the strategy in focus has been selected and presented from the text. For al-Nu'mān's complete argument, which often employs a combination of strategies, refer to the text.

40 *Da'ā'im I*, p. 375 and p. 385. Cf. *Ta'wīl al-Da'ā'im III*, pp. 315f. for another example, see *Da'ā'im I*, p. 26 (Q. 7:46 and 48). Cf. Edward William Lane, s.v. 'f-y-' in *Arabic-English Lexicon*. In citing the lexical meaning of terms, al-Nu'mān does not avail of Arabic poetry, even though Ibn Zūlāq's description portrays him as one who was well aware of the tradition.

41 *Da'ā'im I*, p. 108. Cf. *Ta'wīl al-Da'ā'im I*, pp. 86ff. For another example, see *Da'ā'im I*, p. 109 (Q. 5:6). See John Burton, 'The Qur'ān and the Islamic Practice of *Wuḍū*' in Colin Turner (ed.), *The Koran: Critical Concepts in Islamic Studies* (4 vols, London: RoutledgeCurzon, 2004), vol. 2, pp. 111–59, for a detailed presentation of the classical debates on the issue of wiping rather than washing the feet in Sunnī and Twelver circles. For the latter, see also Meir M. Bar-Asher, 'Variant Readings and Additions of the Imāmī-Šī'a to the Quran', *Israel Oriental Studies* 13 (1993), pp. 39–74, at p. 56.

42 *Da'ā'im I*, p. 330. Cf. *Ta'wīl al-Da'ā'im III*, pp. 255f. For another example, see *Da'ā'im I*, p. 108f. (Q. 5:6).

43 Poonawala pointedly – but to me inexplicably – uses an alternative reading of Q. 4:12, suggested by David S. Powers, *Studies in Qur'an and Ḥadīth: The Formation of the Islamic Law of Inheritance* (Berkeley: University of California Press, 1986), pp. 23ff.; 'if a man designates a daughter-in-law or wife as heir ...' in his translation of this passage (al-Nu'mān, *The Pillars of Islam*, vol. 2, p. 369). It is clear from al-Nu'mān's explanation of this aya in *Da'ā'im II*, p. 375, and *kalāla* specifically in p. 372, and his stance against designation of inheritors in pp. 358f., that he would not subscribe to Powers' reading. Poonawala's laboured

translation of the relevant passage at p. 372 (al-Nu'mān, *The Pillars of Islam*, vol. 2, p. 367) also suffers from putting Powers' views into al-Nu'mān's mouth.

44 *Da'ā'im II*, p. 375. For another example, see *Da'ā'im I*, p. 306 (Q. 5:95). For the share of full and half (paternal) siblings in such *kalāla* cases, see the interpretation of Q. 4:176 in *Da'ā'im II*, pp. 374ff. On the status of the reading in Sunnī sources, see, for example, al-Ṭabarī, *Jāmi' al-bayān*, accessed: 29.05.2009, available at: < <http://www.altafsir.com/Tafasir.asp?tMadhNo=0&tTafsirNo=1&tSoraNo=4&tAyahNo=12&tDisplay=yes&Page=5&Size=1&LanguageId=1> >; al-Rāzī, Fakhr al-Dīn Muḥammad b. 'Umar (d. 606/1209), *al-Tafsīr al-kabīr aw-mafātīḥ al-ghayb* (32 vols, Beirut: Dār al-Kutub al-'Ilmiyya, 1421/2000), vol. 9, p. 181; al-Ālūsī, Abū'l-Faḍl Shihāb al-Dīn al-Sayyid Maḥmūd (d. 1270/1854), *Rūḥ al-ma'ānī fī tafsīr al-Qur'ān al-ʿaẓīm wa'l-sabʿ al-mathānī*, 2nd edn (30 vols, Beirut: Dār Ihyā' al-Turāth al-ʿArabī, n.d.), vol. 4, p. 230.

45 *Da'ā'im II*, p. 169. For another example, see *Da'ā'im I*, p. 195 and pp. 315f. (Q. 4:101, Q. 2:158).

46 Note that this is not an exhaustive list since inter-relationships are varied, and often subtle and nuanced. Cf. Tammām Ḥassān, 'al-ʿIlqāt al-malfūza wa'l-ʿilqāt al-malhūza fī'l-naṣṣ al-Qur'ānī', *Journal of Qur'anic Studies* 3:2 (2001), pp. 200–172, at pp. 188–72.

47 *Da'ā'im I*, p. 133. Cf. *Ta'wīl al-Da'ā'im I*, p. 187. For another example, see *Da'ā'im I*, p. 121 (Q. 4:29).

48 *Da'ā'im I*, p. 86. For another example, see p. 344 (Q. 2:274).

49 *Da'ā'im II*, p. 508. For another example, see p. 131 (Q. 5:90).

50 *Da'ā'im I*, pp. 125ff. Cf. *Ta'wīl al-Da'ā'im II*, p. 113. For another example, see *Da'ā'im I*, p. 341 (Q. 2:216, Q. 9:122).

51 *Da'ā'im II*, p. 122. For another example, see pp. 249f. For an example of continuity, see *Da'ā'im I*, p. 166 (Q. 94:7–8); of co-occurrence of revelation, see p. 288 (Q. 3:97, Q. 5:101); of explanation and elaboration, see pp. 257f. (Q. 9:103, Q. 9:60); of similarity of subject, see p. 111 (Q. 5:6, Q. 8:11, Q. 25:48). Al-Nu'mān does not use the term *naskh* ('abrogation') to refer to instances of revision. The status of these ayas as constituting *naskh* is disputed (see, for example, al-Naḥḥās (or Ibn al-Naḥḥās), Abū Ja'far Aḥmad b. Muḥammad b. Ismā'īl al-Murādī (d. 338/950), *al-Nāsikh wa'l-mansūkh*, ed. Muḥammad 'Abd al-Salām Muḥammad (Kuwait: Maktabat al-Falāḥ, 1408 AH), p. 390, pp. 432ff., p. 696; Ibn al-Jawzī, Abū'l-Faraj 'Abd al-Raḥmān (d. 597/1200), *Nawāsikh al-Qur'ān* (Beirut: Dār al-Kutub al-'Ilmiyya, 1405 AH), p. 160; Ibn al-Jawzī, Abū'l-Faraj 'Abd al-Raḥmān, *al-Muṣaffā bi-akuff ahl al-rusūkh min 'ilm al-nāsikh wa'l-mansūkh*, ed. Ṣāliḥ al-Ḍāmin (Beirut: Mu'assasat al-Risāla, 1415 AH), p. 35), but even where there is relatively less controversy, such as regarding Q. 9:5, Q. 16:125 (*Da'ā'im I*, p. 339), al-Nu'mān does not refer to the revision as *naskh*; see note 70.

52 *Da'ā'im I*, p. 289. Cf. *Ta'wīl al-Da'ā'im III*, pp. 143ff. For another example, see *Da'ā'im II*, pp. 358f. (Q. 2:180).

53 *Da'ā'im I*, p. 65. For another example, see *Da'ā'im I*, pp. 257f. (Q. 9:103).

54 In *Da'ā'im I*, p. 103, al-Nu'mān mentions his general policy of not arguing in the *Da'ā'im* against non-Fātimid interpretations.

55 Fyze, 'Aspects of Fatimid Law', pp. 83ff., gives an overview of some of these aspects. A majority of the rulings in the *Da'ā'im* are similar to at least one of the Sunnī *madhāhib*.

56 Azim Nanji, 'An Ismā'īlī Theory of *Walāyah* in the *Da'ā'im al-Islām* of Qāḍī al-Nu'mān' in Donald P. Little (ed.), *Essays on Islamic Civilization: Presented to Niyazi Berkes* (Leiden: Brill, 1976), pp. 260–73, at pp. 263ff., has summarised the essential arguments presented in *Kitāb al-walāya* regarding the *imāma* and its Sunnī conception.

57 In *Da'ā'im II*, p. 368, for example, al-Nu'mān argues that the Sunnī interpretation of *walad* ('child') for inheritance purposes in Q. 4:176 and Q. 4:12 is inconsistent. For a study of Sunnī, Twelver and Fāṭimid interpretations of *walad*, see Agostino Cilardo, 'Some Peculiarities of the Law of Inheritance: The Formation of Imāmī and Ismā'īlī Law', *Journal of Arabic and Islamic Studies* 3 (2000), pp. 127–37.

58 See *al-Majālis wa'l-musāyārāt*, p. 135; Poonawala, 'Al-Qāḍī al-Nu'mān's Works and the Sources', pp. 111f.; Poonawala, 'Al-Qāḍī al-Nu'mān and Ismā'īlī Jurisprudence', p. 139, n. 45.

59 See below for a presentation of some of the contents of this text.

60 Al-Qāḍī al-Nu'mān, *al-Urjūza al-mukhtāra*, ed. Ismail K. Poonawala (Montreal: McGill University, 1970). Farhad Daftary, *Ismaili Literature: A Bibliography of Sources and Studies* (London: I.B. Tauris and the Institute of Ismaili Studies, 2004), p. 146, comments 'with 2375 verses, this work is one of the longest *arājiz* [sic] in the history of Arabic literature'.

61 *Da'ā'im I*, p. 108. Cf. *Ta'wīl al-Da'ā'im I*, pp. 121ff. For another example, see *Da'ā'im I*, pp. 257f. (Q. 9:103).

62 *Da'ā'im I*, p. 375. For another example, see pp. 69f. (Q. 42:22–3). Note that 'Qur'anic context' is not an independent objective parameter; what is deemed as the Qur'anic context of an aya will depend on the specific meanings that one assigns neighbouring ayas. Even if one restricts such meanings to only those that emanate from a plain-sense reading of the ayas, in most – if not all – cases, the set of possible contexts, taking into consideration the subtleties and nuances of meaning, will not be fully determinable. There are a few instances where coherence is explicitly denied; for example, *Da'ā'im I*, pp. 24f. states that Q. 25:73 was revealed regarding all believers whereas the subsequent aya was only for the Prophet and his progeny.

63 *Da'ā'im I*, p. 8. Cf. *Ta'wīl al-Da'ā'im I*, p. 75. For another example, see *Da'ā'im II*, p. 329 (Q. 2:267). At first glance, this interpretation may be construed as a synecdochical metonymy: *ṣalāt* is a part of *īmān*, and so God uses *īmān* to mean *ṣalāt* because of this connection. Upon a closer look, however, one realises that al-Nu'mān's argument in the 'Chapter on Faith', in which this quotation occurs, is to establish that each particular duty is manifestly *īmān*; *ṣalāt* is therefore *īmān*, and thus there is no metonymy. There are cases of regular metaphoric and metonymic renditions in the *Da'ā'im*, such as interpreting *qarya* ('village') as *ahl al-qarya* ('the people of the village') in Q. 16:112 (*Da'ā'im II*, p. 114), but none that are uncommon and pragmatically unwarranted. For examples of the latter in Qur'anic interpretation, see Adrian Gully, 'Taḍmīn, "Implication of Meaning", in Medieval Arabic', *Journal of the American Oriental Society* 117:3 (1997), pp. 466–80; 'Alī Sallūm, *Balāghat al-'Arab: Nash'atuhā – taṭawwuruhā – 'ulūmuhā* (Beirut: Dār al-Mawāsim, 2002), pp. 160f.

64 *Da'ā'im I*, p. 282. For another example, see *Da'ā'im II*, p. 18 (Q. 4:29). For example, in *Kitāb ta'wīl al-sharī'a*, MS 3 (Mumbai: Private Collection, n.d.), p. 7, a text that presents al-Mu'izz's legal and other pronouncements, and was probably compiled by al-Nu'mān, it is asserted that the esoteric knowledge is filled with 'allusions and symbolisms without explication'.

65 For example, the significance of *while they are bowing* in Q. 5:55 in *Da'ā'im I*, p. 21, is not clear until one reads its explanation in *Ta'wīl al-Da'ā'im I*, p. 61. The referents of *the people of rebellion* in Q. 49:9 are much more particularised in al-Qāḍī al-Nu'mān, *Mukhtaṣar al-āthār*, ed. 'Alī Aṣghar Dhu'ayb (2 vols, Surat: al-Jāmi'a al-Sayfiyya, 1425 AH), vol. 1, pp. 368f., than in *Da'ā'im I*, p. 388.

66 See, for example, Mālik b. Anas, *al-Muwatta'*, ed. Fārūq Sa'd (Beirut: Dār al-Āfāq al-Jadīda, 1979); al-Shāfi'i, *Ahkām al-Qur'ān*; al-Shāfi'i, *al-Umm*, ed. Rif'at Fawzi 'Abd al-Muṭṭalib, 2nd edn (al-Manṣūra: Dār al-Wafā' li'l-Ṭibā'a wa'l-Nashr wa'l-Tawzīc, 2005). For Mālik's use of the Qur'an, see Dutton, *The Origins of Islamic Law*.

This similarity may exist in some part because many of the traditions in which a subset of these interpretive strategies occurs are related on the authority of the Imāms al-Bāqir and al-Ṣādiq, drawn from sources that date back as early as the first half of the second/eighth century; for an analysis of al-Nuʿmān's sources, some of which are listed in the extant portion of *al-Īdāh*, see Madelung, 'The Sources of Ismāʿīlī Law'. These Imāms are also reported to have had a significant role in the development of Islamic law in general; see Arzina Lalani, *Early Shīʿī Thought: The Teachings of Imam Muḥammad al-Bāqir* (London: I.B. Tauris, 2004), pp. 115–26; Daftary, *The Ismāʿīlīs*, 1st edn, p. 83.

67 The translations provided here are general. For more precise definitions of these categories in each of the main Sunnī *madhāhib*, as well as general introductions to *uṣūl*, see Dutton, *The Origins of Islamic Law*; Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, 3rd edn (Cambridge: The Islamic Texts Society, 2003); Joseph E. Lowry, *Early Islamic Legal Theory: The Risāla of Muḥammad ibn Idrīs al-Shāfiʿī*, Studies in Islamic Law and Society, 30 (Leiden: Brill, 2007); and Bernard G. Weiss, *The Spirit of Islamic Law* (Athens: The University of Georgia Press, 1998). Devin Stewart, 'Muḥammad b. Dāʿūd al-Zāhiri's Manual of Jurisprudence, *al-Wuṣūl ilā maʿrifat al-uṣūl*' in Bernard G. Weiss (ed.), *Studies in Islamic Legal Theory*, Studies in Islamic Law and Society, 15 (Boston: Brill, 2002), pp. 99–158, argues that the *uṣūl al-fiqh* genre was well-established earlier than the late ninth century AD.

68 See, for example, table 11. Cf. The discussion on 'equivocal words' in Hallaq, art. 'Law and the Qurʾān'.

69 See, for example, table 12.

70 Al-Nuʿmān was well acquainted with the *uṣūl* tradition, as can be judged from his works (see notes 58–60), especially his *Ikhtilāf*. In *Daʿāʾim I*, pp. 84ff. and *Daʿāʾim II*, pp. 535f., he argues against several principal points of *uṣūl*. Also, in *Daʿāʾim I*, pp. 68f., he refutes those who say that Q. 42:23 was abrogated (*nusikhat*) by Q. 34:47, using the technical details of Sunnī *naskh* theory (for detailed analyses of Sunnī *naskh*, see John Burton, *The Sources of Islamic Law: Islamic Theories of Abrogation* (Edinburgh: Edinburgh University Press, 1990); Kamali, *Principles of Islamic Jurisprudence*, pp. 202ff; Christopher Melchert, 'Qurʾānic Abrogation Across the Ninth Century: Shāfiʿī, Abū ʿUbayd, Muḥāsibī, and Ibn Qutaybah' in Bernard G. Weiss (ed.), *Studies in Islamic Legal Theory*, Studies in Islamic Law and Society, 15 (Leiden: Brill, 2002), pp. 75–98). My study of Qurʾānic abrogation in Fāṭimid texts – which I hope to publish soon – suggests that even though it was accepted that certain ayas revised others, the theory was strikingly different from its Sunnī definitions. Furthermore, it was generally not referred to as '*naskh*', possibly to avoid confusion. Note that here I am not referring to the concept of a *nāṭiq* ('major') prophet abrogating the law of a previous one; this is referred to as '*naskh*' and advocated by al-Nuʿmān and the Fāṭimids; see *Asās al-taʾwīl*, p. 76, p. 199 and *Taʾwīl al-Daʿāʾim III*, p. 211. The Fāṭimid interpretations of *muḥkamāt/mutashābihāt* in Q. 3:7 are also different from those one encounters in non-Fāṭimid texts, and require more study.

Some of the above-mentioned categories of *uṣūl* are referred to once without explanation in *Daʿāʾim I*, p. 36, where al-Ṣādiq is reported to have said that the Imām has knowledge of them vis-à-vis the Qurʾān. Also, at pp. 75f., a tradition mentions that '*ibādī*' ('my servants') in Q. 39:53 is *khāṣṣ* for the Shīʿa, and not '*āmm*' regarding all Muslims. In the absence of any sustained usage of such categories in Fāṭimid *fiqh*, these one-off reports can be seen only as temporary borrowings, perhaps for polemical purposes.

71 Burton, *The Sources of Islamic Law*, pp. 12ff.; Norman Calder, *Studies in Early Muslim Jurisprudence* (Oxford: Clarendon Press, 1993); Wael B. Hallaq, 'Uṣūl al-Fiqh: Beyond Tradition', *Journal of Islamic Studies* 3:2 (1992), pp. 172–202; Wael B. Hallaq, 'Introduction: The Formation of Islamic Law' in Wael B. Hallaq (ed.), *The Formation of Islamic Law, The Formation of the Classical Islamic World*, 27 (Hants: Ashgate Publishing Limited, 2004), pp. xiii–xl; Sherman A. Jackson, 'Fiction and Formalism: Toward a Functional Analysis of

Uṣūl al-Fiqh' in Bernard G. Weiss (ed.), *Studies in Islamic Legal Theory*, Studies in Islamic Law and Society, 15 (Leiden: Brill, 2002), pp. 177–201; Kamali, *Principles of Islamic Jurisprudence*, pp. 9ff., p. 502.

72 Stewart, 'Muḥammad b. Dā'ūd al-Zāhiri's Manual of Jurisprudence', p. 116, n. 55, demonstrates that *Ikhtilāf* was composed between 343/954 and 363/974, and probably before 359/969. See also the discussion in note 79 in this article.

73 Al-Nu'mān mentions *ijmā'* a few times in the *Da'ā'im*: one instance which seemingly accepts its validity, perhaps in the spirit of granting the opponent's premise, is to argue for the excellence of the progeny of Muḥammad (*Da'ā'im I*, p. 32); at other times, it is mentioned to indicate that there is agreement between the Imāms and other Muslims on a particular point (*Da'ā'im I*, p. 39; *Da'ā'im II*, pp. 97f., p. 393).

74 The translations provided here are general. For more precise definitions, see the references provided in note 67.

75 *Ikhtilāf*, pp. 81ff., pp. 105ff. Robert Brunschvig, 'Argumentation Fāṭimide Contre le Raisonnement Juridique Par Analogie (*Qiyās*)' in *Recherches d'Islamologie: Recueil d'Articles Offert à Georges C. Anawati et Louis Gardet par Leurs Collègues et Amis* (Louvain: Editions Peeters, 1977), pp. 75–84, presents al-Nu'mān's arguments against *qiyās*. See also Dodge, 'The Fāṭimid Legal Code', p. 36.

76 *Istidlāl* was put forward particularly by the Zāhiri's as a method more reliable than practices such as *ijtihād*, *istiḥsān* and *qiyās*. Al-Nu'mān maintains that *istidlāl* is not exclusive to the Zāhiri's; all Islamic sects perform *istidlāl* in drawing support from the Qur'an and Sunna, even though they may not explicitly use the term.

77 *Ikhtilāf*, pp. 193ff.

78 *Ikhtilāf*, p. 29, p. 38, pp. 66ff., pp. 193ff., pp. 206ff. and pp. 217f. See also *Da'ā'im I*, pp. 84ff., p. 89, p. 93 and p. 98.

79 *Ikhtilāf*, pp. 46ff., pp. 58f. and pp. 193ff. See also *Da'ā'im I*, pp. 27f; *Ta'wīl al-Da'ā'im I*, p. 243 and pp. 363f. For the occurrence of this *ḥadīth* in Sunnī and Twelver collections, such as the *Ṣaḥīḥayn* of Muslim (d. 261/875) and al-Tirmidhī (d. 279/892), and *al-Kāfi* of al-Kulaynī (d. 328–9/939–41), see al-Nu'mān, *The Pillars of Islam*, vol. 1, p. 37, n. 84. Another version that is reported has 'my *sunna*' instead of 'my progeny, my *ahl bayt*'. Al-Nu'mān lists the former but does not reject it, and argues on its basis against *taqlīd* (following someone else's *ijtihād*). He then says that the *thābit* ('certain') one is the latter; *Ikhtilāf*, p. 58.

The contention that the Qur'an on its own could not convey stable meaning and that it would always be what the various interpreters wanted it to be seems to be out of step with the prevailing notion at the time of texts more or less straightforwardly conveying the intentions of its authors; see Bernard G. Weiss, 'Exotericism and Objectivity in Islamic Jurisprudence' in Nicholas Heer (ed.), *Islamic Law and Jurisprudence* (Seattle: University of Washington Press, 1990), pp. 53–71, at pp. 58ff.; Weiss, *The Spirit of Islamic Law*, pp. 52ff.

Poonawala, 'Al-Qāḍī al-Nu'mān and Isma'īli Jurisprudence', pp. 124f., p. 139, n. 48, observes that in the 'Chapter on the Essential Guidelines for Judges' in al-Nu'mān's *Mukhtaṣar al-āthār*, ed. Mu'izz Faḍli-Ḥusayn (2 vols, Surat: al-Jāmi'a al-Sayfiyya, 1425 AH), vol. 2, p. 383, and his *Kitāb al-iqtīṣār*, ed. Murtaḍā Ismā'īl Madārwalā (2 vols, Surat: al-Jāmi'a al-Sayfiyya, 1425 AH), vol. 2, p. 85 (Poonawala uses different editions of these texts; for *Mukhtaṣar*, he cites an MS in the Mullā Qurbān Ḥusayn Godhrawala Collection; for *al-Iqtīṣār*, he cites the edition by M.W. Mirza (Damascus, 1957)), al-Nu'mān says that qāḍīs should refer to the Qur'an, the Sunna, the sayings of the Imāms, and the living Imām for matters of law. However, in the respective location in *Da'ā'im II*, p. 535, the enjoinder to refer to the living Imām is cut away. Instead, al-Nu'mān reports a tradition in which al-Ṣādiq advises the qāḍī to look only at the Qur'an and Sunna. When asked about what the qāḍī should do if he does not find what he is

looking for in the Qur'an and Sunna, al-Šādiq retorts that everything that is to do with religion is in the Qur'an and Sunna. From this, Poonawala concludes, '[t]hus, it is clear that the authority of the ruling Imām is dropped from the *Da'ā'im*. This development in Nu'mān's thought clearly indicates that the *Da'ā'im* was composed later than the *Ikhtilāf*. It also suggests that gradually the Fatimid caliphs, in theory at least, gave up interfering in legal matters, hence the legal authorities were confined to al-Šādiq and his predecessors, who were accepted both by the Sunnis and Shi'is'. Poonawala's analysis seems hasty, when one considers the following points:

- a) This tradition in the *Da'ā'im* does not include an enjoinder to refer to the earlier Imāms; rather only to the Qur'an and Sunna, which do not exclude 'any issue concerning religion'. Poonawala, however, does not conclude from this that the authority of all Imāms, including al-Šādiq and his predecessors, is also dropped.
- b) The tradition in the *Da'ā'im* ends with al-Šādiq elaborating on his statement regarding all relevant information being in the Qur'an and Sunna, 'God helps and guides towards it whom He wishes from His creation, and it is not how you [plural] think'. This – at first glance puzzling – statement can be understood in light of the tradition related in *Da'ā'im* I, pp. 92ff., on the authority of one of the followers of al-Šādiq. He argues with a qāḍī who says that for that which one does not find in the Qur'an and Sunna, one should apply one's own *ra'y* ('opinion'). The follower says that ayas such as Q. 16:89, *We have sent the Book down upon you as an explanation of all things*, indicate that the Qur'an has everything. Alleviating the reported confusion of his hearer, he elaborates that the knowledge of these things is with 'Alī and his sons, the Imāms. Following from this, the tradition quoted by Poonawala does not necessarily pre-empt the earlier Imāms or the living Imām. Cf. *Ikhtilāf*, pp. 39ff. and p. 164; *al-Majālis wa'l-musāyārāt*, p. 75.
- c) Time and again, al-Nu'mān emphasises in the *Da'ā'im* that *ṭā'a* ('obedience') to the living Imām is indispensable, and that the deeds of one who does not follow the living Imām will not be looked upon favourably; see, for example, *Da'ā'im* I, p. 4, p. 13, p. 43, pp. 45f. and pp. 52f.
- d) In *Da'ā'im* I, p. 182, al-Nu'mān relates a tradition which says that legal judgement and punishment cannot be validly achieved without an Imām. At p. 360, in the long tradition he relates on the authority of 'Alī, it is said that if two qāḍīs differ amongst themselves regarding a judgement, they should ask the Imām.
- e) In many of his legal texts (see, for example, *Da'ā'im* I, p. 103; al-Qāḍī al-Nu'mān, *al-Ikhhār fī'l-fiqh*, ed. 'Azīz Sayf al-Dīn (Surat: al-Jāmi'a al-Sayfiyya, 1425 AH), pp. 1ff.; al-Nu'mān, *Kitāb al-iqtisār*, vol. 1, pp. 12ff), al-Nu'mān explains that his motive has been to accumulate all that has been related by the *ruwāt* ('narrators') regarding law on the authority of the *ahl al-bayt* and the Imāms. The traditions generally go down to al-Šādiq only; from al-Šādiq to the appearance of al-Mahdī, the Imāms are believed to have been hidden (except Ismā'il, who is believed to have died during al-Šādiq's lifetime). Al-Nu'mān says that the function vis-à-vis law performed by the Fātimid Imāms, under whom he wrote his texts, including al-Mu'izz, under whom he wrote the *Da'ā'im*, was primarily that of sifting the authentic narrations from the inauthentic ones, and thereby confirming the law that was seen as coming from the Prophet and related by the earlier Imāms, showing the correct interpretation by applying it, and providing direction where there was obscurity regarding particular precepts. This role is referred to in *Da'ā'im* I, p. 103, in texts that were written before the *Da'ā'im* (al-Qāḍī al-Nu'mān, *al-Muntakhaba fī'l-fiqh*, ed. 'Abd al-Ḥusayn Najmī (2 vols, Surat: al-Jāmi'a al-Sayfiyya, 1425–6 AH), vol. 1, pp. 3–5; vol. 2, p. 60 and p. 180), in those that were written after it (*al-Majālis wa'l-musāyārāt*, pp. 305f.; *Ta'wīl al-Da'ā'im* I, p. 48 and p. 156), and in those for which the dating in relation to it is not definite (*Ikhtilāf*, pp. 34f., pp. 51f. and pp. 163f.; al-Nu'mān, *Mukhtaṣar al-āthār*, vol. 1, pp. 6f). *Ta'wīl al-sharī'a* also contains legal and other pronouncements by al-Mu'izz.

The mention of the Qur'an, Sunna, the Imāms, and the living Imām as the sources to which the qāḍī should turn occurs in *Mukhtaṣar al-āthār* and *al-Iqṭiṣār* in lengthy passages that also discuss other attributes of the qāḍī; the respective passages are in al-Nu'mān's voice, as opposed to being embedded in a tradition. A similar passage in al-Nu'mān's voice is altogether missing in the *Da'ā'im*, and why this is so remains to be seen. In light of the above-listed evidence, however, one cannot agree with Poonawala's assessment that the authority of the living Imām is cut away from the *Da'ā'im*, and that therefore *Ikhtilāf* was necessarily written before the *Da'ā'im*, and the legal role occupied by the Fāṭimid Imāms on a theoretical level diminished.

80 The *ḥadīth* in Arabic is: 'idhā ḥakama al-ḥākim fa-ijtahada thumma aṣāba fa-lahu ajrān wa-idhā ḥakama wa-ijtahada thumma akḥṭa'a fa-lahu ajr'.

81 Only the Imām can pronounce and affirm law in the Fāṭimid legal system codified by al-Nu'mān. It can be applied by qualified judges that are appointed by him. On the theoretical level, this is attested to by several chapters in al-Nu'mān's texts that explain the essential guidelines for judges (see *Da'ā'im II*, pp. 527ff.; *Mukhtaṣar al-āthār*, vol. 2, p. 376ff.; *Kitāb al-iqṭiṣār*, vol. 2, p. 83ff), and on the practical level by the Fāṭimid judicial system (see Haji, 'Institutions of Justice'; Wilferd Madelung, 'The Religious Policy of the Fatimids toward their Sunnī Subjects in the Maghrib' in Marianne Barrucand (ed.), *L'Égypte Fatimide: Son Art et Son Histoire* (Paris: Presses de l'Université de Paris-Sorbonne, 1999), pp. 97–104).

82 Instances of such occurrences from in and outside the capital city are reported by historians such as al-Maqrīzī, Ibn Ḥajar (d. 852/1449) and 'Imād al-Dīn; for references, see Fyze, 'Qadi an-Nu'mān', pp. 22f.; Gottheil, 'A Distinguished Family of Fatimide Cadis', pp. 245ff.; Samuel M. Stern, 'Ismā'īlī Propaganda and Fāṭimid Rule in Sind' in his *Studies in Early Ismā'īlism* (Jerusalem: The Magnes Press, 1983), pp. 177–88, at p. 181. See also Daftary, *The Ismā'īlīs*, 1st edn p. 184. It is also likely that the Fāṭimid caliph-Imāms may have delegated some part of these functions to senior judges. Further research is required to provide a fuller picture regarding the interaction between the caliph-Imāms, and the senior and ordinary judges regarding such matters.

83 *Ikhtilāf*, p. 53, pp. 203ff. and pp. 209ff.; *Da'ā'im I*, p. 360. Interestingly, al-Nu'mān does not mention the expression, sometimes reported as a *ḥadīth*, 'ikhtilāf amongst the 'ulamā' ('the learned') is [God's] mercy' or its variants, even though it seems to have been drawn upon by his time for justification. For examples of justifications of *ikhtilāf*, see al-Jaṣṣās, *Aḥkām al-Qur'ān*, vol. 2, p. 314, p. 331; vol. 4, pp. 196f.; vol. 5, p. 28, p. 55, p. 317; Ibn 'Atīyya al-Andalusī, Abū Muḥammad 'Abd al-Ḥaqq b. Ghālib (d. c. 546/1151–2), *al-Muḥarrir al-wajīz fī tafsīr al-kitāb al-azīz*, ed. 'Abd al-Salām 'Abd al-Shāfi Muḥammad (5 vols, Lebanon: Dār al-Kutub al-Ilmiyya, 1413/1993), vol. 1, p. 484; vol. 4, pp. 91ff.; al-Qurtubī, Abū 'Abd Allāh Muḥammad b. Aḥmad al-Anṣārī (d. 671/1272), *al-Jāmi' li-aḥkām al-Qur'ān*, ed. Hishām Samīr al-Bukhārī (20 vols, Riyadh: Dār 'Ālam al-Kutub, 1423/2003), vol. 4, p. 159; vol. 11, pp. 309ff.; vol. 18, p. 8. Ibn Rushd al-Ḥafid, Abū'l-Walid Muḥammad b. Aḥmad b. Muḥammad b. Aḥmad al-Qurtubī (d. 595/1198), *Bidāyat al-mujtahid wa-nihāyat al-muqtaṣid*, 4th edn (2 vols, Egypt: Maṭba'at Muṣṭafā al-Bābī al-Ḥalabī wa-Awlāduhu, 1395/1975) explains the differences in rules between the major Sunnī schools, and analyses the factors from which such differences emanate, including disagreements over interpretations of Qur'anic verses; see, for example, vol. 1, pp. 35ff. and p. 48 (gratitude is due to Prof. Devin Stewart for this reference). Weiss, *The Spirit of Islamic Law*, pp. 95ff., pp. 111f. and pp. 116ff., explains some of the justificatory ideas, such as the requirement that the *mujtahid* should have spent all possible effort, and that uncertainty in law posed no hindrance. Coulson, *A History of Islamic Law*, pp. 86ff., discusses the development of mutual tolerance and acceptance between the Sunnī *madhāhib*.

84 An interesting parallel can be drawn with the Twelver case. Devin J. Stewart, *Islamic Legal Orthodoxy: Twelver Shiite Responses to the Sunni Legal System* (Salt Lake City: The University of Utah Press, 1998), observes that after the 'greater occultation' of the Twelfth Imām in 329/941, and in the absence of a living authority, there began a gradual development process of a Sunni-like system of *uṣūl*, albeit with some important differences. For Twelver *uṣūl* works, see Stewart, *Islamic Legal Orthodoxy*; and Hossein Modarressi Tabataba'i, *An Introduction to Shī'ī Law: A Bibliographical Study* (London: Ithaca Press, 1984).

A comparable system of *uṣūl* was not developed in the post-Fāṭimid period by the major sects that trace their beliefs to the Fāṭimids. For the Nizārīs, an 'unconcealed' living Imām was present throughout most of their history (as he is today), and also, during several spans of time, the Shari'a was not to be physically practiced; see Daftary, *The Ismā'īlīs*, 1st edn, pp. 301ff. For the Ṭayyibīs, the 'concealment' of their Imām in 526/1132 did not mean an absence of a singular living authority; a successive line of *dā'ī muṭlaqs* were believed to represent the hidden line of Imāms; importantly, each *dā'ī*, in his time, was believed to hold the authority of the Imām (as he is today). The development and application of Fāṭimid law by the Ṭayyibīs is yet to be studied in depth. Qutbuddin, 'The Principles of Finance in Fatimi Tayyibi Law' has made a start by examining the interpretation of Fāṭimid financial principles by several *dā'ī muṭlaqs*, including, in the modern period, by the fifty-first *dā'ī muṭlaq* of the Ṭayyibī Dā'ūdī branch, Sayyidnā Ṭāhir Sayf al-Dīn (d. 1965).

85 Cited by Paul E. Walker, *Early Philosophical Shiism: The Ismaili Neoplatonism of Abū Ya'qūb al-Sijistānī* (Cambridge: Cambridge University Press, 1993), p. 127. Other Fāṭimid *du'āt* have also listed various arguments, including pragmatic ones, to argue for the need for a living interpreter; see, for example, al-Kirmānī, Aḥmad Ḥamid al-Dīn, *Master of the Age: An Islamic Treatise on the Necessity of the Imamate, A Critical Edition of the Arabic Text and English Translation of Ḥamid al-Dīn Aḥmad b. 'Abd Allāh al-Kirmānī's al-Maṣābiḥ fī ithbāt al-imāma*, ed. and tr. Paul E. Walker (London: I.B. Tauris and the Institute of Ismaili Studies, 2007), pp. ۳۶ ff.; al-Mu'ayyad, Hibat Allāh fī'l-Dīn al-Shirāzī, *al-Mi'a al-ulā min al-majālis al-Mu'ayyadiyya*, ed. Ḥatim Ḥamid al-Dīn, 2nd edn (Mumbai: Oxford Printers, 1422/2002), pp. 212f.; al-Mu'ayyad, *al-Mi'a al-thāniya min al-majālis al-Mu'ayyadiyya*, pp. 217f., pp. 468f.

86 For the Fāṭimid system of education, see below. The practical role of the Fāṭimid caliph-Imāms in the development and application of the law as well as other sciences is yet to be studied in depth. It is generally observed that most texts were written by the *du'āt*, who almost without exception attributed their knowledge to their living Imām (see, for example, *Ta'wīl al-Da'ā'im I*, pp. 48f., 132; *Ta'wīl al-Da'ā'im III*, p. 233; al-Mu'ayyad, *al-Mi'a al-thāniya min al-majālis al-Mu'ayyadiyya*, p. 182; Walker, *Ḥamid al-Dīn al-Kirmānī*, pp. 56, 60f). Texts which relate the *du'āt*'s communications with their Imāms and the latter's specific contributions, such as *al-Majālis wa'l-musāyarāt*; al-Nu'mān, *al-Muntakhaba fī'l-fiqh*, vol. 1, p. 3; al-Kirmānī, *Master of the Age*, p. ۸۳; Ma'add al-Mustanṣir bi'llāh, *al-Sijillāt al-Mustanṣiriyya*, ed. 'Abd al-Mun'im Mājid (Dār al-Fikr al-'Arabī, 1954), will be invaluable in this exercise (also see the references provided in point 'e' in note 79). For reports of the Imāms' involvement in imparting legal pronouncements, see the references provided in note 82; Hājī, 'Institutions of Justice', pp. 205ff.

Note that al-Nu'mān's arguments from *Ikhtilāf*, which have been related in brief here, draw support from both scriptural as well as rational and pragmatic musings. On several occasions, they are explicitly borrowed from non-Fāṭimid scholars. They provide a valuable insight into not only the contemporary status of Sunni *uṣūl*, but also on a more general level, into the debate and discussion between prominent personalities and groups in the struggle for representing Islamic orthodoxy. For a presentation of some of the contents of *Ikhtilāf*, its intertextual relationships with Sunni *uṣūl* texts (especially *al-Wuṣūl ilā ma'rifat al-uṣūl* of Muḥammad b. Dā'ūd al-Zāhiri (d. 296/908–9 or 297/909–10)), and its implications regarding the development

of Sunnī *uṣūl*, see Stewart, 'Muḥammad b. Dā'ūd al-Zāhiri's Manual of Jurisprudence', pp. 116ff.

87 Heinz Halm, 'The Isma'ili Oath of Allegiance (*'ahd*) and the "Sessions of Wisdom" (*Majālis al-ḥikma*) in Fatimid Times' in Farhad Daftary (ed.), *Mediaeval Isma'ili History and Thought* (Cambridge: Cambridge University Press, 1996), pp. 91–115, at pp. 98ff.; Halm, *The Fatimids and Their Traditions of Learning*, pp. 28f., pp. 41ff.; Poonawala, 'Al-Qāḍī al-Nu'mān and Isma'ili Jurisprudence', pp. 119ff.; Walker, 'Fatimid Institutions of Learning'.

88 These points are discussed with lengthy – sometimes highly philosophical – presentations by *du'āt* such as al-Sijistānī, al-Kirmānī and al-Mu'ayyad. The extant texts of al-Nu'mān are generally those that were taught at a more basic level to initiates, and do not contain such philosophical complexity. In this section, I will provide references to the texts of al-Nu'mān; for references to works by other *du'āt*, see Henry Corbin, 'Divine Epiphany and Spiritual Birth in Ismailian Gnosis' in Joseph Campbell (ed.) and Ralph Manheim (tr.), *Man and Transformation: Papers from the Eranos Yearbooks*, Papers from the Eranos Yearbooks, 5 (London: Routledge & Kegan Paul, 1964); Henry Corbin, 'La Science de la Balance et les Correspondances Entre les Mondes en Gnose Islamique', *Eranos Jahrbuch* 42 (1973), pp. 79–82; Henry Corbin, *Cyclical Time and Ismaili Gnosis* (London: Kegan Paul International, 1983); Henry Corbin, *Temple and Contemplation*, tr. Philip Sherrard and Liadain Sherrard (London: KPI & Islamic Publications, 1986); Daniel De Smet, 'Mizān al-diyāna ou l'Équilibre Entre Science et Religion dans la Pensée Ismaélienne', *Acta Orientalia Belgica* 8 (1993), pp. 247–54; al-Ḥabīb al-Fiqī, *al-Ta'wīl ususuḥu wa-ma'ānihi fī'l-madḥhab al-Isma'īlī: al-Qāḍī al-Nu'mān* (Tunis: al-Jāmi'a al-Tūnisiyya, Markaz al-Dirāsāt wa'l-Abḥāth al-Iqtiṣādiyya wa'l-Ijtīmā'iyya, n.d.); Fyze, 'The Study of the Literature of the Fatimid *Da'wa*'; Tahera Qutbuddin, *al-Mu'ayyad al-Shirazi and Fatimid Da'wa Poetry: A Case of Commitment in Classical Arabic Literature* (Leiden: Brill, 2005); Shafique N. Virani, 'The Days of Creation in the Thought of Nāṣir Khusraw', Academic Articles (The Institute of Ismaili Studies, 2010), accessed: 17.03.2008, available at: <http://www.iis.ac.uk/view_article.asp?ContentID=106747>; Walker, *Early Philosophical Shiism*; Paul E. Walker, *Abū Ya'qūb al-Sijistānī: Intellectual Missionary* (London: I.B. Tauris and the Institute of Ismaili Studies, 1996); Walker, *Ḥamīd al-Dīn al-Kirmānī*.

89 *Asās al-ta'wīl*, p. 31, pp. 43ff., pp. 51f., p. 60, pp. 100f., pp. 108f., p. 112, pp. 229f., pp. 276f., pp. 362f.; *Ta'wīl al-Da'ā'im I*, pp. 320f.; *Ta'wīl al-Da'ā'im II*, p. 86, p. 107, p. 112, pp. 129f.; *Ta'wīl al-Da'ā'im III*, pp. 152f., p. 221; *Ikhṭilāf*, pp. 39ff.; *al-Majālis wa'l-musāyarāt*, pp. 93f., pp. 145ff., p. 276; al-Nu'mān, *Ta'wīl al-sharī'a*, p. 5, p. 34. See also al-Fiqī, *al-Ta'wīl ususuḥu wa-ma'ānihi*, p. 66.

Fāṭimid texts insist on both: the availability of a singular authority in the form of the Imām as the kernel of knowledge, interpretation and law, as well as the *ḥudūd* who assist the Imām in carrying out his duties and thus play a crucial part in the success of the system. Secondary sources on the *ḥudūd* include Daftary, *The Ismā'īlīs*, 1st edn, pp. 227ff.; Bayard Dodge, 'The Fāṭimid Hierarchy and Exegesis', *Muslim World* 50 (1960), pp. 130–41; al-Fiqī, *al-Ta'wīl ususuḥu wa-ma'ānihi*, pp. 58ff.; Halm, *The Fatimids and Their Traditions of Learning*, pp. 56ff.; Abbas Hamdani, 'Evolution of the Organisational Structure of the Fāṭimī *Da'wah*: The Yemeni and Persian Contribution', *Arabian Studies* 3 (1976), pp. 85–114; Walker, *Abū Ya'qūb al-Sijistānī*, pp. 68ff. For the grades of knowledge, see al-Fiqī, *al-Ta'wīl ususuḥu wa-ma'ānihi*, pp. 53ff.; Fyze, 'The Study of the Literature of the Fatimid *Da'wa*', pp. 235f.; Bulbul Shah, 'Al-Qāḍī al-Nu'mān and the Concept of *Bāṭin*' in Todd B. Lawson (ed.), *Reason and Inspiration in Islam: Theology, Philosophy and Mysticism in Muslim Thought* (London: I.B. Tauris and the Institute of Ismaili Studies, 2005), pp. 117–26, at p. 121.

Sources such as al-Nisābūrī, Aḥmad (or Muḥammad) b. Ibrāhīm (d. after 386/996), '*al-Risāla al-mūjaza al-kāfiya fī ādāb al-du'ār*' in Verena Klemm (ed.), *Die Mission des Fāṭimidischen*

Agenten al-Mu'ayyad fi d-Dīn in Šīrāz (Frankfurt am Main: Peter Lang, 1989), pp. 205–77; Stern, 'Cairo as the Centre of the Ismā'īlī Movement', pp. 245ff., indicate that the *du'āt* who were chosen to lead Fāṭimid followers, especially those away from the centre, were expected to possess an outstanding religious, judicial and political mind; they were given the responsibility to engage with the followers vis-à-vis the problems and challenges they faced, both at the material level, and at the intellectual level from competing sects and ideologies. They remained in touch with the Imām via letters but, essentially, were awarded independent charge of their group. This decentralised, almost paradoxical, form of government is often partially attributed to (as expressed by Wladimir Ivanow, 'The Organization of the Fatimid Propaganda', *Journal of the Bombay Branch of the Royal Asiatic Society* 15 (1939), pp. 1–35, at pp. 4ff.), 'the indubitable historical fact of his [the *dā'ī*'s] extraordinary successes, almost bordering upon the miraculous ... from the Atlantic to innermost Asia'; also see Ivanow, 'The Organization', p. 20, p. 26; Walker, *Ḥamid al-Dīn al-Kirmānī*, pp. 47f.

90 *Asās al-ta'wīl*, pp. 23ff., pp. 190f.; *Ta'wīl al-Da'ā'im I*, p. 58, p. 92, pp. 151f.; *Ta'wīl al-Da'ā'im II*, p. 48, p. 111. This Fāṭimid conception of *'aql* views reason not as being superior to revelation or vice versa; rather, it professes that revelation is the supreme manifestation of reason, and that *'aql* is dependent on revelation to achieve its full potential. Emphasising the unity of religion and reason, it argues against movements which, according to the Fāṭimids, emphasised one at the expense of the other. The intellectual history of this conception in pre-Fāṭimid Ismā'īlism is difficult to determine as a result of the lack of textual evidence. Paul E. Walker, 'The Ismā'īlīs' in Peter Adamson and Richard C. Taylor (eds.), *The Cambridge Companion to Arabic Philosophy* (Cambridge: Cambridge University Press, 2005), pp. 72–91, examines the respective cosmological doctrines put forward by the *du'āt*, and briefly describes how they relate to this conception of *'aql*, the Qur'an and Sharī'a. For a summary of some of the popular positions regarding revelation and reason, such as the Mu'tazilī, Ash'arī, Māturidī, Twelver, and the various Islamic-philosophical, see Arthur John Arberry, *Revelation and Reason in Islam* (London: Allen & Unwin, 1957); Noel J. Coulson, *Conflicts and Tensions in Islamic Jurisprudence* (Chicago: The University of Chicago Press, 1969), p. 3ff.; Robert M. Gleave, 'Imāmī Shī'ī Refutations of *qiyās*' in Bernard G. Weiss (ed.), *Studies in Islamic Legal Theory*, Studies in Islamic Law and Society, 15 (Leiden: Brill, 2002), pp. 267–91, at pp. 272ff.; Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunnī Uṣūl al-Fiqh* (Cambridge: Cambridge University Press, 1997), pp. 32ff.; Kamali, *Principles of Islamic Jurisprudence*, pp. 440ff.; A.S. Tritton, 'Reason and Revelation' in George Makdisi (ed.), *Arabic and Islamic Studies in Honor of Hamilton A.R. Gibb* (Leiden: Brill, 1965), pp. 619–30; Weiss, *The Spirit of Islamic Law*, pp. 35ff.

91 *Ta'wīl al-Da'ā'im I*, pp. 176ff. The entire *Asās al-ta'wīl* is dedicated to showing, by symbolically interpreting passages from the Qur'an, that this intellectual program of the *da'wat al-ḥaqq* has persisted throughout human history.

92 *Ta'wīl al-Da'ā'im I*, pp. 132, pp. 320f.; *Ta'wīl al-Da'ā'im III*, pp. 152f., p. 221, p. 233. Note that *Ta'wīl al-Da'ā'im I–III* only cover the symbolic meaning of the *'ibādāt*, comprising the first volume of the *Da'ā'im*. At several occasions in *Ta'wīl al-Da'ā'im I* (p. 94, p. 107, p. 112, p. 116, p. 135, p. 144, p. 168) and *Ta'wīl al-Da'ā'im III* (p. 133), he promises to explain the symbolic meaning of the *mu'āmalāt*, comprising the second volume of the *Da'ā'im*, but no such text is extant, perhaps because it was lost or because al-Nu'mān died before he could compose it.

93 Studies on 'Ismā'īlī *ta'wīl*' have mostly been synoptic overviews; see, for example, Anton M. Heinen, 'The Notion of *Ta'wīl* in Abū Ya'qūb al-Sijistānī's *Book of the Sources: (Kitāb al-yanābi'ī)*', *Hamdard Islamicus* 2 (1979), pp. 35–45; Parvin Peerwani, 'Ismā'īlī Exegesis of the Qur'an in *al-Majālis al-Mu'ayyadiyya* of al-Mu'ayyad fi'l-Dīn al-Shīrāzī' in *BRISMES: Proceedings of the 1988 International Conference on Middle Eastern Studies Held at the*

University of Leeds Between 10–13 July 1988 (Oxford: BRISMES, 1988), pp. 118–27; Ismail K. Poonawala, 'Ismā'īlī *Ta'wīl* of the Qur'an' in Andrew Rippin (ed.), *Approaches to the History of the Interpretation of the Qur'an* (Oxford: Clarendon Press, 1988), pp. 199–222; and Diana Steigerwald, 'Ismā'īlī *Ta'wīl*' in Andrew Rippin (ed.), *The Blackwell Companion to the Qur'an* (Oxford: Blackwell Publishing, 2006), pp. 386–400. Henry Corbin, *Swedenborg and Esoteric Islam*, tr. Leonard Fox (West Chester: Swedenborg Foundation, 1999); al-Fiqī, *al-Ta'wīl ususuḥu wa-ma'ānīhi*; and Shah, 'Al-Qāḍī al-Nu'mān and the Concept of *Bāṭin*', present and analyse some content from *Asās al-ta'wīl* and to a lesser extent *Ta'wīl al-Da'ā'im*. Meir M. Bar-Asher, 'Outlines of Early Ismā'īlī-Fāṭimid Qur'an Exegesis', *Journal Asiatique* 296:2 (2008), pp. 257–95, presents overviews of, amongst some other texts, *Asās al-ta'wīl*, but surprisingly comments on p. 267, '[i]t is clear from al-Nu'mān's words that *Asās al-Ta'wīl* represents the highest level in the believer's path towards knowledge of esoteric interpretation'. *Asās al-ta'wīl* is presented as a basic text of *ta'wīl* by al-Nu'mān (*Asās al-ta'wīl*, pp. 25ff); *Ta'wīl al-Da'ā'im* is presented as the next higher text (*Ta'wīl al-Da'ā'im I*, pp. 48f); the non-extant philosophical texts by al-Nu'mān would have probably been classified as much higher than these, judging from the classification of, for example, the highly philosophical *Rāḥat al-ʿaql* of al-Kirmānī vis-à-vis other Fāṭimid texts (Walker, *Ḥamīd al-Dīn al-Kirmānī*, pp. 56f.).

94 *Ta'wīl al-Da'ā'im I*, p. 92; *Ta'wīl al-Da'ā'im II*, p. 111; *Ta'wīl al-Da'ā'im III*, p. 186; al-Qāḍī al-Nu'mān, *Maḥāṭib al-ni'ma*, MS #S. M. 7A. 035 HAQ (Mumbai: Private Collection, n.d.), pp. 37f.

95 *Asās al-ta'wīl*, pp. 229f.

96 *Al-Majālis wa'l-musāyarāt*, pp. 116f., pp. 514ff.; *Ta'wīl al-Da'ā'im I*, p. 59, p. 147, p. 151; *Ta'wīl al-Da'ā'im III*, p. 192. *Ta'wīl al-Da'ā'im I*, p. 59, also states that no one should be forced to believe in the Imām; this idea occurs in writings of most Fāṭimid *du'āt*, and seems to follow from their stress on rationality in religion. The ideal Fāṭimid believer was seen as someone who was convinced of the need for a God-given interpreter and a designated heir of the Prophet, and who then, believing in the Fāṭimid Imām's possession of true knowledge, strived to verify this for him/her self by progressing through the grades. The contribution of these principles of Fāṭimid belief to how their education system worked in practice, as well as to their real-world policies of tolerance and non-coercion, notwithstanding the political circumstances, is yet to be extensively studied.

97 For the Fāṭimid oath of allegiance, see Halm, 'The Isma'ili Oath of Allegiance'.

98 *Asās al-ta'wīl*, pp. 23ff., pp. 190f., pp. 315f.; *Ta'wīl al-Da'ā'im I*, pp. 48f., p. 77, p. 151. In *Asās al-ta'wīl*, p. 276, al-Nu'mān says that the *ḥudūd* hear the concise statements of the Imāms and expand them into lengthy explanations for the followers commensurate to their own grade of knowledge. In other words, it is when one becomes an 'adult' in religion and becomes one of the *ḥudūd*, that one is able to compose, albeit always under the oversight of the Imām (also see *Ta'wīl al-Da'ā'im II*, p. 91). In *Ikhtilāf*, pp. 137ff., al-Nu'mān urges his opponents to ask the Imām and learn from him to understand that which God has permitted and forbade, and argues against those who, he says, assert that if one does not find a rule in the Qur'an or Sunna, one is allowed to derive it based on one's own opinion and *ʿaql*. Debating against the argument that without such an allowance, the *ʿulamā'* ('learned persons') would not enjoy any *faḍl* ('excellence') over others, he says that excellence comes from being able to *ḥaml* ('bear') this knowledge. One who formulates law without knowledge and based on his opinion is not an *ʿālim*, al-Nu'mān asserts, but a *mubtadi'* ('innovator').

Al-Nu'mān's statements may indicate that a polemic of not allowing room for *ʿaql* and opinion may have existed against the Fāṭimids at the time. Later, al-Ghazālī (d. 505/1111) accuses them of invalidating the exercise of *ʿaql* and opinion by believing in the absolute authority of the Imām; for this, see Farouk Mitha, *Al-Ghazālī and the Ismailis: A Debate on Reason and Authority in Medieval Islam* (London: I.B. Tauris and the Institute of Ismaili Studies, 2002); and

Faquir Muhammad Hunzai, 'The Concept of Knowledge According to al-Kirmānī (d. after 411/1021)' in Todd B. Lawson (ed.), *Reason and Inspiration in Islam: Theology, Philosophy and Mysticism in Muslim Thought* (London: I.B. Tauris and the Institute of Ismaili Studies, 2005), pp. 127–41. The fifth Ṭayyibī *dāʿī muṭlaq*, ʿAlī b. Muḥammad b. al-Walīd (d. 612/1215), writes a detailed refutation in his *Dāmigh al-bāṭil wa-ḥatf al-munāḍil*, ed. Muṣṭafā Ghālib (2 vols, Beirut: Muʾassasat ʿIzz al-Dīn, 1982).