Al-Jāḥiẓ's Treatises on the Imamate
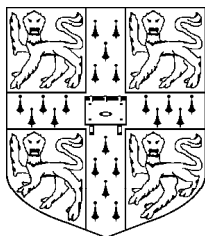
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Summary

Among the surviving writings of al-Jāḥiẓ (d. 869), which address a wide variety of topics, there are several treatises dealing with the debates on the imamate held in the first decades on the third/ninth century. This PhD dissertation is devoted to the study of these treatises on the imamate in their entirety, not only of those sections which scholars have identified as part of a doctrine on the imamate or political theory.

My research, rather than on the particular conclusions that al-Jāḥiẓ draws from his examination of the different opinions on this topic, will focus on the logic underlying al-Jāḥiẓ's treatment of these polemics and the frame of reference to which he adheres. In this regard, I will argue that al-Jāḥiẓ's analysis of the polemics and his own theories on the imamate are predicated upon two main interpretative paradigms: Shāfiʿite legal hermeneutics and Muʿtazilite epistemology.

I shall analyse al-Jāḥiẓ's texts individually, by focusing on the particular arguments adduced by different religious groups, and on the two central ideas that underpin all these works: first, whether the duty of setting up an imam has been revealed in the Qurʾān and the *Sunna* or should be deduced by applying reason; second, the polemics concerning the duty of electing the imam.

The findings of this research show that al-Jāḥiẓ's treatment of the polemics on the imamate is systematic and entirely coherent, and that the apparent contradictions and oddities that scholars have found in his writings can be explained in terms of generic conventions. Al-Jāḥiẓ argues that the revelation is silent concerning the imamate, and considers that this institution is necessary for the community -and a duty upon the elites- on the basis of Muʿtazilite epistemological and ethical principles.

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Part 1. Introduction

Chapter 1. Introduction

> This chapter discusses the methodological problems of studying al-Jāḥiẓ's treatises (1.1), and provides a historical introduction to the main events related to religious polemics in the third/ninth century (1.2).

1.1. Al-Jāḥiẓ and his Treatises on the Imamate

The career of al-Jāḥiz (d. 255/868-9) is especially linked to the ʿAbbāsid caliphs and the elites of their courts in Baghdad and Samarra, and scholars have argued that it was a number of treatises on the imamate that al-Jāḥiẓ wrote for al-Maʾmūn that opened the doors of the court for him[1]. This affirmation is based on a well-known passage of *al-Bayān wa-al-Tabyīn*, where al-Jāḥiẓ mentions that he composed several treatises on this subject for the caliph. No further information regarding the titles and contents of these works is given, but al-Jāḥiẓ claims that al-Maʾmūn read these treatises and praised them enthusiastically for their clarity and utility[2].

Later Muslim authors have mentioned this anecdote, which they probably read in al-Jāḥiẓ's *Bayān.* The geographer Ibn al-Faqīh (4th/10th century) refers to the Maʾmūnid patronage of al-Jāḥiẓ stating that the treatise dedicated to the caliph was the *Kitāb fī al-ʿAbbāsiyya*[3]. The bibliographer Ibn al-Nadīm (fl. 376/987) also quotes this episode and mentions this relation between the author and the caliph in his account of al-Jāḥiẓ's works, but he adds a further remark of his own, casting doubt on al-Jāḥiẓ's sincerity. For Ibn al-Nadīm, it was hardly conceivable that the caliph may have appreciated al-Jāḥiẓ works.

Ibn al-Nadīm does not explain the reasons for his scepticism, but his attitude towards al-Jāḥiẓ is by no means isolated. In the earliest extant description of his works on the imamate, al-Masʿūdī (d. 346/956-7) struggles to understand the disparity of al-Jāḥiẓ's interests and the apparent fickleness of his allegiances. Al-Masʿūdī mentions that al-Jāḥiẓ composed a treatise defending the ʿUthmāniyya, but also a refutation of this group; a treatise defending the ʿAbbāsid right to hold the imamate, but also a similar treatise defending the imamate of the Umayyads. Al-

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[1] On al-Jāḥiẓ's life and career see Pellat, *Le milieu basrien et la formation de Ǧāḥiẓ;* Pellat, "al-Jāḥiẓ"; Montgomery, "al-Jāḥiẓ"; and Cooperson, "al-Jāḥeẓ".

[2] Al-Jāḥiẓ, *Bayān*, 374;14.

[3] Ibn al-Faqīh, *Kitāb al-Buldān*, 195;3.

Masʿūdī argues that al-Jāḥiẓ must have written some of these tracts, such as that on the Umayyads, as *divertimenti*; these apparent contradictions were not understandable otherwise[4].

For centuries, the discomfort and mystification provoked by al-Jāḥiẓ's treatises has elicited a variety of negative judgements from Muslim scholars who have appealed to the alleged inconsistency and untrustworthiness of this author, his humoristic tendencies, or his presumed venality, in order to explain the discrepancies and oddities they have found in these works. In this regard, modern scholarship is no exception; since the seminal studies of al-Ḥājirī and Pellat, al-Jāḥiẓ's treatises on the imamate have been mainly read as a piece of ʿAbbāsid propaganda, his career treated as an ʿAbbāsid necessity[5], and his role as Muʿtazilite theologian and thinker eclipsed by the ominous shadow of his fame as *adīb*[6]. As James Montgomery affirms:

> "His works continue to prove challenging. Posterity has rarely done them justice, for, perhaps more than any other figure within the pre-modern Arabic tradition, al-Jāḥiẓ, has been misread, misrepresented and discounted, though rarely undervalued"[7].

As regards al-Jāḥiẓ's treatises on the imamate, the remarks of Ibn al-Nadīm and al-Masʿūdī epitomise, to a great extent, the main problems that the reader has to face. On the one hand, several of these writings have survived, but, despite these vague references to al-Maʾmūn, there is no solid evidence providing a context or even a date for the composition of the majority of these works, let alone information about the patron. On the other hand, these are polyphonic writings which report the arguments of opposite groups in a dialogic form, and their complicated structure alongside the digressive and intricate prose of this author have puzzled their readers to the extent that al-Jāḥiẓ has been regarded as a humorist playing God with his characters, or as an unreliable polemicist who

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[4] Al-Masʿūdī, *Murūj al-Dhahab*, IV, 88;1.

[5] Al-Ḥājirī, *Al-Jāḥiẓ: Hayātu-hu wa-Āthāru-hu*. Pellat, "L'Imamat dans la doctrine de Ǧāḥiẓ".

[6] In the index of Crone's study of medieval political though, for instance, and despite the fact that al-Jāḥiẓ's treatises are the best source to study the political doctrines of the early Muʿtazila, this author is referred to as "'Muʿtazilite *literatteur*". Likewise, Van Ess dismisses al-Jāḥiẓ's prowess as theologian, since "Theologie trieb er nur mit der linken Hand", cf. *Der Eine und das Andere*, 152.

[7] Montgomery, "Al-Jāḥiẓ on jest and earnest", 210.

disguises his own ideas behind those of the groups to whom he gives voice when addressing these polemics.

What is exceptional in al-Jāḥiẓ's treatises is the way in which he deals with one of the main polemics of his time. The disparity of opinions concerning the religious leadership of the *umma* is identified by Muslim authors as one of the great divisions within the Islamic community, and seems to be one of the main criteria to classify the Muslim sects in the third/ninth century. Although the range of doctrinal opinions shows a great variety, broadly speaking the debates were focused on the central problems of whether Muḥammad bequeathed the imamate to ʿAlī, a controversy which would bring about the division between Shīʿites and Sunnīs; and, among those who did not accepted the Shīʿite concept of divinely inspired and hereditary imamate, on the nature of the principles of the imamate and the conditions to set up an imam[8].

Among al-Jāḥiẓ's extant works there are several treatises that, directly or indirectly, address the polemics on the imamate. These works may be classified into two groups. There is textual evidence that several *maqālāt* reporting the doctrines of a variety of groups and also al-Jāḥiẓ's own ideas were written for the same unnamed patron, whom the majority of scholars identify with al-Maʾmūn. These treatises are[9]:

- The *Kitāb al-ʿUthmāniyya*, which reports the polemics between the ʿUthmānīs and the Rāfiḍīs.
- The *Kitāb al-Jawābāt fī al-Imāma*, where al-Jāḥiẓ refutes the doctrines defending the dispensability of the imam.
- The *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, a report of the Zaydī ideas concerning the imamate.
- The *Kitāb al-ʿAbbāsiyya*, a treatise allegedly devoted to the ʿAbbāsid doctrines on the imamate of which only a fragment on the opposition to Abū Bakr and ʿUthmān is extant.

In addition to these, al-Jāḥiẓ also composed several works dealing with problems related to the religious leadership of the *umma* and the events of the early history of Islam that brought about the major divisions of the Muslim community. There is no evidence that these works may have been related with each other or

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[8] For a general account of the polemics on the imamate see Madelung, "Imamate".
[9] For the bibliographical details see the correspondent chapter and the bibliography.

with the aforementioned titles, but the following treatises address cognate problems and some of them are based on similar theoretical premises:

- The *Risāla fī Taṣwīb ʿAlī fī al-Ḥakamayn*, a defence of ʿAlī's acceptance of the arbitrage proposed by Muʿāwiya.

- The *Faḍl Hāshim ʿalā ʿAbd al-Shams*, a prose *mufākhara* where the Hāshimites -Ṭālibīs and ʿAbbāsids- and the Umayyads extol the merits of their respective families.

- The *Risāla fī Imāmat ʿAlī*, an epistle attributed to al-Jāḥiẓ by several Shiʿite authors defending the excellence of ʿAlī over Abū Bakr, ʿUmar and, especially, Ibn al-ʿAbbās.

This dissertation aims to study all these treatises related to the polemics on the imamate, and to do so in the light of the textual complexities that have earned al-Jāḥiẓ his fame as an unreliable and contradictory author and have motivated the often uncritical dismissals of modern scholars.

There are, at least, two major studies devoted to al-Jāḥiẓ's treatises on the imamate that analyse exactly the same works and part of the problems that I will address in this dissertation: Pellat's article on al-Jāḥiẓ's doctrines on the imamate[10] and ʿAṭṭār's unpublished PhD dissertation devoted to al-Jāḥiẓ's political thought[11]. We have also two major monographs focused on al-Jāḥiẓ's *Kitāb al-ʿUthmāniyya,* the longest surviving work on these polemics: Zahniser's unpublished PhD dissertation[12] and Afsaruddin's study of the *ʿUthmāniyya* in comparison with later Shīʿite refutations[13]. Furthermore, there is a number of studies which, although not exclusively focused on al-Jāḥiẓ, have made important contributions to the understanding of some of these works[14].

In contrast with these studies, my research is not focused on the analysis of al-Jāḥiẓ's theory of the imamate *per se*, but on the analysis of his writings on this topic, whose content and aims go far beyond this particular issue. Irrelevant though it may sound, this difference in approach to al-Jāḥiẓ's work has crucial implications.

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[10] Pellat, "L'Imamat dans la doctrine de Ğāḥiẓ". See also his *Le milieu basrien et la formation de Ğāḥiẓ*, especially chapter 5.

[11] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ.*

[12] Zahniser, *The ʿUthmāniyya of al-Jāḥiẓ.* See also his articles: "Insights from the *ʿUthmāniyya* of al-Jāḥiẓ into the religious policy of al-Maʾmūn" and "Source criticism in the *ʿUthmāniyya* of al-Jāḥiẓ".

[13] Afsaruddin, *Excellence and Precedence.*

[14] Notably, Nagel, *Rechtsleitung und Kalifat*; Van Ess, *Theologie und Gesellschaft*; and Crone's "Ninth-Century Muslim Anarchists" and "Statement by the Najdiyya Khārijites".

I will study these texts in their entirety, not only those parts that have been taken to be part of the doctrines on the imamate. My main concern, rather than an analysis of al-Jāḥiẓ's opinions on the imamate as part of early Muslim political thought, is the close reading of his treatises on the imamate as texts which, as I will argue, can only with difficulty be ascribed to genres such as "political thought" or "theory of the imamate": these texts are something else, and this generic ascription is the origin of serious misunderstandings.

The shortcomings affecting the evaluation of al-Jāḥiẓ's works, especially his treatises on the imamate, are related to certain methodological problems that address Quentin Skinner's definition of the "historiographical myths" which he describes as a "series of confusions and exegetical absurdities that have bedevilled the history of ideas for too long"[15]. In one of his most celebrated and useful methodological essays, Skinner identifies three mythologies that are perfectly traceable in the studies devoted to the works of al-Jāḥiẓ:

1. The mythology of doctrines

This mythology refers to the "danger of converting some scattered or incidental remarks by a classic theorist into their 'doctrine' on one of the expected themes"[16]. These expected themes are often an anachronic projection of the ideal type of a given doctrine, and result from the scholarly tendency to supply "the classic theorists with doctrines which are agreed to be proper to the subject"[17]. In the case of al-Jāḥiẓ, this doctrine is clearly identifiable in the title of the most influential study on this subject, Pellat's article "L'Imamat dans la doctrine de Ǧāḥiẓ". Irrespective of the intrinsic merit of Pellat's pioneering study, this approach is misleading for two main reasons: on the one hand, it takes for granted that al-Jāḥiẓ's texts belong to a genre that can be identified as a particular branch of political thought –that is also the title of ʿAṭṭār's PhD dissertation- or, according to Pellat's particular and influential taxonomy, as "pseudo-political"[18]. As I will argue,

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[15] Skinner, "Meaning and Understanding in the History of Ideas".
[16] Skinner, "Meaning and Understanding in the History of Ideas", 60.
[17] Skinner, "Meaning and Understanding in the History of Ideas", 64.
[18] The table of contents of Pellat's *Life and Works of al-Jāḥiẓ* is divided into three sections: "semi-political, semi-theological works", "al-Jāḥiẓ's own particular type of *adab*" –which includes "quasi-scientific works"-, and "traditional *adab*, merging into the portrayal of people and society; cf. Pellat, *Life and Works of al-Jāḥiẓ*, v-xii. Al-Jāḥiẓ's works on the imamate are categorised as semi-political, under the rubric "Defence of the ʿAbbāsids against their opponents".

these treatises address the polemics concerning the imamate, but only as part of a wider debate: al-Jāḥiẓ's frame of reference is by no means a "doctrine of the imamate". On the other hand, the majority of scholars - with the notable exception of Zahniser- have not studied al-Jāḥiẓ's writings as textual units, but only those passages that promise to be proper to their conception of "doctrine of the imamate" or "political thought". In doing this they have often overlooked crucial data to the proper understanding of al-Jāḥiẓ's treatment of this subject, but also precious information concerning other aspects of early ʿAbbāsid intellectual history, especially the development of legal theory and Muʿtazilite epistemology and ontology. In fact, the most important flaw of the studies dealing with al-Jāḥiẓ's attitude towards the polemics on the imamate does not affect so much that which is taken as being part of this particular doctrine, as much that which is dismissed and not taken into consideration.

2. The mythology of coherence

This mythology consists in the tendency to supply the writings of classic authors that fail to give a systematic account of their beliefs with the coherence they may appear to lack[19]. The particular form that this mythology takes in the scholarship on al-Jāḥiẓ is twofold: on the one hand, the doctrinal coherence of al-Jāḥiẓ's ideas is provided by his Muʿtazilite credentials, often evaluated in the light of later systematizations which do not entirely correspond to the tenets held by the author. The attempts to harmonise the principles of the imamate discussed by al-Jāḥiẓ in these texts with the author's Muʿtazilism have often failed to recognise the formal characteristics of these treatises, which are dialogues reporting the opinions of different groups that do not correspond to those opinions defended by al-Jāḥiẓ, as well as the use of other frames of reference, notably, as I will argue, legal hermeneutics. On the other hand, al-Jāḥiẓ's alleged lack of coherence, rather than a Jāḥiẓian idiosyncrasy, has come to be a sort of Jāḥiẓian coherence in itself, as scholars have identified al-Jāḥiẓ's digressive and contradictory style and his alleged contradictions as one of the major characteristics of his narrative. By turning al-Jāḥiẓ's asystematicity into an explanatory principle, the majority of the scholars – again, with the notable exception of Zahniser- have failed to see or to understand

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[19] Skinner, "Meaning and Understanding in the History of Ideas", 67.

the underlying logic governing his treatises on the imamate, whose coherence does not simply depend on the application of particular Muʿtazilite dogmas or the consistency of his opinions concerning this institution alone, but, as I will discuss, on the systematic application of two interpretative paradigms that underpin all the arguments addressed in these works: a legal hermeneutics of Shāfiʿite inspiration; and Muʿtazilite epistemology.

A further occurrence of this myth can also be found in the coherence provided by the alleged intentionality of the author, which is usually reconstructed on the basis of the author's relation with his patron. The intellectual history of the early ʿAbbāsid period is, to a great extent, driven by political notions; in this particular case, al-Jāḥiẓ is regarded as an ʿAbbasid necessity[20], and his treatises as dialectical weapons at the service of al-Maʾmūn's caliphal utopia[21]. As I will argue, it is plausible that al-Jāḥiẓ may have written these works for al-Maʾmūn, but the complexities and apparent contradictions in these treatises cannot be explained by appealing to Maʾmūnid patronage, nor can al-Jāḥiẓ's alleged embrace of al-Maʾmūn's cause be the main premise to analyse these texts and consider them meaningful.

3. The mythology of prolepsis

This is the "type of mythology we are prone to generate when we are more interested in the retrospective significance of a given episode than in its meaning for the agent at the time"[22]. There are many examples of this teleological approach to the intellectual history of the early ʿAbbāsid period, and the scholarship on al-Jāḥiẓ is no exception. In the particular case of his treatises on the imamate, these works have been read as a primitive attempt to elaborate a Muʿtazilite doctrine of the imamate[23] and as an early example of Sunnī-Shīʿite debates in the light of later works on these topics used as models to evaluate al-Jāḥiẓ's writings as part of a given genre[24]. Similarly, the theological and philosophical ideas that frame al-Jāḥiẓ's treatment of human nature and ethics, two of the pivotal concepts in these works,

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[20] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*, 75; Pellat, "L'Imamat dans la doctrine de Ǧāḥiẓ", 51; Pellat, *Life and Works of al-Jāḥiẓ,* where he groups these treatises under the epigraph "Defence of the ʿAbbāsid against their Opponents" (p. 55).
[21] Nagel, *Rechtleitung und Kalifat.*
[22] Skinner, "Meaning and Understanding in the History of Ideas", 73.
[23] Pellat, "L'Imamat dans la doctrine de Ǧāḥiẓ".
[24] Afsaruddin, *Excellence and Precedence.*

haven been studied from a teleological point of view and regarded as "pre-Jubbāʾite"[25].

The methodological assumptions underlying my analysis of al-Jāḥiẓ's treatises on the imamate aim to be a response to these mythologies and can be summarised in the following points:

1. I will base my analysis on a close reading of al-Jāḥiẓ's texts in their entirety. I will deal with these works, first, as textual units, assuming the basic premise that all the extant parts of the text were pertinent to al-Jāḥiẓ's argumentative strategies and cannot be dismissed as digressions. In this regard, the primary objective of my analysis is to identify the logic that underlies al-Jāḥiẓ's treatment of this subject and governs his narrative devices. Second, I will study these texts as part of a corpus of treatises on the same topic and discuss their relationship in terms of form, content and generic conventions.

   This approach involves serious methodological problems and risks imposing a false coherence upon al-Jāḥiẓ's works. In order to avoid this danger I will emphasise the conjectural nature of those interpretations not supported by solid textual evidence and hypothesise alternative explanations whenever possible.

2. I will give preference to al-Jāḥiẓ's writings and contemporary sources over later accounts. Deprived of almost any reference to contextualise the usage of the doctrines addressed by the author, and of any information concerning the production of these works, the only certain context we can recover is the discursive universe to which al-Jāḥiẓ and his varied interlocutors belonged; this can only be achieved by identifying these interlocutors and the frame of reference to which al-Jāḥiẓ relates his arguments, and by exploring the intertextuality of these treatises.

   This stance is by no means a postmodern denial of the referential bounds linking intellectual creations and historical constraints; on the contrary, this is an extremely conservative approach that rejects the explanatory value of the hypothesis based on the caliphal patronage of al-Jāḥiẓ and the identification of

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[25] See, for instance, Gimaret, *Théories de l'acte humain en théologie musulmane*, 30f. In general, the study of early Muʿtazilism relies heavily on later sources, especially ʿAbd al-Jabbār's *al-Mughnī*. This is an understandable attitude due the lack of primary sources, but one of the most important features of al-Jāḥiẓ's treatises on the imamate is that they contain first hand information about the early Muʿtazila that has not been taken into consideration by scholars.

his treatises with the political agenda of the ʿAbbāsid caliphs. It is valid to conjecture about the meaning of the relation between al-Jāḥiẓ and his patrons and discuss its possible implications, but assuming this fact as a basic premise to understand his treatises is a methodological mistake, especially when there is no solid evidence. The logic of these texts should be found in the texts themselves.

3. I will follow the directions that al-Jāḥiẓ provides to his readers in several paratexts in these works, and will read his *maqālāt* on the imamate as the accounts of the doctrines of various groups that he claims to be writing, not as misrepresentation or as a narrative device used to hide his own opinions. Of course, this would be a naïve approach if I were not to assess the reliability of al-Jāḥiẓ's reports by collating them with other sources. In this regard, I will pay especial attention to comparing al-Jāḥiẓ's rendition of the different opinions he discusses with the extant literature of each particular group.

4. In order to avoid the dangers of the "mythology of coherence" and the confusion of al-Jāḥiẓ's arguments with those of other groups I will analyse these treatises separately as independent works, leaving a general discussion for the conclusions. For the sake of clarity I will also discuss the secondary literature dealing with each work on the corresponding chapter. This approach has the disadvantage of being repetitive, but one of the main objectives of this research is precisely to highlight al-Jāḥiẓ's systematicity and his recurrent use of the same interpretative paradigms.

In the next chapters I shall be looking at the way al-Jāḥiẓ deals with the polemics on the imamate in each of the aforementioned treatises. Due to the fragmentary state of many of the works and the scarce information about their composition, I will not follow any chronological order. The first text under consideration in Part 2 will be the *Kitāb al-ʿUthmāniyya*, as it is al-Jāḥiẓ's longest extant work on this topic; Part 3 is devoted to the *Jawābāt fī al-Imāma*; Part 4 to the Shiʿite doctrines discussed in the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, the so-called *Hāshimiyyāt*; in Part 5 I will study two texts focused on the ʿAbbāsids, the *Kitāb al-ʿAbbāsiyya*, and the *Manāqib al-Khulafāʾ*; and the *Faḍl Hāshim ʿalā ʿAbd al-Shams*, which deals with the ʿAbbāsids as part of the Hāshimite family; Part 6 is focused on the *Risāla fī Taṣwīb ʿAlī,* which discusses the arbitration of Ṣiffīn; finally, Part 7 contains

the conclusions. The second section of this introductory part will discuss the historical context.

1.2. Al-Jāḥiẓ and the Polemics on the Imamate: Historical Introduction

Al-Jāḥiẓ's treatises on the imamate are almost entirely devoid of any reference to contemporary historical events, and the sporadic deictic expressions addressed to the patrons or addresses of these works do not mention but one name[26]. The historical narrative relevant to the discussions that he reports concerns the succession to Muḥammad and the divisions that thereafter would crystallise into the central division between Sunnīs and Shīʿites. Almost all the treatises of this corpus deal with the implications that the death of the Prophet and the absence of a successor had for the community, as the Muslims had to elect their leader from among varied candidates who were evaluated according to a paradigm of virtue based on closeness to the Prophet (*qarāba*) and excellence in varied fields - knowledge, piety, defence of Islam-.

Muslims disagree as to whether Muḥammad appointed a successor or not. For the supporters of the ʿAlid family, who eventually will form the different branches of Shiʿite Islam, the Prophet had bequeathed the imamate to his cousin and son in law ʿAlī. The mainstream version of the events in time of al-Jāḥiẓ, however, corresponds to the Sunnī version of the events and reports that the Prophet died without giving any indication in this regard, and that ʿUmar presented the candidacy of Abū Bakr to lead the community on the denominated Day of the Portico (*yawm al-saqīfa*). Abū Bakr's leadership was contested by some of the Medinese *Anṣār* who wanted to dissolve the union with the Quraysh, rejected the unified leadership and proposed two commanders (*min-nā amīr wa-min-kum amīr*), but Abū Bakr was finally accepted as successor to the Prophet (*khalīfat rasūl Allāh*), holding a leadership that, unlike the one claimed for ʿAlī, did not rest on prophethood but on personal merits. Abū Bakr died in 634 designating ʿUmar as successor. This latter was stabbed by his Persian slave in 640 but on his deathbed he instructed the six main candidates for his succession to choose the most excellent among them in an elective process denominated *shūrā*. The newly elected caliph,

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[26] A certain Ibn Ḥassān, an otherwise unknown Muʿtazilite follower of al-Naẓẓām, is the addressee of the *Taṣwīb ʿAlī*. As for his other treatises, the only one that seems to refer to events of the third/ninth century is the *Jawābāt fī al-Imāma*.

ʿUthmān, was also to meet with a violent death in 656. His assassination brought about the first civil war of the Muslim *umma*, when ʿAlī claimed his legitimacy to rule the community and ʿUthmān's nephew and governor of Syria, Muʿāwiya, accused him of being involved in the plot to kill his uncle and rejected his caliphate[27].

These are the historical events discussed by al-Jāḥiẓ in his treatises, not those that he might have witnessed during his life in Baṣra and Baghdād. The historical context that determines the differing interpretations and the use and appropriation of this memory, however, is as relevant to the proper understanding of al-Jāḥiẓ's treatises as the history of the Rightly Guided Caliphs itself. These circumstances are intimately related to the civil war between al-Amīn and al-Maʾmūn, the religious policies of this latter caliph and the consequences and reactions that they provoked in the Muslim community and that, to a great extent, shaped the milieu in which al-Jāḥiẓ grew up as scholar.

It is well known that al-Jāḥiẓ was an active member of the ʿAbbāsid court from the caliphate of al-Maʾmūn to that of al-Mutawakkil. Al-Jāḥiẓ grew up in Baṣra, where he studied with scholars such as al-Naẓẓām and became a Muʿtazilite theologian, but he came to prominence in Baghdad, when he joined the court of al-Maʾmūn, taking part in the intellectual polemics promoted or, at least, fostered by the caliph, whom al-Jāḥiẓ portrays as an advocate of dialogue. Under al-Muʿtaṣim and al-Wāthiq, the successors of al-Maʾmūn who kept his legacy alive, al-Jāḥiẓ enjoyed the patronage of the vizier Ibn al-Zayyāt, and of the chief *qāḍī* Ibn Abī Duʾād and his son Abū al-Walīd Muḥammad; but al-Jāḥiẓ also received the protection of al-Mutawakkil despite his abandonment of Maʾmūnid religious policies[28]. Al-Jāḥiẓ's carreer as theologian and polemicist is intimately related to the challenges that these caliphs had to face, and these challenges derive, to a great extent, from the decisions taken by al-Maʾmūn.

Three historical milestones marked al-Maʾmūn's political life: the war against his brother, al-Amīn, which entered history as the fourth of the *fitnas* suffered by the Muslim community; the designation of the ʿAlid al-Riḍā as heir

apparent, which aroused the opposition of the ʿAbbāsids in Baghdad and led to the election of the counter-caliph Ibrāhīm b. al-Mahdī; and the emergence of religious scholars who contested caliphal religious policies and, after the instauration of the *miḥna*, suffered the prosecution of the authorities until the caliphate of al-Mutawakkil. Irrespective of whether al-Jāḥiẓ wrote his treatises on the imamate for al-Maʾmūn, these events are intimately related to the polemics on the nature of the institution and can be traced in several of al-Jāḥiẓ's works.

The succession crisis that followed the death of the caliph Hārūn al-Rashīd in 193/809, in the heyday of Abbasid power, produced the first great commotion to befall the Abbasid dynasty, and led to the violent death of al-Amīn. Early historical sources generally portray the conflict as the result of al-Amīn's violation of the succession agreement arranged by his father, the so-called 'Mecca Protocol'. In the version of the agreement that has come down to us, al-Rashīd nominated his two sons to succeed him in turn: the caliphal title had to pass to al-Amīn, and al-Maʾmūn would rule the province of Khurāsān, *de facto* a semi autonomous land, and succeed his brother after his death. This version, however, is most likely a piece of Maʾmunid propaganda, and al-Maʾmūn's capacity in Khurāsān was to have been strictly military, and subordinated to the central authority of the caliph[29].

The fraternal conflict polarized the allegiance of the elites and contributed to the formation of two opposite factions which eventually would define themselves also in ethnic and doctrinal terms. On the one hand, the ʿAbbāsid establishment, almost without exception, supported al-Amīn. The powerful vizier al-Faḍl b. Rabīʿ and the military elite of Baghdād resented the political autonomy that al-Maʾmūn had achieved in Khurāsān and tried to remove him from the succession and to appoint one of al-Amīn's sons as heir apparent. On the other hand, al-Maʾmūn capitalized on the discontent of the Khurāsānian aristocrats who in 190/806 had opposed the governor ʿAlī b. ʿĪsā and supported the rebellion of Rafīʿ b. Layth[30], and achieved the caliphate with the support of poorly Arabized troops, and the advice of newly converted Persians, such as al-Faḍl b. Sahl and his brother al-Ḥasan.

The most important cause of division, however, was al-Maʾmūn's intention to mediate in religious affairs and gain the favour of the Ṭālibīs. He presented

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[29] T. El-Hibri, "Hārūn al-Rashīd and the Mecca Protocol of 802: A Plan for Division or Succession?".
[30] On ʿAlī b. ʿĪsā's governorate cf. Hugh Kennedy, *The Early Abbasid Caliphate* (London, Croom Helm, 1981), 181f.

himself as a well-guided imam (*imām al-hudā*), and was prodigal with conciliatory gestures to the ʿAlids, to the extent of revoking Abū Bakr's decision concerning the rejection of Fāṭima's inheritance and ʿUmar's prohibition of the *mutʿa* marriage[31], and appointing Mūsà b. ʿAlī al-Riḍā as his heir apparent.

Al-Maʾmūn equated the titles of imam and caliph throughout his entire reign. Long before the *miḥna*, around 197/813 when the *Risālat al-Khamīs* was composed, al-Maʾmūn presented himself as God's deputy on earth[32]. That is also the tenor of the letters of the *miḥna* transmitted by al-Ṭabarī; and those who underwent the inquisition were forced to comply with similar terms[33]. Yet there is strong evidence that al-Maʾmūn was not the first ʿAbbāsid caliph to employ the denomination of *imām*, this title meant more to him than to his predecessors. He referred to himself as the deputy of God (*khalīfat Allāh*) and the Prophet, and claimed a unique relationship with God, Who inspired him with "hidden knowledge", guided his decisions, and had charged him with the responsibility of defending His religion and laws. The depiction of the caliph as an example of good behaviour for his subjects, and the obligation of their subjects to fear God and obey the caliph, who saw himself as above the law, were recurrent themes in al-Maʾmūn's documents[34].

The reasons for al-Maʾmūn's designation of al-Riḍā have been discussed at length. Francesco Gabrieli pointed out al-Maʾmūn's sympathy towards the figure of ʿAlī and the injustices suffered by the ʿAlid house. Dominique Sourdel has equally insisted on al-Maʾmūn's pro-ʿAlid policies, substantiated in al-Riḍā's nomination and in his definition of the caliphate in terms similar to those of the Shīʿite imam, but also in his attitude towards the *mutʿa* marriage, his aborted attempt to include the cursing of Muʿāwiya in the Friday *khuṭba*, and the instigation of the *miḥna,* which, for

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[31] This decision is discussed in the extant fragments of the *Kitāb al-ʿAbbāsiyya*, see Chapter 10, section 10.1.

[32] Cf. Zakī Ṣafwāt (ed.), 'Risālat al-Khamīs'. See also the study of this letter in Albert Arazi and Amikan El'ad, "L'Épître à l'Armée"; and Nagel, *Rechtleitung und Kalifat*, 421f. On the ʿAbbāsid conception of the caliphate cf. P. Crone and M. Hinds, *God's Caliph*.

[33] See, for instance, the testimony of ʿAlī b. Muqātil: "The Commander of the Faithful is our imam, and by means of him we have not heard the whole sum of knowledge. He has heard what we have not heard, and he knows what we do not know. God has invested him with the rule over us [...] we recognize his imamate as the true one. So if he commands us, we obey his orders; if he forbids us from doing something we desist; and if he calls upon us, we respond to him". Cf. Ṭabarī, *Taʾrīkh al-Rusul wa-l-Mulūk*, VIII, 638;15 [trans. Bosworth, 211]. On the evolution of al-Maʾmūn's conception of the caliphate see Nawas, "A Reexamination of Three Current Explanations for al-Maʾmun's Introduction of the Mihna".

[34] Nawas, "A Reexamination of Three Current Explanations for al-Mamun's Introduction of the Mihna", 620-621.

Sourdel, should also be interpreted as a pro-Shīʿite gesture[35]. Other scholars, such as John Nawas, have questioned the significance of these facts, arguing against this interpretation that the identification of al-Maʾmūn's pro-ʿAlid sympathies with pro-Shīʿī sympathies is an anachronism, as it projects a well-defined idea of Shīʿism onto a past where it has not yet crystallized as a full-flegged set of doctrines[36]. Several scholars have related al-Maʾmūn's attitude towards the Shīʿites with the sympathetic tone with which al-Jāḥiẓ treats ʿAlī and the Zaydīs in his treatises, interpreting that these works were commissioned by the caliph to build bridges with the moderate Zaydīs.

Historical sources point at this favouritism towards the ʿAlids as the reason that triggered the repudiation of al-Maʾmūn and the subsequent election of a counter-caliph, Ibrāhīm b. al-Mahdī, by the Abbasid *abnāʾ* in Baghdad. Michael Cooperson, however, has interpreted this division not as a consequence of the election of the ʿAlid but as its main cause. For him, al-Maʾmūn's decision is not an oddity if we take into consideration the animosity between al-Maʾmūn and those of his relatives who had supported al-Amīn, and the advantages of affirming the ties between ʿAbbāsids and ʿAlids, thereby elevating the ʿAbbāsids to the status of *ahl al-bayt* through the marriage of al-Maʾmūn's daughter and al-Riḍā's son. In any case, the Baghdādī *abnāʾ* agreed on the deposition of al-Maʾmūn, and swore allegiance to Ibrāhīm b. al-Mahdī, son of the caliph al-Mahdī and uncle of al-Maʾmūn, to whom they gave the regnal name of al-Mubārak[37]; and, after him, to his nephew Isḥāq b. Mūsā b. al-Mahdī[38].

Ṭabarī suggests that Faḍl b. Sahl kept al-Maʾmūn unaware of this situation. When, the news finally reached him, he decided to move to Baghdad. During his journey his vizier was assassinated and, shortly thereafter, ʿAlī al-Riḍā died in mysterious circumstances[39]. During the year 204/819 al-Maʾmūn entered the capital for the first time in his reign. His return propitiated a restoration of order, and the

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[35] Sourdel, "La politique religieuse du caliph ʿabbaside al-Maʾmūn".
[36] Cf. Nawas, "A Reexamination of Three Current Explanations for al-Maʾmun's Introduction of the Mihna", 618.
[37] Al-Marḍī according to al-Yaʿqūbī, cf. Aḥmad b. Abī Yaʿqūb Yaʿqūbī, *Taʾrīkh al-Yaʿqūbī*, II, 547;19.
[38] Ṭabarī, *Taʾrīkh al-Rusul wa-l-Mulūk*, VIII, 554;7f [Bosworth, 63-64].
[39] On the death of al-Riḍā cf. Cooperson, *Classical Arabic Biography*, 193-196.

counter-caliph Ibrāhīm b. al-Mahdī was captured and pardoned by al-Maʾmūn[40]. Nonetheless, the seeds of dissension were already sprouting among the Baghdādī Traditionist scholars and the urban masses and ʿAbbāsid elites who had supported al-Amīn.

Ibn Abī Ṭāhir Ṭayfūr quotes a long *qaṣīda* of ʿAbd al-Malik Ibn al-Zayyāt satirizing Ibrāhīm b. al-Mahdī's pretentions of being an imam with the support of the populace that rejected the proclamation of ʿAlī al-Riḍā. Ibn al-Zayyāt claims that he gained the favour of the plebs only because he granted them the lowest prices; the poet refers to him as *ṣāḥib al-nābatiyya* and reports the claim of his supporters that they were acting according to the *Sunna*[41].

Wadād al-Qāḍī, who has analysed Ibn al-Zayyāt's poem in her study of the term *nābita* –used by al-Jāḥiẓ to refer to one of his preferred targets-, claims that *sunnī* would refer here to the established election *sunna* of the earlier ʿAbbāsid caliphs, as Ibrāhīm's followers in Baghdad were opposed by the vigilant movements who claimed to act according to the *Sunna*, and his partisans are presented as "plebeians" without intellectual motivations[42]. Tilman Nagel has interpreted this expression as a reference to the *ahl al-sunna wa-al-jamāʿa*, whom he identifies with the urban masses of Baghdad who eventually became the seedbed of Sunnism[43]. For him, al-Maʾmūn's conception of the caliphate represents a rupture of ʿAbbāsid traditional principles, which had always been faithful to the interpretation of the *Sunna* made by the *ʿulamāʾ*[44]. Crone and Hinds, on the contrary, have argued that the caliphate, since its origins, has always made a claim to absolute religious authority and that al-Maʾmūn's claim to be *imām al-hudā* was not an innovation, but a reassertion of his authority, as it was the promulgation of the *miḥna*[45]. This theory has been recently challenged by Muhammad Qasim Zaman, who alleges that the

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[40] This gesture earned the caliph fame of being benevolent. Ibn Abī Ṭāhir Ṭayfūr quotes Ibrāhīm's *qaṣīda* asking for forgiveness in its entirety, cf. Ibn Abī Ṭāhir Ṭayfūr, *Baghdād fī Taʾrīkh al-Khilāfa al-ʿAbbāsiyya*, 101;16f.

[41] Ibn Abī Ṭāhir Ṭayfūr, *Baghdād fī Taʾrīkh al-Khilāfa al-ʿAbbāsiyya*, 109;1-9. I reproduce the translation of al-Qāḍī, cf. Wadād al-Qāḍī, "The Earliest 'Nābita' and the Paradigmatic 'Nawābit'", 39. See the complete poem in *Muḥammad Ibn ʿAbd Al-Malik Al-Zayyāt: Sīratu-hu Ādābu-hu Taḥqīq Dīwāni-hi*, 178-183.

[42] Al-Qāḍī, "The Earliest 'Nābita' and the Paradigmatic 'Nawābit'", 40, n.41.

[43] Tilman Nagel, *Rechtleitung und Kalifat*, 440, n.2.

[44] Nagel, *Rechtleitung und Kalifat*, 116-54.

[45] Crone and Hinds, *God's Caliph*, 80-96.

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relationship between scholars and caliphs was one of cooperation, and only the *miḥna* should be considered a short-lived exception[46].

In any case, the concept of *Sunna* and its correct interpretation seems to have been one of the most debated issues of the period. In his letters, al-Maʾmūn refers to his opponents among the urban masses as those who claim the *Sunna*, and the partisans of Ibrāhīm b. al-Mahdī and the *vigilantes* of Baghdād invoked the *Sunna* to legitimate their rebellion. Tilman Nagel, who has described the policies of al-Maʾmūn as a caliphal utopia, argues that the objective of al-Maʾmūn was to fight the deviant interpretation of Islam that was taking control of the ignorant masses, represented especially in the extreme literalism that lead them to incur the sin of anthropomorphism; his adoption of Muʿtazilism as the official doctrine, his patronising of al-Jāḥiẓ and his decision to initiate the *miḥna* would be a consequence of this stance.

A last relevant point to the study of the attitudes towards the imamate is the uprising of the volunteer fighters (*al-mutaṭawwiʿa*) in the year 201/817, with the aim of suppressing evildoers in Baghdad. These are the only historical events of the third/ninth century that al-Jāḥiẓ refers to in his treatises on the imamate[47]. According to the sources, Baghdad had been left to the misrule of various members of the ʿAbbāsid family who failed to provide public order. The evildoers (*fussāq*) from among the Ḥarbiyya quarter and the mobsters (*shuṭṭār*) had disrupted the life of the city, taking the goods of the people and seizing youths and women openly from the streets[48]. These actions coincide with the aforementioned events: the designation of al-Riḍā by al-Maʾmūn, the rebellion of the ʿAbbāsids who appointed Ibrāhīm b. al-Mahdī as caliph, and the fight against al-Maʾmūn's partisans in the capital.

There were at least three individuals leading these popular movements: Khālid b. Daryūsh, Sahl b. Salāma, and Aḥmad b. Naṣr. The first of these vigilantes was Khālid b. Daryūsh. Ibn Daryūsh summoned the inhabitants of his quarter in the name of *al-amr bi-al-maʿrūf wa-al-nahy ʿan al-munkar*. They fought, defeated and imprisoned the evildoers, and handed them over to the authorities. According to al-Ṭabarī, he never intended to change the rulers[49], let alone "to brand the governing

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[46] Zaman, *Religion and Politics under the Early ʿAbbāsids*.
[47] See below Chapter 7.
[48] Ṭabarī, *Taʾrīkh al-Rusul wa-l-Mulūk*, VIII, 551;1f [Bosworth, 55].
[49] Ṭabarī, *Taʾrīkh al-Rusul wa-l-Mulūk*, VIII,552;6 [Bosworth 57].

authority as being corrupt, nor to blame it, nor to combat it, nor to issue orders and prohibitions to it about anything"[50].

The second of these *mutaṭawwiʿa* was Sahl b. Salāma al-Anṣārī, an inhabitant of the Ḥarbiyya quarter of Khurāsānian origin, like the majority of his neighbours. Wearing a copy of the Qurʾān around his neck, he summoned the people of Baghdad to command good and forbid wrong, and to act in accordance with the Qurʾān and the *Sunna* of the Prophet. He was able to gather a great number of people, nobles and plebeians alike, who were inscribed in a *dīwān*. Contrarily to Ibn Daryūsh, Sahl b. Salāma did not see an impediment in attacking the authorities if they did not act in accordance with the Book and the *Sunna*[51]. This attitude became more evident as he adopted the slogan: "No obedience to the creature in disobedience of the Creator (*lā ṭāʿa li-l-makhlūq fī maʿṣiyat al-khāliq*)"[52]. Sahl b. Salāma opposed both al-Maʾmūn and the rebel government of Ibrāhīm b. al-Mahdī. The government of Ibrāhīm quickly imprisoned Sahl b. Salāma. When he was accused of denying the validity of their rule he replied that he supported the ʿAbbāsid *daʿwā* and urged them to adhere to his program, acting according to the Qurʾān and the *Sunna*[53].

The doctrinal affiliation of Sahl b. Salāma has been debated at length. Ira Lapidus considered that Sahl's rise was supported mainly by the popular masses (*ʿāmma*) opposed to the *ʿayyārūn*, the disbanded and criminal troops, and resentful of the rebel government of Ibrāhīm b. al-Mahdī. His stronghold was the Ḥarbiyya, a neighbourhood inhabited by the descendants of the Khurāsānids who took part in the ʿAbbāsid *daʿwa*; and his call was appealing to a sentiment similar to that of the ʿAbbāsid revolution and that of the *mutaṭawwiʿūn* who fought in the Byzantine frontier. Sahl's slogan "No obedience to the creature in disobedience of the Creator", and his call in the name of the Qurʾān and the *Sunna,* represent to Lapidus a clear opposition to the caliphate, which was no longer accepted as "the embodiment of the community and its sole and necessary spokesman"[54]. This popular movement, in view of its claims and the origin of its followers, should be connected to the emergence of the Traditionists and the political activism of the *ahl*

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[50] Ṭabarī, *Taʾrīkh*, VIII, 552;19 [Bosworth, 58].
[51] Ṭabarī, *Taʾrīkh*, VIII, 552;21 [Bosworth, 58].
[52] Lapidus notes that this slogan had been used previously by the Khārijites and the ʿAbbasids in their *daʿwa*, cf. Ira M. Lapidus, "The Separation of State and Religion".
[53] Ṭabarī, *Taʾrīkh*, VIII, 563;14f [Bosworth, 77].
[54] Lapidus, "The Separation of State and Religion", 377.

Khurāsān and, shortly thereafter, to the flourishing of the partisans of Ibn Ḥanbal, thus being part of a long process that leads to a radical redefinition of the relationship between community and authority[55].

Wilferd Madelung, on the basis of an eleven century Zaydī work, has cast doubt on the relation of Sahl b. Salāma with the *ahl al-ḥadīth*, claiming that he was a Muʿtazilī Zaydī. Madelung gives credit to the account of the *Kitāb al-Jamīʿ al-Kāfī* of Abū ʿAbdallāh Muḥammad b. ʿAlī al-ʿAlawī (d. 445/1035), who reproduces a report of al-Murādī in which Sahl b. Salāma is described as one of the great men (*kibār*) and worshipers (*ʿubbād*) of the Muʿtazila. This source also gives information about the political ties between Sahl b. Salāma, ʿAbdallāh b. Mūsā and Ṭāhir b. al-Ḥusayn, involved in a conspiracy to gain power over Baghdad[56]. Van Ess found the same affiliation in a late report of Ibn al-Wazīr in his *Tarjīḥ Asālīb al-Qurʾān*, where Sahl b. Salāma is listed among the Muʿtazilites of Baghdad[57]. For Van Ess, this particular invocation of the doctrine of *al-amr bi-al-maʿrūf* may be linked with al-Aṣamm's theory on the dispensability of the imamate, but Sahl b. Salāma's actions contradicts these principles as he offered the caliphate to the Ḥasanid ʿAbdallāh b. Mūsā, a nephew of al-Nafs al-Zakiyya[58]. In view of the different attitude of Ibn Daryūsh and Sahl b. Salāma towards authority, Michael Cook also finds plausible that the latter may had been inspired by Muʿtazilite ideas[59], however he argues that there is no indication that Ibn Ḥanbal had played any role in these popular movements; indeed, he explicitly condemned Sahl b. Salāma[60].

It is Patricia Crone who has taken Madelung's hypothesis further, by placing Sahl b. Salāma among the considerable number of Baghdādī Muʿtazilites who held the imamate to be optional and had Zaydī sympathies[61]. For Crone, al-Jāḥiẓ's *Jawābāt al-Imāma* is directly related to these events and addressed to "unnamed anarchists"[62]

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[55] Lapidus, "The Separation of State and Religion", 383.

[56] Madelung, 'The Vigilante Movement of Sahl b. Salāma al-Khurāsānī and the Origins of Ḥanbalism Reconsidered'. The reliability of al-Murādī's report has been questioned in Tor, *Violent Order Religious Warfare,* 79, n.222.

[57] Van Ess, *Theologie und Gesellschaft,* III, 174.

[58] Van Ess, *Theologie und Gesellschaft,* III, 174 and 197. Crone states that this interpretation is reasonable, but probably wrong, cf. Crone, "A Statement by the Najdiyya", 74, n.66.

[59] Cook, *Commanding Right and Forbidding Wrong*, 107.

[60] Cook, *Commanding Right and Forbidding Wrong*, 104.

[61] Crone, "A Statement by the Najdiyya Khārijites", 74, n.66.

[62] Crone, 'Ninth-Century Muslim Anarchists', 4. She also interprets that there is also a reference to anarchists in the enumeration of his works that al-Jāḥiẓ makes in the prologue of *al-Ḥayawān.*

who should be identified as Muʿtazilites[63], most likely al-Aṣamm's followers[64], among whom we must count Sahl b. Salāma.

Despite the importance of these historical events and of the decisions taken by al-Maʾmūn for the intellectual life of the Early ʿAbbāsid Period, none of these circumstances is explicitly mentioned by al-Jāḥiẓ in any of his treatises on the imamate, with the exception of the possible reference to the popular movements in Baghdād that al-Jāḥiẓ includes in the *Jawābāt fī al-Imāma*. As I will argue, it is also possible to trace some of the polemics directly to the figure of al-Maʾmūn[65], but the content of the majority of al-Jāḥiẓ's treatises is either theoretical or focused on the discussion of the events that took place after the death of the Prophet.

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[63] Crone, "A Statement by the Najdiyya Khārijites", 64, n.35 and 67.
[64] Crone, 'Ninth-Century Muslim Anarchists', 18.
[65] See Chapter 10.

Part 2. Al-Jāḥiẓ's *Kitāb al-ʿUthmāniyya*

Chapter 2. The *Kitāb al-ʿUthmāniyya* and its Significance

> This chapter is focused on the way the *ʿUthmāniyya* has been traditionally read by scholars and the misunderstandings resulted from its dialogical and polyphonic nature. I will study the significance of this work (2.1), survey the main studies on the treatise (2.2), and analyse its structure and contents (2.3).

2.1. Introduction

"Uthmāniyya" was the term used to refer to the Umayyad loyalists during the Ṣufyanid period and the second civil war[66]. In the ninth century, when al-Jāḥiẓ wrote his treatise recording the doctrines of this group, this denomination had changed its meaning. According to Crone, the term evolved to refer to the adherents of a stance concerning the first caliphs adopted among circles of the *aṣḥāb al-ḥadīth.* In an early phase, the ʿUthmāniyya rejected ʿAlī's claim to the caliphate and supported the thesis that there had been only three Rightly Guided caliphs; by the mid-ninth century the consensus on the four Rightly Guided caliphs seems to have been widely accepted with some exceptions among the Traditionalists -notably the followers of Ibn Ḥanbal. The ʿUthmāniyya to whom al-Jāḥiẓ refers were those who defended Abū Bakr's pre-eminence over ʿAlī, as we can read in the first part of the treatise, without accusing ʿAlī of involvement in the death of ʿUthmān[67].

Al-Jāḥiẓ wrote the *Kitāb al-ʿUthmāniyya* as part of a series of texts dedicated to a unnamed patron which also includes the *Kitāb al-ʿAbbāsiyya*, the *Jawābāt fī al-Imāma*, and, plausibly, also the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*[68]. Although the dating of these treatises is entirely conjectural, it is probable that *Kitāb al-ʿUthmāniyya* is

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[66] Madelung. *The Sucession of Muḥammad*, 267-8.

[67] Crone, "ʿUthmāniyya".

[68] I will use Hārūn's edition of the *ʿUthmāniyya* taking into consideration his edition of *Maqālāt al-ʿUthmāniyya*, included in the *Rasāʾil al-Jāḥiẓ*, and the corrections in Pellat, "*Kitāb al-ʿUthmāniyya.* Review", and Zahniser, *The* ʿUthmāniyya *of al-Jāḥiẓ*, 165. The *Jawābāt fī al-Imāma* and the *Kitāb al-ʿAbbāsiyya* are mentioned in two paratexts addressed to the unnamed patron or addressee of the work. Al-Jāḥiẓ states that he has written a refutation of those who claim that the imamate is not necessary, a description which corresponds to the contents of the *Jawābāt fī al-Imāma*, cf. *ʿUthmāniyya*, 154;2-3.; in another instance, al-Jāḥiẓ expresses his intention of writing a treatise recording the opinions of the ʿAbbāsids (*maqālat al-ʿabbāsiyya*), once finished his exposition of the opinions of the ʿUthmānīs (*maqālat al-ʿuthmāniyya*), cf. *ʿUthmāniyya*, 187;5-9. The *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* is not mentioned in this treatise and there is no direct textual evidence of its relation with these works; nevertheless, their similitudes in terms of form and content suggest that it may have been part of this cycle of works on the imamate.

either the last or the penultimate work of this series, as all the other texts, with the exception of the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, are mentioned in different parts of this work.

It may seem counterintuitive to begin the analysis of al-Jāḥiẓ's treatises on the imamate in reverse chronological order but, in contrast with the fragmentary state of other works, the *ʿUthmāniyya* has survived almost in its entirety. The completeness of this text allows us to identify the narrative strategies and the theoretical paradigms that al-Jāḥiẓ uses to deal with the polemics on the imamate in this particular work, but also helps us to contextualise and understand the extant parts of the other treatises addressing this institution. Furthermore, the *ʿUthmāniyya* is the most discussed tract of all of al-Jāḥiẓ's polemical works both among Muslim authors and in secondary literature. Among Muslim authors, this treatise earned al-Jāḥiẓ the reputation of being an ʿUthmānī, and was contested by several Shīʿite and Muʿtazilite authors[69]. The *ʿUthmāniyya* has also been the most studied of all the treatises of this cycle and the theories concerning al-Jāḥiẓ's doctrine on the imamate have been essentially based on the conclusions that scholars have drawn from its analysis.

2.2. Previous Studies on the ʿUthmāniyya

The *ʿUthmāniyya* is probably the best studied of all al-Jāḥiẓ's treatises on the imamate, and it has deserved the attention of scholars such as Pellat, Zahniser, Afsaruddin and ʿAṭṭār[70]. The analysis of this work has been focused on three main issues: 1) the possibility of a Maʾmūnid patronage of the treatise and it political implications; 2) the relation between al-Jāḥiẓ's Muʿtazilism and the opinions of the ʿUthmānīs; and 3) the principles of the imamate postulated by al-Jāḥiẓ.

1) The Patronage of the *ʿUthmāniyya*

Al-Jāḥiẓ's laconic affirmation that he wrote several treatises on the imamate for the caliph al-Maʾmūn raised a central problem for the majority of scholars: is the *ʿUthmāniyya* one of these works? In his pioneering study on al-Jāḥiẓ, al-Ḥājirī

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[69] See Afsaruddin, *Excellence and Precedence*, 23-25. Van Ess, *Theologie und Gesellschaft*, VI, 316-317.
[70] Pellat, "L'Imamat dans la doctrine de Ǧāḥiẓ"; Zahniser, *The ʿUthmāniyya of al-Jāḥiẓ*; Afsaruddin, *Excellence and Precedence*; and ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*. There is also a German PhD dissertation that I have been unable to consult: Abdul Hamid, *Al-ʿUṯmāniyya von Al-Ǧāḥiẓ*

rejected this possibility by arguing that the anti-Shīʿite tone of the ʿUthmāniyya would conflict with al-Maʾmūn's attempts to gain the favour of the Shīʿites; for him, it is more plausible that this work may have been written for the caliph al-Mutawakkil, whose anti-Shīʿite policies are well attested[71].

Zahniser, who defends the Maʾmūnid patronage, has refuted al-Ḥājirī's argument on the basis of the affinity between the Muʿtazilite ideas that al-Jāḥiẓ defends in this treatise and the policies of the caliph, who was also the main supporter of this school[72]. This stance has also been accepted by Afsaruddin and by ʿAṭṭār, for whom the composition of the treatise might have been motivated by the decree issued by al-Maʾmūn in 212/827 declaring the merits of ʿAlī superior to those of the other Companions[73].

Pellat agrees that the ʿUthmāniyya is an early work, probably written before the year 232/846, but he considers that the works dedicated to al-Maʾmūn should have been theoretical works on the institution of the imamate, and not this kind of polemical treatises[74].

2) Al-Jāḥiẓ and the ʿUthmānīs

The second point under discussion concerns the relationship of al-Jāḥiẓ with the ʿUthmānīs. Despite al-Jāḥiẓ's explicit affirmation that he is reporting the arguments of the ʿUthmānīs, there seems to be unanimity among scholars as regards the Muʿtazilite character of this treatise. Al-Jāḥiẓ's attribution of these ideas on the imamate to the ʿUthmāniyya has been interpreted as a narrative device intended to protect the author from his critiques against the Shīʿa. Pellat argues that al-Jāḥiẓ's refutation of the Shīʿites is too convincing not to take these arguments as his own, and that the position defended in this treatise is that of the second generation of Baṣrian Muʿtazilites who reacted against the extreme pro-Shīʿite sympathies of the early Muʿtazila[75].

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[71] Al-Ḥājirī, *Al-Jāḥiẓ*, 187.
[72] Zahniser, *The ʿUthmāniyya of al-Jāḥiẓ*, 24f. The alleged Muʿtazilite sympathies of al-Maʾmūn have also been related to his election of al-Riḍā as heir apparent; al-Maʾmūn may have chosen an ʿAlid heir because he considered that he was the most excellent (*al-afḍal*), in accordance to the tenets of the Muʿtazila, cf. Chejne, *Succession to the Rule in Islam*, 119.
[73] Afsaruddin, *Excellence and Precedence*, 22.
[74] Pellat, "Nouvel essai d'inventaire", *sub* 231; and Pellat, "L'Imamat dans la doctrine de Ǧāḥiẓ", 23.
[75] Pellat, "L'Imamat dans la doctrine de Ǧāḥiẓ", 31.

Zahniser shares Pellat's contention that this text reflects al-Jāḥiẓ's ideas rather than those of the ʿUthmāniyya. Although he recognises that it cannot be shown for certain that al-Jāḥiẓ is responsible for the arguments adduced in this treatise, he argues that the author would have not represented a sect to which he did not belong[76]. Afsaruddin, who has read this treatise as an early manifestation of Sunnī-Shīʿite polemics, also takes al-Jāḥiẓ as the actual interlocutor of the Rāfiḍa, although she claims to speak on behalf of the "(proto)-Sunni, pro-ʿAbbāsid Muslim community of the first quarter of the 3rd/9th century"[77].

ʿAṭṭār has taken this contention further by claiming that al-Jāḥiẓ belonged to the ʿUthmāniyya. For him the term ʿUthmāniyya refers to three groups differentiated by their political alignment: Muʿtazilite ʿUtmānīs (pro-ʿAbbāsid, pro-ʿAlid and anti-Umayyad); Nābatīs (pro-Muʿāwiyya, anti-ʿAbbāsid, anti-ʿAlid); and Ḥanbalī Traditionists (pro-ʿAbbāsid, pro-ʿUmmayad, pro-ʿAlid)[78]. Al-Jāḥiẓ would have belonged to the first group, and his rehabilitation of ʿUthmān would have been, according to ʿAṭṭār, an attempt to win al-Maʾmūn for the Baṣran Muʿtazilite party and counteract the Shiʿite influence over the caliph[79].

As result of this approach, scholars have interpreted that al-Jāḥiẓ's formulation of the principles of the imamate and his discussion of the Qurʾānic verses and *ḥadīths* adduced in the polemic with the Rāfiḍa is inspired by his Muʿtazilite tenets. In the *ʿUthmāniyya*, al-Jāḥiẓ's Muʿtazilism would be represented, above all, by his rationalistic approach to the sources and his distrust of the value of *ḥadīth*.

3) Al-Jāḥiẓ's Concept of the Imamate

The most important contribution to the study of al-Jāḥiẓ's concept of the imamate is Pellat's "L'Imamat dans la doctrine de Ğāḥiẓ". Although Pellat surveys all the pertinent works of al-Jāḥiẓ, the conclusions of his study are based, to a great extent, on the *ʿUthmāniyya*. Pellat has argued that al-Jāḥiẓ's treatises are an early Muʿtazilite systematization with strong pro-ʿAbbāsid bias. The imamate is for al-Jāḥiẓ an elective institution based on rational criteria and only the most excellent

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[76] Zahniser, The ʿUthmāniyya *of al-Jāḥiẓ*, 18-19.
[77] Afsaruddin, Excellence and Precedence, 226.
[78] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*, I, 118.
[79] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*, I, 121-122.

(*al-afḍal*) can be chosen as imam. The modalities for electing the imam broadly correspond to those employed to elect the first three caliphs; and the duty of setting up an imam and the power to carry out this election lies exclusively within the hands of the *Khāṣṣa*[80].

ʿAṭṭār accepts Pellat's conclusions, but he ascribes the methodology deployed in the *ʿUthmāniyya* to the *Jāḥiẓiyya*, "a brand of Muʿtazilim and one offshoot of ʿUthmānism that is quite versed in orthodoxy"[81]. Afsaruddin has not directly addressed the problems of the election of the imam, but she has made a notable contribution to the understanding of the polemic between the ʿUthmānīs and the Rāfiḍa by describing the Qurʾānic paradigms of *sābiqa* and *faḍl/faḍīla* and identifying their use to argue in favour of Abū Bakr and ʿAlī. For Asfaruddin, this debate can be understand in the light of later Sunnī-Shīʿite polemics and interpreted as an early manifestation of this narrative tradition.

Although all these scholars have made valuable contributions to the study of the *ʿUthmāniyya*, there is a crucial problem in these studies: they isolate the discussion of the principles of the imamate from the rest of the arguments addressed in the work and, therefore, they overlook the centrality of hermeneutical and epistemological considerations in al-Jāḥiẓ's treatment of the imamate. As I will argue in the next sections, al-Jāḥiẓ' arguments cannot be understood without paying attention to the broad epistemological debate concerning the revealed sources.

2.3. Structure and Contents of the Treatise

Al-Jāḥiẓ refers to the *ʿUthmāniyya* as a *maqāla*, a composition intended to present a fair report of the opinions of varied groups on a certain topic[82]. In this case, al-Jāḥiẓ records the arguments of the ʿUthmānīs against those who denied the legitimacy of the three first caliphs, the Rāfiḍīs[83]. These ideas constitute, essentially, a defence of the superiority of Abū Bakr over ʿAlī based on the comparison of their respective virtues and the discussion of the Qurʾānic verses and *ḥadīths* adduced by the Rāfiḍīs in favour of ʿAlī.

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[80] Pellat, "L'Imamat dans la doctrine de Ǧāḥiẓ", 40-41.
[81] ʿAttār, *The Political Thought of al-Jāḥiẓ*, I, 136.
[82] *ʿUthmāniyya*, 187;5-9.
[83] When mentioning his intention of writing a treatise on the ʿAbbāsids, al-Jāḥiẓ refers to his treatise on the ʿUthmānīs as the *maqālat al-ʿuthmāniyya*, and describes these texts as an objective exposition of their ideas that the reader should judge by himself, cf. *ʿUthmāniyya*, 187;5-9.

As in almost all of al-Jāḥiẓ's works, the method chosen to present and discuss these ideas is a dialogue. The main interlocutors are the ʿUthmānīs and the Rāfiḍa and their interventions sometimes bear a dialogic mark, such as the eristic formula *in qālū...qīla.* However, this text is a polyphonic work where different voices interact at different dialogical levels and it is often difficult to identify them and pin down the arguments adduced by the contenders.

In terms of its form, the treatise is structured around four interlocutory situations. The first dialogical level (1) is that in which the interlocutors are al-Jāḥiẓ and the unnamed patron for whom he wrote this treatise; the discussions reported between the ʿUthmāniyya and the Rāfiḍa, and the interventions that the author addresses to both groups, are inscribed within this broad dialogic frame, marked by several paratexts where al-Jāḥiẓ addresses his patron using the second singular person in verbs and pronouns.

At a second level, inscribed within this first interlocutory situation, we find three other combinations of interlocutors: (2) the first debate concerning the merits of Abū Bakr and ʿAlī, where al-Jāḥiẓ gives voice to the ʿUthmāniyya and the Rāfiḍa; (3) sporadic discussions between al-Jāḥiẓ and the Rāfiḍa that appear in the course of the previous debate embedded in the ʿUthmānī refutations, as al-Jāḥiẓ never rejects the thesis of the ʿUthmāniyya concerning the superiority of Abū Bakr; and, finally, (4) a dialogue between al-Jāḥiẓ and the ʿUthmānīs focused on the election of the imam and the concept of knowledge, which approximately comprises the last third of the work.

The following diagram summarises these situations and their hierarchy:
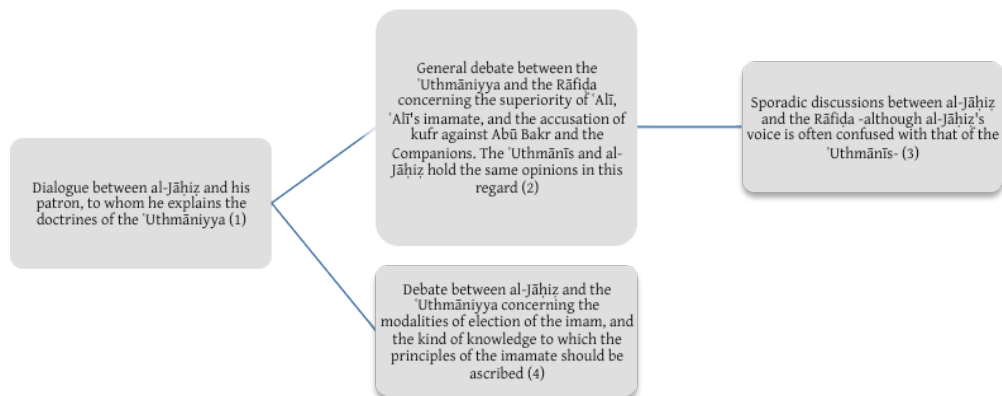
Within this complex narrative fabric it is arduous to isolate and identify the different interlocutors taking part in the debate and, consequently, the different arguments. Moreover, the *ʿUthmāniyya* begins *in media res*; we are deprived of the information given by the author in the introduction of this work, which, in the case of al-Jāḥiẓ, is not limited to the usual declarations of the "mission topos". Al-Jāḥiẓ's extant *proemia*, as we may see in other treatises such as the *Risāla fī Taṣwīb ʿAlī*[84], are an accurate piece of narratological cartography, essential to identify the different voices of the text and contextualise the argumentations. Deprived of this guide, it is of little surprise that the main concern of the scholars who have studied this text has been to identify who is the "real" person to whom the ideas expressed in the treatise should be ascribed. Whether the opinions expressed in this treatise should be attributed to al-Jāḥiẓ or to the ʿUthmāniyya is, certainly, a problem we need to solve in order to understand the text, but this cannot be made by simply projecting al-Jāḥiẓ's biography onto his work and categorising the arguments according to the Muʿtazilite convictions of the author.

The discursive universe in which al-Jāḥiẓ operates can by no means be reduced to the particular tenets of the Muʿtazila to which the author was associated, nor to a "doctrine of the imamate". Al-Jāḥiẓ's references and intellectual interlocutors are varied and many, and the debates he engages go far beyond the traditional polemics concerning the virtue of Abū Bakr and ʿAlī. As a result of this

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[84] See below Chapter 13.

complexity and the multivalency of many of the reported arguments, this work has been read as a Sunnī treatise refuting the Shīʿite claims about ʿAlī's right to the imamate[85], as a Muʿtazilite charge against the traditionalists[86], or as a charge against the groups that represented the extremes of the religious-political spectrum, both the Rāfiḍa and the adherents of Ibn Ḥanbal alike[87].

The logic of this work and, in general, of all al-Jāḥiẓ's treatises on the imamate transcends sectarian divides and can only be understood if we pay attention, first, to the formal aspects of the texts and the narrative devices used to convey both the arguments of the opposite factions -the ʿUthmāniyya and the Rāfiḍa- and al-Jāḥiẓ's own arguments; and, second, if we identify the paradigms on which al-Jāḥiẓ relies for his exposition and discussion of the reported doctrines.

In this regard, it is possible to isolate three clear paradigms that underlie the structure of these works: 1) the ethics of debate that al-Jāḥiẓ relates to the Muʿtazilite notion of justice; 2) the hermeneutic tools and categories used to interpret the religious sources adduced in the debates; 3) the principles concerning the institution of the imamate. In the case of the *ʿUthmāniyya* only the principles of the imamate are explicitly described and discussed in its entirety, but these principles and the structure of the work cannot be understood without the other two aspects to which al-Jāḥiẓ often alludes explicitly. As I will argue, al-Jāḥiẓ's ethics of debate determine the way he reports these polemics to his patron and allows us to link interlocutors and discourses; similarly, his use of clear and sophisticated hermeneutical techniques of source criticism underpins all the debates. Of course, the dimension of these paradigms goes beyond the formal level, but by firstly studying the way they govern al-Jāḥiẓ's narrative we can reveal the systematicity of his exposition and avoid the usual mistake of considering al-Jāḥiẓ's works a mere collection of opinions deprived of any coherence.

2.3.1. Al-Jāḥiẓ's Etiquette of Debate

The first of these paradigms refers to al-Jāḥiẓ's etiquette of debate and is crucial to deciphering the polyphony of the text and evaluating whether al-Jāḥiẓ is expressing his own ideas or not. In the *ʿUthmāniyya* al-Jāḥiẓ does not deal with these principles explicitly, but they are alluded to in different paratexts of the treatise

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[85] Asfaruddin, *Excellence and Precedence.*
[86] Zahnisser, The *ʿUthmāniyya* of al-Jāḥiẓ.
[87] Pellat, "L'Imamat dans la doctrine de Ğāḥiẓ".

where the author presents himself as an objective mediator. In an eloquent passage addressing his patron, al-Jāḥiẓ expressly affirms that only his treatise on the necessity of the imamate conveys his own opinions; as for the rest, he adds, "my books do not reflect my own point of view; rather, I let the book speak for itself, while I take the position of all the disputants acting only as a moderator between them"[88].

In the ʿUthmāniyya al-Jāḥiẓ distances himself from the groups intervening in the discussion; he advocates a maieutic process that consists in presenting fairly the points of view of all the contenders so that the reader can compare and choose by himself, as he clearly states in a second paratext:

"We will report the opinions of the ʿAbbāsiyya and their arguments once I have finished [my account] of the opinions of the ʿUthmāniyya, with as much a scrutiny as possible, and with just treatment of each one to the other, so that it will be you who choose for yourself using your reason (bi-ʿaqli-ka), while opinions will be exposed, clear to your mind. Because, if the most preponderant choice (al-ikhtiyār al-arjaḥ) is impossible for you (aʿjaza-ka) after sufficient [information], you will be incapable of making inferences from it and freeing it"[89].

Similarly, the conclusion of the treatise emphasises both the importance that this approach had for the author and the confusion that it may create in the reader of this text:

"You should know that the author of the treatise is not fair to adversaries, nor close to the speculative scholars (ahl al-naẓar), unless he details [the opinions of] his adversary to the same measure as he does his own [opinions], so that if the reader of his treatise were only to read the opinions of his adversary, he would imagine that it is this which [the author] picked for himself and chose for his religion (dīni-hi).

Were it not for my confidence on the removal of falsity from the space of truth, even if I give it in detail and the greatest depth; I would have not allowed myself to report it and take the place of its proponent"[90].

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[88] Al-Jāḥiẓ, ʿUthmāniyya, 154;2-5.
[89] Al-Jāḥiẓ, ʿUthmāniyya, 187;5-9.
[90] Al-Jāḥiẓ, ʿUthmāniyya, 280;5-10. Compare with a similar plea against the misrepresentation of the ideas of the adversaries in Al-Masāʾil wa-al-Jawābāt fī al-Maʿrifa, IV, 50;12-16.

In these passages, as in similar statements in other treatises, al-Jāḥiẓ makes a clear plea for fairness in the treatment of dialectical adversaries. In the last of these quotations, the *ahl al-naẓar* are directly linked to the practice of rehearsing in detail all arguments irrespective of the affiliation of the discussant. Al-Jāḥiẓ deals at length with this praxis in the *Taṣwīb ʿAlī,* where he holds that the fair and objective treatment of the dialectical adversaries and the thorough scrutiny of proofs and arguments is an ethical imperative derived from the Muʿtazilite conception of *ʿadl*[91]. Despite these evidences, the scholars who have studied the *ʿUthmāniyya* have read this treatise as if it were a declaration of the political and theological tenets traditionally ascribed to al-Jāḥiẓ, and not as the account of the opinions of the ʿUthmāniyya that the author claims to present. A careful study of the arguments adduced by all the parties involved, while taking into consideration the dialogical structure of these texts, however, reveals that al-Jāḥiẓ does not speak for himself when he reports these doctrines, nor does he indulge in misrepresentation.

Despite the scarce information we have about the Uthmāniyya, the intellectual honesty of al-Jāḥiẓ's account on their tenets seems evident when we contrast their opinions with those of the *ahl al-ḥadīth*. Al-Jāḥiẓ's method of exposition and aims are imbued with the tenets of his school, the Muʿtazila, but this treatise is by no means a piece of Muʿtazilite doctrine. The topics under discussion are similar to those addressed in other polemic texts devoted to the events following the death of Muḥammad, especially in the Shīʿite tradition; and the hermeneutics on which the discussion is based are clearly related, as I will argue in the next section, to the *ahl al-ḥadīth* and legal hermeneutics.

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[91] See below Chapter 13.

2.3.2. Contents and Structure

In terms of its thematic content, the text may be divided in four main parts, with the ʿUthmāniyya and the Rāfiḍa as the interlocutors in the first two; and the ʿUthmāniyya and al-Jāḥiẓ himself in the last two sections. The following schema summarises the thematic structure of the treatise:

Themes	Interlocutors
1) Comparison of the merits of Abū Bakr and ʿAlī 2) Discussion of the Qurʾānic verses and *ḥadīths* adduced by the Rāfiḍa to prove ʿAlī's imamate and sustain the accusation of *kufr* against Abū Bakr 3) Discussion on genealogy and *taswiyya* (equality of Arabs and non-Arabs)	The ʿUthmāniyya and the Rāfiḍa are the main interlocutors; there are also sporadic discussions between al-Jāḥiẓ and the Rāfiḍa

4) The election of the imam
     i. Who should elect the imam? Definition of *Khāṣṣa* and *ʿĀmma* and their competences.
     ii. Modalities and conditions of the election of the imam
 	
 5) Debate between al-Jāḥiẓ and the ʿUthmāniyya concerning knowledge (*maʿrifa*).
	The interlocutors are al-Jāḥiẓ and the ʿUthmāniyya

The first part of the treatise (1), the most extended, conveys the debate between the ʿUthmāniyya and the Rāfiḍa regarding Abū Bakr and ʿAlī. This discussion revolves around a paradigm of virtue based on three main concepts:

precedence in service to Islam (*sābiqa*); propinquity to the Prophet and his family (*qarāba*), either based in genealogy or in spiritual closeness; and excellence (*faḍl*). The context of the polemics addressed in this debate is the aftermath of the death of the Prophet. According to the majority of testimonies, Muḥammad died without explicitly designating a successor and the Muslims had to evaluate the sources of religious law in order to decide concerning the leadership of the *umma*. The choice of the community was Abū Bakr, but some Shīʿite groups claimed that ʿAlī had been explicitly appointed as successor by the Prophet (*manṣūṣ*); they adduced some prophetic traditions and verses of the Qurʾān as a proof, and argued that the Qurʾān contained clear passages stating ʿAlī's rights that had been deleted by his rivals. This group would evolve towards a political position characterised by their rejection of the three first caliphs -or even of the entire *ṣaḥāba*-, hence the name with which their rivals used to refer to them: Rāfiḍa which literally means "the rejecters"[92]. They also believed in the infallibility of the imams (*ʿiṣma*), and in their limitless knowledge, but this aspect of their doctrines is not discussed in the *ʿUthmāniyya*.

In the course of the debate reported in this first section, al-Jāḥiẓ also mentions occasionally another Shīʿite faction, the Zaydiyya, whose doctrines are treated in detail in the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*. The Zaydites argued that ʿAlī was more virtuous than Abū Bakr and worthier of holding the imamate, but that he did not contest the election of Abū Bakr for the sake of the common interest. In contrast with the Rāfiḍa, the Zaydiyya did not condemn the early caliphs preceding ʿAlī[93]. The earliest refutation of al-Jāḥiẓ's *ʿUthmāniyya* was made, precisely, by a Zaydī scholar, al-Iskāfī, who belonged to the Baghdādī Muʿtazilites[94].

The dialectic engagement between ʿUthmānīs and Rāfiḍa reported by al-Jāḥiẓ applies the Qurʾānic paradigms of precedence in conversion (*sābiqa*) and moral excellence (*faḍl*), but it is mainly focused on the discussion of the proofs adduced by the Rāfiḍa concerning the alleged references to ʿAlī contained in the Qurʾān, and Muḥammad's bequest of the imamate to ʿAlī (*wilāya*) in the sermon of Ghadīr Khumm (*Allāhuma wāli man walā-hu wa-ʿādi man ʿadā-hu*)[95], and the *ḥadīth* of Hārūn

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[92] An alternative etymology relates this denomination to the rejection of al-Mughīra b. Saʿīd by the adherents of Jaʿfar al-Ṣādiq, cf. Kohlberg, "Rāfiḍa".
[93] See Madelung, "Zaydiyya".
[94] The extant fragments of this refutation have been edited by Hārūn together with al-Jāḥiẓ's *ʿUthmāniyya*, in pp. 280-343.
[95] Al-Jāḥiẓ, *ʿUthmāniyya*, 144;6-153;7.

and Mūsā (*anta minnī bi-manzilat Hārūn min Mūsā*)[96]. In this regard, the arguments adduced by the ʿUthmāniyya place special emphasis on the critical analysis of the religious sources on which the Rāfiḍa base their claims. Rather than as a conventional polemic comparing the worthiness of Abū Bakr and ʿAlī, this section should be read as a critical evaluation of the sources containing information about these figures, namely Qurʾānic verses, Prophetic traditions (*ḥadīth*), historical narrative (*khabar*), and poetry. The hermeneutic tools required to deal with this kind of material are also discussed by the ʿUthmānīs in order to dismiss the arguments of their opponents and denounce their lack of competence.

The second section (2) contains a discussion between the ʿUthmāniyya and the Rāfiḍa concerning the genealogical rights of the ʿAlids and the role played by genealogy in legitimizing social differences among Muslims in the time of the Rightly Guided Caliphs. Strikingly, both groups take this equity for granted and do not show any difference in this regard. The cause of their disagreement is the appreciation of the caliphate of ʿUmar and his attitude towards non-Arabs. The ʿUthmānīs are at pains to demonstrate that ʿUmar did not discriminate against the ʿAjam, as the Shīʿites argued[97]; but they find an easy argument to accuse their opponents of elitism in the Shīʿite claim that the imamate should revert to the family of ʿAlī. According to the ʿUthmānīs, *nasab* is not a requirement to hold the imamate.

The third section (3) discusses the conditions to elect an imam and the modalities of election. The interlocutors are no longer the ʿUthmānīs and the Rāfiḍa, but al-Jāḥiẓ and the ʿUthmānīs. Once admitted that electing an imam is a duty for the people, and that the imam should be the most excellent man (*al-afḍal*), the discussants debate about the definition of people. Who are those who should elect the imam? Al-Jāḥiẓ's answer is that only the *Khāṣṣa* has the competence to understand the principles of the imamate and to interpret the law. *Khāṣṣa* and *ʿĀmma* are defined by the ʿUthmānīs on intellectual grounds, according to their capacity to know the religious law. Al-Jāḥiẓ explicitly states that he agrees with the ʿUthmānīs in this point, yet he dissents as regards the definition of knowledge.

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[96] Al-Jāḥiẓ, *ʿUthmāniyya*, 153;8-160;8.
[97] The development of the debate is striking, perhaps due to a corruption of the text. The accusation of partisanism to which the ʿUthmāniyya answers was not cast against ʿUmar, but against Abū Bakr, cf. al-Jāḥiẓ, *ʿUthmāniyya*, 211;5f

Al-Jāḥiẓ also describes the different possible scenarios and modalities to set up an imam; to a great extent, these correspond to the modalities of election of the first three caliphs. The first possibility is the revolt against the government of a tyrant; if the *Khāṣṣa* can gain the support of the *ʿĀmma*, it is their duty to depose the tyrant and set up a just imam. This passage has been interpreted as a reference to the fourth civil war between al-Ma'mūn and his brother al-Amīn, who in the ʿAbbāsid sources is always called "the Deposed" (*al-makhlūʿ*). The second possibility is to proceed to set up an imam following the example of the election of ʿUthmān, who was elected by the members of the *shūrā*. The third possible scenario is that of the election of Abū Bakr, who was unanimously accepted as imam by consensus, without any consultation being needed as no one disputed his excellence: the entire *umma* knew that he was the most virtuous (*al-afḍal*).

Finally, the last section (4) is focused in epistemology and conveys a discussion between al-Jāḥiẓ and the ʿUthmāniyya concerning the concept of knowledge (*maʿrifa*) and its relation with signs (*dalāʾil*) and proofs (*ḥujjāt*). Al-Jāḥiẓ aligns himself with a scarcely known group denominated *aṣḥāb al-maʿrifa* or *aṣḥāb al-maʿārif*[98].

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[98] See Van Ess, "Ğāḥiẓ und die *aṣḥāb al-maʿārif*" and *Theologie und Gesellschaft*, IV, 96f. Van Ess seems not to have been aware of the discussion of the ʿUthmāniyya concerning this group.

Chapter 3. Al-Jāḥiẓ's Muʿtazilism and the Methodology of the ʿUthmāniyya

> This chapter discusses the traditional reading of the *ʿUthmāniyya* as a Muʿtazilite treatise on the imamate (3.1). I shall discuss the centrality of the categorization of *ʿilm* in this treatise (3.2.) and its relation to al-Shāfiʿī's *Risāla* (3.3), as well as with other Muʿtazilite works (3.4).

3.1. Introduction

Although valuable in many respects, traditional approaches to al-Jāḥiẓ's works on the imamate are flawed mainly by an emphasis on biographical logic, which often forces a false correspondence between his Muʿtazilite ideas and the arguments conveyed in these treatises; and by the often uncritical interpretation of the relation of the author and his possible patrons.

Al-Jāḥiẓ is still regarded as venal *adīb*, whence the insistence of scholars on relating the doctrines reported in the *ʿUthmāniyya* with those of al-Maʾmūn, without considering that the author could have defended opinions contrary to those of his patron. On the other hand, we know that al-Jāḥiẓ was a Muʿtazilite. His approach to problems such as that of the interpretation of the sources should be, therefore, a Muʿtazilite approach. In this context, being an adherent of Muʿtazilism would mean that he should oppose the hermeneutical tools applied by the Traditionalist and dismiss *ḥadīth* as a valid authority; as we have seen, that is how scholars have analysed the source criticism deployed in the *ʿUthmāniyya*.

Moreover, only those passages that explicitly address the problems identified in scholarship as part of the doctrine on the imamate have been taken into consideration. In the case of the *ʿUthmāniyya*, the attention of scholars has been essentially focused on the details of the debate concerning Abū Bakr's and ʿAlī's virtues, and on the description of the modalities of the election of the imam. The long discussion on egalitarianism has been virtually ignored[99]; the pivotal discussion of the intellectual competence and duties of *Khāṣṣa* and *ʿĀmma* has only been tangentially commented on by Pellat, who clearly misunderstood its meaning and the centrality of this classification in the discussion with the Rāfiḍa[100]; and I am not

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[99] Zahniser refers to this part as "excursus", cf. Zahniser, *The ʿUthmāniyya of al-Jāḥiẓ*, 164.
[100] Pellat, "L'Imamat dans la doctrine de Ǧāḥiẓ", 40-41. The translation of the passage on the *Khāṣṣa* and the *ʿĀmma*, entitled "The Common People and the Aristocracy", was included in Pellat collection

aware that the last section on epistemology have merited any attention in any of the studies devoted to the works of al-Jāḥiẓ, regardless of whether they have been focused on history, political thought, or philosophy, let alone that there may have been any attempt to read these reflections on the concepts of *ma'rifa* and *dalīl* in the context of the discussion of the imamate.

One of these neglected fragments of the *'Uthmāniyya*, the definition of *Khāṣṣa* and *'Āmma*, is probably the passage that best summarises the complexity of this text and, at the same time, the most important reference to discover the underlying logic governing the debate reported by al-Jāḥiẓ, to understand the structural and conceptual relations between its parts, and to decipher the polyphony of this work. It would be wise, then, to begin the reading of the *'Uthmāniyya* with the analysis of this fragment.

3.2. Khāṣṣa, 'Āmma and the Definition of Epistemic Authority

Any reader familiar with al-Jāḥiẓ's works is quite aware that he repeatedly brings up the difference between the elites (*Khāṣṣa*) and the common people (*'Āmma*). Al-Jāḥiẓ's elitism has been approached by scholars on several occasions. Van Ess has analysed al-Jāḥiẓ's attitude to social difference as part of his theories on human nature[101], and Montgomery has studied the implications of this moral elitism in the light of al-Jāḥiẓ's epistemology[102]. In the case of the *'Uthmāniyya*, this dichotomy plays no less a part and, in the absence of a proemium which may have expressed the plan of the work, the definition of *Khāṣṣa* and *'Āmma* provides one key to interpret the concepts and the structure of the entire treatise, and to identify the interlocutors and their religious-political affiliation.

The treatment of the differences between *Khāṣṣa* and *'Āmma* occurs in the midst of a discussion between al-Jāḥiẓ and the *'Uthmāniyya* about the elective nature of the institution. For al-Jāḥiẓ, the people (*nās*) should elect the imam, but "people", in this case, means only the *Khāṣṣa*:

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of al-Jāḥiẓ's texts, together with other brief extracts from the *'Uthmāniyya*, under the epigraph of "Semi-Political, Semi-Theological Works", cf. Pellat, *Life and Works of al-Jāḥiẓ*, 78-79 This translation has been used in influential studies, such as Lambton's *State and Government in Medieval Islam.* According to Lambton, al-Jāḥiẓ's division of the people into *Khāṣṣa* and *'Āmma* "though probably reflects the social realities of the time also reflects a Persian influence" (p. 61).

[101] Van Ess, *Flowering of Muslim Theologie*, 142-43.

[102] Montgomery, "Speech and Nature. Part 3", 118f.

"If someone asks, is it incumbent upon the people to elect an imam and set up a caliph?

It should be replied: Your expression "the people" can mean both the *Khāṣṣa* and the *ʿĀmma*. If you have referred to them without making any differentiation between their respective states, we claim that the *ʿĀmma* does not know the notion of the imamate, or the interpretation of the caliphate; they do not distinguish between the advantages of the presence of [these institutions] and the disadvantages of their absence"[103].

According to al-Jāḥiẓ, the *ʿĀmma* has an instrumental use for the *Khāṣṣa* (*al-ʿāmma adāt al-khāṣṣa*)[104] that can be compared with that of the limbs in the human body (*maqām al-ʿāmma min al-khāṣṣa maqām jawāriḥ al-insān min al-insān*)[105]. Life in society is only meaningful and beneficial when the *Khāṣṣa* governs and the *ʿĀmma*, like the limbs, obeys that which the *Khāṣṣa* judges convenient for the entire society (*ṣalāḥ al-dunyā wa-tamām al-niʿma fī tadbīr al-khāṣṣa wa-ṭāʿat al-ʿāmma*)[106].

As mentioned, Pellat briefly refers to this characterization of *Khāṣṣa* and *ʿĀmma* in his study of al-Jāḥiẓ's doctrines on the imamate. For him, al-Jāḥiẓ is unequivocal when he states that the *ʿĀmma* is a tool for the *Khāṣṣa* to use, but the definition of this last group remains unclear, though seems to refer to the scholars[107]. Despite implicitly admitting that this classification may have been made on intellectual grounds -hence the reference to the scholars-, Pellat reads this passage in social terms and translates these concepts as *aristocratie* and *peuple*.

In al-Jāḥiẓ's days, there was an obvious relationship between the education of individuals and their social position, but reading this categorization, which is predicated upon intellectual qualities, as one of the possible ways of expressing social difference is an error. In fact, the reference to the inability of the *ʿĀmma* to understand the principles behind the institution of the imamate is but a preamble to a long discussion that relates social differences to the main topic of this treatise:

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[103] *ʿUthmāniyya*, 250;8-12.
[104] *ʿUthmāniyya*, 250;15.
[105] *ʿUthmāniyya*, 250;16-17.
[106] *ʿUthmāniyya*, 251;14.
[107] Pellat, "Imamat", 41. Pellat also refers to a passage of the *Bayān* where al-Jāḥiẓ seems to divide society in three classes: the lowest, which would comprise the farmers, the lowly people, the artisans and the merchants; an intermediate group referred to as *ʿAwwām*; and the elite, the *Khāṣṣa*; see *Bayān*, I, 137;1-9, where the treatment of their differences is primarily linguistic.

the interpretation of the religious sources that make it possible to establish the principles of the imamate[108].

It is true that al-Jāḥiẓ treats the ʿĀmma as a group that is -or should be-deprived of social agency, but this is a consequence of both his pessimistic views on human nature and the intellectual basis on which, according to al-Jāḥiẓ, the pillars of social well-being should reside. God has provided guidance to His creatures by means of His revelation, but not everybody is equally prepared to understand it. In the ʿUthmāniyya it is the intellectual competence of people which determines the place they occupy in society, and the differences among them are based on that which they can and cannot understand from the revelation. If people need the guidance of the imams, in addition to that provided by God, is precisely because they cannot understand all aspects of the revelation by themselves, as al-Jāḥiẓ explains to his ʿUthmānī interlocutor:

"They say: Maybe it is not necessary for the ʿAwwām to be commanded or forbidden, nor being rebellious or obedient.

It should be replied: They may rebel or obey according to what they understand[109].

If they ask: What is it that they understand compared to that they do not understand?

It should be replied: That which they know is the plain and simple revelation (al-tanzīl al-mujarrad), without its exegesis (ta'wīl), and the generalities of the law (jumlat al-sharīʿa) without its interpretation (bi-ghayr tafsīr), and those reports (khabar) that are common and widespread (istafāḍa), that which have been heard many times and repeated in their minds. As for that which they do not know, it is the exegesis of the revealed [word] (ta'wīl al-munzal), the interpretation of the doubtful sentences (mujmal) and the obscure practices (ghāmiḍ al-sunan) that have been transmitted by the Khawāṣṣ from the Khawāṣṣ among the transmitters of reports (ḥamalat al-āthār), and seekers of reports (ṭullāb al-khabar), the knowledge of which is assumed as moral obligation (yutakallafu) which is followed wherever it may be (yutatabbaʿu fī mawāḍiʿi-

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[108] This section comprises five pages: ʿUthmāniyya, 250;8-255;5.
[109] This reference to rebellion refers to the first of the modalities of electing an imam, which postulates the right of the Khāṣṣa to rebel against a tyrannical ruler if they have the support of the ʿĀmma, as discussed below.

hi), but does not rush onto its seeker (*lā yahjumu ʿalā ṭālibi-hi*), and does not oppress the ears of him who refrains from seeking it (*lā yaqharu samʿ al-qāʿid ʿan-hu*)"[110].

In addition to this taxonomy al-Jāḥiẓ also defines *khabar* by applying the categories of *Khāṣṣa* and *ʿĀmma*, according to the superiority (*faḍl*) that its knowledge implies both in terms of responsibility and requital. For al-Jāḥiẓ there are two kinds of *khabar*, according to whether they can be understood by the *Khāṣṣa* or the *ʿĀmma*:

> "The report (*khabar*) may be of two kinds:
>
> A report in which the *Khāṣṣa* is not superior to the *ʿĀmma*[111], such as the five prayers, the fasting in Ramaḍān, the ritual ablutions to remove major impurities (*ghusl al-janāba*), and the [*zakat*] of five [*dirhams*] in every two hundred.
>
> And a report about which the *Khāṣṣa* is superior (*tafḍulu*) to the *ʿĀmma*, such as the *Sunna* of the Prophet on the permissible and the prohibited (*al-ḥalāl wa-al-ḥarām*), the categories of the judgeship of the law (*qaḍāʾ*) and divorce (*ṭalāq*), the rites of the pilgrimage (*al-manāsik*), sales (*buyūʿ*), beverages (*ashriba*), the expiations (*kaffārāt*), and similar things"[112].

Al-Jāḥiẓ also criticises many an ignorant for not recognising the limits of his intellect and believes that he is entitled to deal with matters that fall beyond his intellectual capacity. In this regard, in addition to the definition of the categories of *Khāṣṣa* and *ʿĀmma*, al-Jāḥiẓ devotes a vitriolic passage to another group, the members of the *ʿĀmma* who think that they belong to the *Khāṣṣa* and dare to venture into the realm of theology with their poor scholastic impedimenta:

> "There is another group of things that the *ʿAwwām* do not understand and that the ignoramuses (*Ḥashw*) blunder about in unconscious of their incapacity, and of where their disease is situated (*mawḍiʿ dāʾi-hā*). And when an occasion [to discuss these topics] (*sababu-hu*) arise or something of it appears, they climb on the top of it and straddle it in the middle — such the debate on predestination (*qadar*) and

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[110] *Uthmāniyya*, 252;15-253;6.
[111] There is a negation particle (*laysa*) missing in Hārūn's edition; the correct reading of this passage corresponds to the parallel text in the *Maqālāt al-ʿUthmāniyya*, 39;12: *khabar* **laysat** *li-al-khāṣṣa fī-hi faḍl ʿalā al-ʿāmma*. See also *Taṣwīb ʿAlī*, 453;10: *wa-laysa al-ʿilm bi-hi wa-bi-ṣiḥḥati-hi ka-al-khabar alladhī laysat li-al-khāṣṣa fī-hi faḍīla ʿalā al-ʿāmma* (referring to the transmission of the *qaḍiyyat Ṣiffīn*).
[112] Al-Jāḥiẓ, ʿ*Uthmāniyya*, 253;7-11.

anthropomorphism (*tashbīh*), and the promise and the threat (*al-waʿd wa-l-waʿīd*); because, they do not refrain from the claim to legal decisions (*daʿwā al-futyā*), rushing into them (*tahāfatat fī-hā*), and blundering about, goodness knows where; and they do not hold themselves back from debating about imputing justice and injustice [to God] (*al-taʿdīl wa-al-tajwīr*), and do not cease to discuss about choice (*ikhtiyār*) and nature (*ṭibāʿ*), about how reports (*akhbār*) come to us, and about anything which the occasion presents concerning subtle and major topics of dialectic (*daqīq al-kalām wa-jalīli-hi*) with regard to God and other things" [113].

For al-Jāḥiẓ, those who fit this description should not be aligned with the *Khāṣṣa*.[114] This passage has a clear parallel in the complaints made by al-Jāḥiẓ in other treatises, notably in the *Risāla fī al-Nābita*, where he expresses his preoccupation for the increasing influence of these ignoramuses over the masses; and the *Taṣwīb ʿAlī*, where al-Jāḥiẓ also refers to those who "think that they are the *Khāṣṣa*", yet they are not[115]. In the context of the *ʿUthmāniyya*, this condemnation of the ignorant people is consubstantial with al-Jāḥiẓ's treatment of the imamate; the discussion between the ʿUthmānīs and the Rāfiḍa that he reports is primarily focused on identifying whether the religious sources adduced by the Shīʿa in support of ʿAlī can be understood by al people alike (*ʿilm al-ʿĀmma*) or only by the *Khāṣṣa* (*ʿilm al-Khāṣṣa*). This categorization, as I will discuss below, has crucial hermeneutical implications.

3.3. Al-Shāfiʿī's Classification of *ʿilm*

The classification of the different aspects of the revelation elaborated by al-Jāḥiẓ to discriminate between *Khāṣṣa* and *ʿĀmma*, the categorization of *khabar*, and the terminology used to deal with these phenomena, summarises the main points of the interpretative paradigm applied to discuss the religious sources not only during the debate between the ʿUthmāniyya and the Rāfiḍa, but in all of his treatises on the imamate. Pellat, Zahniser and Asfaruddin have argued that al-Jāḥiẓ was speaking for himself as a Muʿtazilite, and therefore applying the methodology of his school. These passages, however, seem to echo many aspects of the paradigm defended by

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[113] Al-Jāḥiẓ, *ʿUthmāniyya*, 253;12-254;4.
[114] Al-Jāḥiẓ, *ʿUthmāniyya*, 255;1-2.
[115] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 445;12-13.

the Traditionist. In the light of this evidence, can we still argue that this is a Muʿtazilite treatise?

The extraordinary importance that the definition of *Khāṣṣa* and *ʿĀmma* has for a proper understanding of the *ʿUthmāniyya* resides in their close, almost literal, similitude with a passage of one of the most important scholars of the early ʿAbbāsid period. In the chapter on knowledge contained in the version of the *Risāla* that has come down to us, al-Shāfiʿī makes a classification of *ʿilm* predicated upon the competence of the people to understand the different aspects of the revelation in almost the same terms as those employed by al-Jāḥiẓ:

> "Al-Shāfiʿī said:
>
> Someone asked me: What is knowledge (*ʿilm*) and what is incumbent upon people concerning knowledge?
>
> I answered: Knowledge is of two kinds, [the first one] is the knowledge of the *ʿĀmma* (*ʿilm ʿāmma*)[116], the ignorance of which is not possible for a mature individual (*bāligh*) whose intellect is not impaired (*ghayr maghlūb ʿalā ʿqli-hi*).
>
> He asked: For instance?
>
> I said: [The knowledge of] the five prayers, [knowing] that God imposed on people the fasting of the month of Ramaḍān, the peregrination to Mecca if they can do it, and [giving] alms from their money; that God prohibited fornication, killing, stealing and drinking wine, and similar things from those that God rendered a moral obligation (*kallafa*) upon [His] servants to understand, do, and obey concerning their souls and their possessions, as well as to refrain from those of which He declared illicit.
>
> And this category [of knowledge] is found as a self-explanatory text (*mawjūd naṣṣan*) in the Book of God, and found as general [knowledge] among the people of Islam, which the *ʿAwwām* has transmitted from those member of the *ʿĀwwām* who have lived before and have reported this from the Prophet of God, and who do not disagree concerning the report not its incumbency upon them. This is the general knowledge concerning which there is no error in the *khabar*, nor is [need for] interpretation, nor it is possible to disagree on it.
>
> He asked: What is the second category [of knowledge]?

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[116] Lowry translates *ʿilm ʿāmma* as "knowledge of the general public", cf. Lowry, *Early Legal Theory*, 268. This is also the usage of al-Jāḥiẓ in *Ḥujaj al-Nubuwwa*, 233;6-7, where *ʿāmm* and *khāṣṣ* do not bear article.

I said: [It comprises] that which affects the humankind from substantive law (*furūʿ al-farāʾiḍ*), those specific aspects of knowledge such as trials and similar things (*mā yakhuṣṣu bi-hi min al-aḥkām wa-ghayri-hā*) for which there are not a self-explanatory Qurʾānic text, nor in the *Sunna* for the most of it, and if there were a *Sunna* concerning any part of this, this is only [the kind of *Sunna* known] from the reports of the *Khāṣṣa*, not those of the *ʿĀmma*; and that [aspects of knowledge] that need interpretation (*yuḥtamalu al-taʾwīl*) and require legal reasoning (*yustadraku qiyās*).

He asked: Is it obligatorily an incumbent knowledge [upon the people], like the knowledge [mentioned] before, or is it its knowledge excusable for the people, being this a supererogatory act for the one who knows it, and its neglect not a sin for those who ignore it? Or is there a third possibility of which you can find for us a report or an analogy?

I said: In fact this [obligation] is of a third kind[117].

He asked: Describe it, give proofs about it: what [kind of knowledge] is compulsory, upon whom is it incumbent and who is exempt from it?

I said: This degree of knowledge is not attained by the *ʿĀmma*, and not all the *Khāṣṣa* are morally obliged; as for those members of the *Khāṣṣa* who have attained this knowledge, it is not possible for all of them to neglect it, and when those of the *Khāṣṣa* who are sufficient [in terms of the responsibility derived from this knowledge] use [this knowledge] (*qāma bi-hā*) no one from those who ignore it would be compelled, God willing, and the privilege (*faḍl*) that there is in it for those who use it over those who do not use it"[118].

The parallels between the classification of the *ʿUthmāniyya* and that of the *Risāla* are evident, but are they limited to this particular passage? In order to differentiate between the two kinds of knowledge, al-Shāfiʿī refers to several of the hermeneutical categories he uses to build his legal theories. The opposition between the self-explanatory text (*naṣṣ*) and the text that can support interpretation (*yuḥtamal al-taʾwīl*), or between the two kinds of reports, the *khabar* of the *Khāṣṣa* and that of the *ʿĀmma*, are core concepts in his *Risāla*. In the *ʿUthmāniyya*, the refutation of the Rāfiḍa is based in these same rubrics. However, the reception of Shāfiʿite

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[117] Khadduri interprets that this "third category" refers to knowledge, see *Al-Shāfiʿī's al-Risāla fī Uṣūl al-Fiqh*, p.82. I interpret that al-Shāfiʿī is referring to the legal consequences of possessing this knowledge.
[118] Al-Shāfiʿī, *Risāla*, §§961-981.

hermeneutics in the first half of the third/ninth century is a problematic issue, and Muʿtazilite authors had also addressed similar problems. What distinguishes the Muʿtazilite approach to legal theory is their attitude towards *ḥadīth* which, according to the scholars who have studied the *ʿUthmāniyya*, was shared by al-Jāḥiẓ. In order to solve the problem of whether al-Jāḥiẓ reports the opinions of the group of Traditionists denominated ʿUthmāniyya, as he claims, or the doctrines of the Muʿtazila, as modern scholarship argues, it is first necessary to compare the Muʿtazilite attitude towards revealed sources with the use of legal hermeneutics deployed in this treatise.

3.4. Muʿtazilite Thought and Source Criticism

Despite the almost literal resemblance between al-Jāḥiẓ's and al-Shāfiʿī's treatment of *ʿilm*, there are numerous aspects in al-Jāḥiẓ's treatment of religious sources that may have been inspired by the doctrines of earlier Muʿtazilites, especially the analysis of the *akhbār*, one of the main points of disagreement between the Muʿtazila and the scholars attached to the *ahl al-ḥadīth*, such as al-Shāfiʿī.

In his *Faḍl al-Iʿtizāl,* a biographical work devoted to the history of the school, the *qāḍī* ʿAbd al-Jabbār begins his account of the doctrines of Wāṣil b. ʿAṭāʾ precisely with his definition of *khabar* and the conditions to assert its veracity. According to ʿAbd al-Jabbār's report, Wāṣil stated that:

"Any *khabar* that cannot be [the result] of collaboration [on a forgery] (*al-tawāṭuʾ*) and contacts (*al-tarāsul*) [to fabricate it], and upon which there is agreement without collaboration (*al-tawāṭuʾ*), constitutes a clear proof (*ḥujja*)"[119].

Wāṣil also postulated a binary classification of *khabar* according to the categories of *ʿāmm* and *khāṣṣ*:

"There are two kinds of propositions (*khabarāni*): the general (*ʿāmm*) and the particular (*khāṣṣ*). They are different like the imperative (*amr*) and the enunciation (*khabar*). If it were possible that the particular (*al-khāṣṣ*) were general (*ʿāmm*), then the

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[119] ʿAbd al-Jabbār, *Faḍl al-Iʿtizāl*, 234;15-16.

general (*al-ʿāmm*) would be particular (*khāṣṣ*); and if it were possible that the whole (*al-kull*) would be a part (*baʿḍ*), then the part (*baʿḍ*) would be the whole (*kull*). Therefore, the sign (*dalāla*) of the particular [proposition] (*al-khāṣṣ*) is different from the sign (*dalāla*) of the general [proposition] (*al-ʿāmm*)" [120].

ʿAbd al-Jabbār's account follows with two statements concerning the interpretation of the religious sources that also recall the concepts used both by al-Shāfiʿī and al-Jāḥiẓ:

"[Wāṣil] stated on the issue of the abrogating and the abrogated (*al-nāsikh wa-l-mansūkh*) that they cannot be applied but in the case of commands and prohibitions (*al-amr wa-al-nahy*).

And he said that the truth (*al-ḥaqq*) can only be known with [those passages of] the Book of God that do not bear interpretation (*alladhī lā yaḥtamilu al-taʾwīl*), with a *khabar* whose transmission fulfils the conditions [to be considered] a clear proof (*jāʾa mujīʾ al-ḥujja*), and with a sound mind (*ʿaql salīm*)" [121].

Although not in the passages concerning *Khāṣṣa* and *ʿĀmma*, there are several instances in the *ʿUthmāniyya* where al-Jāḥiẓ refers to the conditions that the *akhbār* should fulfil in order to be considered as proof, using a formulation similar to that of Wāṣil b. ʿAṭāʾ. These conditions are expressed in almost the same terms when comparing the probative value of poetry and *khabar*:

"There is no difference between poetry (*ashʿār*) and notices (*akhbār*) -says al-Jāḥiẓ- if [the circumstances] of its origin and its source prevent from mutual communications (*tashāʿur*), agreement (*ittifāq*) and collaboration (*tawāṭuʾ*) [to fabricate it]" [122].

The same argumentation is repeated when criticising the soundness of the traditions adduced by the Rāfiḍa. According to the ʿUthmānīs, it is not sufficient to have a great number of transmitters or trustworthy *muḥaddithūn*; those who should

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[120] ʿAbd al-Jabbār, *Faḍl al-Iʿtizāl*, 234;17-19. For a discussion of this passage see Schöck, *Koranexegese, Grammatik und Logik*, 54.

[121] ʿAbd al-Jabbār, *Faḍl al-Iʿtizāl*, 234;20-22. Wāṣil's statement has been also transmitted by Abū Hilāl al-ʿAshkarī, *Al-Awāʾil*, II, 134;6f.

[122] Al-Jāḥiẓ, *ʿUthmāniyya*, 3;14-15 (I follow the reading "*al-tashāʿur*", instead of the editor's correction "*al-tabāʿud*").

be taken into consideration in order to assert the soundness of a tradition are the transmitters "about whom we know that they have not meet each other (*la yatalāqaw*), who have not been in touch (*lam yatarāsalū*), and have not agreed to fabricate the tradition (*lā tattafaqu alsinatu-hum ʿalā khabar mawḍūʿ*)"[123]. Both the criterion to evaluate the *akhbār* and the particular terminology used in the *ʿUthmāniyya* (*ittifāq, tawāṭuʾ, tarāsul*) suggest that either Wāṣil's doctrines or, at least, these particular criteria may have been a reference for al-Jaḥiẓ.

Cornelia Schöck has related Wāṣil's use of the rubric *khāṣṣ/ʿāmm* to the Muʿtazilite treatment of the categories of *kull* and *baʿḍ* and their discussion of Platonic and Aristotelian categories and predicables. In Wāṣil's argumentation, argues Schöck, the particular (*al-khāṣṣ*) corresponds to the species (*nawʿ*) and the general (*al-ʿāmm*) to the genus (*jins*)[124]. ʿAbd al-Jabbār's selection of quotes, however, suggests a different context. The rubrics *khāṣṣ/ʿāmm* and *nāsikh/mansūkh*, and the specification of a religious text that does not require interpretation (*taʾwīl*) may refer to legal hermeneutics.

The possibility of a legal context is even clearer in a second version of this account. Abū Hilāl al-ʿAskārī who has transmitted the doctrines of Wāṣil on the authority of al-Jāḥiẓ, offers a slightly different enumeration of the different ways to achieve the truth:

"[Wāṣil] was the first who stated that the truth (*al-ḥaqq*) can be known by means of four methods: a passage of the Qurʾān that does not require interpretation (*kitāb nāṭiq*), a unanimously accepted *khabar* (*khabar mujtamaʿ ʿalay-hi*), a rational proof (*ḥujjat ʿaql*) and consensus (*ijmāʿ*)"[125].

According to Van Ess, who has studied Wāṣil's enumeration of sources of knowledge as part of the Muʿtazilite attitude towards Prophetic tradition, it is unquestionable that Wāṣil was thinking of *ḥadīth*[126], and Wāṣil himself might have transmitted *ḥadīth*s from al-Ḥasan al-Baṣrī and other transmitters[127]. This enumeration, says Van Ess, corresponds to the quadripartite schema of the classical

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[123] Al-Jāḥiẓ, *ʿUthmāniyya*, 116;4-5. Van Ess has noted this parallelism, cf. *Theologie und Gesellschaft*, II, 279, n. 26ᵃ.
[124] Schöck, *Koranexegese, Grammatik und Logik*, 59.
[125] Al-ʿAskārī, *Al-Awāʾil*, 134;6-7.
[126] Van Ess, "L'autorité de la tradition prophétique dans la théologie muʿtazilite", 213.
[127] Van Ess, *Theologie und Gesellschaft*, II, 280.

uṣūl al-fiqh[128], yet we should not take for granted that Wāṣil would only have been thinking of *ḥadīth*[129].

The particular conditions that a *khabar* necessarily needs to fulfil in order to have probative value were also discussed, in very similar terms, by experts on *ḥadīth* to whom the ʿUthmāniyya —and probably al-Jāḥiẓ— were related. The extant legal texts from this period are scarce, the Ḥanafī al-Jaṣṣāṣ has reported the opinions of one of the masters of his school, ʿĪsā b. Abān (d. 220/835), a scholar related to the entourage of al-Ma'mūn and the early precursors of *kalām*[130]. One of his statements concerning the acceptance of *akhbār* is very similar to Wāṣil's: a verified report, which he denominates *mutawātir*, is, according to ʿĪsā b. Abān, a *khabar* reported by a number of individuals whose opinions and interests are so different (*qawm mukhtalifū al-ārā' wa-al-himam*) that it would have been impossible for them to collaborate on the fabrication of the *hadīth* (*lā yajūzu ʿalā mithla-hum al-taṭawwu'*)[131]. This necessary condition refers to the origin of the reports, but this is not the only condition a *khabar* must fulfil to be considered valid.

Albeit not thoroughly studied, the concomitances between early *kalām* and legal hermeneutics have often been pointed out[132]. Wāṣil's use of the *khāṣṣ/ʿāmm* rubric to categorise propositions, however, cannot be directly linked to the definition of *khabar* that al-Jāḥiẓ makes in the ʿUthmāniyya. This classification of the *akhbār* is made in terms of *faḍl* and, implicitly also of *taklīf*: the reports that only the *Khāṣṣa* can understand and transmit carry a privilege but also a moral obligation, as they are compelled to elect and set up an imam on the basis of their knowledge. The causal relation between moral obligation and dessert is one of the pivotal concepts of the Muʿtazila, but it does not necessarily mean that al-Jāḥiẓ, as a convinced Muʿtazilite, would have followed the premises postulated by his predecessor to deal with reports, making use of hermeneutical tools that ultimately refer, as Zahniser has suggested, to the rational analysis of propositions, and not to the treatment of *ḥadīth* made by the Traditionists. In the passage of the ʿUthmāniyya, the soundness of

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[128] Van Ess, "L'autorité de la tradition prophétique dans la théologie muʿtazilite", 213.
[129] Van Ess, *Theologie und Gesellschaft*, II, 279.
[130] On ʿĪsā b. Abān see Murteza Bedir, "Early Response to Shāfiʿī: ʿĪsa b. Abān on the Prophetic Report (*Khabar*)". On his relation with the *mutakallimūn* see Van Ess, "Ḍirār b. ʿAmr und die 'Çahmiyya': Biographie einer vergessenen Schule".
[131] Al-Jaṣṣāṣ, *Al-Fuṣūl fī al-Uṣūl*, III, 50;11-12.
[132] See, for instance Bedir, *The early development of Hanafi Usul al-Fiqh*, which argues that the Ḥanafī elaboration of *uṣūl al-fiqh* during the fourth century was focused on breaking the link between *fiqh* and *kalām*.

the *akhbār* is also predicated upon the quality of those who report the tradition, not only upon the nature and the origin of the *khabar*.

This combination of the rational analysis of the authenticity of the report, and the circumstances of its transmission was not strange to al-Jāḥiẓ. Besides the testimony on Wāṣil that al-ʿAskarī's traces back to him, we can find parallel passages in some of al-Jāḥiẓ treatises. In the *Ḥujaj al-Nubuwwa,* for instance, al-Jāḥiẓ makes an explicit reference linking the dialectical discussions with the expertise in the transmission of *akhbār* and what he calls *uṣūl*:

"People do not benefit from dialectical discussions regarding traditions (*al-kalām fī al-akhbār*) except when [they apply] criteria of authenticity; and there is no authentication but with great knowledge of the authoritative tradition (*kathrat al-samāʿ*), and knowledge of the [primary] principles (*uṣūl*)" [133].

In his treatise there is also as a vindication of the same hermeneutical principles described in the *ʿUthmāniyya*, including the study of traditions:

"It is surprising that the experts on *fiqh* have abandoned the scrutiny of the reports (*āthār*), and that the theologians (*mutakallimūn*) have abandoned the discussions about the soundness of the traditions (*akhbār*), when through the traditions people know the difference between the prophet and the false prophet, between the truthful (*ṣādiq*) and the liar (*kādhib*); the difference between the *sharīʿa* and the *Sunna*, between the religious duty and the supererogatory act (*al-farīḍā wa-l-nāfila*), between the anomalous (*shudhūdh*) and the widespread and accepted traditions (*istifāḍa*)" [134].

A further enumeration in the *Ḥujaj al-Nubuwwa* includes other rubrics:

" ... the promise and the threat (*al-waʿd wa-l-waʿīd*), the particular and the general (*al-khāṣṣ wa-l-ʿāmm*), the abrogative and the abrogated (*al-nāsikh wa-l-mansūkh*), the religious duty and the supererogatory act (*al-farīḍa wa-al-nāfila*), the *Sunna* and the *sharīʿa*, consensus and dissension (*al-ijtimāʿ wa-l-furqa*)"[135].

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[133] Al-Jāḥiẓ, *Ḥujaj al-Nubuwwa*, 265;12-13.
[134] Al-Jāḥiẓ, *Ḥujaj al-Nubuwwa*, 224;6-11.
[135] Al-Jāḥiẓ, *Ḥujaj al-Nubuwwa*, 265;13-15.

In the ʿUthmāniyya, a similar list is made when describing the virtues of ʿAbd Allāh Ibn al-ʿAbbās, who is considered one of the major experts in the Qurʾān:

"He excelled in the knowledge of its meanings (maʿānī-hi) [i.e of the Qurʾān] and its strange expressions (gharībi-hi), its inflection (iʿrābi-hi) and its stories (qaṣaṣi-hi), the [parts of the Qurʾān] with a secure meaning (muḥkami-hi) and its ambiguous verses (mutashābihi-hi), its unrestricted (ʿāmmi-hi) and restricted (khāṣṣi-hi) [meanings], its abrogative (nāsikhi-hi) and abrogated (mansūkhi-hi) verses, its Meccan and Medinese parts"[136].

These enumerations in al-Jāḥiẓ's works seem to correspond to Wāṣil's concerns, and they may include references to later Muʿtazilite doctrines such as the principle of "the promise and the threat". Al-Jāḥiẓ's reproachful commentary on the attitude of theologians towards the study of akhbār, however, does not correspond to his reputation as a critique of the ahl al-ḥadīth, let alone to the image of a Muʿtazilite who despises the study of prophetic reports.

It could be possible that this reference might echoe an internal Muʿtazilite debate concerning the treatment of ḥadīths. We know that al-Naẓẓām, who had been al-Jāḥiẓ's teacher, was a vitriolic critic of the muḥaddithūn, and al-Jāḥiẓ had engaged in debate with him on several occasions[137]. Considering al-Naẓẓām as one of the intellectual interlocutors of al-Jāḥiẓ in his treatises on the imamate is also inexcusable, as he seems to have advocated the dispensability of the institution, which is one of the doctrines that al-Jāḥiẓ discusses[138]. But al-Jāḥiẓ's positive commentaries concerning the experts on traditions go beyond the possibility of a Muʿtazilite parochial quarrel. The treatment of khabar in the debates that al-Jāḥiẓ reports in the ʿUthmāniyya and the terms in which he defines Khāṣṣa and ʿĀmma when engaging with the groups who give their name to the treatise are not a mere adaptation of Wāṣil's doctrines and clearly show that al-Jāḥiẓ was reporting and employing argumentations that made use of highly sophisticated hermeneutical

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[136] Al-Jāḥiẓ, ʿUthmāniyya, 121;20f.
[137] Al-Jāḥiẓ wrote a Risāla fī al-Akhbār of which only some fragments have come down to us; among these fragments we can find al-Naẓẓām's opinions on the transmitters of ḥadīth and the value of ḥadīths as source, cf. Van Ess, "Ein unbekanntes Fragment des Naẓẓām"; and Van Ess, Das Kitāb al-Nakṯ des Naẓẓām.
[138] See below Chapter 7.

techniques for the study of the religious sources and the laws which emanate from them.

The familiarity of al-Jāḥiẓ with the techniques of the jurists, although noted by scholars, has never been interpreted as a genuine use of legal hermeneutics. According to van Ess, al-Jāḥiẓ would have represented an intermediary position between Wāṣil and al-Shāfiʿī. Al-Jāḥiẓ, says van Ess, knew that *ḥadīth* was important for jurists but, as a Muʿtazilite, he disliked it: in place of *akhbār* he appealed to a universally accepted *Sunna* (*al-Sunna al-mujtamaʿa ʿalay-hā*). Similarly, Van Ess argues that al-Jāḥiẓ introduced the notion of consensus (*ijmāʿ*), although "only verbally, without granting it the status of an independent notion"[139]. Al-Jāḥiẓ's attitude towards reports would thus correspond to the Muʿtazilite treatment of *akhbār* as a valid historical source; like the other members of the school, he was only preoccupied with the horizontal and synchronic evaluation of the traditions, not the diachronic study of their transmission. It was the context of the utterance that which they considered necessary to evaluate in order to assert the veracity of the reports, not the way in which they were collected and reported. That is why, unlike the traditionalists, they were not interested in the study of *isnād*[140].

It is true that the *ḥadīths* quoted in this treatise do not include the entire *isnād*, and that their wording does not always match that of the canonical collections, as Zahniser has shown in his study[141]. But if this is the work of a Muʿtazilite who does not care about the transmission of the reports, how can we interpret the emphasis on the reliability of the transmitters and the proper transmission of the report? The arguments reported by al-Jāḥiẓ in the ʿUthmāniyya do not only take into account, as van Ess suggested when commenting on the Muʿtazilite doctrines, a synchronic evaluation of the testimonies, they also engage in the critical evaluation of their transmission (*isnād*), in the same terms as those used by the Traditionists. Moreover, the rest of the criteria and the hermeneutical techniques used to analyse the religious sources are strikingly similar to those defined by al-Shāfiʿī, as I will discuss in the next chapter.

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[139] Van Ess, *Flowering*, 158.
[140] See Van Ess, "L'autorité de la tradition prophétique dans la théologie muʿtazilite".
[141] Zahniser, *The ʿUthmāniyya of al-Jāḥiẓ*, 90f.

Chapter 4. Source Criticism and Shāfiʿite Legal Hermeneutics

> This chapter is focused on the study of the hermeneutical techniques used to analyse the revealed sources related to the imamate. I will discuss al-Jāḥiẓ's acquaintance with Shāfiʿite theories (4.1) and analyse the paradigms used to classify the sources in terms of source interaction (4.2) and their relation to the two kinds of knowledge: *ʿilm al-ʿĀmma* and *ʿilm al-Khāṣṣa* (4.3). Finally I will study the use of hermeneutical techniques related to source interaction: *ʿāmm/khāṣṣ*, *jumla/naṣṣ* and *nāsikh/mansūkh* (4.4).

4.1. The Influence of al-Shāfiʿī

The possibility of reading al-Jāḥiẓ's *ʿUthmāniyya* as a work laden with Shāfiʿite hermeneutical principles requires further discussion. The dating of the *Risāla* and the foundation of the *uṣūl al-fiqh*, placed by Joseph Schacht's at the beginning of the third/ninth century has received serious criticism[142]. Hallaq has argued that al-Shāfiʿī's role as "master architect of the *uṣūl al-fiqh*" was a myth created when the doctrines elaborated by later scholars such as Ibn Surayj (d. 306/918) crystallised into a *madhhab* and their members exaggerated the importance of its eponymous founder[143]. The minimal influence of al-Shāfiʿī on his contemporaries would be proved by the paucity of references to al-Shāfiʿī, the absence of commentaries or refutations of his *Risāla* until the tenth century, and, especially, the fact that the third/ninth century yields no single work on *uṣūl al-fiqh*[144]. For Hallaq, al-Shāfiʿī seemed to advocate a "rudimentary synthesis" between rationalists (*ahl al-raʾy*) and traditionists (*ahl al-ḥadīth*), but his attempt was only recognised –and mythicised- in the fourth/tenth century, once the *uṣūl al-fiqh* had developed independently.

In addition to the doubts cast on al-Shāfiʿī's influence, some scholars have also impugned the traditional dating of his *Risāla*. Norman Calder has argued that the rudimentary application of hermeneutical tools in the works written during the third/ninth century conflicts with the theoretical sophistication of al-Shāfiʿī's

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[142] Schacht, *The Origins of Muhammadan Jurisprudence*.

[143] Hallaq, "Was al-Shāfiʿī the Master Architect?"; and Hallaq, *The Origins and Evolution of Islamic Law*, esp. 122-149. For a critical account of Hallaq's revisionism see Powers, "Wael B. Hallaq on the Origins of Islamic Law: a Review Essay".

[144] Hallaq, "Was al-Shāfiʿī the Master Architect?", 591.

Risāla[145]. For Calder, there is confusion over the circulation of legal theories and the form they may have taken in versions of the *Risāla*; the *Risāla* in its present form should have been written at the beginning of the fourth/tenth century –c. 300/912-, and was only ascribed to al-Shāfiʿī as part of the invention of tradition developed to legitimate the legal *madhhabs*[146]. Christopher Melchert, who has also discussed the date of composition of the *Risāla*, initially accepted Calder's revisionist claims[147], but he has modified his opinion in later articles, arguing that this text, as we know it today, should have been composed in the 250s/early 870s[148] or, in any case, not before Abū ʿUbayd (d. 224/839) and al-Muḥāsibī (d. 243/857-8)[149].

These theories which consider the development of legal hermeneutics a late phenomenon have been recently challenged by Joseph Lowry. In his thorough dissection of the *Risāla*, Lowry has questioned its ascription to the genre of *uṣūl al-fiqh* and vindicated the centrality of this work in the development of legal hermeneutics[150]. For Lowry, the *Risāla* came into being in a world completely different from that in which the later works of *uṣūl* were created; it is certainly not a treatise of *uṣūl al-fiqh* and assessing the influence of al-Shāfiʿī on the basis of the inexistent development of this genre in the third/ninth century is, therefore, a mistake. In this respect, there would not have been any great differences between the intellectual universes in which al-Shāfiʿī and al-Jāḥiẓ lived and the hermeneutical problems that both authors had to face.

James Montgomery was the first to draw attention to the intellectual connection between al-Jāḥiẓ and al-Shāfiʿī. In his study of al-Jāḥiẓ's *Kitāb al-Bayān wa-al-Tabyīn*, Montgomery pointed out the clear parallelisms between al-Jāḥiẓ's definition of *bayān*, which is based on a pentapartite scheme, and the definition of *bayān* made by al-Shāfiʿī in his *Risāla*[151]. As Montgomery cogently argues, this discussion may have been part of a polemical engagement with al-Shāfiʿī's treatment of this subject, an engagement that has been also recognised by Joseph

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[145] Calder, *Studies in Early Muslim Jurisprudence*, 223-243, where he analyses the hermeneutic skills deployed by Ibn Qutayba in his *Mukhtalif al-Ḥadīth*; for a different analysis of this works, which refutes Calder's conclusions on Ibn Qutayba's hermeneutical skills, see Lowry, "The Legal Hermeneutics of al-Shāfiʿī and Ibn Qutayba".
[146] Calder, *Studies in Early Muslim Jurisprudence*, 242.
[147] Melchert, *Formation of the Sunni Schools of Law*, 68.
[148] Melchert, "Traditionists-Jurisprudents and the Framing of Islamic Law", 394.
[149] Melchert, "Qurʾānic Abrogation Across the Ninth Century".
[150] Lowry, *Early Islamic Legal Theory*.
[151] Montgomery, "Al-Jāḥiẓ's Kitāb al-Bayān wa-l-Tabyīn".

Lowry in his study of al-Shāfiʿī's *Risāla*, where he suggests that al-Jāḥiẓ could have held the jurist in high esteem[152].

In addition to the similarities in the definition of *bayān* noted by Montgomery, there are further textual evidences that show al-Jāḥiẓ's acquaintance with al-Shāfiʿī and his theories. The clearest of them is an explicit reference to al-Shāfiʿī in the *Faḍl Hāshim ʿalā ʿAbd al-Shams*, where al-Jāḥiẓ refers to the jurist by name, and identifies him as the author of the *Risāla fī Ithbāt al-Khabar al-Wāḥid*[153]. A further and striking parallelism between al-Jāḥiẓ's and al-Shāfiʿī's works can also be found in one of al-Jāḥiẓ's most famous epistles, the *Risāla fī al-Qiyān*, where the author bases his discussion of the lawfulness of trading with slave-girls in a rejection of *istiḥsān* which echoes the arguments exposed by al-Shāfiʿīs in his *Ibṭāl al-Istiḥsān*[154].

In the case of the *ʿUthmāniyya*, al-Jāḥiẓ's familiarity with al-Shāfiʿī's work is clearly demonstrated by the parallelism between the categorisation of knowledge that we have analysed above. The textual dependence of this passage with the *Risāla* or, perhaps, with a similar categorization that al-Shāfiʿī includes in his *Kitāb Jimāʿ al-ʿIlm* is evident[155]. The above quoted definition of *Khāṣṣa* and *ʿĀmma* occurs in the section of the work where the interlocutors are al-Jāḥiẓ and the *ʿUthmāniyya*, but we can find references to the principles ennunciated in this taxonomy in other parts of the treatise[156].

The parallelism between al-Shāfiʿī's and al-Jāḥiẓ's definition of *ʿilm* and the precise and systematic application of these categories when refuting the arguments of the Rāfiḍa demonstrates that the *ʿUthmāniyya* and, consequently, also al-Jāḥiẓ, who is reporting their arguments, were familiar with the hermeneutical techniques systematised by al-Shāfiʿī. As I will argue in the next section, the paradigm applied in the *ʿUthmāniyya* to analyse the Qurʾān and the *Sunna*, both in those sections where

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[152] Lowry refers to A.M. Shākir's edition of al-Shāfiʿī's *Jimāʿ an-ʿIlm*, where the editor quotes an eulogistic commentary of al-Jāḥiẓ concerning the jurist without providing any reference; see Lowry, *Early Islamic Legal Theory*, 52, n. 44. I have also been unable to identify the origin of this reference.

[153] Al-Jāḥiẓ, *Faḍl Hāshim ʿalā ʿAbd al-Shams*. 106;9.

[154] Al-Jāḥiẓ, *Risāla fī al-Qiyān*, 147;12-14 and 164;14-165;5, echo al-Shāfiʿī, *Ibṭāl al-Istiḥsān*, and 68;1-10 and 72;3-10.

[155] Al-Shāfiʿī, *Kitāb Jimāʿ al-ʿIlm*, printed in *al-Umm*, X, 5-55.

[156] The first example of this categorization of knowledge occurs in the midst of the discussion about ʿAlī's competence to understand the most complicated aspects of law in the moment of his conversion as a child, cf. *ʿUthmāniyya*, 17;14-18;4. A similar enumeration related to the parts of revelation that can be known by the *ʿĀmma* and the *Khāṣṣa* is adduced *à propos* of a Qurʾānic reference to Abū Bakr, cf. *ʿUthmāniyya*, 44;1-6.

al-Jāḥiẓ reports the opinions of the ʿUhtmāniyya and in those where he speaks for himself, is based on Shāfiʿite hermeneutics, not on Muʿtazilite doctrines that dismiss the value of *ḥadīth* or *ijmāʿ*. This does not imply that al-Jāḥiẓ or the ʿUthmāniyya were followers of al-Shāfiʿī, nor that they may have accepted all his theoretical proposals, but only that the analytical categories applied in this treatise correspond to those of the *Risāla*. Therefore, dismissing the influence of legal hermeneutics by artificially projecting the Muʿtazilite credentials of al-Jāḥiẓ onto the text is a crucial mistake.

4.2. Legal Hermeneutics in the *Kitāb al-ʿUthmāniyya*

Al-Shāfiʿī's treatment of the interaction between Qurʾān and *Sunna* has been analysed by Lowry according to the definition of the five modes of *bayān* given in the *Risāla*, where *bayān* is considered "the finite number of textual arrangements employed by God to express legal rules"[157]. God announces legal obligations to humankind in four different ways whose interaction constitutes the fives modes of *bayān*: 1) through the Qurʾān alone; 2) through the Qurʾān in combination with redundant Sunna; 3) through the Qurʾān in combination with explanatory Sunna; 4) through Sunna alone; 5) through the requirement that one engage in legal interpretation (*ijtihād*) if there is no Qurʾānic or Sunnaic text[158].

The ʿUthmāniyya does not explicitly deal with the notion of *bayān* or refer to the requirement of engaging in *ijtihād*, but the treatment of the revealed texts and their interaction has striking parallelisms with al-Shāfiʿī's model. In al-Jāḥiẓ's report of the debate between the ʿUthmāniyya and the Rāfiḍa the authorities adduced are Qurʾān, *Sunna* and *ijmāʿ*. The relationship between them depends on rules of source interaction similar to those enunciated by al-Shāfiʿī, which sometimes overlaps with a second hierarchy based on the dichotomy *ʿilm al-ʿĀmma/ʿilm al-Khāṣṣa*.

4.2.1. Typology of the Sources

The revealed sources adduced as authorities by al-Jāḥiẓ in the *ʿUthmāniyya* — and also his other treatises on the imamate— may be classified into three groups:

1) Qurʾān

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[157] Lowry, *Early Islamic Legal Theory*, 25.
[158] Lowry, *Early Islamic Legal Theory*, 26-40.

Al-Jāḥiẓ quotes seventy verses of the Qurʾān in this treatise, especially when discussing the respective merits of Abū Bakr and ʿAlī[159]. These verses are adduced by the ʿUthmāniyya -and al-Jāḥiẓ- in order to demonstrate that Abū Bakr was mentioned in the Qurʾān -unlike ʿAlī-, and that there is no reference to the institution of the imamate in the Sacred Book.

2) *Sunna*

The terminology used in this treatise to refer to the *Sunna* needs some clarification. Zahniser has argued that al-Jāḥiẓ uses the term *khabar* to refer to all kinds of historical tradition, whilst the term *ḥadīth* refers only to those *akhbar* that can be traced back to the Prophet[160]. Zahniser is partly right when he identifies this categorization: as propositions, all prophetic traditions are *akhbār*, whilst not all *akhbār* are prophetic traditions. However, the use of the terms *athar*, *khabar* and *ḥadīth* is inconsistent. *Ḥadīth, khabar*, and *athar* sometimes occur as synonyms; a saying of the Prophet can be referred to as *khabar*[161], a non-prophetic tradition can be denominated *ḥadīth*[162], and *āthār* and *akhbār* seem to be interchangeable when referring to the collectors of *ḥadīth* (*aṣḥāb al-ḥadīth*[163], *aṣḥāb al-āthār*[164], *rijāl al-ṭalab wa-aṣḥāb al-āthār*[165], *ṣāḥib khabar wa-ṭālib athar*[166], *ḥummāl al-ḥadīth wa-aṣḥāb al-athr*[167]), although the term *muḥaddithūn* seems to be exclusively used to refer to the transmitters of the reports that are part of the *isnād*, not to the scholars who collect reports[168].

Regardless of the inconsistency of the terminology, prophetic and non-prophetic traditions do not have the same hermeneutical value. Al-Jāḥiẓ considers prophetic traditions a separate category of propositions in terms of its probative value and they receive a different treatment: their acceptance as authorities depends on their soundness in linguistic and logical terms, as do all propositions,

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[159] For these verses see Hārūn's index. As Zahniser points out, two of the verses that Hārūn lists are duplicated: Q.9:33=Q.61:9, and Q.21:35=Q.29:29; and the verse Q.3:12 cited by al-Jāḥiẓ in p. 80 was overlooked by Hārūn, see Zahniser, *The ʿUthmāniyya of al-Jāḥiẓ*, 133-134.
[160] Zahniser, *The ʿUthmāniyya of al-Jāḥiẓ*, 78.
[161] Al-Jāḥiẓ, *ʿUthmāniyya*, 119;2 (*khabar ʿan al-nabī*); 133;18 (*khabar al-rasūl*).
[162] For instance, a *ḥadīth* about ʿAlī, cf. Al-Jāḥiẓ, *ʿUthmāniyya*, 44;4 (*jāʾa majīʾ al-ḥadīth*).
[163] Al-Jāḥiẓ, *ʿUthmāniyya*, 226;21, where he refers to *ḥadīth* as *khabar*.
[164] Al-Jāḥiẓ, *ʿUthmāniyya*, 117;10-11.
[165] Al-Jāḥiẓ, *ʿUthmāniyya*, 31;4 (*ahl al-thaʾr* in Hārūn's edition).
[166] Al-Jāḥiẓ, *ʿUthmāniyya*, 135;5.
[167] Al-Jāḥiẓ, *ʿUthmāniyya*, 151;17.
[168] Al-Jāḥiẓ, *ʿUthmāniyya*, 116;4.

but additionally also on their adequacy to the specific rules applied to the transmission of *ḥadīths*.

3) Consensus (*ijmā‘*)

When discussing the religious sources, the term *ijmā‘* is used with two different meanings: on the one hand *ijmā‘* refers to consensus of the experts in Qur’ān or *ḥadīth*; on the other hand *ijmā‘* also refers to the common and undisputed repository of historical information in prose and poetry (*akhbār, āthār* and *ash‘ār*). *Ijmā‘* is considered a supplementary authority that may complement the Qur’ān and the *Sunna*, and defined as a type of *khabar*: “Conclusive proof is only found in what has come down to us in which premeditation and agreement [to fabricate it] are precluded; this kind of *khabar* is the *ijmā‘*”[169]. The use of the term of *ijmā‘* in the sections devoted to legal hermeneutics refers exclusively to these meanings. A third use of this term, not related to the problems of source interaction, occurs in the debate concerning the modalities of setting up an imam, where *ijmā‘* refers to the deliberative consensus of the *Khāṣṣa* whereby the imam may be lawfully elected.

The kind of repository of historical information that constitutes *ijmā‘* includes communal memory, historical narrative and poetry[170]. Zahniser has argued that, due to the restricted acceptance of *ḥadīths*, al-Jāḥiẓ “ascribed greater weight to the reports preserved by historians about what ʿAlī and Abū Bakr did than to what the Prophet is supposed to have said about their respective merits”[171]. Taking into consideration that al-Jāḥiẓ wants to demonstrate that the religious sources are silent concerning the issue of the imamate, this may be partly right in terms of the quantity of information recovered from historical sources in this treatise, but not in terms of authoritative value, in fact, the preference for the *ḥadīths* attested by the *aṣḥāb al-ḥadīth* is explicitly stated[172].

In the debates of the *ʿUthmāniyya*, Qur’ān and *Sunna* hold a similar authoritative status in legal terms, and both Qur’ānic verses and *ḥadīths* are treated

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[169] Al-Jāḥiẓ, *ʿUthmāniyya*, 116;1-2.
[170] Al-Jāḥiẓ defends the value of poetry as *loci probantes* in two instances, claiming that there is no epistemological difference between poetry and *akhbār* when they are as well attested as *ḥadīth*, cf. al-Jāḥiẓ, *ʿUthmāniyya*, 3;14 and 124;7.
[171] Zahniser, *The ʿUthmāniyya of al-Jāḥiẓ*, 130.
[172] Al-Jāḥiẓ, *ʿUthmāniyya*, 226;21.

according to a clear internal hierarchy predicated upon their hermeneutical independence which broadly corresponds to the first four modes of *bayān* identified by Lowry in the *Risāla* of al-Shāfiʿī:

1) Qurʾān alone, when the Qurʾānic verses are self-explanatory, such as those verses concerning the pillars of Islām.

2) Qurʾān and redundant *Sunna* or *ijmāʿ*, when these supplementary sources can provide additional information. For instance, the ʿUthmāniyya consider that the verses referring to Abū Bakr are clear enough (*naṭaqa bi-hi al-Qurʾān*), although he is not mentioned by name, and, additionally, this interpretation is confirmed by *ijmāʿ* (*ṣaḥḥa bi-hi al-ijmāʿ*); therefore, this verse has the same hermeneutical value of self-explanatory verses, such as those referring to the pillars of Islam[173].

3) Qurʾān and explanatory *Sunna* or *ijmāʿ*, when the verse is obscure and requires further elucidation. For instance, the Rāfiḍa claim that the expression *alladhīna āmanū* in Q.5;56 is a reference to ʿAlī and the ʿUthmāniyya answer that this interpretation should necessarily be based on a valid *ḥadīth* or on the consensus of the interpreters (*ijmāʿ aṣḥāb al-taʾwīl*)[174].

4) *Sunna* alone, which can be hermeneutically autonomous or not. Like the Qurʾān, non-self-explanatory *ḥadīths* can be interpreted with the aid of other self-explanatory *ḥadīths* and *ijmāʿ*.

5) There are no direct references to *ijtihād* in this treatise. However, the ʿUthmānīs claim that the revealed sources are silent concerning the denomination of a particular imam, but provide with signs (*dalāʾil*) that should be interpreted in order to infer the principles of the imamate.

4.3. Hermeneutical Implications of the Categorization of *ʿilm*

In addition to this hierarchy based on principles of source interaction, the revealed sources are categorised according to a second paradigm that often overlaps with these categories: the classification of *ʿilm*. The taxonomy applied by al-Jāḥiẓ and the ʿUthmāniyya to classify the knowledge that can be attained from the revelation discriminates between *ʿĀmma* and *Khāṣṣa* in terms of epistemic authority. This taxonomy is the corollary of the rules that govern the analysis of the revealed texts, but it also has prescriptive hermeneutical implications as it constrains the

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[173] Al-Jāḥiẓ, *ʿUthmāniyya*, 44;1-6.
[174] Al-Jāḥiẓ, *ʿUthmāniyya*, 119;1-2.

application of the hermeneutical techniques that allow the discussion of the revealed sources.

The treatment of Qurʾān and *ḥadīth* in the *ʿUthmāniyya* is based on a pivotal premise that determines the course of the entire debate: whilst for the ʿUthmāniyya –and al-Jāḥiẓ- the knowledge of the principles on the imamate is part of the knowledge that can only be understood only by the *Khāṣṣa* (*ʿilm al-Khāṣṣa*), for the Rāfiḍa the imamate of ʿAlī is a fact clearly expressed in the Qurʾān and the *Sunna*, and therefore it belongs to the kind of knowledge that can and should be known by all people alike (*ʿilm al-ʿĀmma*).

This position has a direct influence on the way the arguments of the Rāfiḍa are refuted because their claim implies that, in denying that ʿAlī and his direct heirs have the right to the imamate, the Muslims are disobeying a compulsory principle clearly established both by the Qurʾān and the *Sunna* and, consequently, can be accused of unbelief (*kufr*). For the Rāfiḍa, the defence of ʿAlī's *wilāya* is consubstantial with the condemnation of the first three caliphs as unbelievers (*ikfār*) and, by extension, of all those who disobey God's will when ignoring the principles of the imamate: the *Ṣaḥāba* in the past, and, among their contemporaries, those who do not accept the imamate of ʿAlī's descendants[175].

When considered from this perspective, the debate between ʿUthmānīs and Rāfiḍīs recorded in the *ʿUthmāniyya* becomes a loosely organised yet rather systematic series of discussions focused on the central theme of *kufr*. On the one hand, the Rāfiḍīs claim that the imamate belongs to ʿAlī and his descendants on the basis of Qurʾānic and Sunnaic authorities that impose a duty on the community, and that whoever disobeys this rule should be considered *kāfir*; on the other hand, the ʿUthmāniyya oppugn both the designation of ʿAlī and the accusation of *kufr* by refuting the probative value of these authorities and their ascription to the category of *ʿilm al-ʿĀmma*.

For al-Jāḥiẓ and the ʿUthmānīs, the principles of the imamate, whose abidance is considered by the Rāfiḍa a religious duty, are based on statements which are not univocal or cannot be understood by all the people, and therefore their ignorance is an excuse (*ʿudhr*)[176]. Even if the Rāfiḍa were right in their defence of ʿAlī's rights, and people would be wrong not to admit the imamate of ʿAlī and his

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[175] Al-Jāḥiẓ, *ʿUthmāniyya*, 149;9-10, and 160:15-161;1.
[176] Al-Jāḥiẓ, *ʿUthmāniyya*, 149;5-8

descendants, they could never be accused of *kufr* because the Qurʾānic verses and *ḥadīths* that are legally binding for all Muslims, such as the texts prescribing the core religious practices, should be hermeneutically autonomous, i.e. univocal and not subjected to discussion[177].

Rather than on the nature of the imamate itself, the debate between ʿUthmānīs and Rāfiḍīs is focused on the nature of the revealed sources adduced to prove the designation of ʿAlī and condemn the *Ṣaḥaba* as unbelievers. If the recognition of the rights of ʿAlī and his descendants as leaders of the Muslim community is a universal duty whose disobedience implies *kufr*, as the Rāfiḍīs claim, then the proofs they adduce should fulfil two kinds of conditions: first, they should be valid proofs in terms of their adequacy to the discussion and their soundness; second, they should necessarily be part of the *ʿilm al-ʿĀmma*. The instruments applied to asses the probative value of these authorities and their acceptance as part of the *ʿilm al-ʿĀmma* are hermeneutical techniques of clear Shāfiʿite inspiration, namely the rubrics *ʿāmm/khāṣṣ* and *jumla/naṣṣ*, and the analytical procedures specific to *ḥadīth* such as the validation of the *isnād* and *ikhtilāf*.

The ascription of the revealed sources to the categories of *ʿilm al-ʿĀmma* and *ʿilm al-Khāṣṣa* has also direct consequences on the hierarchy of sources. Among all Qurʾānic verses, only those that do not need further elucidation and can be known by all the people alike (*ʿilm al-ʿĀmma*), are accepted in the discussion with the Rāfiḍa. This categorization may be confusing as it overlaps with the two first modes of *bayān* —Qurʾan alone and Qurʾan with reduntant *Sunna*—, and with those hermeneutically autonomous *ḥadīths* included on the fourth mode —*Sunna* alone—. But these two classifications are predicated upon different paradigms and have different purposes: the modes of *bayān* describe the ways in which God's will has been revealed in terms of source interaction, the classification of *ʿilm* discriminates among sources according to the intellectual capacity of individuals and the moral obligations derived from the knowledge they are able to understand.

In summary, al-Jāḥiẓ and the ʿUthmānīs argue that the accusation of *kufr* made by the Rāfiḍīs should necessarily be based on Qurʾanic verses and *ḥadīths* that can be universally understood (*ʿilm al-ʿĀmma*). Accordingly, their refutation of the Rāfiḍī doctrines is focused on the analysis of the internal coherence and the

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[177] This criterion is especially discussed in relation to *ḥadīth*, see below Chapter 5.

soundness of the authorities they adduce which, when they refer specifically to the duty of setting up an imam, should fulfil the additional requirement of belonging to this category of knowledge. The methodology used in their scrutiny of the sources bears striking similarities to Shāfiʿite hermeneutics, as detailed in the next section.

4.4. Hermeneutical Techniques

The hierarchy of the sources in terms of their probative value and the logic that governs their interaction in al-Jāḥiẓ's *ʿUthmāniyya* results from the application of sophisticated rules that have a clear reference in al-Shāfiʿī. Lowry has classified al-Shāfiʿī's hermeneutical techniques in three groups:

a) Hermeneutical rubrics describing source interaction: *ʿāmm/khāṣṣ, naskh/mansūkh, jumla/naṣṣ*[178].
b) Hermeneutical rubrics specific to the *ḥadīth: ikhtilāf*[179].
c) *Ijtihād* and *qiyās*[180].

The discussion of the religious sources in the *ʿUthmāniyya* is limited to those aspects directly related to the duty of setting up an imam and does not address all the problems comprised by these categories. Abrogation and *ijtihād/qiyās* are not taken into consideration, although al-Jāḥiẓ discusses with the ʿUthmānīs the epistemological status of the signs (*dalāʾil*) on which legal reasoning is based.

In this section, I will describe the hermeneutical paradigm on which the debate between ʿUthmāniyya and Rāfiḍa is based by studying the analytical value and the use of the rubrics *ʿāmm/khāṣṣ, jumla/naṣṣ*. Although abrogation is not discussed in this treatise, I will also comment on its use in al-Jāḥiẓ's *Kitāb al-ʿAbbāsiyya*, as it may shed light on the application of these techniques, the coherence of al-Jāḥiẓ's project and its relation with al-Shāfiʿī's model. Due to the particular importance of prophetic reports in the *ʿUthmāniyya*, the techniques specific to the *ḥadīth* criticism will be discussed separately in chapter 5.

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[178] Lowry, *Early Islamic Legal Theory*, 69-117.
[179] Lowry, *Early Islamic Legal Theory*, 118-141.
[180] Lowry, *Early Islamic Legal Theory*, 142-164.

4.4.1. Rubrics Describing Source Interaction

1) The Rubric ʿāmm/khāṣṣ

The terms ʿāmm (unrestricted) and khāṣṣ (restricted)[181] are used by al-Shāfiʿī to describe the scope of the application of a rule that seems to be general, but can have a restricted application. According to this classification, a rule can be applied to the entirety of a class (ʿāmm) or only to a subset (khāṣṣ), even though its wording may seem to refer to the entire class[182]. This rubric can be applied both to Qurʾānic verses and ḥadīth.

As we have seen, ʿAbd al-Jabbār refers to these categories in his account on Wāṣil b. ʿAṭāʾ; and al-ʿAskarī, on the authority of al-Jāḥiẓ, considers that Wāṣil b. ʿAṭāʾ was the first scholar who applied this technique. We do not have conclusive evidence that the use of the rubric ʿāmm/khāṣṣ in the account of Wāṣil's doctrines was intended with the same meaning as in al-Shāfiʿī's *Risāla*, but its occurrence next to other legal terms and, specially, the use of this technique in al-Jāḥiẓ's works suggest that legal techniques played an important role in the debates in which the early Muʿtazila were involved.

In the *ʿUthmāniyya*, the distinction between ʿāmm and khāṣṣ, with the meaning of "unrestricted" and "restricted", is used on several occasions with great precision, although this technique is not used to define the ambit of application of a precise law, but to determine the meaning of ambiguous Qurʾānic and Sunnaic passages allegedly referring to Abū Bakr and ʿAlī. This use was already noticed by Zahniser, who identified a passage referring to the *akhbār* on Abū Bakr's pre-eminence where the elative *aʿamm* is a formal reference to the category ʿāmm[183] that advances another discussion based on the opposition ʿāmm/khāṣṣ[184].

The context in which this reference occurs is a discussion of the merits of Abū Bakr and ʿAlī where the Rāfiḍa and the ʿUthmāniyya adduce contradictory ḥadīths to make their cause. This contradiction may be explained by two different reasons: either there is a formal problem and the ḥadīths adduced by one of the two

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[181] I have followed Lowry's translation, as well as his analysis of al-Shāfiʿī's techniques.
[182] Lowry, *Early Islamic Legal Theory*, 69.
[183] Al-Jāḥiẓ, *ʿUthmāniyya*, 3;10f.
[184] Zahniser, *The ʿUthmāniyya of al-Jāḥiẓ*, 192.

opponents are not sound[185]; or these sayings were actually uttered by the Prophet but there is a problem of interpretation[186]. According to this argumentation, the information recovered from the past, even when it has been transmitted *verbatim* in the sayings of the Prophet, has suffered a semantic displacement due to the loss of the original context of the utterance:

"The Prophet, peace be upon him, might have said many of the things of these two [opposite] transmisions; his meaning and intention may have been known to those who were present with him, so that they all knew the difference between what he intended as restricted (*khāṣṣa-hu*) and unrestricted (*ʿāmma-hu*). However, the transmitters have handed them down from their ancestors stripped of the interpretation of their meanings (*taʾwīl maʿānī-hā*), and they have produced them as a general utterance (*ʿalā al-lafẓ al-ʿāmm*), so those who heard them found them contradictory when they compared them one with the other, due to their ignorance of the basic conditions of their utterance and their context (*mawqiʿu-hā*)"[187].

This statement seems to correspond to the Muʿtazilite emphasis on synchrony pointed out by Van Ess, but the original meaning and the ambit of application of these sayings can be recovered by other methods. In order to properly understand the meaning of the *ḥadīth*s it is necessary to go beyond the linguistic analysis of their form and apply the rubric *ʿāmm/khāṣṣ*, as their meaning may originally have been restricted despite their unrestricted formulation.

Several *ḥadīth*s are quoted to illustrate this point. The first one is a saying of the Prophet affirming that Abū Dharr was the most truthful (*aṣdaq*). The formulation of this report is unrestricted (*ʿāmm*) and seems to be applied to an entire class, but, despite its wording, its meaning should be interpreted as restricted (*wa-in lam takun khuṣūṣiyyatu-hu mawjūda fī lafẓ al-ḥadīth*). It is a supplementary authority such as consensus (*ijmāʿ*) that makes it possible to know the real meaning of the *ḥadīth*. In this particular example, both the Rāfiḍa and the ʿUthmāniyya would agree that the most sincere Muslim is not Abū Dharr, and therefore the *ḥadīth* is unrestricted in its formulation (*makhraj al-ʿāmm*), but restricted in its meaning

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[185] Al-Jāḥiẓ, *ʿUthmāniyya*, 138;3.
[186] Al-Jāḥiẓ, *ʿUthmāniyya*, 138;7.
[187] Al-Jāḥiẓ, *ʿUthmāniyya*, 138;7-12. The same argumentation is repeated in 140;8-11, where al-Jāḥiẓ states that the Prophet's words were understood by his contemporaries (*al-kalām al-maʿrūf al-maʿnā ʿinda man ḥaḍara-hu*), but the original meaning may have been lost during the transmission.

(*khāṣṣ*): it necessarily refers to a sub-class, i.e. Abū Dharr was the most sincere of a limited group of individuals, but not of all humankind[188].

A second example is a *ḥadīth* in which the Prophet stated that God would bring the best of the Dhū Yaman (*khayr dhī al-yaman*). It is well known, due to the reports of historians and Traditionists, that the one who arrived was Jarīr b. ʿAbd Allāh. If this *ḥadīth* would have had an unrestricted formulation (*al-lafẓ al-ʿāmm*) and an unrestricted meaning (*ʿāmm*), then Jarīr should have been better than other prominent members of this tribe, such as Saʿd b. Muʿādh, Ḥamī al-Dabr and others, but not a single Muslim would say that; therefore, by interpreting the *ḥadīth* with the help of *ijmāʿ*, its meaning can be restricted to a specific sub-category of Yemenites[189].

A different combination is also adduced to explain the meaning of a *ḥadīth* stating that God and the Prophet wanted Abū Bakr to lead the prayer (*abā Allāh wa-Rasūlu-hu illā an yuṣalliya Abū Bakr*). Whilst the Rāfiḍa claim that this tradition had a restricted meaning (*khāṣṣ*), the supporters of Abū Bakr argue that both the formulation of the *ḥadīth* and its meaning are unrestricted (*ʿāmm*), and therefore it refers generically to all kinds of prayers without exception[190]. The ʿUthmānīs explain their interpretation by claiming that God and the Prophet knew that the people would take the unrestricted statement (*al-kalām al-ʿāmm*) as a sufficient proof of its unrestricted meaning (*ḥujjatan fī-mā yadullu ʿalay-hi al-ʿāmm*) because God knew that Abū Bakr would lead the pray in different occasions (*sa-yuṣallī bi-al-nās fī aʿyādi-him wa-sāʾir ṣalāti-him*); therefore, the unrestricted formulation of the *ḥadīth* is clear enough, can be understood literally and does not require further elucidation, thus being an example of those self-explanatory sayings that can be known by all people alike (*ʿilm al-ʿĀmma*)[191].

Despite the casuistic approach applied to discuss this rule, the different possibilities delimiting the meaning of the *ḥadīth*s are clearly codified according to an equation inspired by the linguistic treatment of *lafẓ* and *maʿnā*. The formulation of the *ḥadīth* (*makhraj, lafẓ*) can be either restricted (*khāṣṣ*) or unrestricted (*ʿāmm*). Since there is no need to discuss the ambit of application of a *ḥadīth* that explicitly

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[188] Al-Jāḥiẓ, *ʿUthmāniyya*, 138;18f.
[189] Al-Jāḥiẓ, *ʿUthmāniyya*, 139;13f.
[190] Al-Jāḥiẓ, *ʿUthmāniyya*, 165;17f.
[191] Al-Jāḥiẓ, *ʿUthmāniyya*, 166;1-6.

circumscribes its meaning to a sub-class (*khāṣṣ*), the discussion is focused on those *ḥadīths* whose formulation is unrestricted (*makhraj al-ʿāmm*). The meaning (*maʿnā*) of these *ḥadīths* may be restricted (*khāṣṣ*), such as in the sayings about Abū Dharr and Jarīr b. ʿAbd Allāh; or unrestricted (*ʿāmm*), like the one referring to Abū Bakr leading the prayer.

It is also possible to trace the underlying logic of this taxonomy in terms of source interaction. Al-Jāḥiẓ, who speaks in first person in this section[192], states that there is another way to know that the meaning of the *ḥadīth* referring to Abū Dharr is restricted[193]. In the examples offered to discriminate between *ʿāmm* and *khāṣṣ*, the agreement of the community on this meaning (*ijmāʿ*) is used as a supplementary source to clarify the meaning of the *ḥadīth*. It is the widespread knowledge of the historical circumstances alluded to in the *ḥadīth* or the context of their utterance which makes it possible to discern the ambit of application of its meaning. The *ʿāmm/khāṣṣ* problem in a non-self-explanatory *ḥadīth* is solved with a combination of two authorities, *Sunna* and *ijmāʿ* which, as mentioned, is equated to a *khabar*[194].

The comparison with al-Shāfiʿī's *Risāla* is pertinent both with regard to the usage of the rubric *ʿāmm/khāṣṣ* and the explanatory value of consensus (*ijmāʿ*). Although al-Shāfiʿī concentrates his discussion of the binomial *ʿāmm/khāṣṣ* mainly in legal problems and the interaction of Qurʾān and *Sunna*, the typology of manifestations of this phenomenon suggests that the discussion held in the *ʿUthmāniyya* was based on the same theoretical premises.

When describing this rubric, al-Shāfiʿī -like al-Jāḥiẓ- enumerates four possible combinations that might affect the meaning of a proposition. According to this taxonomy a proposition may 1) appear as *ʿāmm* and be intended as *ʿāmm*; 2) appear as *ʿāmm* and be intended as *ʿāmm* but also contain something which is *khāṣṣ*; 3) appear *ʿāmm* but intended as *khāṣṣ*; and 4) appear to be one thing but it is understood from the context of its utterance that it was intended as another[195].

The particular examples discussed by al-Shāfiʿī are Qurʾānic, but they admit the same reasoning as those *ḥadīths* analysed in the *ʿUthmāniyya*. For instance, al-Shāfiʿī considers that certain rules on inheritance stated in the Qurʾān (Q.4:11-12)

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[192] There is reference to the addressee with a deictic second person pronoun: *wa-alladhī fassartu la-ka*, cf. Al-Jāḥiẓ, *ʿUthmāniyya*, 138;13.
[193] Al-Jāḥiẓ, *ʿUthmāniyya*, 138;18.
[194] Al-Jāḥiẓ, *ʿUthmāniyya*, 116;1-2.
[195] Al-Shāfiʿī, *Al-Risāla*, §173. See the translation of this passage in Lowry, *Early Islamic Legal Theory*, 73.

are expressed in unrestricted terms (*ʿāmm al-makhraj*)[196], and yet they should be considered restricted because the *Sunna* of the Prophet limits the scope of this rule, restricting the class of all potential heirs[197]. The argumentation and the terminology used in the *ʿUthmāniyya* are so close to al-Shāfiʿī's treatment of the rubric *ʿāmm/khāṣṣ* not to conclude that the ʿUthmāniyya and al-Jāḥiẓ, who reports their opinions, were fully acquainted with this hermeneutical technique.

2) The Rubric *jumla/naṣṣ*

The definition of *ʿilm al-Khāṣṣa* and *ʿilm al-ʿĀmma* given in the *ʿUthmāniyya* is, to a great extent, the social translation of the hermeneutical differences defined by the categories of *jumla* and *naṣṣ*. As with the rubric *ʿāmm/khāṣṣ*, the parallelism with al-Shāfiʿī's *Risāla* is clear. According to al-Shāfiʿī's classification, the texts defined as *naṣṣ* are unproblematic (*ghayr mushkil al-amr*) and do not need interpretation[198]. Al-Shāfiʿī's definition of *ʿilm*, as we have seen, also applies this dichotomy to differentiate between *Khāṣṣa* and *ʿĀmma*, stating that the knowledge that the *ʿĀmma* can attain from the Qurʾān is uniquely that which is self-explanatory (*naṣṣ*), and that the realm of interpretation (*taʾwīl*) belongs exclusively to the *Khāṣṣa*[199].

The terminology used in the *ʿUthmāniyya* is slightly different. In the definition of *Khāṣṣa* and *ʿĀmma* al-Jāḥiẓ uses the same terms that al-Shāfiʿī: *jumla* and its cognates refer to non-self-explanatory texts[200]; and the verb *naṣṣa*, although mainly used in this treatise to refer to the Prophet's designation of ʿAlī as heir, also occurs when describing the kinds of knowledge[201]. The fact that the terms *jumla* and *naṣṣ* appear almost uniquely in the passage defining the two kinds of *ʿilm* reinforces the hypothesis of its relation to the *Risāla*. Al-Jāḥiẓ's most usual expression to refer to the Qurʾānic verses or *ḥadiths* that need or do not need interpretation is a periphrasis using the verb *iḥtamala*: *yaḥtamilu al-taʾwīl* or *lā yaḥtamilu al-taʾwīl*; but there are other terms and expressions that might convey the meaning of self-explanatory: the verb *naṭaqa* and the participle *nāṭiq* seem also to be used to qualify

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[196] Al-Shāfiʿī, *Al-Risāla*, §216 (p. 65;10).
[197] See the discussion of this passage in Lowry, *Early Islamic Legal Theory*, 79.
[198] Al-Shāfiʿī, *Al-Risāla*, §275; cf. Lowry, *Early Islamic Legal Theory*, 105.
[199] Al-Shāfiʿī, *Al-Risāla*, §963 (p. 358;3).
[200] Al-Jāḥiẓ, *ʿUthmāniyya*, 253;1 (*jumlat al-sharīʿa*); 253;3 (*tafsīr al-mujmal*); 258;6 (*jumal al-sunan ... jumal al-sharīʿa*).
[201] Al-Jāḥiẓ, *ʿUthmāniyya*, 258;7 (*kull al-manṣūṣ lam yuẓhar ka-ẓuhūr al-ḥajj*)

those texts that al-Shāfiʿī defines as *naṣṣ*[202], and the participle *ẓāhir* refers in some instances to a verse whose meaning is evident and should be understood literally, a use that can be also found in al-Shāfiʿī's treatises[203].

These varied denominations occur in the course of the discussion of a number of Qurʾānic verses. In support of the superiority of Abū Bakr, the ʿUthmāniyya argue that, although not by name, he is mentioned in several passages of the Qurʾān[204]. The Rāfiḍa contest the identification of Abū Bakr and, in turn, claim that there are other Qurʾānic verses that refer to ʿAlī. The ʿUthmānīs defend the probative value of these verses on the basis of the consensus of the interpreters (*ajmaʿa ahl al-taʾwīl*[205], *laysa fī al-arḍ ṣāḥib taʾwīl khālafa taʾwīla-nā*[206]); and dismiss the verses of the Qurʾān that the Rāfiḍa adduce as a proof of ʿAlī's pre-eminence by appealing to the criteria of the competent scholars (*aṣḥāb al-taʾwīl zaʿamū*[207], *aṣḥāb al-akhbār wa-al-taʾwīl lā yaʿrifūna dhālika*[208], *mā akhtalafa fī-hi aṣḥāb al-taʾwīl*[209]). For the ʿUthmānīs, Abū Bakr is clearly mentioned in the Qurʾān (*naṭaqa bi-hi al-Qurʾān*), but no Qurʾān explicitly refers to ʿAlī (*lam yantaq li-ʿAlī bi-dhālika qurʾān*)[210].

Zahniser, who reads the *ʿUthmāniyya* as a Muʿtazilite treatise, has noted that Muʿtazilite practice does not correspond entirely to the way al-Jāḥiẓ treats the

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[202] Al-Jāḥiẓ, *ʿUthmāniyya*, 44;2 and 239;3 (*naṭaqa bi-hi al-qurʾān*); and 14;8 (*kitāb nāṭiq*).
[203] Al-Jāḥiẓ, *ʿUthmāniyya*, 118;3 (*ammā ẓāhir al-kalām fa-yadullu ʿalā mā qāla aṣḥāb al-taʾwīl*); and 119;7 (*laysa la-hu an yuḥawwilu maʿnā al-kalām ʿan ẓāhir lafẓi-hi*).
[204] The verses that, according to the ʿUthmāniyya, refer to Abū Bakr are: "Let not the rich and honourable among you swear to withhold their gifts from their kindred, the destitute, and those who have fled their homes in the cause of God. Rather let them pardon and forgive. Do you not wish God to forgive you? God is forgiving and merciful" (Q.24;22) [p. 112;17-113;4]; "But he that rebukes his parents and says to them: 'For shame! Do you threaten me with a resurrection, when generations have passed away before me?' - he that, when they pray for God's help and say: 'Woe betide you! Have faith. The promise of God is true,' replies: 'This is but a fable of the ancients' (Q.46;17) [p. 113;1-10]; "For him that gives in charity and guards himself against evil and believes in goodness"(Q.92;5-6) [p. 114;4]; "Say to the desert Arabs who stayed behind: 'You shall be called upon to fight a mighty nation, unless they embrace Islām. If you prove obedient God will reward you well. But if you run away, as you have done before this, He will inflict on you a stern chastisement"(Q.48;16); "Believers, have fear of God and stand with those who uphold the cause of truth"(Q.9;119) [p. 114'8-12]; "God will replace them by other who love Him and are love by Him" (Q.5;54) [p. 115;2].
As for the verses referring to ʿAlī according to the Rāfiḍa: "Obey God and obey the Apostle and those in authority among you" (Q.4;59) [p. 115;10]; "Believers, enter the peace, all of you" (Q.2;208) [p. 117;8-9]; and "Those who seek the protection of God, His apostle and the faithful must know that God's followers are sure to triumph" (Q.5;56) [p. 117;15]; "Your only protectors are God, His apostle, and the faithful: those who attend to their prayers, render the alms levy, and kneel down in worship" (Q.5;55) [p. 118;1-2].
[205] Al-Jāḥiẓ, *ʿUthmāniyya*, 113;7; see also *ijtamaʿa ahl al-ḥadīth ʿalā*, 113;18.
[206] Al-Jāḥiẓ, *ʿUthmāniyya*, 114;6.
[207] Al-Jāḥiẓ, *ʿUthmāniyya*, 116;13
[208] Al-Jāḥiẓ, *ʿUthmāniyya*, 117;10-11.
[209] Al-Jāḥiẓ, *ʿUthmāniyya*, 120;18.
[210] Al-Jāḥiẓ, *ʿUthmāniyya*, 9;8.

Qurʾān in this work[211]. In the ʿUthmāniyya, the interpretation on the basis of transmitted authority (tafsīr bi-al-maʾthūr) is not rejected[212], and the opinion of authorities such as Mujāhid, al-Kalbī, ʿIkrīma, al-Ḥasan al-Baṣrī and Ibn al-ʿAbbās, and the consensus of the "the specialists in tradition" have authoritative value. For Zahniser this practice is "surprising"[213], but can be explained due to the early date of the composition of the ʿUthmāniyya, written in a period when al-Jāḥiẓ was still interested in writing treatises of a political nature that allowed more exegetical possibilities, in contrast with later works such as the Ḥayawān[214].

The consensus to which the ʿUthmāniyya resort in the discussion with the Rāfiḍa reported by al-Jāḥiẓ is, in fact, another application of the principles of source interaction, in this case non-self-explanatory Qurʾanic verses interpreted with the help of ijmāʿ:

"There is much like this [i.e references to Abū Bakr], but it has not been handed down (lam yajīʾ al-majīʾ) in such a way that the one who is rightful and just would adduce it as a proof (yaḥtajju bi-hi al-munṣif wa-al-murshid); but the conclusive proof lies in the consensus of the interpreters (ijmāʿ al-mufassirīn) concerning the verses that we have mentioned"[215].

The problem of the identification of individuals in the Qurʾān and the principle applied for accepting these verses is explained in detail. Qurʾānic texts can be adduced as a proof only if these individuals are explicitly identified and their names mentioned in the Qurʾān (imam an yakūna ismu-hu wa-khāṣṣat nasabi-hi wa-naʿti-hi masṭūr^an fī al-āya)[216]; or, when they are not mentioned by name, if the story in which they participated were so well known that all their contemporaries without

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[211] This Muʿtazilite practice would correspond to the description made by al-Dhahabī, see al-Dhahabī, *Al-Tafsīr wa-al-Mufassirūn*, I, 374f. Jabrī has described al-Jāḥiẓʾa Qurʾanic interpretation as a paradigmatic example of Mūʿtazilite thought, see Jabrī, *al-Jāḥiẓ: Muʿallim al-ʿAql wa-al-Adab*, 176-183; and Goldziher also refers to al-Jāḥiẓ's Muʿtazilite attitude towards Qurʾanic interpretation, see Goldziher, *Schools of Koranic Commentators*, 79, and 102-103.
[212] For a recent reevaluation of this concept see Saleh, "Preliminary Remarks on the Historiography of *tafsīr* in Arabic".
[213] Zahniser, *The ʿUthmāniyya of al-Jāḥiẓ*. 140-145.
[214] Zahniser, *The ʿUthmāniyya of al-Jāḥiẓ*. 138-9.
[215] Al-Jāḥiẓ, *ʿUthmāniyya*, 115;4.
[216] Al-Jāḥiẓ, *ʿUthmāniyya*, 100;6-7.

exception would have recognised the reference (*bi-shuhrat al-qiṣṣa wa-al-nisba ḥattā lā yakūnu bayna ahl dhālika al-dahr fī dhālika tanāzuʿ*)[217].

This reasoning implements the hermeneutic technique based on the rubric *jumla/naṣṣ*: if the verse had been self-explanatory and the name of the individual clearly stated, it should have been admitted as a proof without further discussion. However, neither Abū Bakr nor ʿAlī are mentioned by name in the Qurʾān and a supplementary source is needed in order to understand these verses, in this case, *ijmāʿ*. The verses adduced in support of ʿAlī are rejected, as they are not agreed upon by all the scholars, and those in favour of Abū Bakr are accepted, because his mention in the Qurʾān, albeit not by name, was attested by *ijmāʿ* and this authority clarifies its reference (*nāṭaqa bi-hi al-qurʾān wa-ṣaḥḥa-hu al-ijmāʿ*)[218].

As in the case of those *ḥadīths* with an unrestricted formulation (*ʿāmm*) that should be interpreted as restricted (*khāṣṣ*) in virtue of the undisputed knowledge that allows the interpreter to contextualise the report, *ijmāʿ* is also an authority to interpret the Qurʾān: it is universally accepted that Abū Bakr fled from Mecca with Muḥammad, as everybody knows that Abū Dharr was not the most sincere of all humankind even though he is referred to as "*aṣdaq*" in the *ḥadīth* used to explain these categories.

This combinatory model is also explicit in the refutation of the interpretation of the Rāfiḍa concerning one of the verses that allegedly refers to ʿAlī: "Those who take as friends God, the Messenger and those who believe (*allādhīna āmanū*) —the party of God are those who triumph"(Q.5;56)[219]. For the Rāfiḍa, the expression *allādhīna āmanū* is a reference to ʿAlī. Since he is not mentioned by name, the verse is not self-explanatory and the ʿUthmāniyya argue that: "We cannot interpret [this verse] as they do [i.e. the Rāfiḍa], except with a *khabar* from the Prophet, peace be upon him, or with the consensus of the interpreters (*ijmāʿ aṣḥāb al-taʾwīl*) upon its interpretation"[220]. These three authorities, Qurān, *Sunna*, and *ijmāʿ*, are mentioned here as part of a paradigm that governs their interaction and limits the exegetical possibilities.

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[217] Al-Jāḥiẓ, *ʿUthmāniyya*, 100;10-11.
[218] Al-Jāḥiẓ, *ʿUthmāniyya*, 44;2 (in p. 239;3-4, *thabbata-hu al-ijmāʿ*).
[219] Al-Jāḥiẓ, *ʿUthmāniyya*, 118;14-15 (*wa-man yatawalla Allāh wa-Rasūla-hu wa-allādhīna āmanū fa-inna ḥizb Allāh hum al-ghālibūn*).
[220] Al-Jāḥiẓ, *ʿUthmāniyya*, 119;2-3.

In this case, the Rāfiḍa seek to solve one of the most debated problems of the Qur'ānic texts, the ambiguous use of plural and singular forms[221]. For them, the text clearly refers to ʿAlī, and the refutation of the ʿUthmāniyya, although not explicitly, applies a reasoning based on the combination of the hermeneutical techniques we have commented on.

First, there is a conflict related to the rubric *ʿāmm/khāṣṣ*: according to the ʿUthmāniyya, the verse has a plural form and is addressed to a collective (*al-ʿadad al-kabīr*), with an unrestricted meaning; the Rāfiḍa, on the contrary, argue that it has a restricted meaning and refers specifically to ʿAlī, irrespective of its plural formulation. The claim of the Rāfiḍa implies that there is a *jumla/naṣṣ* conflict: for the ʿUthmāniyya this verse can be understood literally: it is self-explanatory, refers to a number of people –not only ʿAlī-, and does not need interpretation. Interpreting these terms as a reference to ʿAlī, as the Rāfiḍa do, would result in a change of its apparent meaning (*yuḥawwil maʿnā al-kalām ʿan ẓāhir lafẓi-hi*)[222]; and, according to the rule that restricts the interpretation of the Qur'ān, their interpretation cannot be accepted because there is not a unanimously accepted *khabar* to support this (*khabar yujtamaʿa ʿalay-hi*), and the interpretation of respected scholars such as Ibn al-ʿAbbās is contrary to that of the Rāfiḍa, i.e., there is neither prophetic *khabar* nor *ijmāʿ* to support the Rāfidī interpretation.

Both the reasoning and the terminology used to discuss these verses have obvious Shāfiʿite overtones, and it would not be wrong to consider that this argumentation echoes a passage of the *Risāla*:

"Since there are two possible meanings, it is incumbent on the scholars not to interpret it (*an lā yaḥmilū-hā*) restrictively (*khāṣṣ*), instead of unrestrictively (*ʿāmm*), except on the basis of some indication from the Sunna of God's Messenger, or the *ijmāʿ* of Muslim scholars, who are incapable of agreeing (*an yujmiʿū*) on something that would contradict one of his *Sunnas*.

There are other Hadiths of God's Messenger like this. They should be interpreted according to the apparent meaning (*ʿalā ẓāhir min al-ʿāmm*), unrestrictively, unless there is evidence from him, as I have described, or *ijmāʿ* of the

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[221] This problem implies the application of the *ʿāmm/khāṣṣ* reasoning. An early discussion of this issue can be found in Ibn Qutayba, *Taʾwīl Mushkil al-Qurʾān*, 275-298; see the subsection "ʿĀmm Yurīdu bi-hi Khāṣṣ", in p. 281.
[222] Al-Jāḥiẓ, *ʿUthmāniyya*, 119;7.

Muslims - to the effect that they are to be interpreted according to their objectively correct meaning instead of their apparent meaning [alone] (ʿalā bāṭin dūna ẓāhir), and read restrictively instead of unrestrictively (khāṣṣ dūna ʿāmm)- whereby they interpret it in accordance with the evidence at hand and obey it"[223].

Al-Shāfiʿī makes this statement *à propos* of an ambiguous *ḥadīth*, but his definition of *ijmāʿ* leaves no doubt that, as Lowry points out, it functions as a corroborative authority for the interpretation of ambiguous revealed texts[224]. *Ijmāʿ* seems to be regarded by al-Shāfiʿī as a repository of communal interpretations of underlying Qurʾānic and Sunnaic texts[225], which roughly corresponds with the definition of *ijmāʿ* as a kind of authoritative *khabar* that we find in the *ʿUthmaniyya*.

Lowry has also concluded that al-Shāfiʿī only appeals to the *ijmāʿ* of the scholars, not the generality of the Muslims[226]. In al-Jāḥiẓ's treatise the typology of the sources based on the rubric *jumla/naṣṣ* is clearly related to the definition of *Khāṣṣa* and *ʿĀmma* and determines the course of the entire debate. The term *ijmāʿ* refers to the undisputed historical and Sunnaic knowledge that belongs to the category of *ʿilm al-ʿĀmma*, as in the case of the *ijmāʿ* that confirms Abū Bakr's presence in the Qurʾān. But it refers exclusively to the consensus of the experts when *ijmāʿ* is a supplementary source to interpret non-self-explanatory verses or *ḥadīths* that cannot be known by the *ʿĀmma* and, consequently, should be classified as *ʿilm al-Khāṣṣa*.

1) Rubric *nāsikh/mansūkh*

As mentioned, abrogation is not discussed in the *ʿUthmāniyya*, but it is listed as one of the techniques that an expert on the Qurʾān should know, for instance, when referring to Ibn al-ʿAbbās:

"[Ibn al-ʿAbbās] demonstrated clearly his knowledge of its meanings (*maʿānī-hi*) [i.e of the Qurʾān] and its strange words (*gharībi-hi*), its inflection (*iʿrābi-hi*) and its stories (*qaṣaṣi-hi*), the [parts of the Qurʾān] with a clear meaning (*muḥkami-hi*) and its ambiguous verses (*mutashābihi-hi*), its unrestricted (*ʿāmmi-hi*) and restricted (*khāṣṣi-hi*)

[223] Al-Shāfiʿī, *Al-Risāla*, §§881-882; I have taken the English translation from Lowry, *Early Islamic Legal Theory*, 328.
[224] Lowry, *Early Islamic Legal Theory*, 331.
[225] Lowry, *Early Islamic Legal Theory*, 204, 327.
[226] Lowry, *Early Islamic Legal Theory*, 331.

[verses], its abrogative (*nāsikhi-hi*) and abrogated (*mansūkhi-hi*) verses, its Meccan and Medinese parts"[227].

Abrogation is a central issue, however, in the *Kitāb al-ʿAbbāsiyya*, where the author reports the discussions concerning Abū Bakr's rejection of Fāṭima's claim over the inheritance left by his father, and ʿUmar's prohibition of *mutʿa*[228]. I will briefly analyse the use of the Qurʾān and *ḥadīth* in these passages, as it illustrates the application of the same paradigm of source interaction that we find in the *ʿUthmāniyya*.

According to the general rules of inheritance stated in the Qurʾān, Fāṭima, like any other woman, was the lawful heir of her father. The question discussed in these passages is whether these general rules should have been also applied to the particular case of the inheritance left by the Prophet. In order to defend Fāṭima before Abū Bakr, ʿAlī quoted two Qurʾānic verses to prove that the prophets leave inheritance: "Solomon became David's heir (*wa-waritha sulaymān dāwud*)" (Q.27;16); and "Grant me a son [said the prophet Zacharias], who will be my heir (*walī yarithu-nī*)" (Q.19;5-6)[229]. Abū Bakr objected to this interpretation by using a prophetic *ḥadīth*, which, in his opinion, would abrogate these Qurʾānic verses: "We the prophets do not leave inheritance". The defenders of Fāṭima's position criticise this *ḥadīth* both in terms of its transmission and its meaning: the utterance of the *ḥadīth* is not impossible, but its transmission depends on the authority of an individual related to the interested part, i.e., Abū Bakr, and this undermines its probative value. On the other hand, in order to abrogate the Qurʾān, the meaning of the *ḥadīth* was interpreted by the caliph and his supporters as being restricted to the person of Muḥammad, despite its unrestricted formulation (*khāṣṣū al-khabar al-ʿāmm*), which contains a plural form (*nūrithu*)[230]. Since the *isnad* is disputed and the *ḥadīth* is not hermeneutically autonomous it is inadequate to abrogate the Qurʾān. Consequently, Abū Bakr's rejection of Fāṭima's inheritance, which was based on the abrogation of the Qurʾān with this *ḥadīth*, was mistaken. The extant fragments of the treatise have not preserved the discussion concerning *mutʿa*, but it is clear that it was also treated as a wrong application of the rules of abrogation.

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[227] Al-Jāḥiẓ, *ʿUthmāniyya*, 121;20f.
[228] See Chapter 10.
[229] See ʿAlī's discussion with Abū Bakr in Ibn Saʿd, *Ṭabaqāt*, II, 2, 86.
[230] Al-Jāḥiẓ, *Kitāb al-ʿAbbāsiyya*, 303;15.

It is worth noting that, unlike al-Shāfiʿī, who only admitted intra-source abrogation –i.e., Qurʾān-Qurʾān and *Sunna-Sunna-*[231], the argumentation against Abū Bakr rejects the *ḥadīth* because it does not fulfil the requirements, but it seems to allow inter-source abrogation. In this case, the particularities of the application of the rules do not agree with the thesis of al-Shāfiʿī, but the theoretical framework on which the analysis of Qurʾān and *ḥadīth* is based relies on the same principles used in the ʿ*Uthmāniyya,* and the terminology that al-Jāḥiẓ uses is similar, although in the *Kitāb al-ʿAbbāsiyya* he no longer reports the opinions of the ʿUthmānīs, but those of a different and unidentified group.

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[231] Al-Shāfiʿī, *Risāla,* §§314-323; Lowry, *Early Islamic Legal Theory,* 90f.

Chapter 5. Treatment of *Ḥadīth* in the *ʿUthmāniyya*

> This chapter is devoted to the treatment of *ḥadīth* in the *ʿUthmāniyya*. I shall be looking at the way *ḥadīths* are defined and classified (5.1), at the criteria of acceptance and the problems of source interaction (5.2), and at the use of the dichotomy *ʿilm al-ʿĀmma/ʿilm al-Khāṣṣa* as an additional criterion to assess the probative value of *ḥadīths* related to the notion of imamate defended by the Rāfiḍa (5.3).

5.1. Classes of *Ḥadīth*

Unlike in al-Shāfiʿī's *Risāla*, and due to the nature of the debate, which builds the case of Abū Bakr's pre-eminence over ʿAlī upon the comparison of their activities and virtues, the major part of the sources analysed in the *ʿUthmāniyya* are *akhbār*, either *ḥadīths* or historical reports[232]. In contrast with the practice attributed to the Muʿtazilites, the treatment of *ḥadīth* in this treatise is not focused exclusively on its content, but also takes into consideration the circumstances of its transmission and its relation with other sources.

The most precise definition of the modalities of *ḥadīth* occurs in the midst of the discussion of the Qurʾānic verses quoted by the Rāfiḍa in support of ʿAlī. As we have seen, *ḥadīth* is treated in these passages as an authority that may clarify the meaning of either ambiguous Qurʾānic passages (*jumal, mā yaḥtamilu al-taʾwīl*), or of those verses with an apparent unrestricted formulation (*makhraj al-ʿāmm*). But *ḥadīth* has also authoritative value on its own, and the main sources adduced by the Rāfiḍa in support of ʿAlī's right to the imamate are prophetic reports.

The first typology used to classify *ḥadīths* is focused in the chain of transmission (*isnād*). Its analysis combines qualitative and quantitative criteria and can be also related to the categorization of *ʿilm*. Ḥadiths may be of two kinds according to the quality of their chains of transmission: sound (*ṣaḥīḥ*) and weak (*ḍaʿīf*). Those *ḥadīths* rejected as weak can also be classified quantitatively, according to the number of its transmitters: the term *shādhdh*, which can be translated as anomalous, refers to a *ḥadīth* that has been transmitted by a single individual from another single individual like him (*ḥadīth qad yaḥtamilu al-rajul al-wāḥid al-thiqa ʿan mithli-hi*); since it has not been transmitted in the way of the widespread *ḥadīths*

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[232] The rubric *jumla/naṣṣ*, however, was also applied by al-Shāfiʿī to the study of the contradictory *ḥadīths* in his treatise on this topic. See Lowry's comment on the usage of these categories in al-Shāfiʿī's *Ikhtilāf al-Ḥadīth* in Lowry, *Early Islamic Legal Theory*, 105.

(*mustafīḍ*), it is considered weak (*ḍaʿīf*) even if the transmitter is trustworthy. If two or three individuals have been involved in its transmission and the *ḥadīth* has been rejected because they were not trustworthy transmitters, then the *ḥadīth* is no longer called anomalous (*shādhdh*), but only weak (*ḍaʿīf*)[233].

In the light of this passage, Zahniser has interpreted that al-Jāḥiẓ accepts all the *mustafīḍ* traditions as proof, whilst he rejects all those traditions transmitted by a single individual, even if he is trustworthy. For Zahniser, this typology would be similar to the later division adopted by the science of *ḥadīth* between *mutawātir*, which corresponds to *mustafīḍ* in al-Jāḥiẓ's terminology, and *āḥād*, of which *shādhdh* would be synonym[234].

The equivalence of *shādhdh* and *khabar al-wāḥid* and its rejection as proof seem to be clear from other passages. Traditions transmitted by a single individual are rejected at least in two instances. One of the main arguments used by the Rāfiḍa to claim the appointment of ʿAlī as successor of the Prophet are the words pronounced by Muḥammad at Ghadīr Khumm: *Allāhuma ʿādi man ʿādā-hu wa-wālī man wālā-hu*[235]. In order to clarify the meaning of the term *wālī*, the Rāfiḍa quote a *ḥadīth* in which Muḥammad addressed ʿAlī in the same terms: *Allāhuma wālī*[236]. But the ʿUthmāniyya reply that, although this saying has been transmitted by Anas b. Mālik, whose trustworthiness is beyond any doubt, the *ḥadīth* cannot be accepted because he is the only transmitter. A *ḥadīth* that has only been reported by a single individual, irrespective of his quality as transmitter, lacks the necessary probative value (*Anas waḥda-hu laysa bi-ḥujja*)[237]. The same reasoning is repeated concerning the famous "*ḥadīth al-manzila*" adduced by the Rāfiḍa to prove ʿAlī's designation by Muḥammad (*anta min-nī bi-manzilat Hārūn min Mūsā*)[238]: since its only transmitter is ʿĀmir b. Saʿd, it cannot be accepted as proof (*mā kāna li-yakūnu waḥda-hu ḥujja*)[239].

The ʿUthmānīs and al-Jāḥiẓ himself, who was quite aware of al-Shāfiʿī's position concerning the *khabar al-wāḥid*[240], do not accept the *āḥād*. The treatment of *ḥadīth* in this treatise, however, has also clear parallelisms with Shafiʿīte

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[233] Al-Jāḥiẓ, *ʿUthmāniyya*, 115;13-116;1.
[234] Zahniser, *The ʿUthmāniyya of al-Jāḥiẓ*, 85.
[235] Al-Jāḥiẓ, *ʿUthmāniyya*, 148;3-4.
[236] Al-Jāḥiẓ, *ʿUthmāniyya*, 150;6.
[237] Al-Jāḥiẓ, *ʿUthmāniyya*, 150;8-9.
[238] Al-Jāḥiẓ, *ʿUthmāniyya*, 157;7.
[239] Al-Jāḥiẓ, *ʿUthmāniyya*, 158;17-159;3.
[240] See al-Jāḥiẓ, *Faḍl Hāshim ʿalā ʿAbd al-Shams*, 106.

hermeneutics. Prophetic reports are evaluated first, in terms of the soundness of their transmission; and, second, in terms of hermeneutical independence by applying the rubric *jumla/naṣṣ* and taking into consideration the possibility of divergent traditions (*ikhtilāf*). This second criterion is used to assess the authoritative value of these *ḥadīths* as supplementary source to interpret a non-self-explanatory Qurʾanic verse or *ḥadīth* and, when discussing the notion of the imamate, also to discern whether the reports belong to the *ʿilm al-ʿĀmma* or the *ʿilm al-Khāṣṣa*.

Like the Qurʾānic verses, *ḥadīths* may be hermeneutically autonomous or require further elucidation. A tradition that fulfils all the requirements for acceptance as proof is called *mustafīḍ*. In terms of its transmission, the soundness of a *mustafīḍ* report cannot be contested, as it has been transmitted through different routes (*istafāḍa*), thus preventing its fabrication. In terms of its content, it is hermeneutically autonomous and its meaning can be understood by all people alike. Conflictive and obscure *ḥadīths* may be interpreted with the aid of a supplementary source such as *ijmāʿ* or another *ḥadīth* that necessarily should be *mustafīḍ*, i.e. hermeneutically autonomous and transmitted through different routes.

The claims of the ʿUthmāniyya about the soundness of *ḥadīths* are based on *ijmāʿ*, here understood as the consensus of the experts both upon transmission (*isnād, makhraj*) and literal meaning (*aṣl*). Needless to say, the expert scholars are part of the *Khāṣṣa* and their expertise in *ḥadīth* is explicitly emphasised as a requisite:

"Not everyone who wants to be truthful in similar things [i.e. the transmission of *ḥadīth*] is in the position of achieving this. It is only with pre-eminence (*al-taqaddum*) in great study of traditions (*kathrat al-samāʿ*) and abundance of transmission (*ittisāʿ al-riwāya*). Not everyone, even if he has sound mind and sound reasoning, should speak about that which can only be annexed as knowledge by means of *khabar* until he becomes an expert in a *khabar* (*ṣāḥib khabar*) and a seeker of a report (*ṭālib athar*). If he has a sound mind and a great study of traditions then the trouble he imposes upon himself and his adversary is lightened"[241].

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[241] Al-Jāḥiẓ, *ʿUthmāniyya*, 135;2-6.

This requirement not only limits the number of those scholars whose opinion is constitutive of *ijmāʿ*, but also the possibilities of *ikhtilāf*. As we have seen when analysing the treatment of those *ḥadīths* whose formulation was unrestricted (*ʿāmm*), there are different strategies to harmonise discordant interpretations of their meaning and interpret non-self-explanatory *ḥadīths*. The hermeneutical techniques related to problems of source interaction may be applied to analyse the traditions and, once the agreement on its meaning is achieved by the experts, these *ḥadīths* may be considered valid despite not being self-explanatory. In the *ʿUthmāniyya*, however, there is a further requirement: these *ḥadīths* are valid as long as they are not adduced to support a rule whose disobedience implies *kufr*. In this particular treatise, those *ḥadīths* referring to the notion of imamate defended by the Rāfiḍa, in addition to the standard criteria, should also fulfil the requirement of belonging to the *ʿilm al-ʿĀmma*, as I will argue in the next section.

5.2. Criteria of Acceptance

The aforementioned problems are addressed in the discussion of two *ḥadīths* related to the *wilāya* of ʿAlī, which receive a thorough and casuistic treatment. The Rāfiḍīs adduce these verses to support their doctrine concerning the rights of the ʿAlids and the unbelief of those who do not accept their imamate. The analysis of these reports is based on the same categories we have commented on, but the criterion of acceptance is more restricted, as their acceptance would imply the recognition of an universal duty whose violation implies *kufr*.

The first of these traditions is the *ḥadīth* of Ghadīr Khumm, adduced by the Rāfiḍa to demonstrate Muḥammad's *naṣṣ* of ʿAlī. The ʿUthmāniyya scrutinise this tradition by applying a criterion that ponders both the soundness of its literal meaning (*aṣl*) and its production (*makhraj*). When discussing this saying, the ʿUthmāniyya argue that the *ḥadīths* can be classified according to four possible categories:

1) *Ḥadīth mukhtalif fī aṣli-hi wa-fī ṣiḥḥat makhraji-hi*

If there is not agreement either upon the literal meaning of the *ḥadīth* (*aṣl*) or the soundness of its production (*makhraj*), and, consequently, it is contradictory in

terms of its interpretation and implications (*wa-mukhtalif fī-ta'wīli-hi wa-farʿi-hi*), the *ḥadīth* should be rejected and cannot be adduced as proof (*ḥujja*)[242].

2) *Ḥadīth mujtamaʿ ʿalā aṣli-hi wa-fī ṣiḥḥat makhraji-hi* [...] *kāna lafẓu-hu muḥtamil li-ḍurūb al-ta'wīl*

If there is agreement upon the literal meaning of the *ḥadīth* and the soundness of its production but its meaning may support various interpretations, it cannot be accepted as a proof either[243].

3) *Ḥadīth mujtamaʿ ʿalā aṣli-hi wa-fī ṣiḥḥat makhraji-hi* [...] *kāna lā yaḥtamilu min al-ta'wīl illā maʿnā wāḥid mā ikhtalafat fī ta'wīli-hi al-ʿulamā'*

If there is agreement upon the literal meaning of the *ḥadīth* and the soundness of its production, and its expression is univocal (*maʿnā wāḥid*), and there is no disagreement among the scholars and it is obvious to all right-minded men, then it should be accepted as a proof[244].

4) *Ḥadīth mujtamaʿ ʿalā aṣli-hi* [...] *ghāmiḍ al-ta'wīl, ʿawīṣ al-maʿnā lā yukādu yudrku-hu illā al-rāsikh fī al-ʿilm, al-bāriʿ fī ḥusn al-istikhrāj*

If there is agreement upon the literal meaning of the *ḥadīth* but its interpretation is so arduous that only the most expert scholars can extract its meaning, then the majority of the Muslims cannot understand it and it should be rejected. In the context of the discussion it means that most Muslims would be excused for not recognising ʿAlī's imamate[245].

This typology is based on a solid hierarchy that is explicitly adduced to contest the Rāfiḍī thesis that the origin of the imamate was Muḥammad's designation of ʿAlī (*naṣṣa ʿalā imamāti-hi*)[246]. First of all, those *ḥadīths* whose chain of transmission is sound are initially accepted (2, 3 and 4), and those with a disputed *isnād* are rejected (1). In virtue of the opposition *jumla/naṣṣ*, a *ḥadīth* with a sound chain of transmission may be of two kinds in terms of its content: either a *ḥadīth*

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[242] Al-Jāḥiẓ, ʿUthmāniyya, 148;13-14.
[243] Al-Jāḥiẓ, ʿUthmāniyya, 148;16.
[244] Al-Jāḥiẓ, ʿUthmāniyya, 148;19-149;4.
[245] Al-Jāḥiẓ, ʿUthmāniyya, 149;5-8.
[246] Al-Jāḥiẓ, ʿUthmāniyya, 149;10.

hermeneutically self-sufficient (*kāna lā yaḥtamilu al-taʾwīl*), which is unanimously accepted as proof (3); or an ambiguous *ḥadīth* needed of further elucidation (*muḥtamil al-taʾwīl*) (2,4). Finally, these ambiguous *ḥadīth* may have divergent interpretations (2), or be so complicated that only the best experts are able to interpret them, and therefore not incumbent upon those who are unable to understand their meaning (4). In this particular debate, these two last types of *ḥadīths* cannot be accepted as proof according to the ʿUthmāniyya.

The rejection of these kinds of *ḥadīths* is extremely restrictive. Zahniser has argued that this typology is entirely based on Muʿtazilite rational criteria and constitutes a demolition of the principles of the science of *ḥadīth*, as its application to *ḥadīths* whose meaning is not univocal or evident (2, 4) would result in the elimination of all those traditions that are not agreed upon by all Muslim groups[247]. The rejection of these *ḥadīths*, however, is driven by different concerns.

5.3. Ḥ*adīths* on ʿAlī's *Wilāya* and the Categorization of ʿ*ilm*

The explanation for this categorization and these criteria does not lie on Muʿtazilite doctrines, but on the hermeneutical value of the categorization of ʿ*ilm* and the implications of the position defended by the Rāfiḍa. As the ʿUthmāniyya state, these restrictive requirements are consubstantial to the Rāfiḍī notion of the imamate:

> "If the reason for the imamate (*al-sabab fī al-imāma*) would be that which they claim [i.e. a *naṣṣ* from the Prophet to ʿAlī], then it would have been necessary [to provide] a *ḥadīth* which is not liable to interpretation (*lā yaḥtamilu al-taʾwīl*), and whose knowledge would have not been prevented by the soundness of its literal meaning (*ṣiḥḥat aṣli-hi*) and the trustworthiness of its production (*ṣidq makhraji-hi*)"[248].

Zahniser's contention that al-Jāḥiẓ's criterion implies the rejection of all disputed *ḥadīths* and the demolition of the science of *ḥadīth* would be correct, if these requirements would have been applied to all prophetic reports; but these restrictive conditions are not demanded of other arguments debated in this same treatise. In fact, in other instances the ʿUthmāniyya define a *khabar ṣaḥīḥ* as a *khabar* which is not

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[247] Zahniser, *The ʿUthmāniyya of al-Jāḥiẓ*, 89.
[248] Al-Jāḥiẓ, *ʿUthmāniyya*, 201;16-17.

flawed by a weak chain of transmission (*ḍaʿf al-isnād*), that cannot be rejected due to inconsistencies in its meaning (*ḍaʿf al-aṣl*), and not has received *much* disputation (*katra al-maʿāriḍ wa-al-munāwiʾ*)[249]. They do not discard all non-self-explanatory *ḥadīths*, but only those which refer to the origins of the imamate invoked by the Rāfiḍa and the accusation of *kufr* cast against those who object this interpretation. The ʿUthmāniyya and al-Jāḥiẓ reject these conflictive *ḥadīths* because they have not been expressed in a way that can be understand by all people alike, i.e. they do not belong to the ʿ*ilm al-ʿĀmma* and therefore cannot be constitutive of a duty whose infringement is considered an act of unbelief.

According to the definition of ʿ*ilm al-ʿĀmma*, the Qurʾānic verses and *ḥadīths* that are legally binding, such as the texts prescribing the core religious practices, should be hermeneutically autonomous, i.e. univocal and not subjected to discussion (*kāna lā yaḥtamilu min al-taʾwīl illā maʿnan wāḥidan mā ikhtalafat fī taʾwīl al-ʿulamāʾ*)[250]. This rule seems to lie behind the interpretation of the Qurʾānic verses referring to Abū Bakr, where the accusation of unbelief against those who deny that he is mentioned in the Qurʾān is admitted. As we have seen, the ʿUthmānīs consider that these verses do not pose any interpretative problem. Although the caliph is not mentioned by name, they consider that the text is clear (*naṭaqa bi-hi al-Qurʾān*) and that, additionally, there is universal agreement concerning his identification (*wa-ṣaḥḥa-hu al-ijmāʿ*), therefore, these verses should be placed at the same level of the other verses of the Qurʾān that belong to the ʿ*ilm al-ʿĀmma* and whose knowledge and abidance is a religious duty: whoever violates these rules is "either insane (*majnūn*) or an unbeliever (*kāfir*)"[251]. The principles of the imamate, however, do not belong to this category.

The serious indictment of unbelief can only be sustained in the case of flagrant violation of the principles of the law that are universally known and understood. Accordingly, the concept of imamate that the Rāfiḍa defend, which renders the acceptance of the ʿAlid leadership of the community a religious duty and their disobedience an act of unbelief, cannot not be proved but with authorities that belong to the category of ʿ*ilm al-ʿĀmma* -which they are unable to provide-. The restrictive requirements applied to the *ḥadīths* concerning Muḥammad's *naṣṣ* of ʿAlī

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[249] Al-Jāḥiẓ, ʿ*Uthmāniyya*, 143;1-3.
[250] Al-Jāḥiẓ, ʿ*Uthmāniyya*, 148;19-20.
[251] Al-Jāḥiẓ, ʿ*Uthmāniyya*, 44;5-6.

and the apparent disparity of criteria with regard to the acceptance of other conflictive reports are, in fact, a consequence of the hermeneutical implications of the categorization of ʿilm.

It is worth noting that the counterargument of the Rāfiḍa also suggests the assumption of these principles. The most important proof adduced by the Rāfiḍa is the ḥadīth of Ghadīr Khumm, which the ʿUthmānīs reject because the term wāli is not a clear reference to ʿAlī and needs interpretation. When the Rāfiḍīs claim that a hermeneutically self-sufficient ḥadīth is needed to prove Muḥammad's naṣṣ of ʿAlī, the Rāfiḍīs provide another report to corroborate that the ḥadīth of Ghadīr Khumm was addressed to ʿAlī with a univocal meaning and therefore it would fulfil the requirements to have universal legal value (sa-na'tī-kum bi-mithl al-lafẓ allahī ataytumūnā bi-hi ḥattā lā yakūna lafẓ adalla ʿalā al-ghāya bi-hi)[252]. This second report, the so called ḥadīth al-ṭā'ir[253], is intended to clarify the meaning of the term wāli and prove that Muḥammad's words at Ghadīr Khumm can be understood as a literal reference to ʿAlī, i.e. that this ḥadīth is not mujmal, does not require interpretation and should be ascribed to the ʿilm al-ʿĀmma and accepted as proof. The ʿUthmānīs do not argue against this use of supplementary tradition, but they reject this particular supportive ḥadīth because it has been transmitted by a single individual and, therefore, it has a weak chain of transmission.

The discussion of the third tradition adduced by the Rāfiḍa, the famous ḥadīth of "manzila", might also shed light on this criterion. According to this tradition, the Prophet had said to ʿAlī: "Your position to me is that of Hārūn to Mūsā, except that there will be no prophet after me" (anta min-nī ka-manzilat Hārūn min Mūsā illā anna-hu lā nabī ba'dī)[254]. For the Rāfiḍa this saying is a clear reference to the succession of ʿAlī that should be admitted as proof. The ʿUthmāniyya impugns the ḥadīth because it has a single transmitter[255]. Nevertheless, they proceed to discuss it as if it were authentic in order to prove, first, the incoherence of the Rāfiḍī interpretation of its literal meaning; second, that a figurative meaning cannot be proof of ʿAlī's imamate.

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[252] Al-Jāḥiẓ, ʿUthmāniyya, 149;18.
[253] Muḥammad invited ʿAlī to join him in eating a bird saying: allāhuma āti-nī bi-aḥabb ʿibādi-ka ilay-ka ya'kulu ma'ī hādha al-ṭā'ir and then he received him saying allāhuma wāli, cf. ʿUthmāniyya, 150;2 and 150;6 respectively.
[254] Al-Jāḥiẓ, ʿUthmāniyya, 153;8-9.
[255] Al-Jāḥiẓ, ʿUthmāniyya, 158;17-18.

According to the ʿUthmāniyya, if Muḥammad had designated someone to substitute him in life while being on military campaign, we would have known it; but no reference to ʿAlī, Abū Bakr or ʿUmar is known[256]. And if this mention of the relationship between Hārūn and Mūsā was intended to designate a successor after his death, then the wording of the *ḥadīth* is absurd, because Hārūn died before Mūsā. For the ʿUthmāniyya, the *ḥadīth* is not self-explanatory and needs to be interpreted with a supplementary source, in this case *ijmāʿ*, but there is consensus about the silence of the sources concerning the designation of a successor in life of the Prophet (*khalīfa*), and also excluding the possibility that ʿAlī may have been designated as *wazīr*[257].

The most important aspect of this discussion is that the reasoning of the Rāfiḍīs is intended to prove that these sayings can be understood literally, and therefore being taken as *ʿilm al-ʿĀmma*. This is also their argumentation with regard to the Qurʾānic expression *allādhīna āmanū*, which they take as a direct reference to ʿAlī that does not need further elucidation. For the ʿUthmānīs, however, this cannot be admitted as a fully meaningful statement "unless it be that the words are supported by that which is rare and by the most extreme figurative language (*kalām ʿalā al-shādhdh wa-ʿalā abʿad al-majāz*)"[258]; but, as the ʿUthmānīs put it, "this is not how the wise man speaks to indicate his imamate [i.e. ʿAlī's] to the community, and render the obedience to him compulsory (*yūjiba ʿalay-him ṭaʿāta-hu*)"[259].

If Muḥammad had established the imamate and appointed ʿAlī as imam, as the Rāfiḍa claim, he would have communicated this decision in the way of the information that belongs to the *ʿilm al-ʿĀmma*: widespread and univocal *ḥadīths* (*mustafīḍ*) or self-explanatory Qurʾānic verses (*naṣṣ*). None of these authorities exists for the ʿUthmānīs and that is why the accusation of unbelief could not be applied in this case, or in any other aspect related with the imamate, because its principles have not been revealed as *ʿilm al-ʿĀmma* and they are neither universally understood nor universally binding. That is why al-Jāḥiẓ states that, in contrast with the

[256] Al-Jāḥiẓ, *ʿUthmāniyya,* 154; 8-12.
[257] Al-Jāḥiẓ, *ʿUthmāniyya,* 156;3-4.
[258] Al-Jāḥiẓ, *ʿUthmāniyya*, 120;6. This insistence on the literal meaning bears certain similitude with al-Muzānī's interpretation of the rules concerning *amr*, cf. Lowry, "The Reception of Shāfiʿī's Concept of *Amr* and *Nahy* in the Thought of his Student al-Muzānī".
[259] Al-Jāḥiẓ, *ʿUthmāniyya*, 120;7-8.

uncountable number of people who has fallen in apostasy (*irtadda*) due to other theological issues:

> "We have never seen anyone become a heretic (*alḥada*) or apostate (*tazandaqa*) as a result of the errors in debating the imamate (*min qibal al-ghalaṭ fī kalām al-imāma*) and divergences in this (*al-ikhtilāf fī-hā*)"[260].

In summary, the concept of imamate defended by the Rāfiḍa could have only been proved by sources belonging to the ʿilm al-ʿĀmma. This is why the criteria of acceptance of *ḥadīth* exclude those reports that cannot be understand by all people alike, irrespective of their internal coherence and the soundness of the transmission, not because al-Jāḥiẓ was seeking to demolish the science of *ḥadīth*.

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[260] Al-Jāḥiẓ, *ʿUthmāniyya*, 270;20=271;1.

Chapter 6. The Principles of the Imamate

> This chapter is focused on the debate between al-Jāḥiẓ and the ʿUthmānīs concerning the principles of the imamate, and the way they are defined according to the epistemological and hermeneutical paradigms used to refute the Rāfiḍī doctrines. I will study the qualities of the imam (6.1), the ways his excellence is recognised (6.2), the duty of setting up an imam (6.3), and the modalities of his election (6.4).

If the principles of the imamate have not been revealed in a univocal way that all people can know, then there are two possibilities, either there is information in the Qurʾān and the *Sunna* that the *Khāṣṣa* can interpret to provide guidance on this matter, or there is no reference to the imamate at all in the textual sources. It is at this point when al-Jāḥiẓ and the ʿUthmāniyya part ways.

Some of the Qurʾānic verses and the *ḥadīths* discussed above address the problem of the origins of the institution (*sabab al-imāma*). The claims of the Rāfiḍa concerning Muḥammad's *naṣṣ* on ʿAlī are dismissed, and the ʿUthmāniyya demonstrate that there is not a single self-explanatory verse in the Qurʾān referring to the imamate of any individual (*lam najid fī-hi āya tanaṣṣu ʿalā imāma*), nor a verse that may be interpreted as a personal bequest (*dālla ʿinda al-naẓr wa-al-tafkīr*)[261]. This objection refers to the direct appointment of an individual, but not to the institution itself; as al-Jāḥiẓ states:

"The people [from the ʿUthmāniyya] claim that God chose an imam for the people, and that He set for them a custodian (*naṣaba la-hum qayyim*) as a sing and as a manifestation of Him with signals (*ʿalā maʿnā al-dalāla wa-al-īḍāḥ ʿan-hu bi-al-ʿalāma*), but not as a direct appointment or designation (*lā ʿalā al-naṣṣ wa-al-tasmiyya*)"[262].

Al-Jāḥiẓ's criterion in this matter is completely different. He does not consider that the reasons of the imamate should be looked for in the revealed texts; for al-Jāḥiẓ, the necessity of this institution is proved by reason (*ʿaql*) and results from the critical examination of human nature. This argument is not discussed in the *ʿUthmāniyya*, but in other of his treatises, the *Jawābāt fī al-Imāma*, to which al-

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[261] Al-Jāḥiẓ, *ʿUthmāniyya*, 273;1-2.
[262] Al-Jāḥiẓ, *ʿUthmāniyya*, 277;7-9.

Jāḥiẓ explicitly refers the reader in the course of his discussion with the ʿUthmānīs[263].

If the debate between the ʿUthmāniyya and the Rāfiḍa was focused on the critical analysis of the religious sources adduced to prove ʿAlī's imamate and the unbelief (*kufr*) in which Abū Bakr and the Companions had incurred, the debate between al-Jāḥiẓ and the ʿUthmānīs discusses the qualities of the imam, the modalities of his election, and the nature of the duty of electing the leader of the community. The historical period of the *Rāshidūn* is seen as a model and these discussions rely on some of the conclusions drawn from the previous debate with the Rāfiḍa.

6.1. The Qualities of the Imam

For all their differences with regard to the origins of the institution, al-Jāḥiẓ and the ʿUthmāniyya agree that the imam should be the most virtuous individual (*al-afḍal*). Pellat has noted that the debate of *al-fāḍil wa-al-mafḍūl* is not addressed here or in any of al-Jāḥiẓ's extant treatises. This is not entirely true. In the ʿUthmāniyya there is only a passing reference to the *naẓar fī al-fāḍil wa-al-mafḍūl*[264], but among the Zaydī doctrines reported by al-Jāḥiẓ in the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* there are clear allusions to this debate[265].

The doctrine of *al-imām al-mafḍūl*, ascribed also to a number of Muʿtazilite theologians[266], postulates that the imamate of a pious Muslim versed in the Qurʾān and *ḥadīth* upon whom the community has unanimously agreed is preferable to the election of a more excellent individual who does not enjoy the consensus of the community. Al-Jāḥiẓ's position concerning the qualities of the imam is unequivocal

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[263] Al-Jāḥiẓ, ʿUthmāniyya , 261;10.

[264] Al-Jāḥiẓ, ʿUthmāniyya, 127;14-15. Pellat, "L'Imamat dans la doctrine de Ğāḥiẓ", 45.

[265] Al-Jāḥīz, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 316;3-14 and 317;10-318;8; and *Istiḥqāq al-Imāma*, 210;11-13.

[266] According to Jaʿfar b. Ḥarb (Ps-Nāshī) this theologians were: Wāṣil b. ʿAṭāʾ, Bishr b. Khālid, Bishr b. al-Muʿtamir, and Abū Mūsā al-Mardār, cf. Josef Van Ess, *Frühe Muʿtazilitische Häresiographie. Zwei Werke des Nāši' al-Akbar (gest. 293 H.)*, §86; Ḍirār b. ʿAmr and Ḥafṣ al-Fard are listed among those who support the imamate of *al-afḍal*, but also included in the group of the Muʿtazilite "innovators" (*al-bidʿiyya min al-muʿtazila*) who held that if there are two virtuous candidates, one Qurashī and one Nabatean, the community should elect the latter as it would be easier to depose him in case he became a tyrant, *ibid.* §93.

in this regard, and the thesis of *al-imām al-afḍal* is postulated by al-Jāḥiẓ in all his treatises[267].

Many of the requirements of *al-imām al-afḍal* are discussed when comparing the merits of Abū Bakr and ʿAlī. The polemic concerning precedence in conversion and service to Islam (*sābiqa*), which centres on the age of ʿAlī when he embraced Islam and his intellectual capacity to understand the religious principles at such an early age[268], does not have any practical implication beyond the particular context of the succession of Muḥammad. The remaining personal qualities encompassed in the concept of *faḍl* that al-Jāḥiẓ discusses in this particular context correspond to a great extent to those pondered when discussing the figure of the imam in abstract terms.

The qualities used to compare Abū Bakr and ʿAlī are: knowledge (*ʿilm*), especially knowledge of the Qurʾān and the *Sunna*; asceticism (*zuhd*), generosity (*jūd*), defence of Islam with the sword (*qiyām bi-al-sayf*), and forbearance at tribulation. Asma Afsaruddin, who has made a detailed analysis of the usage of these categories as part of her study of the Qurʾānic principle of *faḍl*[269], argues that this comparison follows the model of the *manāqib* narrative, and that this discourse on the excellence and precedence of the Companions "is among the earliest (if not the earliest) and most authentically Islamic discourses on the nature of legitimate leadership"[270].

Al-Jāḥiẓ's discussion of the debate concerning the virtues of Abū Bakr and ʿAlī does not entirely answer to this description. It should be noted, first, that al-Jāḥiẓ only resorts to this comparison of virtues when reporting the opinions of the Shīʿites: the Rāfiḍa in the *ʿUthmāniyya*, the Zaydiyya in the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* and, in the form of a *mufākhara*, also in the *Faḍl Hāshim*; and second, and beyond the particular quarrels between the supporters of Abū Bakr and ʿAlī, that in the *ʿUthmāniyya* the emphasis of al-Jāḥiẓ falls on the recognition of the virtue of the imam, rather than in the virtues themselves. Nevertheless, Afsaruddin offers an

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[267] When discussing the concept of *faḍl* in the section of the *Mughnī* devoted to the imamate, ʿAbd al-Jabbār mentions a treatise written by al-Jāḥiẓ with the title *Risālat al-Khaṭṭābiyya*, where he may have discussed the opinions of those who held that the caliph ʿUmar was the most virtuous (*al-afḍal*) after the Prophet. It is possible that this treatise may have dealt with the polemics of *al-fāḍil wa-al-mafḍūl*, but we do not have any further evidence in this regard. Cf. ʿAbd al-Jabbār, *Al-Mughnī*, XX, 2, 87.

[268] Al-Jāḥiẓ, *ʿUthmāniyya*, 13;8f.; see also 298;9-11 for the refutation of al-Iskāfī.

[269] For the study of these categories in the *ʿUthmāniyya* see, Afsaruddin, *Excellence and Precedence*, especially 114-120.

[270] Afsaruddin, *Excellence and Precedence*, 4.

excellent account of these virtues and I will focus my analysis on the aspects of the imam's excellence upon which their supporters did not agree: genealogy and divinely inspired knowledge.

1) Genealogy

The main differences among the interlocutors with regard to this paradigm of virtue refer to two fundamental exceptions: *nasab* and the infallibility of the imam (*ʿiṣma)*. The treatment of *nasab* does not play as much a role in the comparison of the two caliphs as in the general discussion of the requirements of the imam. The ʿUthmāniyya and al-Jāḥiẓ deny that *nasab* is a prerequisite to achieve the imamate and do not attribute any value to genealogical propinquity (*laysa bayna al-qarīb wa-al-baʿīd farq*)[271]. The ʿUthmāniya refute those who claim that religious leadership depends on genealogy (*aṣl-qarāba sabab li-al-riʾāsa fī al-dīn*)[272] on the basis that the qualifications of the imam reside exclusively in his religious merits (*aḥad lā yanālu al-riʾāsa fī al-dīn bi-ghayr dīn*)[273].

The discussion of genealogy begins with Abū Bakr's famous *dictum* at the Saqīfa: "we are the rulers and you are the assistants (*min-nā al-umarāʾ wa-min-kum al-wuzarāʾ*)[274]. According to the ʿUthmāniyya, this statement was not intended to defend his excellence in genealogical terms, but to state that their precedence in conversion privileged the *Muhājirūn* over the *Anṣār*. According to the ʿUthmāniyya, this is also the meaning of a second saying of Abū Bakr quoted in the treatise: "I am the most noble of the Arabs in terms of *ḥasab*, and with the most certain genealogy, as I belong to the family of the Prophet and his kin"[275]. They interpret that the caliph did not mean that the religious leadership would be deserved without religious merits; on the contrary, the caliphate, which is the highest religious office (*aʿẓam riʾāsāt al-dīn*), is only merited by someone's good deeds (*al-ʿamal al-ṣāliḥ*)[276]. The references to *nasab* and *ḥasab*, argue the ʿUthmāniyya, were intended to convince those Companions, such as Khālid b. Saʿīd, who opposed his nomination on the basis of anachronistic genealogical claims which are invalid to asses the merits of the

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[271] Al-Jāḥiẓ, *ʿUthmāniyya*, 204;19-205;1.
[272] Al-Jāḥiẓ, *ʿUthmāniyya*, 205;4-5.
[273] Al-Jāḥiẓ, *ʿUthmāniyya*, 204;9.
[274] Al-Jāḥiẓ, *ʿUthmāniyya*, 201;4-5.
[275] Al-Jāḥiẓ, *ʿUthmāniyya*, 201;6; and 200;18.
[276] Al-Jāḥiẓ, *ʿUthmāniyya*, 201;8-9.

imam[277]. This position may have been common among certain members of the Quraysh who were nobler (*ashraf*) than Abū Bakr, as their aim was not the wellbeing of the Muslims (*ṣalāḥ al-muslimīn*) but to give the imamate to the one closer to their tribes and to increase the power and nobility of their family[278].

In contrast with other treatises, and despite the length of the discussion, the famous *ḥadīth* "let the imams be of Quraysh" (*al-aʾimma min Quraysh*) is not quoted in the version of the ʿUthmaniyya that has survived. Considering this to be a voluntary omission is purely conjectural, but it should be taken into consideration that this *ḥadith* is a *khabar al-wāḥid* and, as such, it would have been rejected as proof[279].

The rest of the discussion on *nasab* reproduces the arguments of the so-called *aṣḥāb al-taswiyya*, the partisans of the equity between Arabs and non-Arabs. In this treatise, this doctrine is clearly related to the ʿUthmāniyya[280]. Although al-Jāḥiẓ explains that this topic exceeds the limits of his treatise, which is focused on the imamate, he argues that this issue belongs to the kind of knowledge that can only be understood by the *Khāṣṣa*[281], and devotes several pages to discussing the arguments dismissing *nasab* and stressing the value of piety (*taqwā*) and works (*ʿamal*). It is worth noting that the *ḥadīths* quoted are the same as those adduced in favour of the equity of the Arabs and non-Arabs in works reporting the polemic of the *Shuʿūbiyya*, notably in Ibn Qutayba's *Faḍl al-ʿArab*[282].

The Rāfiḍīs also advocate equity for all Muslims and reject the value of *nasab*, with the obvious exception of the Hāshimite family, whose precedence does not stem from their tribal kinship, but from their link to the Prophets. The Rāfiḍīs also argue against the ʿUthmānī contention that Abū Bakr was a defender of *taswiyya* and did not consider that belonging to the Quraysh or enjoying genealogical propinquity was a requirement for the imamate (*al-qurashiyya aṣl li-al-imāma wa-al-qarāba shuʿba ʿan al-khilāfa*)[283]; and criticize the proverbial pro-Arabism of his successor ʿUmar[284]. As a counterargument, the ʿUthmāniyya emphasise the contradiction of claiming that the imamate is the exclusive right of the Hāshimites in virtue of their *qarāba*,

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[277] Al-Jāḥiẓ, ʿUthmāniyya, 190;13-14.
[278] Al-Jāḥiẓ, ʿUthmāniyya, 196;17-19.
[279] Later scholars, such as al-Juwaynī, rejected this *ḥadīth*, cf. *Ghiyāth*, 92;19f, and 63;2-4. On this *ḥadīth* see al-Dumayjī, *Al-Imāma al-ʿUẓmā*, 274f; and Van Ess, *Theologie und Gesellschaft*, IV, 709-710.
[280] Al-Jāḥiẓ, ʿUthmāniyya, 202;13 and 206;4.
[281] This topic belongs to the category of *al-taʿdīl wa-al-tajwīr*, cf. al-Jāḥiẓ, ʿUthmāniyya, 206;9.
[282] Ibn Qutayba, *Faḍl al-ʿArab*, 109;2f.
[283] Al-Jāḥiẓ, ʿUthmāniyya, 211;5-7. Hārūn reads *furusiyya* instead of *qurashiyya*.
[284] Al-Jāḥiẓ, ʿUthmāniyya, 211;7-11.

while holding that descendants of Ismāʿīl and Isḥāq are equal and that the Arabs and non-Arabs are alike[285].

2) ʿIṣma

A second quality that the ʿUthmāniyya oppugn is the divine inspired knowledge that the Rāfiḍa ascribe to the imam. As other aspects of their doctrine, the infallibility of the imams (ʿiṣma) is not addressed in the ʿUthmāniyya in abstract terms. This question arises in the midst of the discussion of the respective intellectual merits of Abū Bakr and ʿAlī[286], and certain faults that the Rāfiḍa attribute to ʿUmar and ʿUthmān[287]. As other scholars have noted, al-Jāḥiẓ affirms that all humans, including the prophets, make mistakes[288]. Consequently, the belief in the infallibility of ʿAlī as a result of his divinely inspired knowledge is dismissed as sheer ignorance:

"Who is more ignorant than a man who claims that ʿAlī never commited an error, or disobeyed, or let anything go amiss; and that [ʿAlī] heard God informing him about the matters [that He reveals to] His prophets and communicating the situations [that He tells] to His messengers?"[289].

This contention rejects not only the doctrine of *al-imām al-maʿṣūm*, but also the divine or semi-divine status that some branches of Shiʿīsm attribute to the imams in virtue of their genealogical or spiritual links with the prophetic lineage[290]. In the ʿUthmāniyya, the above quoted passage is the only reference to the Rāfiḍī doctrine concerning divine inspiration. The Muʿtazilite al-Khayyāṭ reports the objections that Ibn al-Rāwandī made apropos a remark of al-Jāḥiẓ stating that, according to the Rāfiḍa, the imams acquired their knowledge by *ilhām*. In al-Khayyāṭ's interpretation, al-Jāḥiẓ would have meant the Jārūdiyya exclusively[291].

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[285] Al-Jāḥiẓ, *ʿUthmāniyya*, 219;3-5.
[286] Al-Jāḥiẓ, *ʿUthmāniyya*, 83;3f.
[287] Al-Jāḥiẓ, *ʿUthmāniyya*, 89;3f.
[288] Al-Jāḥiẓ, *ʿUthmāniyya*, 89;5-6.
[289] Al-Jāḥiẓ, *ʿUthmāniyya*, 92;13-15.
[290] See Van Ess, *Theologie und Geshellschaft*, I, 278-85; Kohlberg, "Imām and Community in the *Pre-Ghayba* Period"; and Bayhom-Daou, "The Imam's knowledge and the Qurʾān".
[291] See al-Khayyāṭ *Kitab al-Intiṣār*, 152;15f.; and Bayhom-Daou, "The Imam's Knowledge and the Qurʾān", 207, n.99.

This discussion, however, has not been preserved in any of his treatises on the imamate.

In order to demonstrate that even the prophets made errors, al-Jāḥiẓ relies on varied Qurʾānic verses mentioning the mistakes of several prophets, such as Ādam, who "forgot, and We find him lacking in steadfastness" (Q. 20:115)[292]; Jonah, who was swallowed by the whale "for he had sinned" (Q. 37;142)[293]; Dāwud, whose sin with Uriah's wife is alluded in the *qiṣṣa* of the two litigants (Q. 38;21)[294]; and Muḥammad, who "frowned and turned his back [when the blind man came towards him]" (Q. 80;1), and of whom the Qurʾān states: "had We not strengthened your faith, you might have made some compromise [with the misguided]" (Q. 17;74), and "God may forgive you your past and future sins" (Q. 48;2)[295].

Al-Jāḥiẓ also levels veiled critiques at the belief in the *imam absconditus* that are intimately related to his dismissal of the imamic *ʿilm*. As in other cases, the doctrine of the occultation of the imam is not addressed directly, but this idea is clearly refuted when discussing the recognition of the most excellent individual. For al-Jāḥiẓ, the identity of a rightful imam will always be known by the people because his excellence cannot be concealed:

"How it is possible that the knowledge of the most perfect man be hidden, and his works be concealed if he cannot reach this state until his experience and his right [decisions] increase, his forbearance strengthens and his conduct is good. And [this] is only possible with numerous pilgrimage-years and raids (*ghazw*), praying, fasting and giving alms, reciting and reading Qurʾān, commanding right and forbidding wrong, with love for the friends and rudeness towards the enemies. If his poverty lasts, his frugality lasts and his superfluousness diminishes; if his richness lasts, his munificence lasts and his immoderateness decreases. None of this exists unless it makes its possessor famous, displays his position to the people, and moves them to love him and respect him.

And if they claim that he may possibly be the best individual and the wisest, even if he is not known for anything of that which we have mentioned, then he who has not done any good ever has become the best of people"[296].

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[292] Al-Jāḥiẓ, *ʿUthmāniyya*, 91;7-8.
[293] Al-Jāḥiẓ, *ʿUthmāniyya*, 91;10.
[294] Al-Jāḥiẓ, *ʿUthmāniyya*, 91;15-92;2.
[295] Al-Jāḥiẓ, *ʿUthmāniyya*, 92;3-5.
[296] Al-Jāḥiẓ, *ʿUthmāniyya*, 268;1-10.

6.2. Recognition of the Virtue of the Imam

The recognition of the virtue of the imam is one of the questions that the ʿUthmāniyya discusses in detail with al-Jāḥiẓ. As mentioned, they agree that the imam cannot be unknown or concealed, but who are those who know the identity of the best individual[297]? This problem is intimately related to the modalities of election that we will discuss below, as the recognition of the best individual and his acceptance determines the different possibilities contemplated by al-Jāḥiẓ.

To this particular question, al-Jāḥiz answers that it is not incumbent upon people to produce knowledge (*an taṣnaʿa al-maʿrifa*). They only have the duty of setting up an imam when they know who should hold this position and only when it is possible for them to do it[298]. The real problem, as the ʿUthmāniyya points out, is how to achieve this knowledge: "How do they know his excellence (*faḍla-hu*) when they do not compare him to others, since the people of excellence (*ahl al-faḍl*) is numerous and excellence is a widespread grace?"[299].

The certainty concerning the excellence of the imam in comparison with other members of the community can be achieved through various ways: 1) the excellence of the imam may be universally recognised; 2) there may be several virtuous individuals and the recognition of the most excellence of them not be universal; 3) different factions may prefer different candidates in virtue of their relationship with them, not because of their excellence.

1) The most obvious scenario is that in which the most excellent individual is universally recognised by the community, without being necessary to prove that there is consensus upon him or to convoke a *shūrā*. Al-Jāḥiẓ illustrates this point by mentioning several individuals who are unanimously regarded as the most excellent in their respective communities, such as ʿAmr b. ʿUbayd among the Muʿtazila, al-Ḥassan b. Ḥayy among the Zaydiyya, Mirdās b. Udayya among the Khārijites; or Ghaylān in Damascus, or ʿAbd Allāh b. al-Mubārak in Khurāsān. This knowledge, he claims, enters in the hearts and minds of the peoples and persists in time sustained

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[297] Al-Jāḥiẓ, *ʿUthmāniyya*, 265;3.
[298] Al-Jāḥiẓ, *ʿUthmāniyya*, 265;4-7.
[299] Al-Jāḥiẓ, *ʿUthmāniyya*, 265;8-9.

either by indubitable reports, or by eye-witness testimonies[300]. This is the same knowledge that allows us to know that Galen was the most important figure in medicine and Aristotle in logic, or to know the heroes of the Jāhiliyya. These *akhbār* allow people to recognise the most important figure in every epoch and the most outstanding individual in every matter, and this is how people know the virtue of the one who deserves the imamate, because the good cannot be kept in secret and the bad cannot be concealed[301].

This notion of the *akhbār* corresponds to certain epistemological reflections contained in two other works of al-Jāḥiẓ: the *Kitāb al-Maʿrifa*, and the *Kitāb al-Akhbār wa-Kayfa Taṣiḥḥu*. In the extant fragments of the first of these treatises, which is explicitly referred to in the *ʿUthmāniyya*, al-Jāḥiẓ reports the classification of knowledge made by several Muʿtazilite authors according to its categorization as necessary (*iḍṭirārī*) and chosen -or acquired- (*ikhtiyārī, iktisābī*). The knowledge achieved by means of these *akhbār* is considered *iḍṭirārī*. The few fragments that have survived from the *Kitāb al-Maʿrifa* have not preserved any further discussion in this regard, but the argumentations that al-Jāḥiẓ makes in the *ʿUthmāniyya* help us to understand this position. As mentioned, it is impossible that the most knowledgeable man may pass unnoticed in any epoch (*lā yumkinu an yakūna rajul aʿlam al-nās fī al-dīn wa-al-dunyā thumma lā yusmaʿu bi-hi*); in order to acquire this vast knowledge he necessarily should have devoted himself to the study of religious and worldly matters and engaged in scholarly debates, and these area activities which make him well-known (*hādha kullu-hu mim-mā yuẓhir amra-hu wa-yushhir makāna-hu*)[302].

2) The recognition of the best candidate may be problematic if there are several individuals of well-known excellence. What shall the community do if there are ten men of similar virtue (*ʿashara siwāʾ*)? In this case, states al-Jāḥiẓ, the candidates should be compared in order to discover who is the most excellent of them (*al-afḍal*), as the *shūrā* did when it chose ʿUthmān[303]. For al-Jāḥiẓ, this is an

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[300] Al-Jāḥiẓ, *ʿUthmāniyya*, 265;10-266;3.
[301] Al-Jāḥiẓ, *ʿUthmāniyya*, 266;4-15.
[302] Al-Jāḥiẓ, *ʿUthmāniyya*, 266;16-267;2; the idea is repeated in 267;3-13. Zahniser has interpreted that this mention to a life of study surrounded by scholars is a reference to the imamate of al-Maʾmūn, see *The ʿUthmāniyya of al-Jāḥiẓ*, 48.
[303] Al-Jāḥiẓ, *ʿUthmāniyya*, 268;10-15.

impossible scenario, as it would make the imamate meaningless: if these candidates are alike, then their supporters and their witnesses in an eventual *shūrā* would be alike, and if their states and works are the same then they may all unanimously reach a wrong decision and this would corrupt the process of election (*fī hādha fasād al-ikhtiyār wa-al-iqrāʿ*) and therefore render impossible setting up an imam. This conclusion is a consequence of al-Jāḥiẓ's understanding of natural differences and *ikhtilāf* as a beneficial way of achieving wellbeing and truth by means of competition and discussion; there cannot be a reasoned decision (*ikhtiyār*) without debate, and there is no debate when all the people are equal[304]. In these hypothetical circumstances, the election would be impossible, and God would not impose upon his subjects a duty that cannot be fulfilled, nor charge them with a moral obligation that does not contribute to their wellbeing:

> "Why would God make evident to them the duty of the imamate (*yuẓhar la-hum farḍ al-imāma*) when adversity was possible for them, when it was known to Him that the scholar (*al-ʿālim*) will be prepared for this and then that which prevented the performing of the duty and the attainment of the benefit would happen?"[305].

This reasoning echoes the Qurʾānic verse "God does not charge a soul with more than it can bear" (Q. 2:286), and is obviously based in the Muʿtazilite concept of divine justice (*ʿadl*). Moreover, having ten individuals with the exact same qualities would be, according to al-Jāḥiẓ, a miracle and this is something that God has reserved to prophets. This case is, therefore, impossible.

3) The third option contemplates the possibility of a disagreement originated not by the quality of the candidates but by the particular interests of their supporters, be they regional -a Syrian would prefer a Syrian imam-; tribal -the Qurashīs may only accept imams from their tribe-; or sectarian -any sect may claim to have their own imam. These parochial quarrels, however, are not related to the problem of recognising the virtue of the imam, but with the modalities of election[306].

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[304] Al-Jāḥiẓ explains this idea in ʿ*Uthmāniyya*, 257;5-9 (*kāna al-ikhtilāf min sabab al-iʾtilāf*).

[305] Al-Jāḥiẓ, ʿ*Uthmāniyya*, 269;4-6.

[306] Al-Jāḥiẓ, ʿ*Uthmāniyya*, 269;13-270;2. See below point 6.4.

6.3. Is the Imamate a Religious Duty?

As many other concepts treated in the ʿUthmāniyya, the discussion of the duty of setting up an imam is firmly rooted in the categorization of ʿilm and the consequences which resulted from the form in which God's will was revealed to humankind. The revelation is contained in two kinds of knowledge: ʿilm al-ʿĀmma and ʿilm al-Khāṣṣa. For al-Jāḥiẓ, each kind of knowledge implies a different kind of responsibility.

When treating the nature of the imamate, the discussion of the concept of ʿilm between al-Jāḥiẓ and the ʿUthmāniyya begins with the question: "It is possible for the common people not to be commanded or prohibited, and not to be obedient or disobedient?"[307]. The answer is that they can only obey or disobey that which they know, namely self-explanatory Qurʾānic verses and widespread and unproblematic ḥadīth[308]. The limitations of the common people to know the revelation, however, raises a serious concern; someone can claim that, in fact, they may not know God or His messenger, as they do not know other complicated theological questions or non-self-explanatory Qurʾānic verses and ḥadīths[309]. These questions directly address the relationship between taklīf and belief, a problem not only at the core of al-Jāḥiẓ's refutation of the Rāfiḍīs and, by extension, of the treatment of the imamate in his other treatises, but also a pivotal question in early Muʿtazilite though.

It is well known from other Muʿtazilite authors that al-Jāḥiẓ's thesis concerning the knowledge of God and His prophets raised a notable polemic among the members of his school[310]. The theses adduced by al-Jāḥiẓ in his discussion with the ʿUthmāniyya are directly related to a group denominated aṣḥāb al-maʿrifa, among whom al-Jāḥiẓ has been included in several sources[311]. The arguments collected in the ʿUthmāniyya are, to a great extent, similar to those collected by the later heresiographers who ascribed these theories to al-Jāḥiẓ and Thumāma b. Ashras[312], but there are crucial differences suggesting that these doctrines were either misunderstood by later authors or misrepresented for polemic purposes.

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[307] Al-Jāḥiẓ, ʿUthmāniyya, 252;15-16.
[308] Al-Jāḥiẓ, ʿUthmāniyya, 252;117-253;6.
[309] Al-Jāḥiẓ, ʿUthmāniyya, 255;3-5.
[310] See Vajda, "La connaissance naturelle de Dieu selon al-Ǧāḥiẓ".
[311] Al-Jāḥiẓ, ʿUthmāniyya, 258;1. See Van Ess, "Ǧāḥiẓ und die aṣḥāb al-maʿārif". Van Ess seems not to have been aware of the polemic involving this group reported in the ʿUthmāniyya.
[312] See al-Ashʿarī, Maqālāt, 482;3-6; and al-Baghdādī, al-Farq bayna al-Firaq, 157;6-13; and 160;7-161;3.

The discussion concerning the knowledge of God in the ʿUthmāniyya is focused on demonstrating that, although it is not incumbent upon the ʿĀmma to set up an imam, their lack of theological acumen does not prevent them from knowing God and His messengers. For al-Jāḥiẓ, the soul of those who have reached the age of majority (qulūb al-bālighīn) is compelled to knowledge of God (musakhkhara li-maʿrifat Rabb al-ʿālamīn) and inclined to give credence to His messengers, when directed to where the signs are located (bi-tanbīh ʿalā mawāḍiʿ al-adilla), when the soul is focused on reflection, and when it is prevented from distraction and from the disturbances of fighting passions (nizāʿ al-shahwa) that divert from reflection and prevent from acquiring knowledge. The sane mature person accepts the proofs from the messengers sent to the Muslims, but he does not accept these proofs until he knows that which has been commanded and prohibited to him, because if he does not know what offends or satisfies God, the result of his actions would be happenstance (ittifāq): there is no merit or demerit without intention (qaṣd) and God would not punish or reward any of these actions[313]. That is why, according to al-Jāḥiẓ, God has bestowed upon His creatures the capacity to know Him, and why people are only responsible for that which they can know.

The only cause that may prevent humans from knowing God is an underdeveloped faculty of reason (ʿaql). God has made his creatures equal in this regard only to make a distinction between their soundness of mind and the childish and immature (ḥāl al-ṭifl wa-al-maʿtūh). This differentiation only serves to give him insight (tabṣīru-hu) and choice (takhyīru-hu)[314]. This claim is supported with a Qurʾānic verse: "I created the jinn and mankind only that they might worship me" (Q. 51;56). No one, states al-Jāḥiẓ, be he jinn or human, can be excluded from this obligation of worship unless there is a proof to support this exclusion, either rational (ʿaql), or based on the Book (kitāb) or a report (khabar)[315].

There are rational proofs to exclude uniquely the mentally impaired and the children, but no reason to exclude the rest of the creatures. This premise does not contradict the categorization of knowledge defended by al-Jāḥiẓ: the common people are responsible uniquely for that which they can know from the revelation as it is categorised under the rubric ʿilm al-ʿĀmma, but their intellectual limitations

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[313] Al-Jāḥiẓ, ʿUthmāniyya, 255;6-15.
[314] Al-Jāḥiẓ, ʿUthmāniyya, 256;1-3.
[315] Al-Jāḥiẓ, ʿUthmāniyya, 256;4-7.

do not prevent them from knowing God; knowing God's existence is a rational process that only the impaired and children cannot perform. The common people are able to choose on the basis of their knowledge of God and the revelation, and, consequently, they are legally liable for this action. That is why, as we have seen, only the contravention of those rules revealed in the form of *'ilm al-'Āmma* can be qualified as *kufr*. Those who deny the existence of God are *kuffār*, because the knowledge of God can be achieved by all people alike.

This argument is clearly inspired by the Mu'tazilite concept of divine justice (*'adl*) and is invoked in two of al-Jāḥiẓ's other treatises on the imamate, the *Jawābāt fī al-Imāma*[316], and, especially, in the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, where al-Jāḥiẓ engages in the discussion of human nature and acts[317]. Although the reference to the *aṣḥāb al-maʿārif* does not occur in this latter treatise and the discussion is not related to the forms of revelation, it addresses the problem of acquiring knowledge of God by means of experience, and the need of the direct revelation by the prophets. In the *'Uthmāniyya* these questions arise from the debate concerning the limits of the intellectual capabilities of the *'Āmma*. Some people may argue that if God had given proof that all people can recognise His existence by making them equal (*bi-al-taʿdīl wa-al-taswiyya*) in terms of worship (*al-'ibāda*) and choice (*al-ikhtiyār*), then al-Jāḥiẓ cannot claim that the *'Āmma* are not equally obliged to set up the imams and elect them, because their decision would be the decision of the Muslims who worship God (*al-muslimīn al-mutaʿabbadīn*), and the imam is the imam of the Muslims who worship God (*al-muslimīn al-mutaʿabbadīn*)[318].

The answer of al-Jāḥiẓ is, again, based on his categorization of knowledge: people are only obliged to do that which they know, and the *'Āmma* is especially ignorant concerning the principles of the imamate[319]. Due to their nature and their limited rational capabilities (*ḍaʿf ʿuqūli-hā*), the *'Āmma* cannot be placed at the level of the *Khāṣṣa*, and therefore setting up an imam is not incumbent upon them. But for all their limitations they are not comparable to the impaired and the children

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[316] Al-Jāḥiẓ, *Jawābāt fī al-Imāma*, 299.
[317] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 318;10-319.
[318] Al-Jāḥiẓ, *'Uthmāniyya*, 256;8-10. This fragment is defective, I have followed the reading of *Maqālāt al-'Uthmāniyya*, 42;15-43;2.
[319] Al-Jāḥiẓ, *'Uthmāniyya*, 256;11-12

(ṭabaqat al-majānīn wa-al-aṭfāl)[320], and the knowledge of God and the core principles of Islam belong to the ʿilm al-ʿĀmma.

The concept of *ikhtiyār* used in this discussion needs further clarification. According to al-Jāḥiẓ, the essence of any act is its choice (*lubāb kull ʿaml ikhtiyāru-hu*), and the most important aspect of any election is its correctness (*ṣafwat kull ikhtiyār ṣawābu-hu*)[321]. The treatment of this concept relates ultimately to an idea which al-Jāḥiẓ repeats in the *ʿUthmāniyya*: human beings do not create knowledge (*laysa ʿalā al-nās an yaṣnaʿū al-maʿrifa*)[322], they only know it when they recognise the signs (*adilla*) that lead to it, and then they act in consequence. Humans are moral agents because their choices carry a moral responsibility according to their ability to know. The general lines of this argumentation correspond to the later doctrine of the Baṣran Muʿtazila, but the originality of al-Jāḥiẓ's approach lies in the fact that the assessment of the human act in legal terms is predicated upon their ability to know the revelation according to the categorization of *ʿilm*[323].

In addition to the aforementioned accusation that this definition of *ʿilm* may excuse the fact of not knowing God, categorically denied by al-Jāḥiẓ; it is possible to pin down several reproaches to al-Jāḥiẓ's theory clearly focused on two main problems: on the one hand, the role of humans as moral agents; on the other hand, the implications of the natural knowledge of God postulated by al-Jāḥiẓ in terms of the dispensability of prophecy. These critiques are contained in the answer that the ʿUthmānīs deserve from al-Jāḥiẓ, who speaks on behalf of the *aṣḥāb al-maʿārif*, when they claim that the *Khāṣṣa* and the *ʿĀmma* may have similar responsibilities in terms of setting up an imam:

"Upon this, they should be answered:

You have emphasised the issue of the *ʿĀmma*, but you are wrong in your judgement on them. Sometimes you claim that we lie about them when we claim that they are not able to understand the proofs [of the revelation] (*ghayr maḥjūjīn*), because, according to your opinion, they cannot discriminate between things (*umūr*), and cannot differentiate between

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[320] Al-Jāḥiẓ, *ʿUthmāniyya*, 256;13-15.
[321] Al-Jāḥiẓ, *ʿUthmāniyya*, 252;11-12.
[322] Al-Jāḥiẓ, *ʿUthmāniyya*, 265;3.
[323] On moral obligation see Frank, "Moral Obligation in Classical Muslim Theology"; Reinhart, "Islamic Law as Islamic Ethics"; Vasalou, *Moral Agents and Their Desserts*; Gimaret, *Théories de l'acte humain en théologie musulmane*, especially pp. 30-39. Regretfully, one of these studies take into consideration the *ʿUthmāniyya*.

the scheming deceiver and the man of truth; and you adduce as an indication of this that you have confronted them with your claim and ask them about the sign and the proof (*al-dalīl wa-al-ḥujja*), and the consequence and the cause (*al-farq wa-al-ʿilla*), and you have found that they are not acquainted with that which necessitated thereby nor they know ow to classify it, let alone how to engage in speculative theological discussions about it (*al-kalām fī-hā*). And [you claim that] we are the party of the *aṣḥāb al-maʿrifa*, who have intentionally lied about the [ʿawwām] when claiming that they know all that and can differentiate between their different meanings (*maʿānī-hā*).

And sometimes you claim that they know what the elites (*khawāṣṣ*) and the scholars (*ʿulamāʾ*) know, and understand what the speculative theologians (*mutakallimīn*) and the jurists (*fuqahāʾ*) know with regard to setting up the imams and the caliphate.

But then, sometimes you exclude them from all kind of knowledge, and sometimes you place them at the highest level of knowledge"[324].

The fairest opinion in this regard is, according to al-Jāḥiẓ, that the ʿUthmāniyya would consider that the common people know the aspects of the revelation that are included in the definition of *ʿilm al-ʿĀmma*, which al-Jāḥiẓ enumerates one more time[325]. The common people have been commanded to obey the rules that have been revealed in this form, and it is their abiding by these particular rules which should be judged.

The second aspect debated with the ʿUthmānīs refers to the concepts of *dalīl* and *maʿrifa*. The origin of this particular discussion is the ʿUthmānī contention that God did not appoint a particular individual as imam, but He elected an imam for the people by way of a sign (*ʿalā maʿnā al-dalāla wa-al-īḍāḥ ʿan-hu bi-al-ʿalāla lā ʿalā al-naṣṣ wa-al-tasmiyya*)[326]. Al-Jāḥiẓ takes up the discussion about the intellectual constraints of God's revelation and asks his interlocutors whether the limitations of the ʿĀmma to understand God's commands prevents them from understanding and accepting the proofs of prophecy (*maḥjūjīn*)? Al-Jāḥiẓ argues that, if they cannot be convinced by proofs, then they should be considered imperfect for the majority of things, a position which would contradict the agreed definition of their intellectual capabilities. If they can be convinced by proofs, then the conclusive proof offered by the Messenger (*al-rasūl*) concerning his prophecy may be of two kinds: either it is

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[324] Al-Jāḥiẓ, *ʿUthmāniyya*, 257;10-258;4.
[325] Al-Jāḥiẓ, *ʿUthmāniyya*, 258;5-8.
[326] Al-Jāḥiẓ, *ʿUthmāniyya*, 277;7-16.

the knowledge (*ma'rifa*) of the truthfulness of the Messenger (*ma'rifat bi-ṣidq al-rasūl*) and the difference between him and the false prophet (*al-mutanabbī*), as al-Jāḥiẓ defends; or, as the 'Uthmāniyya claim, the proof is in the signs that point to the knowledge of the Prophet's truthfulness (*al-ḥujja fī al-dalīl 'alā al-ma'rifa*), and therefore the proof is not knowledge in itself (*laysat bi-ma'rifa*)[327].

If the 'Uthmānīs claim that the proof lies in the three kinds of signs that support the truthfulness of Muḥammad's mission -miracles, the inimitability of the Qurʾān and the announcement of the Prophet in other holy books-, then the rational capacity of the *'Awwām* could not ensure whether they have understood them or not, and their knowledge could be corrupted if the *dalīl* that originates it is not properly interpreted. And if they claim that they do not know these signs, then there would not be any knowledge in absence of any sign, and it would be absurd to claim that there is any duty upon them.

Al-Jāḥiẓ is careful to explain that his contention that the proof of the truthfulness of the Messenger is the knowledge itself, and that this knowledge is innate, provides the only way of understanding the moral obligation of humankind towards God. If there would only be knowledge by means of a sign, and there is no sign or it cannot be interpreted, then it would be impossible to carry out the *taklīf*, and the tenets of his school would be similar to those of the Jabriyya, i.e. those who deny human agency and claim that all acts are created by God[328]. For al-Jāḥiẓ humans are moral agents, and no rational being (*'āqil*) with some experience (*ba'ḍ al-tajriba*), who can differentiate the ordinary from the exceptional (*mā yaḥduth fī al-'āda wa-ghayr al-'āda*), is prevented from recognising the truthfulness of the Prophet who performs miracles, as he is not prevented from knowing God. Conversely, the addressees of al-Jāḥiẓ in these passages, the 'Uthmāniyya, claim that the common people are precluded from knowing this and they may believe an impostor, a stance that would contradict the claim that the *'Āmma* is able to participate in the election of the imam: if they cannot differentiate the true prophet from the impostor, with more reason will they be incapable of differentiating between the commandments and rules by which the imamate is sustained[329].

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[327] Al-Jāḥiẓ, *'Uthmāniyya*, 258;15-259;2.
[328] Al-Jāḥiẓ, *'Uthmāniyya*, 260;3-7. On the Jabriyya see Watt, *Free Will and Predestination in Early Islam*, 96-9; and Gimaret, *Théories de l'acte humain en théologie musulmane*, 61f.
[329] Al-Jāḥiẓ, *'Uthmāniyya*, 260;8-261;9.

With this long discussion al-Jāḥiẓ demonstrates that it is not a duty (farḍ, farīḍa, wājiba) upon the ʿĀmma to set up an imam due to their intellectual limitations. He also proves that this state does not prevent them from knowing God and recognising the truthfulness of the Prophet, or deprives them of agency to carry out the duties of the mukallaf that have been revealed in the form of ʿilm al-ʿĀmma. At this point, al-Jāḥiẓ refers the reader to his Kitāb al-Maʿrifa, where he has discussed at length all these questions. Regretfully, only fragments of this treatise have survived and all the attempts to reconstruct the doctrines of the aṣḥāb al-maʿārif and, in general, al-Jāḥiẓ's theories of knowledge have been based on this scant information and the reports of later Muʿtazilite authors who discussed al-Jāḥiẓ's thesis.

The polemic concerning the aṣḥāb al-maʿrifa has maintained traces of the formulation that we find in the ʿUthmāniyya. Al-Balkhī (d. 319/931), the earliest source reporting their doctrines, gives a laconic description of al-Jāḥiẓ's theory of knowledge emphasising his dependence on Thumāma and his contention that knowledge is natural (al-maʿrifa ṭibāʿ), which would imply, according to this author, that the acts of the one who knows (ʿārif) do not result from a deliberative choice (laysat bi-ikhtiyār). Al-Baghdādī, precisely on the authority of al-Balkhī, repeats the same argument: al-Jāḥiẓ holds that knowledge is produced by nature (al-maʿārif kullu-hā ṭibāʿ) and not by deliberative choice (laysat bi-ikhtiyār), and that all mature persons necessarily know God so that the kuffār are those who, in their knowledge, do not fulfil their duty to God; but al-Baghdādī also adds that this conception of knowledge renders valueless the core practices of Islam –prayer, fasting, the pilgrimage, the prohibition of adultery, robbery and killing-. Since these acts are created by nature, i.e. by God himself, and not by human will (irāda), they would not deserve any reward or punishment[330]. This is a clear misunderstanding or misrepresentation of al-Jāḥiẓ's arguments, but it seems to echo the polemic in the same terms as it is presented in the ʿUthmāniyya. The religious duties that al-Baghdādī mentions are precisely those enumerated by al-Jāḥiẓ when referring to the ʿilm al-ʿĀmma, and in the ʿUthmāniyya they are clearly described as an act resulting from a voluntary and deliberative choice founded in their knowledge of these particular aspects of the revelation.

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[330] Al-Baghdādī, Al-Farq Bayna al-Firaq, 160;7-161;3.

ʿAbd al-Jabbār's *al-Mughnī*, has also preserved a refutation of al-Jāḥiẓ that, as with al-Balkhī and al-Baghdādī, does not reflect the arguments used in the *ʿUthmāniyya*. According to ʿAbd al-Jabbār, al-Jāḥiẓ belonged to the *aṣḥāb al-maʿārif* and claimed that knowledge (*al-maʿārif*) occurs necessarily by nature upon the scrutiny of the signs (*taqaʿu ḍarūratᵃⁿ bi-al-ṭabʿ ʿinda al-naẓar fī al-adilla*). As for the rational capacity of scrutinizing these signs, he argued that it may be natural and necessary (*ṭabʿᵃⁿ wa-iḍṭirārᵃⁿ*) when the natural impulses (*dawāʿī*) are not balanced, and a deliberative decision (*ikhtiyārᵃⁿ*) when these impulses are in equilibrium[331]. Al-Jāḥiẓ does not elaborate upon his theory of human impulses in the *ʿUthmāniyya*, but he refers the reader to his *Kitāb al-Maʿrifa*, where he should have dealt at length with these problems[332]. What is relevant in terms of understanding al-Jāḥiẓ's discussion with the ʿUthmānīs are the consequences of this doctrine for human agency. Al-Jubbāʾī refutes al-Jāḥiẓ's theories on the basis that someone whose knowledge has been acquired by nature is not an agent (*fāʿil*), as the faculty of being able to act would be a predicate of God, who has created nature (*fāʿil al-ṭabʿ*); in this case, the ethical consequences of these acts would be ascribed to God, which is absurd because no requital would be merited by His creatures; moreover, wrongdoings would be also attributed to God, an opinion which contradicts one of the main Muʿtazilite tenets[333]. We cannot know the contents of the *Kitāb al-Maʿrifa*, the treatise presumably refuted by these authors, but al-Jāḥiẓ's arguments in the *ʿUthmāniyya* leave no doubt that, for him, the natural knowledge that allows the attainment of the basic principles categorised as *ʿilm al-ʿĀmma*, is a grace from God that grants human agency and implies a number of duties.

The most pragmatic aspects of this discussion in terms of the principles of the imamate arise when discussing the role of those who have the duty of electing and setting up the imam: the *Khāṣṣa*. The knowledge of the principles of the imamate is part of the *ʿilm al-Khāṣṣa*, this means that although the imamate is a necessary institution and it is a duty to set up an imam for the community, the moral obligation of setting up an imam does not fall upon all the people (*suqūṭ al-*

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[331] ʿAbd al-Jabbār, *Mughnī*, XII, 316;1-4.

[332] Al-Jāḥiẓ, *ʿUthmāniyya*, 261;10, where he uses the title *Kitāb al-Maʿrifa*. This theory is also discussed in the *Jawābāt fī al-Imāma* and the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* , see below Chapters 7 and 8.

[333] ʿAbd al-Jabbār, *Mughnī*, XII, 319;8f. On the Muʿtazilite theories see Frank, "Two Islamic Views on Human Agency"; and Frank, "Can God do what is Wrong?".

taʾlīf ʿalā al-jamīʿ), but only upon the *Khāṣṣa*[334]. Moreover, the fulfilment of this duty is conditional: setting up an imam is incumbent upon them only when it is possible (*ʿalā al-imkān*), as it will be explained in the next section devoted to the modalities of election.

In summary, the treatment of the duty of setting up an imam stems from al-Jāḥiẓ's categorization of knowledge and can be determined in quantitative and qualitative terms:

1. Quantitative criterion (individual/collective duty):

Setting up an imam is not an individual but a collective duty, since God has not imposed this obligation on all people alike, only to those who can understand its principles. The election of the imam is necessary for the wellbeing of the community, and this responsibility falls on the members of the *Khāṣṣa*, that is why their knowledge implies a privilege (*faḍl*) over the *ʿĀmma*. Although the terms *farḍ al-ʿayn* and *farḍ al-kifāya* are not used by al-Jāḥiẓ, the categorization applied in order to define this duty is the same.

It seems evident that the epistemological framework taken into consideration by al-Jāḥiẓ when defining religious duties underlies the treatment of this concept in other authors of the third/ninth century. In the parallel passage of the *Risāla* devoted to knowledge, al-Shāfiʿī describes three kinds of duties: individual duties, supererogatory acts and collective duties[335]; both in al-Jāḥiẓ and al-Shāfiʿī these categories are predicated upon the intellectual capabilities of the individuals. Ibn Qutayba also classifies the religious duty (*farḍ*) into two kinds: the duty that should be fulfilled specifically by each individual (*ʿalā kull imrʾ fī nafsi-hi khāṣṣatan*), such as the prayer, fasting, and performing the pilgrimage; and the duty that should be fulfilled collectively by the Muslim community (*ʿalā jamīʿ al-muslimīn ʿāmmatan*), in such a way that when this duty falls upon some of them it is not incumbent upon the rest of the community; this is the case of the *jihād*, the funeral services (*jināza*), and the obscure knowledge (*jumlat al-ʿilm*)[336]. For Ibn Qutayba, the categorization of religious duties seems to obey to the same epistemological premises.

[334] Al-Jāḥiẓ, *ʿUthmāniyya*, 261;13-15.
[335] Al-Shāfiʿī, *Risāla*, §96.
[336] Ibn Qutayba, *Al-Masāʾil wa-al-Ajwiba*, 11;13-20.

2. Qualitative criterion (belief/unbelief):

The religious duties can also be categorised in qualitative terms in virtue of the definition of *ʿilm*. For al-Jāḥiẓ, only the contravention of those aspects of the law which have been revealed as *ʿilm al-ʿĀmma* may be considered an act of unbelief (*kufr*). This is the problem that underlies al-Jāḥiẓ's discussion on human agency and, by extension, the discussion with the Rāfiḍa concerning the treatment of Abū Bakr as *kāfir*.

It should be noted that, although al-Jāḥiẓ uses indiscriminately the tems *farḍ*, *farīḍa* and *wājiba*, this categorization seems to be close to the later Ḥanafī distinction between *farḍ*, a duty whose violation is considered an act of *kufr*, and *wājib*, whose violation does not carry the expulsion from the community of the believers[337]. It is possible to find contemporary or almost contemporary sources that report a similar treatment of the problem of *kufr*. The treatise entitled *Al-Fiqh al-Absaṭ*, in which Abū Muṭīʿ reports sayings attributed to Abū Ḥanīfa, contains a discussion of *kufr* and *ʿilm* that expresses the same doctrine postulated by al-Jāḥīẓ: if someone claims not to know that God is the only Creator, or that He has imposed the duty (*faraḍa*) of praying, fasting and giving alms, he is incurring an act of unbelief (*kufr*); on the contrary, if he affirms that he does not know the interpretation of certain Qurʾānic passages (*lā aʿlimu taʾwīla-ha wa-lā tafsīra-hā*), he does not incur *kufr* because he is a believer with regard to the interpretation of the revelation, although mistaken concerning its interpretation (*muʾmin bi-al-taʾwīl wa-mukhṭiʾ fī al-tafsīr*)[338].

Ibn Qutayba also addresses the problem of *kufr* in the same terms. There are two kinds of *kufr*, the first one contravenes the basic principles of Islam (*al-kufr bi-al-aṣl*), such as the belief in God, His messengers and His angels, His books, or that which He has revealed (*al-baʿth*); whoever violates any of these basic principles of religion is separated from the community of the believers (*qad kharaja ʿan jumlat al-muslimīn*). The second kind of *kufr* is the one referring to the derived religious principles resulting from the interpretation of the sources (*al-kufr bi farʿ min al-furūʿ ʿalā taʾwīl*), such as God's omnipotence (*qadr*), neglecting the dirtiness of the sandals, not taking into consideration the rule of the triple divorce (*al-ṭalāq bi-al-thalāth*), and similar things; whoever contravenes these rules is not separated from the community and he is not denominated *kāfir* nor *muʾmin*. For all the alleged anti-

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[337] See Reinhart, "Like the Difference Between Heaven and Earth".
[338] Abū Ḥanīfa, *Al-Fiqh al-Absaṭ,* 41;17-42;1.

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Muʿtazilism of Ibn Qutayba, this formulation has a great resemblance with the doctrine of *al-manzila bayna al-manzilatayn*, and his understanding of the relation between knowledge and unbelief agrees with that of al-Jāḥiẓ's treatise[339].

As with the previous categorization of *farḍ*, it is evident that in the time of al-Jāḥiẓ the assessment of the religious duties in terms of legal responsibility was clearly based on a similar definition of *ʿilm*.

The capital importance of the *ʿUthmāniyya* for the concept of religious duty in the third/ninth century lies in its being one of the few sources where Muʿtazilite ethics and epistemology are perfectly integrated with the hermeneutical principles of legal theory. The categorization of *ʿilm* is the main organizational criterion to analyse and classify the different kinds of religious duties and, by extension, to delimit the responsibility of setting up an imam. Although the discussion concerning the natural knowledge of God tangentially addresses the problem of unbelief, al-Jāḥiẓ does not discuss the doctrine of the *manzila* in this treatise, but he takes this up in another of his treatises dealing with the polemics on the imamate, the *Taṣwīb ʿAlī*[340]. There is however, a further discussion of the duty of setting up an imam; for al-Jāḥiẓ it is a duty upon the *Khāṣṣa*, but, in virtue of the Muʿtazilite doctrine of *ʿadl*, only if it is possible. The conditions of possibility depend on the different ways of electing the imam.

6.4. Modalities of Election of the Imam

The section describing the modalities of the election of the imam follows the discussion of the obligation of the imamate[341]. In an intricate passage, al-Jāḥiẓ states that the Prophet did not choose (*ikhtāra*) an imam for the community, and this is a sign that the Prophet considered it better for the community not to make a direct appointment (*tarak al-naṣṣ wa-al-tasmiya*). For al-Jāḥiẓ there are three models for setting up an imam:

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[339] Lecomte argues that Ibn Qutayba was a fervent anti-Muʿtazilite particularly oppose to the doctrine of the *manzila*, see Lecomte, *Ibn Qutayba*, 324

[340] See below Chapter 14.

[341] As Pellat has noted, there are two misplaced folios in the manuscript that affect the edition of this section, the correct sequence of the text is explained in his review of Harūn's edition of the *ʿUthmāniyya, Arabica*, 3, 3 (1956): 312-323 (p. 323).

1) Deposition of a tyrant and further election of an imam

As we have seen, al-Jāḥiẓ defines the obligation of setting up an imam as a religious duty (*farḍ*) imposed upon the *Khāṣṣa* that is binding only when it is possible to be fulfilled (*ʿalā al-imkān*). That which renders the election and appointment of an imam possible or impossible in case of a tyrannical rule is the distribution of allegiances and the support of the *ʿĀmma*. Al-Jāḥiẓ's treatment of these conditions is also casuistic.

If the *ʿĀmma* supports the army of the tyrant against the *Khāṣṣa* or does not collaborate in the rebellion, setting up an imam may be a duty or not according to the following circumstances:

a) It is a duty when it is evident who deserves to be imam and caliph, and there is no dissimulation among the *Khāṣṣa* (*al-taqiyya zāʾila*).

The ʿUthmāniyya argue that it is hardly conceivable that they would not conceal their real preferences if the army of the tyrant is more numerous than the rebels. For al-Jāḥiẓ, it is obligatory to set up an imam only if the rebels are not surpassed in number and there is no *taqiyya* among them concerning the support of the candidate to the imamate. The reason behind this argument is that the union of the army is necessary to topple the tyrant and it is only guaranteed when there is not dissimulation[342].

The ʿUthmāniyya claim that, under these conditions, it would never be a duty to set up an imam, as there is no certainty concerning the end of *taqiyya*. Al-Jāḥiẓ replies that the *Khāṣṣa* would eventually express their real opinions without *taqiyya* under certain circumstances, such as an increase of the oppression upon them, or any threat to the military power of the tyrant (division within the army, attacks of the enemy, misguidance of their commanders, etc.). When there is an opportunity to vanquish the tyrant, dissimulation disappears (*tazūlu al-taqiyya*) and if they gain the support of part of the *ʿĀmma* or the *ʿĀmma* do not support the tyrant, it is incumbent upon them to depose the unjust ruler and set up a rightful imam[343].

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[342] Al-Jāḥiẓ, *ʿUthmāniyya*, 262;5-263;2.
[343] Al-Jāḥiẓ, *ʿUthmāniyya*, 264;5-18.

b) It is not a duty when it is not evident who deserves to be the imam. As we have seen in the previous section, al-Jāḥiẓ discusses the different ways of recognising the excellence of the imam.

2) Election of the imam by a *shūrā*, as with ʿUthmān

The second modality of election is exemplified by the *shūrā* convoked by the caliph ʿUmar. Since the community was not unanimous concerning the superior merits of any individual, ʿUmar summoned the most excellent Muslims (*mutaqāribīn*) and they chose the imam among them. The six members of the *shūrā* were universally regarded as outstanding figures (*bāʾinīn*), both by the caliph ʿUmar and the *Khāṣṣa*, and therefore it was possible to avoid any partisanship[344].

3) Election of the imam by universal recognition, as with Abū Bakr

The election of Abū Bakr, says al-Jāḥiẓ, was neither a direct bequest (*naṣṣ*) from the Prophet, nor a *shūrā*, nor the result of a rebellion such as the modality described in point (a), because it was peaceful and did not follow any *fitna*. In the course of this enumeration, al-Jāḥiẓ does not elaborate on this argument, but from the commentaries in other parts of the treatise it is clear that he considered that Abū Bakr had been universally recognised as imam. According to the ʿUthmāniyya, Abū Bakr was addressed as *khalīfat Rasūl Allah* already in life of the Prophet[345], the community had recognised his excellence during the years that preceded the death of Muḥammad[346], and he enjoyed the obedience of the common people (*al-muṭāʿ fī al-ʿawāmm*) and the approval of the wise men (*al-maqnaʿ fī al-duhamāʾ*)[347]: "How could have been Abū Bakr imam -they ask- if the Muslim would have not agreed upon his imamate, and had been satisfied with him?"[348].

The election of Abū Bakr is an example of the universal recognition described in the previous section which is not invalidated by the opposition he received from certain sectors; as al-Jāḥiẓ says, even the Prophet suffered the opposition of the members of his own tribe, and the perfect *ijmāʿ* is impossible:

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[344] Al-Jāḥiẓ, *ʿUthmāniyya*, 270;5-11.
[345] Al-Jāḥiẓ, *ʿUthmāniyya*, 123;5-11. On this expression, see Crone and Hinds, *God's Caliph.*
[346] Al-Jāḥiẓ, *ʿUthmāniyya*, 132;11-16.
[347] Al-Jāḥiẓ, *ʿUthmāniyya*, 167;19-168;1.
[348] Al-Jāḥiẓ, *ʿUthmāniyya*, 172;3-4.

"The consensus of all the people upon that which is right is something impossible (*ijmāʿ al-nās ʿalā al-ṣawāb amr lā yunāl*); but when the community has voluntarily agreed to obey a man, then there is no misguidance nor nonobservance. The rare exception of a man or two (*shudhūdh rajul wa-la rajulayn*) is not an indication of his defectiveness or corruption"[349].

As Pellat has noted, there is a relevant omission in this list: the election of the caliph ʿUmar. It is true that there is a mention of the appointment of the second caliph, but the modalities that al-Jāḥiẓ enumerates are three. Pellat argues that, although al-Jāḥiẓ defended the election against the direct appointment, he does not condemn the caliphate of ʿUmar, who was designated by Abū Bakr. It would be, interprets Pellat, a way of justifying the hereditary succession of the ʿAbbāsid caliphs[350]. ʿAṭṭār considers that there are four modalities of accessing to the imamate and lists the election of ʿUmar among them without further explanation.[351] The passage in which al-Jāḥiẓ refers to the appointment of ʿUmar suggests, however, that he is trying to present this as a tacit recognition similar to that of Abū Bakr, rather than as a personal designation of his predecessor:

"We have seen, when Abū Bakr wanted to pass [the imamate] on to ʿUmar after him, how did the men of the *Muhājirūn* and the notables of the *Sābiqūn* approached him [i.e. Abū Bakr], so that he could divert it to one more lenient of approach, more compliant and more approachable. They said 'O, successor of the Messenger of God, the widower and the widow, the weak man and woman need to be cared for, and ʿUmar is a man revered in the heart of the people, and, by God, we do not want to take [the imamate] away from him and not give preference to the best at any time. Abū Bakr said: 'By my Lord, are you intimidating me? If I were to meet [God] and he asks me: 'Who have you ask to be your successor among my subjects?' I would say: 'I have chosen as successor the one who in my estimation is the best among your people"[352].

ʿUmar was the preferred candidate of Abū Bakr because he was regarded as the most excellent, and his preference coincided with the opinion of the *Khāṣṣa*. The

[349] Al-Jāḥiẓ, *ʿUthmāniyya*, 195;1-4.
[350] Pellat, "L'Imamat dans la doctrine de Ğāḥiẓ", 47.
[351] ʿAṭṭār, *The ʿUthmāniyya of al-Jāḥiẓ*, 183.
[352] Al-Jāḥiẓ, *ʿUthmāniyya*, 274;1-7.

imamate of ʿUmar could be interpreted, therefore, as a universal recognition of his virtue, such as in the case of Abū Bakr. Although this interpretation seems to be somehow forced, it does not contradict al-Jāḥiẓ's principle that the recognition of the rightful imam is a consequence of his excellence; the legitimacy of ʿUmar, such as that of Abū Bakr before him, does not derive from his appointment, but from his intrinsic excellence, which was recognised by the community. This reasoning also underpins al-Jāḥiẓ's opinion that there is nothing wrong in the caliphs designating successor, as long as the chosen one is the most excellent[353].

As I will discuss below, these three modalities are also enumerated and discussed in the same terms in the *Taṣwīb ʿAlī*[354].

6.5. Conclusions

In summary, the *Kitāb al-ʿUthmāniyya*, thanks to its length and the wide range of topics addressed in its pages, provides the reader with the clues to understand the logic that underlies al-Jāḥiẓ's treatment of the polemics on the imamate. The dialogic structure of all these treatises results from al-Jāḥiẓ's understanding of debate as a necessary exercise to achieve the truth and from the Muʿtazilite doctrine of moderation and objectivity, which compels him to present the opinions of his opponents as if they were his own. The discussion of the principles of the imamate is based on the examination of the textual sources of the revelation by applying sophisticated hermeneutical techniques of Shāfiʿite inspiration, and the treatment of the concept of duty (*farḍ, wājiba*) depends on al-Jāḥiẓ's categorization of *ʿilm* and is consubstantial with the discussion of another pivotal Muʿtazilite concept: *kufr*. Both al-Jāḥiẓ and the ʿUthmānīs agree that there are no hermeneutically autonomous Qurʾānic verses and *ḥadīths* concerning the imam. Unlike the ʿUthmāniyya, al-Jāḥiẓ does not consider that the principles of the imamate are to be found in Qurʾānic passages that need to be interpreted by the experts. He defends the necessity of the institution and the duty of setting up an imam on rational grounds, although the necessity of the imamate is not discussed in this work; al-Jāḥiẓ explicitly refers the reader to another treatise where he debates this issue, the *Jawābāt fī al-Imāma*. This treatise is the subject of the next chapter.

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[353] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 470;12-471;6.
[354] See Chapter 14, section 14.3.

Part 3. Necessity of the Imamate

Chapter 7. The *Jawābāt fī al-Imāma*

> This chapter is focused on the debate concerning the necessity of the imamate. In the first part, I will analise its structure and contents (7.1), and discuss previous studies (7.2). Section 7.3 discusses the identity of al-Jāḥiẓ's intellectual interlocutors, section 7.4 is centred on al-Jāḥiẓ refutation, and section 7.5 is devoted to the historical events referred to in the treatise.

7.1. Structure and Contents

The *Jawābāt fī al-Imāma* is another of the treatises belonging to al-Jāḥiẓ's cycle of works on the imamate. Al-Jāḥiẓ mentions this work in the prologue of the *Ḥayawān*, as one of the treatises criticised by Ibn al-Zayyāt[355], and, although not by name, the *Jawābāt fī al-Imāma* is referred to in the course of the discussion with the 'Uthmānīs, where al-Jāḥiẓ explicitly claims that this work contains his own doctrines on the necessity of the imamate[356]. This does not mean that al-Jāḥiẓ does not use his own voice in his other works, as we have seen in the previous study of the *'Uthmāniyya*. In the major part of the surviving texts on the imamate, al-Jāḥiẓ intervenes personally at different instances, but these interventions are inserted in the main dialogue reporting the opinions of one group and its opponents. The *Jawābāt fī al-Imāma* has also a dialogical structure but, in contrast with the other treatises, al-Jāḥiẓ is the main voice and he personally engages in debate with one or several groups who advocated for the dispensability of the imamate. In this case, he does not act as the objective moderator that he claims to be in his other works, but as an active discussant. However, due to the extreme fragmentary condition of the text, it is not unlikely that the original treatise it may have included dialogical sections similar to those of cognate works. As with the other treatises, the circumstances of the composition of the *Jawābāt fī al-Imāma* are impossible to reconstruct, but we know that it was written before the 'Uthmāniyya, and addressed

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[355] Al-Jāḥiẓ, *Ḥayawān*, I, 12;9-13:
"You reproved my treatise on the 'Abbāsids (*Kitāb al-'Abbāsiyya*), but why did you not reproach me for transmitting the arguments of those who reject the necessity of the imamate, and those who think that we can deny obedience to the imams, and claim that leaving people go astray (*sūd^{an}*), without a guide (*qayyim*), is more beneficial for them; and leaving them unattended without a guard who takes care of them is more appropriate for them and more likely to grant them peace in this world and the reward of the after life; that leaving [people] to go freely, without a ruling system for them, is less prone to corruption, and is more liable to bring them guidance?".
[356] Al-Jāḥiẓ, *'Uthmāniyya*, 154;2-3

to the same unnamed patron whom Pellat, Zahniser, and ʿAṭṭār identify as al-Maʾmūn[357].

If we take into consideration that the *Jawābāt fī al-Imāma* is the only treatise of this series where al-Jāḥiẓ confesses to express his own opinions, it is no wonder that he extant passages have preserved a long encomium of books and a defence of his own postulates concerning the etiquette of debate[358]. The praise of books is very similar to the one preserved in the *Ḥayawān* and the *Kitāb al-Futyā*[359], and contains a recurrent opinion in these treatises: reading alone is not enough to exploit the knowledge contained in the books, it is also necessary to test this knowledge in a fair debate. The fairness and objectivity that should constrain the representation of the ideas of the adversaries is also a recurrent topos in these texts that al-Jāḥiẓ relates to the Muʿtazilite concept of justice (ʿadl)[360]. In the *Jawābāt fī al-Imāma,* al-Jāḥiẓ defends the practice of presenting the ideas of the dialectical opponent as if they were one's own in order to give the reader or listener the opportunity to judge for himself[361].

As regards its content, the *Jawābāt fī al-Imāma* is one of the rare sources that deal with the doctrine of the dispensability of the imamate. This theme is by no means exceptional within al-Jāḥiẓ's discursive universe as he often addresses polemically the necessity of setting up an imam, but the account of the doctrines of the groups who oppose this position contained in this treatise is an unparalleled historical document. The *ʿUthmāniyya* also contains a tangential mention of these groups, when al-Jāḥiẓ notes that certain opinions poorly articulated by the ʿUthmānīs may be used as arguments by those who do not consider the imamate a religious duty (*anna al-imāma wājiba*)[362], but we do not know whether this issue may as well have been part of the *argumentarium* of the other groups and therefore discussed by al-Jāḥiẓ in a different context. In this regard, there is evidence that the necessity of the imamate was a topic discussed in Zaydī literature, but al-Jāḥiẓ's

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[357] Al-Jāḥiẓ, *ʿUthmāniyya*, 154;2-7.
[358] Al-Jāḥiẓ, *Jawābāt*, 295;5-298;6.
[359] Al-Jāḥiẓ, *Ḥayawān*, I, 88f. and *Kitāb al-Futyā*, 314;18f.
[360] In this case, not divine justice, see Chapter 13, section 13.3.
[361] Al-Jāḥiẓ, *Jawābāt*, 295;6-296;2. As we have seen, this idea would be repeated, in very similar terms, in the final address to the patron contained in the *ʿUthmāniyya*.
[362] Al-Jāḥiẓ, *ʿUthmāniyya*, 154;2-3

fragments from his *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* have not preserved any trace of this[363].

The *Jawābāt fī al-Imāma*, as it has come down to us, consists in a collection of fifteen fragments of varied length. It starts *in media res*, without any indication concerning the circumstances of its composition, and its colophon has not survived either. These fragments can be divided into ten thematic sections:

(1) Fragments 1 and 2 [285-289]: Exposition of the doctrines of those who deny the necessity of the imamate and the duty of electing an imam, and first refutation of al-Jāḥiẓ

(2) Fragment 3 [289-290]: Description of the historical events and the power vacuum that moved people to apply the *ḥudūd* by themselves without an imam, and to defend the dispensability of the imamate.

(3) Fragment 4 [290-295]: Discussion of the possible ways of proving that the imamate is a duty (*ʿaql*, *khabar*, Qurʾān). The extant fragments of this section are focused on the discussion of *akhbār* concerning the division among the Companions after the death of Muḥammad.

(4) Fragments 5 [295-298] and 9 [301-302]: Paratexts where al-Jāḥiẓ justifies his dialogical method and discusses the value of books and debate.

(5) Fragment 6 [298-299]: Discussion on human agency and God's justice. Al-Jāḥiẓ argues that human acts do not turn God's grace (*niʿmat Allāh*) and God's good (*iḥsān Allāh*) into bad; it is humans who are responsible for their bad actions when they made a bad use of God's grace.

(6) Fragments 7, 8 [299-301], and 10 [302-303]: Exposition of al-Jāḥiẓ's thesis on human nature and the need for prophecy and imams in order to implement God's laws and constrain the natural appetites of human beings.

(7) Fragments 11, 12 [303-304]: Demonstration that there can only be one single imam.

(8) Fragment 13 [305-306]: Description of the qualities of the imam.

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[363] A treatise attributed to al-Qāsim b. Ibrāhīm discusses the duty of setting up an imam (*farḍ*), cf. al-Qāsim b. Ibrāhīm, *Imāma min Taqaddum ʿAlī*. On the attribution of this text see Abrahamov, "Al-Ḳāsim ibn Ibrāhīm's Theory of the Imamate".

(9) Fragment 14 [306-307]: Disagreement concerning the past imams is a proof against the necessity of the institution.

(10) Fragment 15 [307]: Some people claim that the imam and the *qaḍī* should be obeyed even if they are impious.

7.2. Previous Studies
i. Pellat

Together with the *ʿUthmāniyya*, the *Jawābāt fī al-Imāma* is probably the treatise that has received most attention from scholars. Pellat's pioneering study on al-Jāḥiẓ's doctrine of the imamate devotes a section to the arguments on the necessity of the imam, partly based upon the theories expressed in the *Jawābāt fī al-Imāma*. Pellat struggles to identify the texts that al-Jāḥiẓ may have composed on this subject on the basis of the different titles that the medieval Muslim scholars mention. The mention of al-JāḤĪẒ's account on the doctrines on the dispensability of the imamate in the *Ḥayāwān* is interpreted by Pellat as a reference to a lost work entitled *Kitāb Wujūb al-Imāma*, where al-Jāḥiẓ should have demonstrated the necessity of the imamate. In addition to this *Wujūb al-Imāma*, al-Jāḥiẓ should have written a *Kitāb al-Dalāla ʿalā anna al-Imāma Farḍ*, devoted to prove that it is a duty upon the community to set up an imam, which has not come down to us either; and, finally, the partly extant *Jawābāt fī al-Imāma*, which, according to Pellat, should have been "*le traité théorique le plus complet sur cette question*"[364]. For Pellat, there is a fundamental difference between these allegedly theoretical treatises on the institution of the imamate -among which he includes the *Jawābāt* despite its dialogical structure-, and the polemic treatises addressed to specific groups, which he ascribes to a different genre, but he does not elaborate on this generic distinction.

In his last inventory of al-Jāḥiẓ's texts, written twenty years later, Pellat still considers that the *Kitāb Wujūb al-Imāma* is an independent work, although he notes that this title is not explicitly mentioned in the *Ḥayawān* and admits the possibility that al-Jāḥiẓ might have written two different works on this topic, the *Kitāb al-Dalāla anna al-Imāma Farḍ* and the *Kitāb Wujūb al-Imāma*[365]. As for the only extant work, the *Jawābāt fī al-Imāma*, he points out that this title does not occur in any of the sources

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[364] Pellat, "L'Imamat dans la doctrine de Ǧāḥiẓ", 38.
[365] Pellat, "Nouvel essai d'inventaire de l'oeuvre ǧāḥiẓienne", *sub* 104.

that list the works of al-Jāḥiẓ, and suggests that it could have been made up by the compiler of the manuscript collection where it is contained, ʿUbayd Allāh b. Ḥassān[366]. Despite the *Jawābāt fī al-Imāma* being the only extant text exclusively focused on discussing the necessity of the imamate, Pellat takes this treatise as an independent work and does not discuss its relation to, and possible confusion with the other titles. He takes all these texts to be part of the books written for al-Maʾmūn mentioned in the *Bayān*, and therefore they should be dated prior to 218/833, probably around 202/816[367].

In terms of the content of these works, Pellat argues that these three treatises should have reported the thesis of the "anarchists" who advocated for the dispensability of the imamate and refused to obey the imams. Against them, al-Jāḥiẓ should have demonstrated the necessity of the double role of the imam, spiritual and temporal, on the basis of wellbeing (*maṣlaḥa*). Pellat supports this interpretation with some fragments of the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, where al-Jāḥiẓ argues that human beings are inclined to wrongdoing, and they need a leader to guide them and guarantee the abidance of the law with punishments[368]. The possible intellectual interlocutors addressed by al-Jāḥiẓ, according to the French scholar, are the Muʿtazilites Hishām b. ʿAmr al-Fuwāṭī, who, according to al-Shahrastānī and al-Baghdādī, claimed that it is impossible to set up an imam in time of dissension; and Abū Bakr al-Aṣamm, who held the same opinion although, according to Pellat, he did so in order to better argue against the imamate of ʿAlī[369].

Pellat also identifies a second argument addressed to a different group. Some fragments of the *Jawābāt* are devoted to demonstrate the absurdity of having more than one imam by appealing to the innate envy of humans and the destructive competition that the division of power would raise among the different leaders. Pellat interprets that this argument might have been part of a refutation of the Zaydīs, although this problem was also a particular concern for such a notable pro-

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[366] Pellat, "Nouvel essai d'inventaire de l'oeuvre ǧāḥiẓienne", *sub* 103.
[367] Pellat, "Nouvel essai d'inventaire de l'oeuvre ǧāḥiẓienne", 142 (*sub Imama*).
[368] Pellat, "L'Imamat dans la doctrine de Ǧāḥiẓ", 39.
[369] Pellat, "L'Imamat dans la doctrine de Ǧāḥiẓ", 39, n.1.

ʿAbbāsid as al-Jāḥiẓ, who would have argued against the disintegration of ʿAbbāsid political unity[370].

ii. ʿAṭṭār

ʿAṭṭār devotes a chapter of his PhD dissertation to the *Jawābāt fī al-Imāma* where his conclusions coincide to a great extent with those expressed by Pellat. ʿAṭṭār accepts Pellat's contention that these three titles correspond to three different works, of which the *Jawābāt* is the only one extant. He also coincides in the early dating of the treatise, which he places in the caliphate of al-Maʾmūn, before the year 202/816[371].

For ʿAṭṭār, although the debate reported in the extant fragments of the treatise seems to base the defence of the necessity of the imamate mainly on the discussion of historical events, al-Jāḥiẓ's ultimate frame of reference should have been provided by the combination of revelation and reason[372]. Al-Jāḥiẓ's treatment of the imamate in relation to prophecy would demonstrate his acceptance of implicit religious proofs for the necessity of the imamate, despite the silence of the revelation about this institution; as ʿAṭṭār puts it: "The obligation to set up an Imām is therefore fundamental and follows as a direct corollary from God's sending prophets"[373]; as well as being implied in "the explicit call to implement God's laws and frequent injunctions to avoid evil, and arrived at by reason"[374].

ʿAṭṭār also pays attention to al-Jāḥiẓ's treatment of *ijmāʿ* in his rendition of Muslim history. He argues that, although this concept is not explicitly invoked in this treatise, al-Jāḥiẓ's discussion of the debate of the Saqīfa between the Muhājirūn and the Anṣār would contain an implicit appeal to the value of consensus. The agreement upon the necessity of the imam, and the conclusion that there cannot be several leaders at the same time, contrarily to the initial claim of the *Anṣār*, would have been admitted by *ijmāʿ*. For ʿAṭṭār, this consensus does not refer to the *umma*, such as the Shāfiʿī notion of *ijmāʿ*, but solely to the elite. ʿAṭṭār also interprets this

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[370] Pellat, "L'Imamat dans la doctrine de Ǧāḥiẓ", 39-40. A similar thesis concerning the unity of the ʿAbbāsid Empire is defended by Enderwitz when analysing a different corpus of Jāḥiẓian works dealing with ethnic problems, cf. Enderwitz, *Gesellschaflicher Rang und etnische Legitimation.*
[371] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*, 53-54.
[372] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*, 61-62.
[373] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*, 63.
[374] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*, 64.

discussion as an admonitory reference, on the part of al-Jāḥiẓ, to the civil war between al-Amīn and al-Maʾmūn and the schisms it provoked[375].

In addition to al-Jāḥiẓ's use of history, ʿAṭṭār identifies an alternative argumentative line exclusively based on reason, since the arguments of those who vindicate the lawfulness of meting out justice without the concurrence of the imam are refuted by al-Jāḥiẓ by appealing to the inherent dangers of human nature. Al-Jāḥiẓ, states ʿAṭṭār, demonstrates that humans need to constrain their passions, and that the human being "could exercise *Taklīf* but only in the presence of a powerful ruler"[376].

Overall, ʿAṭṭār's interpretation of this treatise is that, despite the silence of the sources, al-Jāḥiẓ's treatment of history implies the acceptance of the revealed nature of the imamate. His definition of the imamate would also confirm that al-Jāḥiẓ was an "'Abbāsid necessity", a propagandist needed to counterbalance the influence of those groups that jeopardised the rule of al-Maʾmūn[377]. In this regard, ʿAṭṭār argues that the treatise portrays the image of the idealised imam for the pre-*miḥna* period, a mere executor of law although only one step below the Shīʿite position that conceives of the caliph as an indispensable figure for the attainment of salvation[378].

iii. Crone

Patricia Crone has studied some aspects of al-Jāḥiẓ's *Jawābāt fī al-Imāma* in two articles discussing the existence of anarchism in pre-modern Islamic societies, especially the Khārijites, and in her monograph on political theory[379]. In her study of the doctrines of the Najdiyya Khārijites, who also defended the dispensability of the imamate, Crone takes the opinions reported by al-Jāḥiẓ as referring to those of the Muʿtazilites who believed in the optional imamate[380], namely the followers of al-Aṣamm[381]. According to Crone, the tenets of the Najdiyya differ from the Muʿtazilite doctrines in that the latter pay more attention to the sources of knowledge

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[375] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*, 64-68.
[376] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*, 68-69.
[377] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*, 75.
[378] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*, 78, with reference to Crone, *God's Caliph*, 93.
[379] Crone, "A Statement of the Najdīyya Khārijites"; "Ninth-Century Muslim Anarchists"; and *God's Rule*, 66-69.
[380] Crone, "A Statement of the Najdīyya Khārijites", 64, n. 35.
[381] Crone, "A Statement of the Najdīyya Khārijites", 61; Crone, "Ninth-Century Muslim Anarchists", 4.

concerning the imamate -ʿaql, and unambiguous *akhbār*- than to the succession of the imams; unlike the Najdiyya, they do not cast doubt on the consensus elicited by Abū Bakr, but interpret the conflict between *Muhājirun* and *Anṣār* as a proof that Muḥammad did not instituted the imamate[382].

Crone also notes that these Muʿtazilites had problems with *ḥadīth*, as their interpretation of Saʿd b. ʿUbāda's withdrawal would have been intended to prove that the *Anṣār* did not attribute any probative value to the *ḥadīths* adduced by Abū Bakr and ʿUmar (*al-aʾimma min quraysh* and *min-nā al-umarāʾ wa-min-kum al-wuzarāʾ*)[383]. Following Van Ess, she also argues that there might have been some kind of interaction between this particular branch of the Khārijites and those Muʿtazilites who questioned the necessity of the imamate[384].

When analysing the way these doctrines were put into practice, Crone holds that the events reported by al-Jāḥiẓ refer to the disturbances which arose in Baghdād in the aftermath of the civil war between al-Amīn and al-Maʾmūn, and that the Muʿtazilites to whom al-Jāḥiẓ refers were the ascetics (*ṣūfiyyat al-muʿtazila*), among whom we should possibly include Sahl b. Salāma[385]. The Baghdādī Muʿtazilites reacted "partly with a programme of moral rearmament and partly with practical proposals"[386]. In a less anarchic vein than the Khārijites and other Muʿtazilite groups, the unnamed Muʿtazilites of al-Jāḥiẓ's epistle did not advocate a total dissolution of power, but for its reversion to the local leaders granting them the faculty of applying the *ḥudūd*[387].

As Crone indicates in her articles, her arguments rely to a great extent on the research of Van Ess, who has also taken al-Jāḥiẓ's *Jawābāt fī al-Imāma* as a refutation of the theories of al-Aṣamm[388], to whose followers he refers to as utopian[389].

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[382] Crone, "A Statement of the Najdīyya Khārijites", 68; Crone, "Ninth-Century Muslim Anarchists", 15. In this regard, al-Jāḥiẓ's counterargument stating that this disagreement is not a proof against the necessity of the imamate either is a "bad argument" according to Crone, as it does not fit in al-Jāḥiẓ general reasoning, or would have been adduced as a "matter of routine", cf. "A Statement of the Najdīyya Khārijites", 68-69.

[383] Crone, "A Statement of the Najdīyya Khārijites", 68.

[384] Crone, "A Statement of the Najdīyya Khārijites", 71-75; Van Ess, *Theologie und Gesellschaft*, II, 411f.

[385] Crone, "Ninth-Century Muslim Anarchists", 23-24.

[386] Crone, "Ninth-Century Muslim Anarchists", 16.

[387] Crone, "Ninth-Century Muslim Anarchists", 17.

[388] Van Ess, *Theologie und Gesellschaft*, II, 409, n.2.

[389] Van Ess, *Theologie und Gesellschaft*, II, 412; he also refers to the "esprit utopique" inherited from the Ibādiyya in "Une lecture à rebours de l'histoire du Muʿtazilisme (II)", 21. In a later article where Van Ess comments on Crones' thesis on anarchism he admits that they could be labelled as anarchists, at

7.3. The Doctrine of the Dispensability of the Imam and its Supporters

Despite the fragmentary state of the *Jawābāt fī al-Imāma*, it is possible to partly identify the voices of the different interlocutors and pin down the arguments of al-Jāḥiẓ and the defenders of the dispensability of the imamate. As in the rest of al-Jāḥiẓ's treatises on this topic, the discussion is based on a clear epistemological paradigm to which both parties resort in order to discuss the necessity of the imam. All the groups represented in the fragments that have survived from the epistle, including al-Jāḥiẓ, seem to agree that the Qurʾān and the *Sunna* are silent concerning the imamate; they part ways, however, when interpreting the meaning of this silence.

The frame of reference that al-Jāḥiẓ explains in the *ʿUthmāniyya* is explicitly mentioned here when discussing this problem:

"Some people claim that the imamate is only a duty if [it is proved] in any of these three ways: either a reason (*ʿaql*) that demonstrates its cause (*sababi-hā*), or a *khabar* not contradicted by a similar *khabar* (*lā yukadhdhib mithlu-hu*)[390], or [a *khabar*] that does not support interpretation because its meaning is univocal"[391].

Once more, we find the same criterion based on the taxonomy of knowledge that al-Jāḥiẓ applies to the analysis of the revelation in all the treatises of this cycle. If God had instituted the imamate as a religious duty to all humankind this information should necessarily have been revealed in the form of a knowledge that can be universally achieved (*ʿilm al-ʿĀmma*), i.e. hermeneutically autonomous *hadīths* or Qurʾānic verses that do not need interpretation. The absence of any reference to the Qurʾān in this passage is striking and may be due to a corruption of the text, but the silence of the Qurʾān is explicitly mentioned in a previous passage[392]. If, as al-Jāḥiẓ argues, the principles of the imamate have been revealed as a kind of knowledge that can only be achieved through rational examination, it is no less a

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least in the etymological sense of the term, cf. "Political Ideas in Early Islamic Religious Thought", 160, n.54.
[390] A similar expression, *mā lā yathbut mithlu-hu*, occurs in al-Shāfiʿī, *Risāla*, §715, translated in Lowry, *Early Islamic Legal Theory*, 129.
[391] Al-Jāḥiẓ, *Jawābāt*, 290;9-11. This passage seems to be corrupted and my translation is conjectural.
[392] Al-Jāḥiẓ, *Jawābāt*, 289;5.

duty, but it is not universal: it is a duty upon the *Khāṣṣa* only, as he demonstrates in the *ʿUthmāniyya*.

In this case, the dialectical adversaries of al-Jāḥiẓ invoke the silence of the sources in a different context. The debate is not focused on the evaluation of the revealed sources, but on the meaning of this silence in terms of *maṣlaḥa*. God has not considered it necessary to impose the duty of setting up an imam, and therefore has given His creatures the possibility of prospering by themselves; had He desired otherwise, His Messenger would have rendered setting up an imam a duty, but he did not, despite the reigning corruption of the *Jāhiliyya*:

> "They say: Since God the Blessed and Sublime was aware of the growing corruption among the people when He sent the messengers, and He did not refuse to send them to them, for He has made their creation balanced and given them the ability to prosper, what is the point of conjecturing and reckoning that the people corrupt each other, and contend with one another, when they do not set up a single imam who renders obligatory a prescription (*farḍ*) neither mentioned in any revealed Book, nor established by any *khabar*? However, we have witnessed the knowledge that people were corrupting each other over that about which a prescription did not appear"[393].

Similarly, there is a long discussion in the *Jawābāt fī al-Imāma* concerning the *akhbār*, but their treatment does not obey the hermeneutical principles that govern the analysis of revelation in *al-ʿUthmāniyya*. According to the defenders of the dispensability of the imamate, there are contradictory reports on this subject and there is no clarity and virtue in that which is contradictory (*laysa fī al-mutadāfiʿ wa-al-mutakāfiʾ bayān wa-lā faḍl*)[394]. This reasoning is not intended to refute an argument based on the probative value of prophetic *akhbār*; the real objective behind this argument is to present the disagreement of the early Muslim community as proof that they did not regard setting up an imam as a religious duty. The frame of reference for this *akhbār* is historical, not hermeneutical.

These groups build their argument against the imamate upon the attitude of the Companions in the aftermath of the death of Muḥammad, concretely on the

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[393] Al-Jāḥīẓ, *Jawābāt*, 289;1-6.
[394] Al-Jāḥiẓ, *Jawābāt*, 290;12-13.

events of the Day of the Portico. The *Anṣār*, who are described as the most learned in the Qurʾān and the *Sunna*, said to Abū Bakr: "Let there be a commander from us and a commander from you (*min-nā amīr wa-min-kum amīr*)"[395]. If the Prophet had revealed any command in this regard they would have known it and put it into practice, since they were the most obedient and excellent Muslims[396]. But they disagreed, and this was not the opinion of an exalted individual alone: Saʿd b. ʿUbāda was a respected Companion with great support[397]. As the historical sources report, Abū Bakr and ʿUmar replied saying: "Let there be a commander from us and a vizier from you"; and adduced the *ḥadīth* "The imams should be from the Quraysh" to support this claim. Saʿd b. ʿUbāda and his people, however, did not accept this as a proof (*ḥujja*) and did not pledge allegiance to Abū Bakr[398].

This argumentation is not intended to prove the non-existence of a valid report concerning the obligation of setting up an imam; as we have seen in the *ʿUthmāniyya*, al-Jāḥiẓ would have agreed with this stance and there would not have been any debate on this particular aspect. The emphasis on the excellence of the *Anṣār* and on their knowledge of the Qurʾān and the *Sunna* is a strategy to invest the acts of Saʿd b. ʿUbāda and the *Anṣār* with probative value; they, who were virtuous men and knew perfectly well the *Sunna* of the Prophet, argued that there should not be a unified political leadership over the Muslim community. What they proposed was, in fact, to have two commanders, one from the *Anṣār*, one from the *Muhājirūn*. The practice of those Companions was, according to the opponents of al-Jāḥiẓ, contrary to the institution of a unified leadership and favourable to the division of authority.

This argument seems to be contested by al-Jāḥiẓ in a brief and rather unconnected fragment -Fragment 14-, which also addresses the election of ʿUmar and the *shūrā*:

"The words of the *Muhājirūn*, the *Anṣār,* and of those between whom there was competition and controversy, were as we have described [when dealing with of the events] on the Day of the Portico; and also the actions (*ṣanī*) of Abū Bakr and what he said to Ṭalḥa about ʿUmar; and the actions of ʿUmar regarding setting up the

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[395] Al-Jāḥiẓ, *Jawābāt*, 290;16.
[396] Al-Jāḥiẓ, *Jawābāt*, 291;1-9.
[397] Al-Jāḥiẓ, *Jawābāt*, 291;10-292;9.
[398] Al-Jāḥiẓ, *Jawābāt*, 293;7-11.

consultation (*al-shūrā*) and his threat of killing them if they did not appoint a man in due time, before the outbreak of civil strife (*fitna*); then the actions of ʿUthmān, his words, and his patience until he was killed, without a *shūrā* (*dūna-hā*) and without him deposed by it; and the words of Ṭalḥa, Zubayr, ʿĀʾisha and ʿAlī, peace be upon them; [all of these] are not a proof against what we have said [about the institution of the imamate], and there is no indication and no conclusive proof on earth [against it]"[399].

This passage is clearly refuting the arguments of those who defended the position that the early Medinese community did not consider the imamate a duty in the light of the numerous *fitnas* that the election of their imams motivated. As mentioned, ʿAṭṭār argues that al-Jāḥiẓ implicitly appeals for a consensus that these rebellious episodes are not enough to break. Al-Jāḥiẓ, however, does not discuss *ijmāʿ* in this treatise, nor claims at any point that the necessity of the imamate emanates from *ijmāʿ*. In this context, the consensus refers to the agreement of the community upon the candidate, a kind of *ijmāʿ* discussed at length by al-Jāḥiẓ in the *Taṣwīb ʿAlī*, which he does not consider a proof (*ḥujja*) but a sign (*dalīl*). In the *Jawābāt fī al-Imāma*, al-Jāḥiẓ uniquely rejects the alleged probative value of the disagreement between the *Anṣār* and the *Muhājirūn*, as he rejects the proofs based on the opposition to Abū Bakr and ʿAlī in other works where he deals with the value of consensus[400].

Al-Jāḥiẓ's interpretation of Muslim history is radically contrary to that of his adversaries. For him, the efforts of the first caliphs to establish a solid leadership over the *umma* demonstrate quite the opposite, that the community considered that setting up an imam was a religious duty:

"That which we have described, and what we have established and explained concerning their states indicates that they considered the establishment of an imam a necessary duty (*farīḍa wājiba*), that any partnership was disobedience (*manfiyya*), and that the imamate brings together the rectitude of religion and the preference for what is good in the hereafter and the present life".[401]

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[399] Al-Jāḥīẓ, *Jawābāt*, 306;6-12.
[400] Al-Jāḥiẓ rejects *ikhtilāf* as a proof against Abū Bakr's imamate in *ʿUthmāniyya*, 195;1-4; and against the imamate of ʿAlī in *Taṣwīb ʿAlī*, 478;11-15.
[401] Al-Jāḥīẓ, *Jawābāt*, 306;13-15.

Therefore, I do not interpret that this argumentative line is part of a discussion on the probative value of the *akhbār per se*, nor consider, as Crone argues, that this group of alleged Muʿtazilites had a "problem with *ḥadīth*". Reports are adduced in order to prove dissension among the Companions, and this dissension was intended to prove that they did not consider the imamate necessary, as it was not rendered a duty in any of the revealed sources of law. Al-Jāḥiẓ, on the contrary, sees in the acts of the caliphs and their continuous attempts to set up an imam by different means a clear demonstration that the imamate was regarded as compulsory. But this does not prove the necessity of the imamate and the duty of setting up an imam for al-Jāḥiẓ either.

The arguments that the interlocutors of al-Jāḥiẓ adduce are not based on *ḥadīth* or Qurʾānic verses, but on the discussion of the historical events of the Day of the Portico and the rational inference of conclusions. This falls, according to the tripartite taxonomy that opens the discussion, under the category of *ʿaql*. But what does *ʿaql* mean in this context? It would be a tremendous mistake to interpret that debating about the principles of the imamate on the basis of reason, as both al-Jāḥiẓ and his interlocutors propose, precludes discussing the *Sunna* and the Qurʾān, or promotes an autonomous moral ontology. The reason invoked in this and also in al-Jāḥiẓ's other treatises is not a paradigmatic alternative to revelation; there is no trace in these works of that which Reinhart has denominated the "before-revelation complex", nor of any possible reference to natural law[402]. The discussion of this third possible source of legitimacy for the imamate is imbued with deep religious sentiments on the part of the defenders of the dispensability of the imamate, and, in the counter-argumentation of al-Jāḥiẓ, built upon the theological concept of *niʿmat Allāh* and the Muʿtazile understanding of divine justice (*ʿadl*) and moral agency (*taklīf*).

As regards the doctrine of the dispensability of the imamate, their defenders base their arguments on two main points. The first, which is partly addressed in the passages on the *Anṣār* we have commented on, is that people can set up an imam or more if they want, but this is by no means a duty. The second is that a judge (*ḥākim*) is needed in order to carry out justice, and that this role can be taken up by the

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[402] Reinhardt, *Before Revelaion*; on natural law see: Makdisi, *Ibn ʿAqīl*, 130; Crone, *God's Rule*, 263-264; Emon, *Islamic Natural Law Theories*.

respected members of the communities. The fragment in which these tenets are reported is extremely convoluted and deserves to be translated in its entirety:

"Some people allege that it is not legally obligatory to [entrust] the imamate to a single man because of who he is, [and] belonging to a defined group, because of who they are; nor to a man chosen from among the common people, even if he is the most virtuous *(faḍl)* of them, and most able to take care of the Muslims, for the imamate has been once held by a single individual with no equal [i.e. Muḥammad]. [They maintain] that, [even] if people have neglected to set up a single imam, it is possible for them to do so; and that this neglect does not make them misguided, insubordinate or unbelievers; and that, if they set up [an imam], they do it as a consequence of a view they hold, not because the neglect of it *(taraku-hu)* is forced upon them. It is for them to set up two imams, and it is possible to set up more. There is nothing wrong if they be an *ʿAjam* or a *Mawlā*, but it is indispensible at all events to have an arbitrator *(ḥākim)* be it one or more, although a man is not allowed to judge himself *(ʿalā nafsi-hi)* and apply the *ḥudūd* to himself. However, absolutely no one has ever affirmed that justice and a judge are unnecessary, though they have differed in their arguments and their conceptions.

They say: Whatever the solution is, choosing one, two or more [imams], people must refrain from violating the prohibitions [of God] *(maḥārim)*, and inciting discord between themselves, and from laxity when a calamity strikes them, be it from an enemy, not of their numbers, who takes them by surprise, or from a rebel from among the people of their mission (*ahl daʿwati-him*) who terrorises their highways.

As for the disputes among them, they should dispense justice of their own accord to the extent required by the difficulty of the issue and its ease. Any man in his home, house, tribe, neighbourhood and city should, if he is trustworthy, knowledgeable, and righteous, when it is established for him that his brother, friend, neighbour, and the entourage of his servants, has been judged with a *ḥadd* or a decision for a crime which someone has committed and brought upon himself, or for an injustice which he has committed on behalf of others, should mete out justice or carry out the *ḥadd* against [the culprit], if he who deserves it is within his capacity and there is no-one above him sufficiently powerful who may carry it out on his behalf"[403].

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[403] Al-Jāḥiẓ, *Jawābāt*, 285;1-286;9.

These doctrines deny the religious duty of setting up an imam, but not the necessity of a judge: they may have one, two or none, or, alternatively, the communities can organise to mete out justice by themselves. This option is for them a valid way of preserving the wellbeing of the community and protect its members from their enemies, and, according to a description of certain historical events given in Fragment 3, these theories may have been put into practice by al-Jāḥiẓ's contemporaries[404]:

> "They say: We have seen, when authority disintegrated, the plebs and the licentious took over, and the lowly people rose up, that a small number of the people of probity (ṣalāḥ) and worth (qadr) gathered in the districts (nāḥiya), and the tribe (qabīla), streets (darb), and barren lands (maḥila), and broke the edge of their assailants, and repressed the rowdies so that the weak could move about freely (saraḥa), the fearful would be safe, the merchants could move abroad (intashara), and the rabble-rouser (dāʿir) would respect their area"[405].

According to this description, the communal organization of a basic juridical authority to protect themselves seems to have been more than an abstract theory. However, the passages that follow this defence of the dispensability of the imam, report a further argument that, rather than being based on temporal wellbeing, seems to be focused on the moral responsibility of the individual before God and on his spiritual salvation:

> "He who commits a crime which, as an obligation against this person, merits the application of the ḥadd, should have the ruling (ḥukm) concerning his body and in his capital, and must yield himself. He should not seek protection in [his] strength, nor evade [his punishment] with subterfuges, and should not be angry at the judgement of the revelation concerning what has befallen him, and his capital and other things in his possessions. This is necessary only when there is a custodian responsible for the two parties, and the criminal is able to perfom what God has obliged him to do. For, if the custodian refuses to allow the ḥadd be carried out against the criminal after his meriting it (istījāb), and his yielding control over himself

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[404] I will discuss the historicity of this description in the last section of this chapter.
[405] Al-Jāḥiẓ, Jawābāt, 289;7-11. Crone translates this passage in "Ninth-Century Muslim Anarchists", 24.

(imkān min nafsi-hi) for the performance of the *ḥadd* against him, then he has disobeyed God the Almighty, and he has not given himself over in this matter, for God has stated it clearly for him and has made it obligatory when he stated clearly the proof for him and made [His] indication close [to his comprehension] and gave him the strength to act.

We have already explained the excuse for those who are incapable to fulfil the obligation at the beginning of our discourse[406].

And if the criminal who deserves the judgement and the *ḥadd* penalty, refuses to yield his person and his capital or any other thing he may possess (*mā huwa bi-sabīli-hi*); he disobeys God the Almighty in this, just as he disobeyed Him when he committed the crime which required the *ḥadd* penalty be obligatory for him, and he does not give [proper recompense] to his Lord for the clear proof and the affirmation of capacity which we have already mentioned"[407].

Whilst in the first part of the argumentation the abidance of the law is enforced by a judge or, if the community so desires, by one or more imams; in this second part the emphasis falls on the responsibility of the sinner, who should yield himself to be punished according to the laws of God. Despite there is no textual indication pointing out that these opinions should be ascribed to different groups, the refutation of al-Jāḥiẓ suggest that there might have been at least two different currents among those who resented the imposition of the imam over their communities: on the one hand, al-Jāḥiẓ will refute the absurdity of trusting in the good will of the culprit to yield himself; on the other hand, he will alert against the danger of the atomization of power in small communities that take up the administration of jusice.

As seen, Pellat has argued that al-Jāḥiẓ refutation of the convenience of having several imams might have been addressed to the Zaydīs[408]. This may reflect certain Zaydī doctrines concerning the temporal status of the imam, but there is no evidence to sustain this interpretation in any of the texts that al-Jāḥiẓ devotes to the Zaydīs; on the contrary, al-Jāḥiẓ's representation of the Zaydī ideas stresses the importance of discussing the Qur'ān as a fundamental source to establish the

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[406] The passage to which this commentary refers has not survived. The mention of an excuse (*ʿudhr*) may refer to the impediments against carrying a *ḥadd* against a minor or an impaired individual.
[407] Al-Jāḥiẓ, *Jawābāt*, 286;10-287;7.
[408] Pellat, "L'Imamat dans la doctrine de Ǧāḥiẓ", 39.

principles of the imamate, a possibility that is expressly denied in this treatise[409]. Furthermore, the central argumentative line underlying these passages of the *Jawābāt fī al-Imāma* is based on the attitude of the *Anṣār*, who proposed to have two *amīrs*. Al-Jāḥiẓ's discussion of this issue is consequent both on his refutation of the probative value of dissension and, as I will discuss below, his defence of the necessity of the leadership of a single imam in terms of *maṣlaḥa*.

7.4. Al-Jāḥiẓ's Defence of the Imamate

The arguments that al-Jāḥiẓ uses in this treatise to prove the necessity of the imamate can be clearly divided into two groups: first, the contestation of the opinions of his interlocutors; second, his demonstration that the imamate is a duty. As we have seen, the refutation of the advocators of the dispensability of the imamate is, in turn, focused on two main points: on the one hand, their contention that the silence of the revelation concerning the imamate proves that it is not a duty; on the other hand, the fallacy that the communities can mete out justice by themselves without an imam to oversee them.

As mentioned, al-Jāḥiẓ's opponents argued that the silence of the sources concerning the imamate is a proof of its optional nature, and that the numerous *fitnas* following the death of the Prophet confirm that this was the interpretation of the community. Only the brief paragraph that we have quoted above has survived from al-Jāḥiẓ's refutation. All we can know from the extant text of the *Jawābāt fī al-Imāma* is that, for him, the *fitnas* demonstrate quite the opposite: that setting up a rightful imam was considered a duty by the community. Fortunately, several passages refuting the contention that legal authority may be taken up by the local communities have survived.

The first of these passages emphasises the absurdity of the idea that the culprit may yield himself to the authorities:

"We know that it is natural for men to flee when they fear the occurrence of an unpleasant event, and to avoid the enforcement of the *ḥadd* penalty, when they deserve it, whenever they are able to find a way to do it. This is the reason for the nullification of judgements and for [social] corruption.

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[409] Al-Jāḥiẓ, *Jawābāt*, 289;5.

We have been commanded to avoid causing corruption as far as possible, and to do everything we can to look after the subjects. We are obliged, with all that we have mentioned, [to ensure we understand that] if we do not establish a single imam, people will rush to do evil, as we have described, when they wish to do so, and will flee [from punishment] when they fear it. This is a fact that is consonant with ordinary knowledge, and which experience has made obvious to us.

We affirm that, in this case, the imamate is a necessity for the people (*nās*), but not [simply] by means of conjectures and out of the compassion (*ashfaqa*) for the souls"[410].

The second passage addresses the dangers that lurk behind the emergence of competing local authorities and vigilantes, and the dangers of leaving the authority in the hands of the common people:

"The welfare of the people depends on how much they cooperate and dissent. Nevertheless, if those who have authority over the people (*mutasalliṭūn*) leave them alone, and they are left to themselves so that it becomes true for them that there is no one equal to them, but their violence and their subterfuges; and the need to defend [themselves], to be vigilant and to gain knowledge of subterfuges is what moves them to refrain themselves, then the custom of protection disappears and their trust weakens, they become accustomed to being wary, habituate themselves to vigilance, and they stir up what is latent of personal judgement. This is because necessity (*ḥāja*) is the mother of invention, and sets the mind to work, and it is preferable that the affairs of society be sound, because when the ambition of the guardian (*al-rāʿī*) becomes force, it leads him towards injustice. In this there is an instrument to awaken the sleeping, a whetstone to sharpen the awake, a desirable meal for the feeder, a restraint for tyrants, lest the lowly grows over him and the mighty suffer an irreparable damage"[411].

This argumentation encapsulates, to a certain extent, the subsequent discussion about the necessity of the imamate and the possibility of having more than one imam. For all the good intentions that might move the communities to protect themselves in a moment of power vacuum, this solution ultimately leads,

[410] Al-Jāḥiẓ, *Jawābāt*, 287;8-17.
[411] Al-Jāḥiẓ, *Jawābāt*, 289;13-290;7.

according to al-Jāḥiẓ, to the disintegration of power among the people, the disappearance of hierarchies, and the proliferation of personal ambition and caprice that nullify the value of law. The backbone of this reasoning is al-Jāḥiẓ's understanding of human nature as a complex system driven by antagonistic forces whose balance depends on God's grace. Only the law and the authority of the imam can prevent people from destroying themselves:

> "When we observe the natures of the people and their appetites, it is in their condition to change (*taqallub*) towards their destruction, the corruption of their religion, and the annihilation of their world. Although common people (*ʿāmma*) are quicker at this than the elite (*khāṣṣa*), the nature of all keeps on dragging them towards their perdition, so long as they are not restrained with strong repression (*al-qamʿ al-shadīd*) in this temporal world (*ʿājil*), [firstly] by means of fair retributions (*qiṣāṣ*); then, with severe penalties applied to the perpetration of crimes, the attempt to negate worth (*isqāṭ al-qadr*), and remove justice (*izālat al-ʿadāla*), by using bad names, ignoble nicknames (*alqāb*), and then by means of horrible fears and long confinements, with exile (*taġrīb ʿan al-waṭan*), and with the threat of eternal fire, and the loss of paradise"[412].

However, the pivotal role that natural dispositions play in al-Jāḥiẓ theories on human agency does not imply that human beings are not responsible for their acts. In the *Jawābāt fī al-Imāma* -and, as we shall see, also in the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*-, al-Jāḥiẓ argues that, despite the destructive power of human nature, God has provided the means to bring natural impulses into equilibrium, thus allowing human beings to discern between the good and the bad, and acting in consequence, as moral agents, using their reason (*ʿaql*). Human nature is, as al-Jāḥiẓ puts it, a material (*mādda*) shaped by the faculty of reason:

> "God Almighty only established these natural dispositions so that they would be material (*mādda*) for the faculty of reason, and a help to regulate the natural dispositions. As regards the servant [of God], when the strength of his nature and his appetites dominates the strength of his intellect and his judgement, he will be found to be able to discern (*baṣīr*) what is rightly guided (*bi-al-rushd*), but is unable to enact it. And, when fears besiege him, they become the material for what his intellect

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[412] Al-Jāḥiẓ, *Jawābāt*, 300;3-10.

restrains him from, and his judgement orders him to. When the contingent events of the natures, the motives of the desires, and the love for this world do not surpass what the reason restrains and commands, the servant will be found to be defended aginst error and has power over it. Because wrath, envy, miserliness, cowardice, zeal, love for the desires and the women, greed, vanity, arrogance and similar things, when their incentives grow strong and their pull is intense for him who experiences them, then he does not know that over him there is someone to punish him, and that there is someone who will avenge him on his behalf, or extract revenge from him for someone else; his inclination and his going along with the attractions of nature and the motives of the desires become a natural character (*ṭibāʿan*) from which he cannot be defended, and a necessity which he is unable to countermand"[413].

If God had abandoned His subjects in this situation, the moral obligation towards God would have been impossible to fulfil, but God is not unjust with his creatures. It is God's revealed commands and prohibitions and the figure of a ruler who takes responsibility for their fulfilment what makes *taklīf* possible:

"Don't you see how [the servant of God] acts stupidly with his property, and acts hastily with the fortune that his men produce for him, and which his ancestors erected for him, unaware that recompense has a purpose, and compensation a reason in the present of his religion and not in the future of his material world; until it is the ruler of the Muslims (*wālī al-muslimīn*) who restrains him, so that the pains of the prohibition (*ḥajr*), the humiliation of the interdiction and the hardness of ill treatment, a bad name, and being subservient to his peers, can become material for such knowledge as he still has and what remains of his intellect"[414].

The extant fragments of the treatise go no further in this argumentation. If we pay attention to a similar reasoning preserved in the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, al-Jāḥiẓ argues that the prohibitions, threats and promises of the revelation and their implementation by the *imām* is the mechanism whereby God balances the impulses of human beings (*dawāʿī*); this equilibrium grants humans the ability of making free choices and therefore they are moral agents responsible for their acts. This vindication of human agency, that al-Jāḥiẓ also stresses in the *ʿUthmāniyya* to

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[413] Al-Jāḥiẓ, *Jawābāt*, 300;11-301;4.
[414] Al-Jāḥiẓ, *Jawābāt*, 301;5-10.

put distance between his theory of human nature and the thesis of the Jabriyya, is explained in the *Jawābāt* with a discussion of God's grace (*niʿmat Allāh*) and the example of a beggar:

"You should know that the servant's [diversion of] God's grace towards that which is contrary to Him, does not dispel the act of God's grace to him, nor turns His goodness towards him into something different from its real purpose (*maʿnā-hu*) and its reality; for the goodness of God in giving [us] the means [to act] and providing [us] with the clear proof cannot be turned into corruption and sin; since he who is given help (*muʿān*) to obey rejects the assistance [from God], corrupts His grace and ruins His beneficence.

There is a difference between he who bestows grace and he who receives it, since the one who receives it must be thankful, and should tend to the duty incurred through [God's] grace, whereas the benefactor [acts] alone with the goodness of the grace (*inʿām*), and participates in the pleasantness of gratitude. He who bestows grace is also the one who makes gratitude pleasing for him who performs it, through the goodness he gives to him, and the prosperity he entrusts to him. That is why they make grace an act of conception and receive gratitude from the offspring.

The example of [God's] giving the means, and charging [His subjects] with the moral obligation (*taklīf*) of doing right is [like] the example of a man who gives alms to the poor to hide his shame, and to straighten his crooked back and to spend freely to his own benefit. Should the poor man spend the money on wickedness, contrariness and obscenities, the goodness of him who donates alms will not become a bad action"[415].

Like the poor who can make good use of the alms he receives or spoil them, human beings have received the grace of the revelation, which allows them to control their impulses with commands, and their actions will not change the status of this. It is they who are responsible for their acts, not God. This is how al-Jāḥiẓ avoids incurring the negation of human agency that other Muslim authors have denounced in his theories, and this is how he demonstrates the necessity of the imamate:

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[415] Al-Jāḥiẓ, *Jawābāt*, 298;7-299;4.

"Since God the Supreme has charged people with the moral responsibility (*kallafa*) of watching over themselves, paying back (*istīfāʾ*) the grace they have received, and avoiding the risk of annihilating or endangering the community (*umma*), they are not obliged, among what lies within their power, to do more than to exercise prudence about, and keep themselves away from endangering the community. No state is more prone to this situation than that which we have described [i.e. the guidance of the *wālī al-muslimīn*], since it is the most similar, of all ways of proceeding, to the perfection of the common good (*maṣlaḥa*), and the enjoyment of protection and grace"[416].

This reasoning is far from being uniquely focused on human psychology, as some scholars have argued[417]. Human psychology and revelation are consubstantial in al-Jāḥiẓ's discussion of human acts, and he is completely coherent in the application of this theory to defend his thesis that social and spiritual wellbeing depends on authority. This argument is used in the ʿUthmāniyya, when explaining his doctrine of natural knowledge[418], in the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, where the emphasis is placed on demonstrating the need of revelation as the means whereby God provides equilibrium to human nature (*taʿdīl*)[419]; and also in treatises not directly related to the imamate, such as the *Ḥujaj al-Nubuwwa*[420]. In all these works, as in the *Jawābāt fī al-Imāma*, the faculty of reason and the revelation are for al-Jāḥiẓ a grace from God that grants humans the possibility of living in society as social beings and fulfilling their moral duty to their Creator.

Once the necessity of the imamate is proved, the second point al-Jāḥiẓ refutes is the impossibility of having more than a single imam. This discussion follows the previous debate on human nature and *taklīf*; in this case, al-Jāḥiẓ

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[416] Al-Jāḥiẓ, *Jawābāt*, 304;3-7.
[417] See Van Ess, *Theologie und Gesellschaft*, IV, 108.
[418] See Chapter 6, section 6.3.
[419] See Chapter 8, section 8.4.
[420] Al-Jāḥiẓ, *Ḥujaj al-Nubuwwa*, 238;12-250;9. Scholars such as Stroumsa have considered that this work is an example of the treatises on the signs of prophecy that proliferated from the third/ninth century onwards, see Stroumsa, "The Signs of Prophecy". Al-Jāḥiẓ's *Ḥujaj al-Nubuwa* contains the most extended discussion on human nature that has been preserved in the Jāḥiẓian corpus, and his treatment of prophethood is predicated upon the same epistemological principles that he discusses in his treatises on the imamate. A detailed study of this work falls beyond the limits of this dissertation, but in the light of the information contained in al-Jāḥiẓ's treatises on the imamate I consider it necessary to question the alleged apologetic nature of this work, and to read it in relation to the debate concerning the natural knowledge of the signs of God that al-Jāḥiẓ addresses in the ʿUthmāniyya and the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*.

emphasises that the wellbeing of the community depends on the appointment of a single individual (*al-wāḥid*):

"God would have not fashioned the natural world (*ṭabaʿa*) and its people with this nature, nor would He have endowed the world and its people with this composition, so that the appointment of a particular individual (*al-wāḥid*) from among the people would be the best for them, unless this single individual would be found (*mawjūd*) when they want him and look for him, because God would not force them, according to obvious opinion and prudence, to appoint someone who cannot be found and to set up someone who cannot not be known, since people have to submit themselves [to God], and God the Supreme has to delineate the straight path"[421].

Having two or more imams would not only compromise the function of the institution. With the comparison he employs, al-Jāḥiẓ implies that it would adulterate its nature and turn the imamate into a kingship:

"Have you not seen that when there have been two kings or two *sayyids* in any period of the *Jāhiliyya* or in Islam, among all the Arabs or the non-Arabs, one of them has not encroached upon the authority of the other, worn away at his frontiers, and organized wars against him? Since each one of them covets the limits and the frontiers of the other, because their situation is close and the ground between them is level. This is what the reports of the petty kings (*mulūk aṭ-ṭawāʾif*) report - how wars were perpetual, their command confused, and the people plundered; there was not a single frontier which was protected, every limit was exposed, and the people in their dealings with one another were distracted with their own preoccupations. As for their kings, it was survival of the fittest (*man ʿazza bazza*), with spending money, the creation of anxiety, putting the common weal at great risk, and exposing everything to danger"[422].

The qualities of the imam are also addressed in the *Jawābāt fī al-Imāma* and broadly correspond to the description of the most excellent individual (*al-afḍal*) that al-Jāḥiẓ makes in his other works:

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[421] Al-Jāḥiẓ, *Jawābāt*, 304;12-16.
[422] Al-Jāḥiẓ, *Jawābāt* , 305;1-8. The same argument is repeated in Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 426;5-11.

"If they ask: what are the attributes of the most virtuous (*al-afḍal*)?

We answer that the strongest of his natural characteristics should be his intellect (*ʿaql*), he should combine with the force of his intellect, intense scrutiny, and great knowledge of the tradition (*kathrat as-samāʿ*); and then, together with his intense scrutiny and his wide command of the tradition, he should have good habits. Because, when he adds knowledge to his intellect, resolve to his knowledge, and determination to his resolve, then he is the one beyond whom [there is] no other.

Perhaps an individual may not meet all of these standards, but is still worthy of the rank of the imamate and the office of the caliphate, provided that, in that situation, he should be the most virtuous of the people of his time. Because, in order to honour the position of the Messenger of God, may God grant him peace, no one should hold it but the most similar to him among all the people in each age. And it would be an insult to him that this position would be held by someone who does not resemble him and does not follow his example.

The imam can only follow the model of the Messenger by [ensuring that] no one else [in his time] adopts his lifestyle more than he. As for merely coming close to him and being proximate to him, this is something not permissible that cannot be desired nor prayed for"[423].

7.5. Historical Setting and *Dramatis Personae*

The arguments in defence of the imamate and the description of the qualities of the imam contained in the extant fragments of this treatise correspond to the doctrines that al-Jāḥiẓ exposes in his other works, especially the *ʿUthmāniyya* and the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*. Similarly, his analysis of human nature answers to the description of al-Jāḥiẓ's theories reported in later sources. In contrast with other treatises, what has attracted the attention of scholars in the *Jawābāt fī al-Imāma* is not al-Jāḥiẓ's proverbial idiosyncrasies, but the tenets of his interlocutors. The doctrine of the dispensability of the imam is, in fact, an oddity in Muslim political thought. There are references to these theories in heresiographical works, but the fragments preserved in al-Jāḥiẓ's treatise are the best account of the doctrines and activities of this unnamed group or groups, not only because they convey their opinions, but also because al-Jāḥiẓ describes some historical events

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[423] Al-Jāḥiẓ, *Jawābāt*, 305;9-306;4.

that may help to contextualise the activities of some of these groups in a particular time and place: Baghdād in the aftermath of the fourth *fitna.*

Fragment 3 of the *Jawābāt* contains a description of the events that, according to the interlocutors of al-Jāḥiẓ, drove the local communities to mete out justice by themselves in a power vacuum. According to this testimony, the "plebs and the licentious" took advantage of this situation to commit all kinds of abuses, the people of probity took over the reins of power in their communities, repressed their assailants and guaranteed the free movements of their people and the trade of their merchants[424].

If we pay attention to al-Jāḥiẓ's other works, references to the plebs in very similar terms seem to be a recurrent topic. The depiction of the popular movements that we find in the *Jawābāt fī al-Imāma* has certain resemblance with the description of the populace of Baghdad (*al-aʿrāb wa-d-duʿʿār*) that al-Jāḥiẓ makes in his *Risāla fī Dhamm Akhlāq al-Kuttāb*, when commenting on the entrance of al-Maʾmūn in the capital[425]. He also uses very similar terms in the description of Medina after the assassination of ʿUthmān when reporting a description of the social disorder attributed to Muʿāwiya, who affirmed that:

> "... a group who assaulted those who were in their places (*maḥalli-him*) and their families (*ashāʾir*), of immoral and corrupt people (*ahl al-duʿʿāra wa-al-fasād*) from the seditious men (*rijāl al-fitna*) and the licentious (*fassāq*)"[426].

What has led scholars to link these references with the disturbances in Baghdad in the aftermath of the civil war between al-Amīn and al-Maʾmūn is their extraordinary similarity with a description of al-Ṭabarī. Concretely, al-Ṭabarī's account of the movements leaded by Khālid al-Daryūsh and Sahl b. Salāma[427], where the terms used to describe those places were people gathered show clear parallelisms with the text of the *Jawābāt fī al-Imāma*. Whilst al-Jāḥiẓ mentions the district (*nāḥiya*), tribe (*qabīla*), alleys (*darb*) and stopping-places (*maḥalla*); al-Ṭabarī

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[424] Al-Jāḥiẓ, *Jawābāt*, 279;8-11.
[425] Al-Jāḥiẓ, *Risāla fī Dhamm Akhlāq al-Kuttāb*, 206;14.
[426] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 467;17f.
[427] Ṭabarī, *Taʾrīkh*, VIII, 551;1f [Bosworth, 55f]. On this movements see Lapidus, "The Separation of State and Religion in the Development of Early Islamic Society", 375f. And Sabari, *Mouvements populaires à Bagdad à l'époque ʿabbaside, IXᵉ-XIᵉ siècles.* On Sahl b. Salāma's possible relationship with the Muʿtazila, see Madelung, "The Vigilante Movement of Sahl b. Salāma al-Khurāsānī and the Origins of Ḥanbalism Reconsidered".

refers to the quarter (*rabaḍ*), alleys (*darb*) and district (*nāḥiya*)[428]. However, according to al-Ṭabarī, the popular leaders called for *al-amr bi-al-maʿrūf wa-al-nahī ʿan al-munkār*, an expression that does not occur in al-Jāḥiẓ's account.

It is very plausible that al-Jāḥiẓ and al-Ṭabarī may have been referring to the same events, but does it necessarily mean that the defenders of the dispensability of the imamate refuted by al-Jāḥiẓ are the Baghdādī vigilantes. As we have seen, the scholars who have studied this text have ascribed this doctrine to the group of Baṣran Muʿtazilites whom Pellat and Crone have labelled as "anarchists" and Van Ess, associating them with the Ibāḍiyya, has considered "utopian"[429]. These scholars trace back this tradition to al-Aṣamm (d. 200/816 or 817), an-Naẓẓām (d. between 220-230/835-845), and al-Fuwāṭī (d. 225/840?). On the other hand, these figures or their followers may have been related to the group of ascetics that the sources denominate *ṣūfiyyat al-muʿtazila*, active at the beginning of the third/ninth century[430].

As regards the accounts of the doctrines on the imamate ascribed to these Muʿtazilite authors, the similarity with the report of al-Jāḥiẓ is evident. The oldest testimony of al-Aṣamm's opinions is that of al-Ashʿarī, who states that all the Muʿtazilites, with the exception of al-Aṣamm, agree on the necessity of setting up an imam; al-Aṣamm alleged, on the contrary, that people could live without an imam if they conduct themselves with justice[431]. The exceptionality of this position within the Muʿtazilite *madhhab* is well known and has been discussed by heresiographers such as al-Baghdādī, al-Mawārdī, al-Ghazzālī, ar-Rāzī and Pazdāwī[432].

The second Muʿtazilite scholar associated with this current is one of al-Jāḥiẓ's teachers, an-Naẓẓām. Al-Qummī's account of the polemics surrounding the

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[428] Ṭabarī, *Taʾrīkh*, VIII, 551;21, and 552;2.
[429] Cf. Pellat, "L'Imamat dans la doctrine de Ǧāḥiẓ", 38 (with reference to *Ḥayawān*, I, 12; when commenting on this passage he takes them to be Zaydīs); Crone, "Ninth-Century Muslim Anarchists; "A Statement of the Najdiyya Khārijites on the Dispensability of the Imamate"; *God's Rule*, 54 (where they are considered promoters of libertarianism) and, especially, chapter 6. Van Ess considers that the *Jawābāt* were directed against al-Aṣamm's theories cf. *Theologie und Gesellschaft*, 409, n.2; the substantive "Utopie" is employed referring to al-Aṣamm's followers in p. 412; he also refers to the "esprit utopique" inherited from the Ibāḍiyya in "Une lecture à rebours de l'histoire du Muʿtazilisme (II)", 21. Van Ess also admits the denomination of "an-archy" in its etymological sense, cf. "Political Ideas in Early Islamic Religious Thought", 160, n. 54.
[430] Some of the students of the Baghdādī Muʿtazilites Bishr b. al-Muʿtamid and al-Naẓẓām are listed as Ṣūfīs in later *ṭabaqāt* literatre, cf. Mayer, "Theology and Sufism", 261.
[431] Al-Ashʿarī, *Maqālāt al-Islāmiyyīn*, II, 460;9f; this quotation is followed by a discussion about the possibility of having more than one imam, where al-Aṣamm is not mentioned.
[432] See references in Van Ess, *Theologie und Gesellschaft*, II, 408f.

imamate includes a report of an-Naẓẓām's arguments against the necessity of the institution. As the unnamed group of the *Jawābāt fī al-Imāma*, al-Naẓẓām advocated for the optional character of the imamate, but his reasoning, rather than on the necessity of the imam *per se*, seems to be focused on the discussion of the concept of *farḍ* and predicated upon epistemological principles very similar to those applied by al-Jāḥiẓ:

> "Ibrāhīm an-Naẓẓām and others said: The imamate is rightly held (*taṣluḥu*) by those who apply the Book of God and the *Sunna*, according to God's saying: "The noblest of you in God's sight is he who is most righteous" (Q. 49:13). They allege that the imamate is not a religious duty (*farḍ*) as long as they obey God and do right private and publicly, because they would not be [obliged to this] unless the knowledge of the imam is [of a kind] that renders necessary to know him (*illā wa-ʿilm al-imām qāʾim bi-iḍtirār yaʿrifūna ʿilmahu*)[433], so that it would be incumbent upon them to follow him; but God cannot impose upon them the moral duty of knowing him [i.e. the imam] (*maʿrifata-hu*), if He has not provided them with [the means] to know him so that He would charge them with the moral obligation of doing the right thing (*al-maḥall*)"[434].

For al-Naẓẓām, the Muslims do not need an imam if they respect the laws of God. This report is silent about whether this is an ideal state reminiscent of the Medinese community of the first Muslims, or al-Naẓẓām actually conceived of a society who would not need the imamate. In any case, the conditional formulation does not exclude, as al-Jāḥiẓ's interlocutors in the *Jawābāt fī al-Imāma* claim, that people can elect an imam if so they consider, but they explicitly insist on the discretionary nature of this measure: setting up an imam is not a duty. In this regard, and taking into consideration the discussion of the *ʿUthmāniyya*, the reasons that al-Naẓẓām adduces are the same principles upon which al-Jāḥiẓ based his claim that setting up an imam is not a universal duty. For al-Jāḥiẓ it is incumbent only upon the *Khāṣṣa,* and only under certain conditions; for al-Naẓẓām, it is not a duty at all.

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[433] The editor has preferred the reading *yaʿrifūna ʿaynahu*, as referring to the knowledge of the identity of the imam; I have followed the alternative rendition of the manuscripts referred to in the footnote, *yaʿrifūna ʿilmahu*, as I interpret that it refers to the way the excellence of the imam is recognised.
[434] Al-Qummī, *Kitāb al-Maqālāt wa-l-Firaq*, 9, §34. On this work and it's relation with an-Nawbakhtī see Madelung, "Bemerkungen zur imamitischen Firaq-Literatur". Madelung considers that the source used by al-Qummī and al-Nawbakhtī is Hishām b. al-Ḥakam's *Kitāb Ikhtilāf fī-al-Imāma*; al-Qummī's text is more precise than al-Nawbakhtī's with regard to the Muʿtazila.

The third member of the Muʿtazilite community in Baṣra who might have advocated for the dispensability of the imamate is Hishām al-Fuwaṭī -and, following him, also his pupil ʿAbbād b. Sulaymān-[435]. Shahrastānī associates al-Fuwaṭī and al-Aṣamm in the account of the Najdiyya studied by Patricia Crone:

"The Najadāt from among the Khārijites and a number of the Qadariyya such as Abū Bakr al-Aṣamm and Hishām al-Fuwaṭī say that the imamate does not have the obligatory legal character that would make the community liable to censure an punishment if it chose to live without it. Rather, it is based on the manner in which people deal with one another (*muʿāmalat al-nās*). If they act justly and cooperate and help one another in piety themselves with their duties and obligations, then they could manage without the imam, and without following him"[436].

Nevertheless, al-Fuwaṭī's passages transmitted by other heresiographers deny the possibility of choosing a rightful imam in times of crisis, not the necessity of the institution *per se*. Al-Baghdādī, in his *Uṣūl al-Dīn* states that:

"Al-Aṣamm alleges that if people avoid the injustice of the wrong-doers they [can] abstain from [having] the imam. And Hishām claims that if the opinions of the community really agree then they need the imam, but when they are in difficulties, they act immorally and kill the imam, it is not a duty for the righteous people among them to set up an imam"[437].

Contrarily to al-Aṣamm, al-Fuwaṭī discusses the conditions of the election and affirms that since it is impossible to choose the best imam in times of crisis, the best option for the community is to manage their affairs without an imam (*suqūṭ al-imāma fī al-fitna*). Al-Baghdādī, who contextualises this statement in the crisis that followed the murder of ʿUthmān, argues that the impossibility of electing the imam is not an abstract argumentation on the part of al-Fuwāṭī, but a rejection of the imamate of ʿAlī[438]. It is also possible, however, that he might have been addressing the same problems that al-Jāḥiẓ discusses in the *ʿUthmāniyya*, where he defends that

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[435] Van Ess, *Theologie und Gesellschaft*, IV, 14-15, and 44f.
[436] Al-Shahrastānī, *Kitāb Nihāyat al-Iqdām fī ʿIlm al-Kalām*, 481;14f. On this passage see Crone, "A Statement by the Najdiyya", 57, from which I have taken the translation.
[437] Al-Baghdādī, *Kitāb fī Uṣūl ad-Dīn*, 271;14f -quoted in Pellat, "L'Imamat dans la doctrine de Ǧāḥiẓ", 39, n.1.
[438] Hence al-Baghdādī's affirmation that, contrarily to what al-Fuwaṭī and his followers argue, the imamate of ʿAlī was lawful, cf. *Kitāb fī Uṣūl ad-Dīn*, 272;13f. As seen, this is also Pellat's interpretation of the thesis of al-Aṣamm.

setting up an imam is a duty upon the *Khāṣṣa* only when it is possible (*ʿalā al-imkān*), and it is not incumbent upon them in periods of crisis, such as that described by al-Fuwāṭī.

A further concomitance between the theses of al-Aṣamm and al-Naẓẓām and the opinions collected by al-Jāḥiẓ can be found in an critique against those who follow the imam irrespective of his integrity; this comment is contained is a brief and isolated fragment (Fragment 15), and it is difficult to relate its content to the arguments reported in the rest of the treatise. Al-Jāḥiẓ's text states:

"And which branch is more indecent, which statement more ignominious than the words of those who say: the witness should be pure, just and reliable, but there is nothing wrong if the *qāḍī* is unfair, unclear, and improper? This does not resemble the judgment of the just, the description of the forbearing, the discernment of he who guides to the right way, and the organization of the learned"[439].

A similar opinion, plausibly related to this reproach, has been ascribed to al-Naẓẓām by Nashwān b. Saʿīd, who reported his critiques against the transmitters of *ḥadīth* and their incongruencies:

"They are those who say: preach (*ṣallū*) following any *imām*, pious (*barr*) or impious (*fājir*); and [also] an imam, pious or impious, is necessary (*lā budd min imām barr aw-fājir*)"[440].

This quotation of al-Naẓẓām's statement preserved in *al-Ḥūr al-ʿAyn*, broadly corresponds to the reproach preserved in the *Jawābāt fī al-Imāma* and seems to be addressed to those who defended the necessity of the imamate and advocated for quietism when living under a tyrannical ruler. Deprived of any further context, we cannot know whether this opinion might have been part of a discussion concerning the rebellion against an unjust imam instead of the organization of local communities upon his absence.

Due to these parallelisms and their personal relation, it seems completely plausible that al-Naẓẓām and al-Aṣamm, may have been one of the interlocutors of

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[439] Al-Jāḥiẓ, *Jawābāt*, 307;1-5.
[440] Nashwān b. Saʿīd, *Al-Ḥūr al-ʿAyn*, 235;7-8. Van Ess' edition of this text does not include the last sentence (*lā budd min imām barr aw-fājir*), cf. "Ein unbekanntes Fragment des Naẓẓam", 178;10f. Al-Muḥāsibī, in his discussion of the opposition to the unjust imam, notes the incoherence of the Khārijites who reject the imam when ʿAlī said: "Authority is necessary (*lā budd min al-imāra*), be it pious or impious (*barra aw-fājira*)", see al-Muḥāsibī, *Kitāb al-Makāsib*, 164.

al-Jāḥiẓ in this treatise. I do not consider, however, that the testimony of al-Fuwāṭī transmitted by the heresiographers is enough evidence to conclude that he held the same opinion; his doctrine on this particular issue seems to be closer to al-Jāḥiẓ's discussion of the modalities of the election of the imam than to the doctrines of the other two Muʿtazilites. The opinions ascribed to al-Naẓẓām have also the virtue of highlighting one of the main problems that the *Jawābāt fī al-Imāma* poses to the reader: do they reject the imam as a political leader or only the imam as interpreter of the law? The arguments of these Muʿtazilites and those reported by al-Jāḥiẓ are essentially aimed to deny that setting up an imam is a duty, but they admit the possibility of having an imam if the community considers it necessary. This is hardly an anarchist vindication, or a rejection of authority in absolute terms. But there are further testimonies that may point in that direction.

In her study on early anarchism, Crone also quotes a creed composed between 215/830 and 218/833 by certain Abū al-Faḍl b. Fūrak al-Khārijī, member of the Sīstānī sect of Ḥamza al-Khārijī (*Ḥamziyya*)[441]. This text includes a discussion concerning the distribution of the *zakāt* where the possibility of carrying out this activity without concourse of the imam is debated:

"If the Muslims have something in their possession, it is clearly established in the *Sunna* that [the *zakāt*] should be handed over to the imam, or to the delegate (*wālī*), or to someone in charge (*sārin*) to whom he has ordered to collect it. The imam should be equitable with them (ʿalā al-imām al-ʿadl fī-hā), and, when there is no imam, the man in charge of the alms (*ṣāḥib az-zakāt*) should be pious with them himself. There have been divergences regarding their distribution, and some people say that their distribution is not fair unless it goes to the friends of God (*awliyāʾ Allāh*) and the people who agree in the religion of God (*ahl al-muwāfaqa fī dīn Allāh*), since they are an equivalent to the imam (*badal ʿan al-imām*) in the absence of imam (ʿinda ʿadam al-imām), because the imam is set up among them (*li-anna-hum bi-him yaqūmu al-imām*). Others say that [it should] be given to those who are delegated (*wālin*) or not (*wa-ghayr wālin*), [provided that] they do not show evil"[442].

Although there is nothing in this text explicitly supporting the dispensability of the imamate, it suggests that for the Ḥamziyya Khārijites at least

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[441] On this work see Crone, "A Statement by the Najdiyya", 55; and Crone and Zimmemann, *The Epistle of Sālim b. Dhakwān*, 273-274. This text has been edited in Ibn Ibrāhīm al-Kindī, *Bayān al-Sharʿ*, III, 277-94.
[442] Ibn Ibrāhīm al-Kindī, *Bayān al-Sharʿ*, III, 278;19f.

one aspect of the law –alms giving- can be administrated by pious people without the direct intervention of an imam. As I will discuss below, this testimony is relevant as to whether their position –and that of al-Jāḥiẓ's interlocutors- represents a rejection of authority in absolute terms, or an attempt to appropriate only certain prerogatives of the imam. In fact, it would even be possible that both options may have been considered by al-Jāḥiẓ when writing his refutation.

As we advanced when discussing the opinions of the defenders of the dispensability of the imamate, the contradictions of the arguments collected by al-Jāḥiẓ with regard to the application of the *ḥudūd* suggest that he might have been reporting the opinions of various groups. The defence of this doctrine on the basis that the community can dispense with an institution about which the revelation is silent and mete out justice by themselves may correspond to al-Naẓẓām's and al-Aṣamm's thesis. The sources, however, do not say anything about the contention that the culprits of major crimes should yield themselves without any intervention of the authorities. This statement points to a different group that, as Crone has suggested, might be found among the ascetics.

Jaʿfar b. Ḥarb (Ps-Nāshiʾ) has transmitted another declaration on the dispensability of the imamate referring to the confusion between the figures of imam and king, which he attributes to the *Ṣūfiyyat al-Muʿtazila*, a group active in Baghdad, and not in Baṣra as the Muʿtazilites mentioned above were[443]:

> "They say that the regulations (*ḥukm*) of Islam are different from that of the rest of the communities with regard to the establishment of their kings and the adoption of kingdoms (*ittikhādh al-mamālīk*), because the Prophet was not a king and he did not reign over anyone of his community.
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> They say that the king is attracted by the victories and the accumulation of power, and that these things lead to the corruption of the religion and the nullification of the laws (*ibṭāl al-aḥkām*), as the acceptance of the laws of the kings is contrary to the laws of the Qurʾān and the *Sunna*.
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> They say: when that happens, the deposition of the kings (*khalaʿa al-mulūk*) is obligatory because of the divergences within the *umma*, the end of consensus, the shedding of

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[443] On the *Ṣūfiyyat al-Muʿtazila* see Van Ess, *Theologie und Gesellschaft*, III, 130f. and IV, 88f. See also Stroumsa, "The Beginnings of the Muʿtazila Reconsidered", where she argues that the Muʿtazila was an ascetical movement in its origins; and Aydinli, "Ascetic and Devotional Elements in the Muʿtazilite Tradition". On the ascetic movements in Baghdad cf. Melchert, "Basran Origins of Classical Sufism", and "The Ḥanābila and the Early Ṣūfīs", where he describes Jaʿfar b. Ḥarb as a renunciant (p. 355), as also does Van Ess, *Theologie und Gesellschaft*, VI, 69f.

blood and the suspension of the laws (*ta'ṭīl al-aḥkām*). God has made it obligatory for the Muslims to detain anyone who tries to change something of His laws, and the kings are not trustworthy, for they change and suspend the laws. If this is thus, whenever the imam commits a violation of this kind, it would be obligatory for the community to stop it; and it involves damage and corruption for religion, distraction to the efforts of the imams and fear of the dominion (*ghalaba*) of the kings, especially when the sowers of dissension (*ahl al-baghy*) and their corruption are [the cause of] the inclination (*mayl*) towards the kings, when they support their acts (*taṣwīb afʿāli-him*), defend them and seek their victory.

They say: when [the situation] is that, the most meritorious people (*aṣlaḥ al-nās*) do not set up an imam, and if they do it, it is an obligation for them to depose him when he violates the laws of God; if he does not resign himself they should fight him (*jāhadū-hu*). That is what the *Ṣūfiyyat al-Muʿtazila* claim, they are those who say that earning a living [in these circumstances] should be considered illicit (*taḥrīm al-makāsib*). Among them there were Abū ʿUmrān al-Raqāshī, Faḍl al-Ḥadathī and Ḥusayn al-Kūfī"[444].

This position, contrarily to that of al-Aṣamm and al-Naẓẓām, rejects any submission to mundane authority or, at least and despite the absence of any reference to a pristine and authentic Muslim community, the submission to any mundane authority which deviates from an ideal government founded upon what they interpret to be the original and uncorrupted laws of God.

I am not aware but of a single reference to similar ideas in the works of al-Jāḥiẓ, an obscure mention to a group called *aṣḥāb al-ākhira*, who claim that the well-being of the community cannot be achieved under human governance but only when humans are governed by the Creator (*al-nās lā yaṣluḥūna ʿalā tadbīr al-bashar wa-inna-mā yaṣluḥūna ʿalā tadbīr al-khāliq li-al-bashar*)[445]. This statement reminds of the slogan "No obedience to the creature in disobedience of the Creator (*lā ṭāʿa li-al-makhlūq fī maʿṣiyat al-khāliq*)", used by Khārijites and the Baghdādī vigilante Sahl b. Salāma[446], with the difference that it seems to refer to all kinds of authority, not only the government of a impious ruler. However, this reference occurs in the midst of a discussion of the different groups into which the community was divided after the assassination of ʿUthmān and seems to refer to some extremely scrupulous partisans of ʿAlī[447].

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[444] Jaʿfar b. Ḥarb (Ps.-Nāshiʾ), *Masāʾil al-Imāma*, §89.
[445] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 447;9-11.
[446] Lapidus notes that this slogan was used by the Khārijites and the ʿAbbāsids in their *daʿwa*, cf. Lapidus, "The Separation of State and Religion in the Development of Early Islamic Society". It was also used by Sahl b. Salāma, cf. Ṭabarī, *Taʾrīkh*, VIII, 552;21 (Bosworth, 58).
[447] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 447;9-11.

Other references to a group of ascetics who resented the authority of the imam with similar arguments may also be found in al-Muḥāsibī's *Kitāb al-Makāsib*[448]. The denomination *Ṣufiyyat al-Muʿtazila* is not employed by the author, but derivatives of the root *ʿ-z-l* are used to describe a group of renunciants who had chosen to withdraw from the imams and the *Sulṭān* (*ikhtāra al-ʿuzla min al-aʾimma wa-al-sulṭān*). The verb *iʿtazala* occurs also in a prophetic report adduced against this practice, when the Prophet was asked about a group without imam and communal unity (*laysa la-hu imām wa-la jamāʿa*) and said: "That group has withdrawn (*iʿtazala*) and will perish for this"[449]. There is no mention of the Muʿtazila in these passages but their withdrawal is clearly a consequence of the discomfort they felt when obeying an imam whose practices were considered doubtful or unlawful.

The context for this reference is a long discussion about the limits of God's prohibitions (*maḥārim*) and the scrupulosity with which varied ascetic groups reacted before doubtful situations, with collaboration with the authorities and its consequences being one of the most polemic issues. The report of al-Muḥāsibī may be significant for a better understanding of the *Jawābāt fī al-Imāma* as he not only describes the disagreements, but also that upon which all the groups agreed. According to this author, few would object (*ittafat al-firaq fa-kāna qawlu-hā wāḥid*) that the works of the ruler (*mā ʿamala al-sulṭān*) are necessary to create and maintain public infrastructures, such as the central mosque and what it encloses, the canalization of the rivers, ponds, large structures, and public pits, bridges, and markets that the authorities render useful for the community (*yaṣluḥu-hā al-umarāʾ*)[450]. No one, be it a scholar (*ʿālim*) or an ascetic (*nāsik*), a common believer (*mutaʿabbid*) or a Ṣūfī (*mutaṣāwwif*), opposes any of this with one single exception: there is an extremist group (*ṭāʾifa ghāliṭa*) that reject the imamate of an unjust imam who does not treat equally his subjects (*lam yaʿdil fī al-raʿiya*) nor distribute the booty and the land with equity; in this case the imam does not obey God (*ʿāṣī*), and those who accept him also incur disobedience (*kull man raḍī bi-imāmati-hu kāna ʿāṣī*). This

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[448] On al-Muḥāsibī and his works see Van Ess, *Die Gedankenwelt des Ḥāriṯ al-Muḥāsibī*. Surprisingly, Van Ess does not mention al-Muḥāsibī's ascetics when discussing the doctrine of the dispensability of the imam in his other studies.
[449] Al-Muḥāsibī, *Kitāb al-Makāsib*, 145;6-13.
[450] Al-Muḥāsibī, *Kitāb al-Makāsib*, 164;3-6. This reasoning is repeated, with similar examples, in 144;4-9.

group are Khārijites who, as al-Muḥāsibī notes, have forgotten ʿAlī's saying: "A ruler is necessary, be him pious or impious"[451].

Despite al-Muḥāsibī's insistence on the exceptionality of the Khārijite rejection of the impious imam, they were not the only ones who opposed impious rulers, as the previous mention of the Ṣūfīs who withdrew from the authorities suggests. Al-Muḥāsibī himself clearly advocates for the disobedience of the ruler who incurs in *maʿṣiyya* (*lā ṭāʿa la-hum ʿinda dhālika*)[452], but the argumentation is different from that of the Khārijites. The differences among these groups lie in the nature of the opposition rather than in the causes that motivate it. What clearly distinguishes the Khārijites is not the condemnation of the ruler, but that of his subjects, who are considered equally impious and should be fought. On the contrary, in the case of the ascetics referred to by al-Muḥāsibī, the critique of the imam who incurs *maʿṣiyya* is related to religious scrupulosity (*waraʿ*) and the possible infringement of God's law when taking part in activities controlled or sponsored by the authorities. Al-Muḥāsibī mentions that some Ṣūfīs (*mutaṣawwifa*) from Mekka, Yemen, the coasts of Syria and ʿAbādān claimed that the authorities are necessary, irrespective of their piety (*lā budd min imāra barra aw fājira*)[453], when they are competent in the management of public services and infrastructures, and in defending the frontiers; if the rulers go astray people should be patient and refrain from fighting them not to divide the community[454].

According to this group of ascetics, it is possible to participate in commercial activities under these conditions[455]. This opinion is not shared by two groups, the aforementioned Ṣūfīs who withdrew themselves from the authorities (*ikhtāra al-ʿuzla min al-aʾimma wa-al-sulṭān*)[456], and a second group that seems to have rejected the collaboration with the authorities in a moment which is highly relevant in al-Jāḥiẓ's *Jawābāt fī al-Imāma*: the civil war between al-Amīn and al-Maʾmūn. According to al-Muḥāsibī, in the aftermath of the fourth *fitna* there were numerous *fuqahāʾ*, *ʿulamāʾ* and *muḥādithūn* in every land, and none of them prohibited the people to buy and sell things, except the followers of two Ṣūfīs, ʿAbd Allāh b. Yazīd b. Qanṭāsh, and

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[451] Al-Muḥāsibī, *Kitāb al-Makāsib*, 164;7-13.
[452] Al-Muḥāsibī, *Kitāb al-Makāsib*, 70;13 and 70;15.
[453] Al-Muḥāsibī, *Kitāb al-Makāsib*, 144;5.
[454] Al-Muḥāsibī, *Kitāb al-Makāsib*, 144; 7-8.
[455] Al-Muḥāsibī, *Kitāb al-Makāsib*, 144;10-13.
[456] Al-Muḥāsibī, *Kitāb al-Makāsib*, 145;6-13.

ʿAbdak, who considered *ḥarām* the means of life (*kasab*) carried out in these circumstances[457].

As Crone has noted, both al-Jāḥiẓ's fragmentary account in the *Jawābāt fī al-Imāma* and the statement of the Najdiyya are silent concerning the role of the caliph as guarantor of the safety of the frontiers and the proper functioning of public infrastructures. The rejection of the imamate that al-Jāḥiẓ reports is focused, almost exclusively, on the government of local communities, the judgement of the crimes deserving the *ḥadd* penalty, and its implementation. The few fragments that have survived have not preserved any further discussion in this regard, but, in the light of the epistemological premises that govern al-Jāḥiẓ's treatment of legal problems, one cannot but wonder whether the vindication of the faculty of meting out justice in these cases might have been related to the fact that these penalties are clearly defined by God and, according to some scholars, not subjected to interpretation[458].

Whereas the Muʿtazilites, like some of the interlocutors of al-Jāḥiẓ, are concerned with the temporal wellbeing of the community and the ways whereby the alleged duty of setting up an imam should have been revealed; the ascetics seem to be preoccupied about the spiritual damages resulted from the involvement in dubious practices promoted by the authorities, such as the unnamed group in the *Jawābāt fī al-Imāma* who rejects the obligation of seizing the culprits by arguing that they should yield themselves to the authorities in charge of applying the *ḥadd*. Despite the testimony of Jaʿfar b. Ḥarb, himself a Muʿtazilite who adopted a life of renunciation, the relationship between this two groups is not evident, let alone the intellectual dependence one doctrine upon the other. In the particular case of the theories reported by al-Jāḥiẓ, the defence of the judicial competence of the communities and the vindication of the role played by the local leaders in a period of power vacuum clashes with the pretention that criminals will yield themselves for the sake of their salvation.

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[457] Al-Muḥāsibī, *Kitāb al-Makāsib*, 148;10-14. Al-Malāṭī lists this group among the *zindīqs*, with the denomination of ʿAbdakiyya and reports that they considered *ḥarām* the means of life (*qūt*) acquired through any collaboration with an unlawful imam, cf. Al-Malāṭī, *Kitāb al-Tanbīh*, 73;7-13.

[458] The interpretation and alteration of the *ḥadd* penalties was a disputed issue among jurists. We would look in vain for a similar discussion in this series of treatises on the imamate, but al-Jāḥiẓ was quite aware of the problem, and the *ziyādat al-ḥadd* is one of the motifs he uses in his *Mufākhara al-Jawārī wa-al-Ghilmān*. For all the satirical tone of the debate concerning the unlawfulness of lapidating the sodomites, which would imply that they enjoyed a higher status than women, the arguments and the *ḥadīths* used by al-Jāḥiẓ are the same as those use in "serious" juridical literature, for instance, by al-Ṭaḥāwī. See al-Jāḥiẓ, *Mufākhara al-Jawārī wa-al-Ghilmān*, 99;9-102;4; and the "serious" counterpart in al-Jaṣṣāṣ, *Mukhtaṣar al-Ṭaḥāwī*, VI, 169-175.

In the light of this information, it seems plausible that al-Jāḥiẓ may have reported the opinions of at least two different groups, as Crone has argued: on the one hand, the Muʿtazilites al-Aṣamm and al-Naẓẓām -less likely al-Fuwāṭī-; and, on the other hand, a group of ascetics whose relationship with the Muʿtazilites cannot be demonstrated with such scarce evidence. If this identification is correct, both currents should have relied for their argumentation on the vindication of the mythical and pristine community of Medina from which the Muslim *umma* had deviated, once turned its imamate into a kingship; in this regard, it would be possible to consider them utopians as Van Ess puts it, and, following Crone, even anarchists in the case of the most radical ascetics. Their opposition to authority stems, however, from antagonistic epistemological premises concerning the interpretation of the means whereby God communicates his will to human kind or, more precisely in this case, from the interpretation of God's silence concerning the duty of setting up an imam: according to the Muʿtazilite principle of divine justice (*ʿadl*), it is unconceivable that God may had imposed a duty that His servants cannot fulfil due to their ignorance of the law; according to the ascetic principle of *warʿ* the ignorance of the limits between *ḥalāl* and *ḥarām* does not excuse the sinner, and therefore the interpretation of the law made by mundane rulers cannot be binding.

7.6. Conclusion

In this extremely fragmentary treatise, al-Jāḥiẓ seems to report the opinions of, at least, two different groups, a branch of Baṣran Muʿtazilites and a group of ascetics. The debates preserved in the *Jawābāt fī al-Imāma* are predicated upon the same epistemological frame of reference that we have described in the *ʿUthmāniyya*. For the defenders of the dispensability of the imamate, the revelation is silent concerning the imamate and the early Muslim community did not agree that it was a duty, therefore the figure of the imam is optional and Muslim communities can mete out justice by themselves. Al-Jāḥiẓ's arguments are not based on the discussion of the revealed sources or *ijmāʿ*, but on the rational examination of human nature. For him, the survival of humans as social beings is granted by the laws given by God, which provide prohibitions and commands to control natural impulses (*dawāʿī*) and make it possible to fulfil the duties towards Him as moral agents (*mukallafūn*).

Societies can only implement God's laws under a single imam, which should be the most excellent individual in terms of knowledge and ethics.

Part 4. The Doctrines of the Shīʻa

Chapter 8. The *Maqālāt al-Zaydīyya wa-al-Rāfiḍa*

> This chapter is focused on al-Jāḥiẓ's account of Zaydī doctrines. I will begin my analysis by discussing the editions of these texts and the previous studies (10.1), and al-Jāḥiẓ's classification of the branches of the Shīʿa (10.2). The *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* has two differentiated parts reporting the opinions of the Zaydīs and al-Jāḥiẓ respectively; the third section of the chapter (10.3) is focused on the exposition of the Zaydī defence of the pre-eminence of ʿAlī and the doctrine of *al-imām al-mafḍūl*; in the last section (10.4) I will study the second part of the treatise, where al-Jāḥiẓ defends the necessity of prophecy and the imams by discussing human nature.

8.1. Al-Jāḥiẓ's Texts on the Zaydīs: Editions and Studies

There are two texts devoted to the Zaydiyya among the extant works of al-Jāḥiẓ. All the editions of these texts are based in two collections of *fuṣūl* included in the compilation of al-Jāḥiẓ's epistles made by ʿUbayd Allāh b. Ḥassān (d. 450/1058) and preserved in four different manuscripts; these texts have been given different titles:

- Text 1[459] contains two fragments and has been published with the title *Istiḥqāq al-Imāma* in the margins of the edition of Mubarrad's *Al-Kāmil*[460], and in Hārūn's edition of the *Rasāʾil*[461].

- Text 2[462] contains four fragments and has been published with the title *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* in the margins of *al-Kāmil*[463] and in Hārūn's edition[464]; with the title *Risāla fī Bayān Madhāhib al-Shīʿa* by Sasi Efendi[465] and ʿUmar Abū al-Naṣr[466]; with the title *Istiḥqāq al-Imāma* by Sandūbī[467]; and, with the title *Fī al-Zaydiyya wa-al-Rāfiḍa*, by al-Jabūrī[468].

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[459] See Pellat, "Nouvel essai d'inventaire de l'œvre ğāḥiẓienne", *sub* 199. Hirschfeld, when describing the manuscript kept at the British Museum -today at the British Library- considered that Text 1 is a mere copy of Text 2 mistakenly added to the collection with a different title, cf. "A Volume of Essays by al-Jāḥiẓ", 200-201.
[460] Mubarrad, *Al-Kāmil*, II, 212-220 (margins).
[461] Al-Jāḥiẓ, *Istiḥqāq al-Imāma*, in *Rasāʾil al-Jāḥiẓ*, ed, Hārūn, 208-215.
[462] See Pellat, "Nouvel essai d'inventaire de l'oevre ğāḥiẓienne", *sub* 199.
[463] Mubarrad, *Al-Kāmil*, II, 291-301 (margins).
[464] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, in *Rasāʾil al-Jāḥiẓī*, ed, Hārūn, 311-323.
[465] Al-Jāḥiẓ, *Majmūʿat Rasāʾil al-Jāḥiẓ*, 178-185.
[466] Al-Jāḥiẓ, *Āthār al-Jāḥiẓ*, 163-170.
[467] Al-Jāḥiẓ, *Rasāʾil al-Jāḥiẓ*, 241-248.
[468] Al-Jāḥiẓ, "Fī al-Zaydiyya wa-al-Rāfiḍa", in *Al-Mawrid,* 7,4 (1978): 232-242.

According to Pellat, this treatise has been also referred to as *Kitāb Dhikr mā bayna al-Zaydiyya wa-al-Rāfiḍa*[469].

These *fuṣūl* seem to belong to at least two different versions of a treatise on the doctrines of the Zaydiyya to which, for the sake of clarity, I will refer to as *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*[470]. Text 2 seems to have preserved a more extended version of those passages they have in common, but Text 1 contains several passages lacking in 2. Although any attempt to trace a possible stemma would be entirely conjectural, these disparate fragments allows us to reconstruct, if not an "original" text, at least to connect some fragments by taking Text 2 -*Maqālāt al-Zaydiyya wa-al-Rāfiḍa*- as base text, and inserting some passages of Text 1 - *Istiḥqāq al-Imāma*- in this order:

1. *Maqālāt*, 311;1-314;7 [≅ *Istiḥqāq*, 208;1-210;8]
2. *Istiḥqāq*, 210;8-212;5 [lacking between *Maqālāt*, 314;7 and *Maqālāt*, 314;8]
3. *Maqālāt*, 314;7-323;11 [from which some fragments correspond to *Istiḥqāq*, 210;8-215;4]

The paragraphs lacking in Text 2 and preserved in Text 1 are necessary to understand the structure of the work as it has arrived to us, as they contain the five first items of an enumeration of social and religious groups that continues in Text 2 with the sixth item.

As regards secondary literature on these treatises, I am only aware of one study exclusively focused on this work, the chapter that ʿAṭṭār devotes to the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* in his PhD dissertation. In addition, Pellat also refers to this treatise in his study of al-Jāḥiẓ's doctrines on the imamate, and De Gifis makes occasional references to this treatise in his PhD dissertation on al-Jāḥiẓ's conception of virtuous leadership[471].

According to ʿAttār, this work was written for al-Maʾmūn between 200/816 and 202/818, with the intention of appeasing the Shīʿites and pave the way to the

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[469] See Pellat, "Nouvel essai d'inventaire de l'oevre ğāḥiẓienne", *sub* 244.
[470] In the footnotes I will give the references to the correspondent version in Hārūn's edition, i.e. *Istiḥqāq al-Imāma* [=Text 1] and *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* [=Text 2].
[471] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*, 80-109; Pellat, "L'Imamat dans la doctrine de Ğāḥiẓ"; De Gifis, *The Theory of Virtuous Leadership*.

succession of ʿAlī al-Riḍā, whom al-Maʾmūn nominated heir apparent in 201/817. ʿAṭṭār argues that the discussion of the thesis of *al-fāḍil wa-al-mafḍūl* in this treatise was intended to demonstrate that "ʿAlī al-Riḍā and al-Maʾmūn should be seen in almost the same perspective as ʿAlī b. Abī Ṭālib had occupied with regards to Abū Bakr"[472]. According to this interpretation, al-Maʾmūn might have chosen ʿAlī al-Riḍā as the most excellent after him, and therefore al-Jāḥiẓ used the Zaydī view of ʿAlī's delayed imamate to justify al-Maʾmūn's caliphate with the same arguments used by the Zaydīs to justify Abū Bakr's[473]. This acceptance of the doctrine of the *imām al-mafḍul* defended by the Zaydiyya, would contradict, according to ʿAṭṭār, the Jāḥiẓian thesis that the imam should always be the most virtuous (*al-afḍal*)[474].

Pellat argues that, in the light of the preserved fragments, the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* may be considered a brief heresiographical treatise[475]. For him, al-Jāḥiẓ seems to admit the thesis of the Zaydīs concerning ʿAlī's acceptance of Abū Bakr's imamate for the sake of public interest[476]. However, al-Jāḥiẓ's attitude could have been motivated by his interest in gaining the Zaydīs for the Muʿtazilite cause, hence the lack of hostility he shows in this treatise and the rather sympathetic tenor of his account of their doctrines.

Despite ʿAṭṭār's attempts to relate this treatise to al-Maʾmūn's appointment of al-Riḍā and the plausibility of the Maʾmūnid patronage and the early date of composition proposed, there is not a single piece of actual evidence in the text to sustain this affirmation, as well as there is no direct evidence either relating this work to al-Jāḥiẓ's other texts on the imamate. I consider it highly plausible, however, that this work may have been part of the corpus of treatises reporting the different opinions on the imamate written for a same unnamed patron, together with the ʿUthmāniyya, the *Kitab al-ʿAbbāsiyya* and the *Jawābāt fī al-Imāma*. As I will argue in the next sections, there are some formal and thematic characteristics that bring the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* close to cognate works on the imamate, such as the dialogical structure, the topics addressed in the discussions and the accuracy with which al-Jāḥiẓ reports the thesis of the Zaydīs.

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[472] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*, 96.
[473] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*, 100.
[474] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*, 106.
[475] Pellat refers to this treatise as *Kitāb al-Imāma ʿalā Madhāhib al-Shīʿa*, cf. "L'Imamat dans la doctrine de Ǧāḥiẓ", 24.
[476] Pellat, "L'Imamat dans la doctrine de Ǧāḥiẓ", 30.

As in the other treatises on the imamate, al-Jāḥiẓ's own voice emerges in the last sections to expose a defence of the necessity of the imamate based on the weakness of human nature, which broadly corresponds with the theses he defends in the *'Uthmāniyya* and the *Jawābāt fī al-Imāma*. Moreover, the composition of the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* seems also to have been inspired by the same aims that moved al-Jāḥiẓ to write other *maqālāt*. As we have seen, in various paratexts addressed to the patron or addresse of the *'Uthmāniyya*, al-Jāḥiẓ expresses his intention of reporting the opinions of different groups on the imamate fairly so that the reader could decide for himself. The extant fragments of the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* have not preserved a similar statement, but they begin with a direct reference to the addressee (*a'lam, yarḥamu-nā Allāh wa-iyyā-ka*)[477], that introduces a broad classification of the different branches of the Shīʿa, the exposition of the doctrines of the Zaydī *'ulamā'* concerning ʿAlī's virtue and the arguments of their rivals and critics; in a second paratext, al-Jāḥiẓ also uses a deictic second person to state that he is making an account of the doctrines of certain Shiʿite groups only (*wa-innamā dhakartu la-ka*)[478].

8.2. The Zaydīyya and its Branches

Unlike other treatises of al-Jāḥiẓ, the identification of the interlocutors in the extant fragments of the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* does not pose any problem to the reader due to the clarity of the arguments, the different indications that the author gives in several instances and the isolated presentation of the opinions of the Zaydīs and of al-Jāḥiẓ.

The author divides the Shīʿa into three branches: the Zaydiyya, the Rāfiḍa and an unnamed disorganised rabble which probably corresponds to the *ghulāt*[479]. From the beginning, it is clear that this treatise is devoted uniquely to the Zaydīs, and al-Jāḥiẓ emphasises that he only takes into consideration a particular group among them and not all the currents within this branch (*hādha al-madhhab dūna madhhab sāʾir al-zaydiyya*), because he considers that these are the best of them[480], but what kind of Zaydīs is al-Jāḥiẓ referring to?

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[477] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 311;1.
[478] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 317;1.
[479] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 311;1-2.
[480] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 317;6-8.

The Zaydīs were named after Zayd b. ʿAlī (d. 122/740), the protagonist of a revolt against the Umayyads and alleged author of several works with which, as I will discuss below, some of al-Jāḥiẓ's treatises may have been concerned. Zayd b. ʿAlī's refusal to condemn the caliphs preceding ʿAlī provoked the first schism among the Shīʿites when some of them withdrew their support and backed Jaʿfar al-Ṣādiq. Their main difference, rather than in their attitude towards the first caliphs, lay in the condemnation of the non-Shīʿites as unbelievers, an accusation rejected by all the branches of the Zaydiyya[481]. In terms of their attitude towards the first caliphs, there was also a clear division among the Zaydīs themselves which brought about two separate currents:

1. Butriyya: The Butrīs -or Batrīs-, despite defending the superiority of ʿAlī, admitted the imamate of the previous caliphs. They did not concede any superiority to the Family of the Prophet in terms of knowledge. For them the imam is not infallible (*maʿṣūm*), and he might not be the most excellent, since they accept the theory of *al-imām al-mafḍūl*[482]. They argued that knowledge of the revelation was not divinely given to the imams via inspiration, but preserved in the community through the religious texts and the reports of the Companions, in this regard, the Batrīs accepted the value of *ḥadīth*, as well as the use of *ikhtilāf* and *raʾy*[483]. In agreement with their acceptance of the first caliphs, the Butrī doctrine on descent allows non-ʿAlīds to hold the imamate, although one of his leading figures, al-Ḥasan b. Ṣāliḥ b. Ḥayy, may have accepted only the members of Quraysh[484]. In contrast with the quietism of the later Imamīs, they claimed that the imam should prove his value by defending Islam with the sword. Until the emergence of the Imamīs in the fourth/tenth century, the term Zaydī seems to have been applied especially to the Butrīs[485].

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[481] For a general account of the history of the Zaydiyya see Madelung, "Zaydiyya", and Crone, *God's Rule*, 99-109.

[482] Jaʿfar b. Ḥarb (Ps-Nāshiʾ), *Masāʾil al-Imāma*, 56;12-58;22

[483] Madelung, *Der Imam al-Qāsim ibn Ibrāhim*, 48f. On the Zaydī attitude towards the Companions see, Kohlberg, "Some Zaydī Views on the Companions of the Prophet".

[484] Crone, *God's Rule*, 103.

[485] Crone, *God's Calih,* 100.

2. Jārūdiyya: Named after Abū Jārūd Ziyād b. Mundhir, the Jārūdīs rejected the imamate of the three first caliphs and regarded the supporters of non-ʿAlīd imams as *kuffār*. They held that ʿAlī had been appointed by the Prophet although by means of a description (*waṣf*), not by name (*tasmiyya*)[486]. They believed that the knowledge of the imams was inspired and derived from their link with prophethood. Like the Batrīs, they claimed that the defence of Islam with the sword was a requirement that the imam should fulfil[487].

The account of the Zaydī doctrines that al-Jāḥiẓ makes in the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* corresponds to the opinions ascribed to the Batriyya. It does not necessarily mean, as Patricia Crone argues, that al-Jāḥiẓ only acknowledges two Shīʿite groups: the Zaydiyya -i.e Batriyya- and the Rāfiḍa, among whom he would have included the Jārūdīs[488]. Al-Jāḥiẓ uniquely reports the doctrines which would correspond to the tenets of the Batrīs, but he explicitly mentions that they are the best among the Zaydī *madhhabs*, which he does not take into consideration[489]. There is no further reference to a possible division between Batrīs and Jārūdīs in this treatise, but a remark from al-Jāḥiẓ's non-extant *Faḍīlat al-Muʿtazila* concerning divinely inspired knowledge (*ilhām*) is taken by al-Ḥayyāṭ as a reference to the Jārūdiyya, whom he places among the Rāfiḍa[490]. If al-Ḥayyāṭ is right in his interpretation, al-Jāḥiẓ's division of the Shīʿite groups would have corresponded to the one proposed by Crone, but we do not have any conclusive evidence beyond al-Khayyāṭ's personal interpretation.

8.3. Al-Jāḥiẓ's Report of the Zaydī Doctrines

The Shīʿite branches mentioned by al-Jāḥiẓ in this treatise are three: the Zaydiyya, which would have comprised varied *madhhabs*, the Rāfiḍa, and the unnamed and disorganised populace holding Shīʿite beliefs. Al-Jāḥiẓ, who does not pay attention to this last group, applies two criteria in order to categorise the

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[486] Madelung, *Der Imam al-Qāsim ibn Ibrāhim*, 45.
[487] Al-Qāsim b. Ibrāhīm , however, seems to have rejected this premise, see Abrahamov, "Al-Qāsim b. Ibrāhīm's Theory of the Imamate", 93.
[488] Crone, *God's Rule*, 100.
[489] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 317;6.
[490] Al-Khayyāṭ, *Intiṣār*, 153;15.

different currents within the Shīʿa. The main taxonomical principle to differentiate between the Shīʿite branches is their attitude towards descent (*qarāba*); for al-Jāḥiẓ, the Zaydīs are those who do not consider that the imam should fulfil any genealogical requirements (*madhhab man lā yajʿalu al-qarāba wa-al-ḥasab sabab ilā al-imāma*); this contrasts with the Rāfiḍīs, for whom the right to the imamate belonged exclusively to the *ahl al-bayt* and whose doctrines al-Jāḥiẓ claims to have reported in a treatise entitled *Kitāb al-Rāfiḍa*, which has not survived[491]. The existence of a second criterion can be inferred from the allusion to the differences among Zaydīs; al-Jāḥiẓ affirms that he only takes into consideration the best of the Zaydiyya and not the rest of the *madhhabs*, but in the extant passages he does not give any indication to explain his preference or the reason behind this internal division.

The points of the Zaydī doctrines discussed by al-Jāḥiẓ are two: 1) the paradigm of virtue upon which their defence of the excellence of ʿAlī is based; and 2) the doctrine of *al-imām al-mafḍūl.*

1) Zaydī Paradigm of Virtue

The first Zaydī doctrine exposed in this treatise refers to the qualities of the imam and is based in three points[492]:

i.   Excellence is acquired only by means of acts (*al-faḍl fī al-fiʿl dūna ghayri-hi*). The insistence on the value of acts should not be interpreted as a reference to the polemics concerning the definition of *īmān*; this represents the Zaydī rejection of *qarāba* to which al-Jāḥiẓ refers on another instance[493].

ii. The acts whereby excellence is acquired are only four: 1) precedence in conversion (*qidam fī al-islām*); 2) renunciation of the world (*al-zudh fī al-dunyā*); 3) knowledge of law (*fiqh*); 4) defence of Islam with the sword (*al-mashy bi-al-sayf*).

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[491] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 317;1-3. No work of al-Jāḥiẓ with the title *Kitāb al-Rāfiḍa* has survived. It may refer to an independent work but also to a previous section of his account on the Shīʿa or even to the *Kitāb al-ʿUthmāniyya*, which includes also an exposition and a refutation of the Rāfiḍite doctrines on the imamate. On this title see Pellat, "Nouvel essai d'inventaire de l'oeuvre ǧāḥiẓienne", *sub* 195.

[492] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 311;4-312;2.

[493] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 317;1-2.

iii. If a single man possesses all these characteristics together, it is a duty upon the community (*wajaba ʿalaynā*) to give him preference (*tafḍīl*) and precedence (*taqdīm*) over the rest.

This paradigm of excellence corresponds to the one discussed in the *ʿUthmāniyya*, where the value of descent was defended by the Rāfiḍa and expressly rejected by the ʿUthmānīs and al-Jāḥiẓ. These are the criteria that the Zaydīs apply in order to evaluate the merits of the Companions after the death of Muḥammad and discern who merited to be elected imam. According to the Zaydīs, there is no agreement among the scholars, the jurists and the collectors of traditions concerning who excelled in each one of these points. The Zaydīs survey their arguments and admit that there is no conclusive evidence to decide who was the first Muslim to embrace Islam[494]. As regards the three other aspects, however, there is no doubt for the Zaydīs that ʿAlī was the most excellent in terms of renunciation of the world, knowledge of the law and defence of Islam with the sword. Furthermore, ʿAlī was the only individual who excelled in all these aspects simultaneously and therefore the most excellent candidate.

2) *Al-Imām al-Mafḍūl*

The second of the doctrinal points of the Zaydiyya discussed in this treatise is the imamate of the less excellent (*al-imām al-mafḍūl*). This thesis allows the Zaydīs to harmonise their defence of the superiority of ʿAlī and the acceptance of the first three caliphs without condemning them as unbelievers. The basis of this argumentation is both historical and predicated upon the concept of *maṣlaḥa*, and theological, as it is sanctioned by a number of Qurʾānic verses and by the Prophet.

a) *Maṣlaḥa*

The Zaydīs argue that in the aftermath of the death of the Prophet the Arabs and the Quraysh were divided in Medina into seven social groups:

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[494] This affirmation contrasts with the general Shīʿite position concerning the early date of ʿAlī's conversion and the value of his embracing Islam when a child. Even Baghdādī Muʿtazilites such as al-Iskāfī argued that ʿAlī's conversion was a mature decision, cf. Al-Jāḥiẓ, *ʿUthmāniyya*, 298;9-11 (appendix with the fragments of al-Iskāfī's refutation).

i. The resentful families whose members had been killed in battle by the army of ʿAlī and who, although they concealed their enmity, were waiting for the right opportunity to unmask themselves[495].

ii. Some people who concealed their anger, but were prepared to take advantage of the lesser disagreement to satisfy their thirst for vengeance[496].

iii. Some people who resented ʿAlī's young age and refused to follow someone younger than them[497].

iv. Some men who knew the strength of ʿAlī's authority and his humility[498].

v. Some Quraysh, especially the tribe of ʿAbd al-Manāf disliked the idea that kingship (*al-mulk*) and prophethood (*al-nubuwwa*) be established in a single source (*fī niṣāb wāḥid*), and that they had come from a single seedbed (*fī maghris wāḥid*). They wanted to create a dynastic tribal rule (*dawla fī qabāʾili-hā*) on the basis of descent, and their objective was to separate the caliphate from its prophetic origins (*ikhrāj al-khilāfa min dhālika al-maʿdin*)[499].

vi. A group of uncivilised and bellicose Bedouins and people of their kind who hated ʿAlī and rejoiced at his adversity[500].

vii. Finally, a select minority of men versed in law who knew the principles of the imamate, the origin of the imams (*maʿdin*) and were convinced of ʿAlī's right[501].

Due to the latent enmity that existed between important sectors of the Muslim community and the partisans of ʿAlī, his renunciation of the imamate and acceptance of the caliphate of Abū Bakr, ʿUmar and ʿUthmān is interpreted as an act of responsibility towards the *umma*. The Zaydīs argue that ʿAlī decided to decline his right to the imamate and pledge allegiance to Abū Bakr for the sake of the general wellbeing, as the election of another imam would create less dissorder and disturbances in public life (*fasād wa-iḍṭirāb*), and less contestation and dissension

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[495] Al-Jāḥiẓ, *Istiḥqāq al-Imāma*, 210;14-17.
[496] Al-Jāḥiẓ, *Istiḥqāq al-Imāma*, 210;18-211;11.
[497] Al-Jāḥiẓ, *Istiḥqāq al-Imāma*, 211;12.
[498] Al-Jāḥiẓ, *Istiḥqāq al-Imāma*, 211;13-14.
[499] Al-Jāḥiẓ, *Istiḥqāq al-Imāma*, 211;15-212;5.
[500] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 314;8-315;2.
[501] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 315;3-6.

(*ṭaʿn wa-khilāf*)[502]. It was ʿAlī's discernment in religious matters (*al-naẓar fī al-dīn*) which refrained him from declaring himself as caliph[503], and therefore this renunciation should be interpreted as another proof of his excellence:

> "When a man withdraws himself from such an important issue, and such a distinguished matter, he occupies before God Almighty the most extraordinary position in terms of religion (*manāzil al-dīn*)"[504].

In this section, al-Jāḥiẓ reports the opinions of the Zaydīs without introducing any dialogical element. I have not been able to find any parallel text in Shīʿite literature describing these social divisions but, although the enumeration of social groups is a common narrative device in al-Jāḥiẓ's works, the usage of a very specific term, the substantive *maʿdin*, which occurs twice in these passages, suggests that al-Jāḥiẓ might have been quoting Zaydī texts or reporting their ideas with great accuracy[505]. As Madelung notes when discussing al-Qāsim b. Ibrāhīm's *Kitāb al-Masāʾil*, "*maʿdin*" is a key term in Zaydī literature that he translates as *Ursprungsort*, referring to the Prophet's family as the origin of the lineage of imams[506]. Considering the context where this term occurs in the *Maqālāt al-Zaydīyya wa-al-Rāfiḍa*, I am more inclined to interpret *maʿdin* as a reference to the prophetic origin of the institution, which the Zaydīs find in the Qurʾān, rather than a direct reference to descent, which is explicitly rejected both in al-Jāḥiẓ's account of Zaydī doctrines and in Zaydī literature. In any case, the precise use of this term is significant in terms of assessing al-Jāḥiẓ's acknowledgement of the Zaydī thesis and the objectivity of his account.

A second aspect of this exposition and the Zaydī doctrine of *al-imām al-mafḍūl* that should be considered is that the disagreement of the community concerning ʿAlī's imamate does not motivate any discussion affecting his excellence. The animosity towards ʿAlī shown by these groups is rooted in the historical events that followed the death of the Prophet and in the internal divisions among the

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[502] Al-Jāḥiẓ, *Istiḥqāq al-Imāma*, 210;11-13.
[503] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 316;1-3.
[504] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 316;10-11.
[505] Al-Jāḥiẓ, *Istiḥqāq al-Imāma*, 212;4, and *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 315;5.
[506] Madelung, *Der Imam al-Qāsim ibn Ibrāhīm*, 143. For the use of this word in the *Kitāb al-Imāma* attributed to al-Qāsim b. Ibrāhīm see Abrahamov, "Al-Qāsim b. Ibrāhīm's Theory of the Imamate", 82, n.6.

Quraysh, but this opposition is not discussed in terms of *ijmāʿ* nor seems to cast any doubt on ʿAlī's pre-eminence.

Due to the fragmentary state of this text any discussion concerning this omission is purely conjectural, but this treatment of *ikhtilāf* in the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* contrasts with the treatment of the opposition to Abū Bakr and ʿAlī described in the *ʿUthmāniyya*, and with al-Jāḥiẓ's discussion of the conflict between Muʿāwiya and ʿAlī in the *Taṣwīb ʿAlī*, where this problem is debated in the context of the discussion of the legitimacy that emanates from the consensus of the community[507]. For al-Jāḥiẓ, the consensus of the *Khāṣṣa* is one of the valid modalities of electing an imam, but it does not mean that the dissension and the opposition to the most excellent candidate invalidates his right to access to the imamate, or can be adduced as a proof against his excellence. As al-Jāḥiẓ states when defending the imamate of ʿAlī during the *fitna* in the *Taṣwīb ʿAlī*, *ijmāʿ* is a consequence of the recognition of virtue, but the lack of consensus does not prove that such virtue does not exist. If we pay attention to the extant fragments of the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, we realise that al-Jāḥiẓ represents the Zaydīs as if they were only concerned about the intrinsic excellence of the imam, without any attention being paid to the ways of recognising his excellence, which is a key concept in al-Jāḥiẓ's theory of the imamate, or to the elective nature of the institution. We cannot know whether these problems might have been addressed in the lost parts of this work, but the information that the extant passages have preserved corresponds to the Zaydī contention that the community does not play any role in the election of the imam; for the Zaydīs, the truthful imam will present himself before the community, who should obey him when they recognise him as imam, but he will not be elected.

b) Revelation

If the first argument to accept the imamate of the less excellent (*al-mafḍūl*) was based on historical and rational proofs, concretely on the discussion of the concept of *maṣlaḥa*; the second argument is based on the authority of the Qurʾān. According to the Zaydiyya, the revelation states that the most excellent (*al-afḍal*) is morally obliged to yield to someone inferior (*dūna-hu fī al-faḍl*) if this decision entails the wellbeing of the community (*maṣlaḥa*), prevents dissension (*ishfāq min al-*

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[507] See below Chapter 13, section 13.4.

fitna), or is a consequence of God's putting him to the test (*taghlīẓ fī al-miḥna wa-tashdīd al-balwā wa-al-kulfa*)[508]. Several Qurʾānic examples are adduced to prove this point. The first of them is God's command to the angels and their reaction: "'Prostrate yourselves before Ādam'; they all prostrate themselves except Iblīs who refused" (Q. 2:34)[509], which the Zaydīs interpret as follows:

> "The angels were superior to Ādam in virtue, but God imposed on them the hardest test and the worst adversity, because, in the act of submission (*khuḍūʿ*) there is nothing more terrible than prostration before one who [should] prostrate himself. And the angels were superior to Ādam in virtue, since Jibrīl, Mīkāʾīl and Isrāfīl were among those closest to God long before Ādam was created, because they had precedence in His worship and had carried the weight of obedience"[510].

The Zaydīs also mention the Qurʾānic passage where God gives sovereignty to Ṭālūt (Saul) over the Banū Israel and the Prophet Dāwud, who told to his people: "God has appointed Ṭālūt to be your king" (Q. 2:247)[511].

In addition to the Qurʾān, they also adduce historical episodes from the life of Muḥammad:

> "Then [there is a proof in] the Prophet's act, may God grant him peace, when he appointed Zayd b. Ḥārith over Jaʿfar al-Ṭayyār the day of Mutʾa, or when he appointed Usāma over the most pre-eminent *Muhājirūn,* among whom there were Abū Bakr and ʿUmar, Saʿīd b. Zayd b. ʿAmr b. Nufayl, Saʿd b. Abī Waqqāṣ, and other important and powerful men, from those who battled at Badr (*badriyyīn*), the *Muhājirūn,* and the first followers (*al-sābiqīn al-awwalīn*)"[512].

With this argumentation, the Zaydīs not only support their claim with Qurʾānic authorities; they also ground ʿAlī's renunciation of the imamate and, by extension, the doctrine of *al-imām al-mafḍūl,* in one of the core Shīʿite notions, the theology of suffering. The apology of the suffering of the forbearing imam upon the

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[508] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 317;9-12.
[509] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 317;12-13.
[510] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 317;13-17.
[511] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 318;1-3.
[512] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 318;4-8.

tribulations imposed by God is a recurrent topic in Shīʿite narratives that was also adopted by al-Jāḥiẓ in his description of Abū Bakr, ʿUmar and al-Maʾmūn[513].

8.4. The Necessity of Prophets and Imams

The exposition of the doctrines of the Zaydiyya in the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* does not go any further. The second part of the surviving fragments of this treatise is focused on the necessity of the imamate, which is defended on the basis of rational proofs. As in the other treatises on this subject, al-Jāḥiẓ's voice emerges in the last section, but in this case, there are no dialogical indications that may reveal a Zaydī interlocutor; in fact, the ascription of these passages to the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* is uniquely sustained by their inclusion under this title in the manuscripts containing the *mukhtārāt* of al-Jāḥiẓ's writings made by ʿUbayd Allāh b. Ḥassān.

In the light of al-Jāḥiẓ's other treatises on the imamate, it is plausible that these passages belong to the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, as the final sections of all these works are invariably devoted to discuss epistemological problems and report al-Jāḥiẓ's own opinions. However, the lack of any reference to Qurʾānic authorities, such as those used by the Zaydīs to argue in favour of the doctrine of *al-imām al-mafḍūl*, and the emphasis on defending the necessity of the imamate, which hardly fits in the agenda of a debate with any Shīʿite branch, may raise doubts about the ascription of these passages to the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*. Both their tenor and their content are, in fact, very close to the last sections of the *Jawābāt fī al-Imāma*, but, once more, the fragmentary nature of these sources and the lack of information do not allow us to go beyond conjectures.

In any case, the final sections of the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* offer exceptional insights into al-Jāḥiẓ's epistemology and his theory of the imamate. The arguments contained in these passages seem to answer to a previous exposition that has not been preserved; they are focused on three recurrent topics in al-Jāḥiẓ's works: human nature, the limits of human knowledge, and God's justice. As we have seen when analysing the *ʿUthmāniyya*, only a few fragments of al-Jāḥiẓ's *Kitāb al-Maʿrifa*, his main treatise on epistemology, have survived, and later heresiographical works reporting al-Jāḥiẓ's ideas have preserved a misrepresented or decontextualised account. The great advantage that al-Jāḥiẓ's treatises on the

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[513] See below Chapter 11, section 11.2.

imamate offer to the study of the author's epistemology and ethics is that these considerations play a pivotal role in his analysis of the institution and therefore can be contextualised within the general argumentation. The discussions preserved in the *Maqālāt al-Zaydīyya wa-al-Rāfiḍa* -even if we consider that they might have been part of the *Jawābāt fī al-Imāma*- have a further advantage as they are not only intended to demonstrate the indispensability of the imam, but also the necessity of prophecy.

The starting point of the discussion on human nature is the principle of God's justice:

"If people had been abandoned to the power of their intellects (*quwā ʿuqūli-him*), to the stubborness of their natural dispositions (*jimāḥ ṭabāʾiʿi-him*), and to the dominion of their appetites (*ghalaba shahawāti-him*), with the vastness of their ignorance (*kathrat jahli-him*), their strong inclination (*shiddat nizāʿi-him*) towards that which annihilates them (*yurdī-him*) and leads them to immoderateness (*yuṭghī-him*), so that they alone were in a position to prevent themselves from all that corrupts them y virtue of their powers, and halt on their own accord at the boundary between damage and benefit, and learn the difference between illness and remedy, and between nutrition and venom; then, [God] would have charged them with an excessive burden (*kallafa-hum shaṭaṭ{an}*), abandoned them to their enemy, and diverted them from His obedience, which is the most advantageous and the most beneficial state for them.

It is on account of obedience that [God] made their constitution balanced (*ʿaddala al-tarkīb*) and levelled the physical constitution (*sawwā al-binya*); that He took them out of the limit of childhood and ignorance (*ḥadd al-ṭufūla wa-l-jahl*) towards maturity (*bulūgh*), temperance (*iʿtidāl*) and rightness (*ṣiḥḥa*), and to full material and instrumental capacity (*tamām al-adāt wa-l-āla*). That is why God said: "I created the jinn and mankind only that they might worship Me" (Q. 51;56)"[514].

This argument echoes the one that al-Jāḥiẓ displays in the *ʿUthmāniyya* and is supported by the same Qurʾānic verse[515]. In his discussion with the ʿUthmānīs, al-Jāḥiẓ argued that all mature and sound individuals are equally capable of worshiping God, because God has bestowed upon them the natural capacity of

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[514] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 318;10-319;4.
[515] Al-Jāḥiẓ, *ʿUthmāniyya*, 256;4-7.

knowing Him, as well as the necessary knowledge to differentiate between the truthful prophet and the impostor. Some Muslim authors rejected this doctrine on the basis that it would invalidate the idea of moral responsibility: if knowledge comes by nature, then all acts derived from this knowledge are created by God and humans cannot be punished or rewarded accordingly; this assumption also has crucial implications for the Muʿtazilite idea of God's justice, as human wrongdoings would be also ascribed to Him. A second point of disagreement was related to the consequences of this doctrine of natural knowledge: if, as al-Jāḥiẓ claims, humans can know God by themselves, then they why would they need prophets?

In the ʿUthmāniyya, al-Jāḥiẓ's main concern is to deny the determinism of which his doctrine was accused by rejecting its association with the Jahmiyya, and to emphasise the active role of human beings as moral agents responsible for obeying those divine commands which they can know. In the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, the emphasis falls on the defence of the religious guidance provided by prophets and imams. Al-Jāḥiẓ argues that the empiric knowledge acquired through experience would not have been enough for humans to survive and live in society. God created the world and its inhabitants for the sake of wellbeing. He would have not put his creatures to the test of overcoming their natural impulses, if He had not granted them the capacity of controlling these impulses by revealing commandments and prohibitions, because otherwise the preservation of life and the act of equilibrating human nature would not have had any meaning (*law lā al-amr wa-al-nahy mā kāna al-tabqiya wa-taʿdīl al-fiṭra maʿnā*)[516].

The model to which al-Jāḥiẓ refers when describing human nature cannot be taken as purely psychological, as some scholars have suggested[517]; it is impossible to dissociate his dissection of human psyche from the theological and legal considerations that frame his reasoning. In order to properly understand al-Jāḥiẓ's theory it is necessary to take into consideration the conditional value of his argumentation: in the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* he describes the hypothetical situation which humans would have to be in had they not received the revelation. People would have been driven by their appetites (*shahawāt*) and their ignorance if God had not provided the means to balance their organism (*ʿaddala al-tarkīb, sawwā*

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[516] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 319;13-320;1.
[517] That is the contention of Van Ess, see *Theologie und Gesellschaft*, IV, 104.

al-binyān), as He did when he revealed the commandments and prohibitions (*al-amr wa-al-naḥy*) in the Qurʾān and sent the prophets.

This theory is similar to the one discussed in the *Jawābāt fī al-Imāma*[518]. For al-Jāḥiẓ, all human acts are the result of the conflict of two opposite "impulses" (*dawāʿī*), one which motivates the act and another which refrains from performing it. According to this theory, a deliberative choice (*ikhtiyār*) is only possible when there is equilibrium between both impulses[519]. If this theory would have been uniquely predicated upon psychological considerations, al-Jāḥiz would have not left much margin for free will, as Gimaret and Van Ess affirm[520].

We must insist, however, on the decontextualization of the fragments with which the Muslim heresiographers and the modern scholars have reconstructed al-Jāḥiẓ's theory of human acts. In the light of the arguments that we find in the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, as well as in his other treatises on the imamate, it is evident that al-Jāḥiẓ's model correlates with the Muʿtazilite doctrine of ʿ*adl*. The equilibrium from which deliberative choices derive is neither an ideal situation nor an unrealistic physiological or psychological state: it is a grace from God and it is granted by the revelation, because the means to achieve and keep this equilibrium are the commands and the prohibitions revealed by God. This is how al-Jāḥiẓ solves –at least in these treatises on the imamate- the problem of human agency: it is God's revelation what allows people to constrain their natural impulses and make deliberative choices. Al-Jāḥiẓ's treatment of humans as moral agents relies on this theological implication: people are responsible for obeying those commands and avoiding those prohibitions that they can know from the revelation, and for following the guidance of prophets and imams as regard those aspects that fall beyond their intellectual capabilities. His treatment of humans as social beings is predicated upon similar assumptions: the equilibrium that God has granted to His subjects depends on their subjection to the commands and prohibitions that messengers, prophets and imams communicate and implement, and on the guiding

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[518] See above Chapter 7, section 7.4.

[519] The best account of this theory, as it has been reported by later sources, is Gimaret, *Théories de l'acte humain en théologie musulmane*, 30-39. Regretfully, Gimaret does not take into consideration any of the treatises on the imamate written by al-Jāḥiẓ.

[520] Gimaret considers that al-Jāḥiẓ is "minimalist" as he minimises human agency and reduces human initiative to almost nothing, cf. Gimaret, *Théories de l'acte humain en théologie musulmane*, 26 and 35. A similar opinion in Van Ess, *Theologie und Gesellschaft*, IV, 108.

role of the imams, which can only be guaranteed under the conditions that al-Jāḥiẓ explains in his treatises.

This theory also builds upon al-Jāḥiẓ's conceptualization of knowledge. In the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* he explains that the most elemental mean whereby humans gain knowledge of God and religion is experience and observation of the world, but this knowledge is not attainable by all people:

> "If the intellects of people do not attain their perfect wellbeing in the material world, then they are even less capable of [attaining] their wellbeing in religion (*maṣāliḥ dīni-him*), because knowledge of religion is derived (*mustanbiṭ^{an}*) from the knowledge of the material world.
>
> And if knowledge is direct experience (*mubāshara*) or is a cause of a direct experience, with knowledge of the world being difficult to comprehend, then it is only possible to attain knowledge of it (*yutakhallaṣu ilā maʿrifati-hi*) with an excellent natural disposition (*al-tabīʿa al-fāʾiqa*), with profound care (*al-ʿiyāna al-shadīda*), and with the guidance of the imams. Moreover, if people were to attain the objective of their wellbeing, both in religion and in the world, by themselves, then sending the messengers [of God] would have been of little benefit and of little merit"[521].

This statement relating the knowledge attained by experience and the knowledge of religious principles echoes al-Jāḥiẓ's theory of the natural knowledge of God that all sane and mature persons should infer from the observation of creation. Nevertheless, empirical knowledge does not suffice to understand all aspects of religion, hence the necessity of prophets and imams:

> "Human beings, despite their benefiting from this world and their love to remain, despite their desire to increase, their need for sufficiency, and their knowledge of the benefit that sufficiency contains, do not acquire the knowledge of [this world] and its rightness for their own sake. The knowledge [of the world] and the means to gain it are mutually dependent, like perception through the senses and that which is proper for it (*mā lāqat-hu*); but they are less capable of determining justness (*al-taʿdīl*) and wrongness (*al-tajwīr*), of the analysis of the interpretation [of the revelation] (*tafṣīl al-taʾwīl*), and of discussing (*kalām*) how reports (*al-akhbār*) come to us, and the principles of religions (*uṣūl al-adyān*); and they are less likely to reach

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521 Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 320;8-9.

the end of it, and to attain what they need from it, because the knowledge of this world is of two kinds: either it is something which is available to the senses (*yalī al-ḥawāss*), or something which is available to knowledge of the senses (*yalī ʿilm al-ḥawāss*), but religion is not of this kind.

Since that is the case, we know that the people need an imam to teach them their complete wellbeing"[522].

Once more, we find an enumeration that corresponds to those aspects of the revelation categorised as *ʿilm al-Khāṣṣa* which are beyond the intellectual capacity of common people: discerning between what is right and wrong (*al-taʿdīl wa-l-tajwīr*), exegesis (*taʾwīl*), and speculative theology (*kalām*). According to this explanation, the knowledge they can acquire is not sufficient, they need the guidance that the imams will provide by interpreting this kind of knowledge which is only attainable by means of legal reasoning, interpretation and dialectic argumentation. For al-Jāḥiẓ, therefore, the material and spiritual wellbeing of the community depends on the revelation and the leadership of the rightful imam.

Having demonstrated the indispensability of prophecy and the imamate, al-Jāḥiẓ explains the classes of imams and their functions. There are three kinds of imams who vary in rank and hierarchy: the messenger (*rasūl*), the prophet (*nabī*), and the imam[523]. The messenger establishes the law (*yusharriʿu al-sharīʿa*), initiates a religion (*milla*), and leads people towards their salvation (*ʿalā jumal marāshidi-him*); he may be sometimes Arab and sometimes ʿAjam, and he might not come from a noble family. In order to prove the truthfulness of his mission he performs signals (*aʿlām*), miracles (*āyāt*) and wonders (*aʿājīb*)[524]. The prophet is not a messenger, i.e. he does not begin a religion or make the law, but only confirms and brings announcements, such as when the prophet announces the future advent of a messenger (*al-rasūl al-kāʾin*); unlike the messenger, the prophet does not perform miracles and should have a noble descent in order to lend credibility to his mission[525]. Unfortunately, the description of the third category, the imam, has not survived -if it ever existed-.

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[522] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 320;14-321;7.
[523] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 321;8.
[524] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 322;7-11
[525] Al-Jāḥiẓ, *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*, 323;4-6

8.5. Conclusion

In summary, the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* adheres to the same premises that govern the rest of al-Jāḥiẓ's cognate treatises: apparent objectivity in the exposition of the doctrines of the Zaydiyya and reliance on the Jāḥiẓian epistemological principles concerning knowledge and human nature. Once the Zaydī doctrine of *al-imām al-mafḍūl*, for which no refutation on the part of al-Jāḥiẓ has come down to us has been reported, the author demonstrates the necessity of prophecy and the imams on the basis of the human limitations of attaining the knowledge that God has given to his creatures by means of the creation and the revelation. Since al-Jāḥiẓ's discussion of the imamate is entirely based on rational proofs, no reference is made to legal hermeneutics.

Chapter 9. The Hāshimites and the Imamate of ʿAlī

This chapter is focused on two epistles on the Hāshimites attributed to al-Jāḥiẓ by al-Irbilī, and some unedited fragments on the same topic. In the first part (11.1) I will analyse the *Risāla fī ʿAlī wa-Ālihi min Banī Hāshim*, and discuss its formal and thematic differences with the treatises of the cycle of works on the imamate. The second part (11.2) is focused on an epistle defending the imamate of ʿAlī wrongly attributed to al-Jāḥiẓ and the possible reasons behind this ascription.

In addition to the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa* and the *mufākhara* entitled *Faḍl Hāshim ʿalā ʿAbd al-Shams*[526], which deal with Shīʿite groups, two other texts on the Shīʿites have been attributed to al-Jāḥiẓ in different sources. The origin for this ascription seems to be the Shīʿite author al-Irbilī, who in his *Kashf al-Ghumma fī Maʿrifat al-Aʾimma* included two epistles allegedly written by al-Jāḥiẓ. Some fragments on the Hāshimites, which seem to belong to the first of the epistles quoted by al-Irbilī (d. 692/1292 or 93), have been preserved in the collection of treatises of al-Jāḥiẓ contained in the manuscripts of Berlin and Hyderabad[527]. These fragments remain unpublished, but the two epistles have enjoyed several editions and are mentioned in secondary literature with different titles:

1. *Risāla fī ʿAlī wa-Āli-hi min Banī Hāshim* or *Risāla fī Tafḍīl Banī Hāshim ʿalā Man Siwā-hum*, whose edition and attribution is based on al-Irbilī's recension[528].

2. *Risāla fī Ithbāt Imāmat Amīr al-Muʾminīn ʿAlī b. Abī Ṭālib* or *Risālat al-Tarjīḥ wa-al-Tafḍīl*, also based on al-Irbilī's recension[529].

   A summarized version of this text has been also ascribed to al-Jāḥiẓ by a late Shīʿite author, al-Majlisī (d. 1111/1699), who quotes this text in his

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[526] See below Chapter 12.

[527] I have not been able to consult the Hyderabad manuscript. The other copy bears the title *al-Mukhtar min Kalam Abī ʿUthmān al-Jāḥiẓ*; it was copied during Shaʿban 1060/July 1650 and is preserved in the Library of Berlin with the class-mark 5032.

[528] Al-Irbilī, *Kashf al-Ghumma*, I, 29;12-36;6, edited as a work of al-Jāḥiẓ by al-Zanjānī and al-Jalabī in *Lughat al-ʿArab*, 6 (1931): 413-420; and by al-Ḥājirī in the second edition of his *Majmūʿ Rasāʾil al-Jāḥiẓ*, 51-59. I will use al-Ḥājirī's edition.

[529] Al-Irbilī, *Kashf al-Ghumma*, I, 36;9-39;13, edited with the title *Risāla fī Ithbāt Imāmat Amīr al-Muʾminīn ʿAlī b. Abī Ṭālib* by al-Zanjānī and al-Jalabī in *Lughat al-ʿArab*, 7 (1931): 497-501; and, with the title *Risālat al-Tarjīḥ wa-al-Tafḍīl* by al-Ḥājirī in the second edition of his *Majmūʿ Rasāʾil al-Jāḥiẓ*, 51-59. I will use al-Ḥājirī's edition.

famous *Biḥār al-Anwār*[530]. There is also a longer version of this epistle attributed to the imam Zayd b. ʿAlī (d. 122/740)[531].

3. The unedited encomium of the Quraysh and the Hāshimites is referred to as "louange de Quraysh" in Pellat's inventory [532]. According to Ibn Abī al-Ḥadīd, al-Jāḥiẓ composed a treatise entitled *Mufākharat Quraysh*; this work has not survived, but these unedited fragments have the same formal characteristics of cognate works, such as the *Faḍl Hāshim ʿalā ʿAbd al-Shams*, and may have been part of a *mufākhara* focused on the Quraysh and the Hāshimites[533]. On the other hand, there is textual correspondence between some of these fragments and the epistle referred to above under 1, the *Risāla fī ʿAlī wa-Āli-hi min Banī Hāshim.*

9.1. The Encomium of the Hāshimites

There is broad agreement among scholars that the *Risāla fī ʿAlī wa-Ālihi min Banī Hāshim* should be ascribed to al-Jāḥiẓ, with the notable exception of Pellat, who does not include or discuss this epistle in his inventory of al-Jāḥiẓ's works. The entry for this title in Pellat's inventory refers to the other text ascribed to al-Jāḥiẓ by al-Irbilī, which Pellat dismisses as apocryphal[534]. Al-Ḥājirī, who has included this text in his edition of al-Jāḥīẓ's epistles, argues that this treatise is an abridgement of a longer epistle of al-Jāḥiẓ, as al-Irbilī states when introducing this text[535], to which the Shīʿite editor should have added the honorific formulas *karrama Allāh wajha-hu* and *ʿalay-hi al-salām* after ʿAlī's name.

According to Ḥājirī, this work should have been one of the epistles to which al-Jāḥiẓ refers to as *Hāshimiyyāt* in the prologue of the *Ḥayawān*, and which earned him the accusation of abandoning the Muʿtazila to approach the Shīʿites. The openly pro-Shīʿite tenor of this epistle, which contains an encomium of the Hāshimite

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[530] Al-Majlisī, *Biḥār al-Anwār*, XL, 146;15-147;2.

[531] A collection of epistles attributed to Zayd b. ʿAlī has been recently edited by Yaḥyā Sālim ʿAzzām. For the work attributed to al-Jāḥiẓ see *Tathbīt al-Imāma*, in Zayd b. ʿAlī, *Majmūʿ Kutub wa-Rasāʾil al-Imām Zayd b. ʿAlī*, 215-234.

[532] Ms Berlin 5032, ff. 105r-106v. On this manuscript, see Pellat, "Notice sur un manuscript arabe de Berlin".

[533] Pellat, "Nouvel inventaire de l'oeuvre ǧāḥiẓienne", 193; Pellat argues that it may have referred to the *Faḍl Hāshim ʿalā ʿAbd al-Shams.*

[534] Pellat, "Nouvel inventaire de l'oeuvre ǧāḥiẓienne", 142 (without number).

[535] Al-Irbilī, *Kashf al-Ghumma*, I, 29;11-12 (*adhkuru-hā mukhtaṣir[an] la-hā*).

family and a defence of their privileged position within the Muslim community, could have motivated these critiques, although al-Ḥājirī argues that al-Jāḥiẓ's intention should have been to harmonise the respect for the Prophet's family and the Companions[536]. This is also the opinion of ʿAṭṭār, who interprets that the denomination Banū Hāshim comprises both the Ṭālibīs and the ʿAbbāsids, as in the *Faḍl Hāshim ʿalā ʿAbd al-Shams*, although the *Risāla fī ʿAlī wa-Āli-hi min Banī Hāshim* shows stronger pro-ʿAlid sympathies[537]. For De Gifis, what distinguishes this epistle from the *Faḍl Hāshim ʿalā ʿAbd al-Shams* is that al-Jāḥiẓ focuses his encomium especially on the figure of ʿAlī, rather than on the entire family[538].

The *Risāla fī ʿAlī wa-Āli-hi* is not related to the cycle of works on the imamate formed by the *ʿUthmāniyya*, the *Jawābāt fī al-Imāma*, the *Kitāb al-ʿAbbāsiyya* and, probably, also the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*. Both the formal and the thematic characteristics are different. In fact, the *Risāla fī ʿAlī wa-Āli-hi* is a *mufākhara* similar to the *Faḍl Hāshim ʿalā ʿAbd al-Shams*[539]. Despite the differences noted by the aforementioned scholars, the similarities of content and structure are too many not to consider that there might have been a relation between these two epistles. The main differences lie precisely in the references to the ʿAbbāsid branch of the Hāshimites contained in the *Faḍl Hāshim ʿalā ʿAbd al-Shams*, which are lacking in the epistle abridged by al-Irbilī. Nevertheless, we cannot know whether this particular pro-ʿAlid tenor is due to the edition of the compiler or was intended by al-Jāḥiẓ himself when writing the original epistle. A further difference, either sought by al-Jāḥiẓ or product of al-Irbilī's editorial work, is that, in contrast with the Jāḥiẓian practice of reporting the opinions of rival groups, either in the form of *maqālāt* or *mufākharāt*, this epistle only contains a praise of the Hāshimites.

The identification of the Hāshimites as both the ʿAbbāsids and the Ṭālibīs argued by ʿAṭṭār, although possible, can hardly be demonstrated with the scarce information contained in the *Risāla fī ʿAlī wa-Āli-hi*. However, the adoption of a single voice, in contrast with the dialogic structure of al-Jāḥiẓ's other works, may be explained if we pay attention to a final paratext addressed to an unnamed patron or

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[536] Al-Ḥājirī, *Majmūʿ Rasāʾil al-Jāḥiẓ*, 47-50.
[537] ʿAṭṭār, *The Political Thought of al-Jāḥiẓ*, 229-30.
[538] De Gifis, *The Theory of Virtuous Leadership*, 30-31.
[539] I will discuss al-Jāḥiẓ's narrative strategies in the study of the *Faḍl Hāshim ʿala ʿAbd al-Shams*, as this work has been preserved almost in its entirety.

addressee, where al-Jāḥiẓ states that the aim of this epistle was to provide him with arguments to refute those who had offended the Hāshimites:

> "I have put before you a summation of those who discussed about the family of the Messenger; deriving inference from the few it contains about the many, from the part about the whole. The purpose of informing about them is that, when you know about their places, the places of their obedience, the ranks of their acts, the value of their deeds, and the graveness of their tribulations, and you add to this the right of descent (*ḥaqq al-qarāba*); this is the merest obligation incumbent upon us in the matter of adducing proofs based upon them, and instead of hesitating about them you would move to reject those not worthy of them. And with our opinions, scattered and summary, we have offered that which absolves us from going into great detail"[540].

We do not know for certain whether this epistle was commissioned, as this closing statement may suggest, but its purpose is explicitly expressed. This may have been one of those texts that earned al-Jāḥiẓ his fame as a venal, inconstant and contradictory writer, as the arguments exposed here concerning genealogy, which are emphasised in the closing address, openly contradict those defended in his other treatises. But is it possible to understand this contradiction beyond the need to satisfy the demands of a patron or an addressee interested in this polemic?

As mentioned, both al-Ḥājirī and ʿAṭṭār have argued that this treatise answered to the ʿAbbāsid efforts to accommodate respect for the ʿAlids and the Companions, but there is not evidence in this regard in the epistle, with the unlikely exception of a saying of ʿUmar praising the Banū Hāshim. Al-Jāḥiẓ's final comments do not point in that direction either. He is clear enough when he states that he has collected arguments that can be used when debating with those who offend the Hāshimites. If we interpret that al-Jāḥiẓ was simply collecting the arguments reported in this text for this purpose, this epistle would not contradict the doctrines that he identifies as his own in other treatises, but would certainly not agree with the etiquette of debate which he advocates: rather than a fair exposition of arguments that the reader should chose for himself after careful examination, this epistle seems a ready-made argumentarium to be thrown against the adversary in a discussion. The correct interpretation of this text depends on the occasion for

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[540] Al-Jāḥiẓ, *Risāla fī ʿAlī wa-Ālihi min Banī Hāshim*, 59.

which it was written and that we cannot know, and even on its performative dimension if these arguments were ever to be used in a real debate.

Although we do not have any information about the circumstances of the composition of this work there is, however, a formal characteristic that may shed light on these apparent contradictions. The *Risāla fī ʿAlī wa-Āli-hi* contains arguments that do not occur in the treatises of the cycle on the imamate; these arguments refer to the value of genealogy, providence and eschatology.

In addition to al-Jāḥiẓ's defence of the Hāshimites in terms of *qarāba*, this treatise contains several references to the privileged relation between God and the Banū Hāshim. The main argument of the *Risāla fī ʿAlī wa-Āli-hi* is that the Hāshimites are different as a result of God's decision. This notion is supported by the Qurʾānic verses stating that the Hāshimites do not receive alms, as this would not have been imposed upon them if God had made the Hāshimites like the rest of the people (*law sawwā-hum bi-al-nās la-mā ḥarrama ʿalay-him al-ṣadaqa*)[541]. Two sayings of the Prophet are also quoted to emphasise the role of the Hāshimites as a chosen people: "I am leaving two caliphates among you; one is more important than the other: the Book of God, a rope led from the Skies down to Earth; and my family, the people of my house"[542]; and "All relationship and genealogy (*sabab wa-nasab*) are severed on the Day of Resurrection (*yawm al-qiyāma*), except the relationship with me and my genealogy (*sababī wa-nasabī*)"[543].

In this regard, the unedited fragments on the Quraysh and the Hāshimites follow the same logic; in fact, some passages correspond to the text preserved by al-Irbilī[544]. The eulogy of these families is based on *nasab*:

"The Arabs are like the body and the Quraysh are their spirit (*rūḥ*). The Quraysh are the spirit and the Hāshimites are their hidden [core] (*sirru-hā*) and their heart (*lubbu-hā*). The Quraysh are the heart (*qalb*) and the Hāsimites are the centre of the heart (*ḥabbat al-qalb*)"[545].

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[541] Al-Jāḥiẓ, *Risāla fī ʿAlī wa-Ālihi min Banī Hāshim*, 52;4.
[542] Al-Jāḥiẓ, *Risāla fī ʿAlī wa-Ālihi min Banī Hāshim*, 52;18-20 (I am quoting only part of the *ḥadīth*).
[543] Al-Jāḥiẓ, *Risāla fī ʿAlī wa-Ālihi min Banī Hāshim*, 53;1-3.
[544] Concretely *Risāla fī ʿAlī wa-Ālihi min Banī Hāshim*, 52;9-17 contains almost *verbatim*, although in a different order, the expressions used in Ms Berlin 5032, 106r;11-106v;3.
[545] Ms Berlin 5032, 105v;8-9.

And their excellence is supported by religious references with evident messianic overtones, some also contained in the text transmitted by al-Irbilī:

"The Quraysh are the *qibla* of the Arabs and the place of the Greater Pilgrimage (*mawḍiʿ al-ḥajj al-akbar*)"[546]

"The Righteous (*ṣiddīq*) [i.e. Abū Bakr] was the one who told them the truth (*man ṣadaqa-hum*); and The One who Distinguishes Truth from Falsehood (*al-fārūq*) [i.e. ʿUmar b. al-Khaṭṭāb] was the one who distinguished between the ruth and the falsehood for them, and the Apostle (*al-ḥawārī*) [i.e. Zubayr b. al-ʿAwwām] was their apostle, and the One of the Two Professions of Faith (*dhū al-shahādatayn*) [i.e. Khuzayma b. Thābit al-Anṣārī], was called this because he took their testimony (*shahida la-hum*); and the Hāshim are praised over the rest of the people with legendary eulogies (*fakhr^an ʿabqariyy^an*) for [their] pure nobility (*al-sharaf al-qarāḥ*) and [their] unblemished honour (*al-karam al-ṣurāḥ*)"[547].

One would look in vain for similar expressions in al-Jāḥiẓ's *maqālāt*. This kind of arguments regarding the privileged relation with God of the Hāshimites only occur in those epistles collecting hyperbolic enumerations of virtues which can be identified as *mufākharāt*, either by their title or by the recurrent use of the verb *fakhkhara* to introduce the arguments. Among al-Jāḥiẓ's texts dealing with the polemics on the imamate only the *Risāla fī ʿAlī wa-Āli-hi*, the unedited fragments of the Berlin and Hyderabad manuscripts and the *Faḍl Hāshim* contain this kind of assertions concerning the Hāshimites[548].

The *Risāla fī ʿAlī wa-Āli-hi* as it has come down to us has undergone the editorial interventions of al-Irbilī and is not the best example to compare the formal characteristics of the *mufākharāt* with the other works referred to as *maqālāt*[549]. It is beyond doubt that, despite the references to the rights of the Hāshimite family, the logic of this work is not that of the cycle of treatises on the imamate, and it would

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[546] Ms Berlin 5032, 105v;11-12.
[547] Ms Berlin 5032, 106r;16-106v;3.
[548] Although not related to the imamate, the description of the *Ahl Khurāsān* and the *Abnāʾ al-Dawla* in the *Manāqib al-Turk* has many parallelisms with that of the Hāshimites in these treatises.
[549] I will discuss the generic conventions of these works in the chapter on the *Faḍl Hāshim ʿalā ʿAbd al-Shams*.

be a mistake to compare the arguments reported by al-Jāḥiẓ without taking these formal and generic differences into consideration.

9.2. The Treatise on ʿAlī ʾs Imamate

There is no doubt that the *Risāla fī Ithbāt Imāmat Amīr al-Muʾminīn ʿAlī b. Abī Ṭālib*, as it has been transmitted by al-Irbilī, was not written by al-Jāḥiẓ. Pellat, who has published a French translation of the epistle, was the first scholar to refute its attribution to al-Jāḥiẓ on the basis of its extreme pro-Shīʿite bias[550]. Al-Ḥājirī, who accepted the authorship of the *Risāla fī ʿAlī wa-Āli-hi*, has also rejected the Jāḥiẓian authorship of this second treatise quoted by al-Irbilī, despite including this work in his edition of al-Jāḥiẓ's epistles[551].

The ascription of this epistle to al-Jāḥiẓ relies solely on al-Irbilī's testimony, who claims to have taken this epistle from a collection of al-Jāḥiẓ's works (*majmūʿ*) copied for the caliph al-Muqtadir. There is evidence suggesting that these epistles may have gained enough popularity in Shīʿite circles to circulate independently[552], and even a late recension of this work in the famous *Biḥār al-Anwār*, in a very summarised form, that al-Majlisī also attributes to al-Jāḥiẓ.

The apocryphal nature of these texts, however, is no obstacle to question the reasons behind their attribution to al-Jāḥiẓ, either by al-Irbilī or, if he is sincere when referring to their origin, by the author of the compilation made for the caliph al-Muqtadir. Is it possible to uncover any relationship between al-Jāḥiẓ and these epistles? We may find an explanation for this spurious attribution in the same logic that made of al-Jāḥiẓ such an attractive figure in Shīʿite circles: his respectful treatment of ʿAlī, and the fame of being pro-Umayyad that his *Kitāb al-ʿUthmāniyya* earned him. Al-Irbilī, as other Shiʿite authors, refers to al-Jāḥiz as *al-ʿUthmānī al-Marwānī* in order to invest his eulogies on ʿAlī with the objectivity that only a declared rival can bestow upon his opponent[553].

In the light of the structure of al-Jāḥiẓ's treatises on the imamate, however, we may hypothesise differently: is it possible that al-Jāḥiẓ may have used this text,

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[550] Pellat, "Encore un apocryphe Djāḥizien", *Mélanges d'orientalisme offerts à Henri Massé* (Téhéran: Impr. de l'Université, 1963): 317-326.
[551] See the commentaries of the editor in al-Jāḥiẓ, *Majmūʿ Rasāʾil al-Jāḥiẓ*, 61-62.
[552] In this regard, the manuscript Delhi Arabic 158/b of the British Library is significant as it contains a collection of eulogies of ʿAlī and these two epistles copied from the *Kashf al-Ghumma*.
[553] Al-Irbilī, *Kashf al-Ghumma fī Maʿrifat al-Aʾimma*, 39;16 (*kāna ʿuthmānī marwānī wa-la-hu fī dhālika kutub muṣannafa*).

or parts of this text, in any of his accounts of the Shīʿite doctrines? Although purely conjectural, this possibility deserves to be explored, especially if we take into consideration that there is an alternative attribution of this epistle to non other than the Shīʿite imam Zayd b. ʿAlī, and that its content is rather unusual in this kind of narratives.

A longer version of the text that al-Irbilī abridged in his *Kashf al-Ghumma* has been attributed, with the title *Ithbāt al-Imāma*, to the imam Zayd b. ʿAlī b. al-Ḥusayn (d. 122/740), great-grandson of ʿAlī b. Abī Ṭālib. This work has been preserved, according to its editor, in at least three Yemenite manuscript collections of Zayd b. ʿAlī's works, and in the *Kitab Anwār al-Yaqīn fī Imāmat Amīr al-Muʾminīn* of al-Manṣūr Ḥasan b. Badr al-Dīn Muḥammad (d. 669/1271 or 670/1272)[554]. The internal coherence of the text suggest that this epistle, or a version of it, may have been the original treatise from which al-Irbilī took the abridged quotation that he includes in the *Kashf al-Ghumma*. It is plausible that al-Jāḥiẓ may have used the works of such a Shīʿite luminary and eponymous originator of the Zaydī branch of the Shīʿa; and there is evidence that al-Jāḥiẓ acknowledged the outstanding position of Zayd b. ʿAlī in the development of *fiqh* and considered him the initiator of the current followed by Sufyān al-Thawrī and Abū Ḥanīfa (*nasab Sufyān ilā anna-hu zaydī al-madhhab wa-ka-dhālika Abū Ḥanīfa*)[555]. What is not that evident is the correctness of the attribution of this epistle to Zayd b. ʿAlī himself. As Madelung notes, Zayd b. ʿAlī's life as scholar is obscure and the different treatises that have been ascribed to him by the Zaydī scholars are too disparate in style and contents, although the doctrines reported in these works represents the tenets of the early Kufan Zaydiyya[556].

The discussion of the historical value of these works and its attribution to Zayd b. ʿAlī falls beyond the limits of this dissertation. I consider it pertinent, however, to discuss the arguments of the *Risāla fī Ithbāt Imāmat Amīr al-Muʾminīn ʿAlī b. Abī Ṭālib* due to their relevance for the understanding of al-Jāḥiẓ's treatises. This epistle is a defence of the superior merits of ʿAlī on the basis of the same paradigm

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[554] The information of the editor, Yaḥyā Sālim ʿAzzām, concerning the manuscripts used for the edition is very poor. ʿAzzām does not give any indication about their location, with the exception of one manuscript kept at the University of Ṣanʿāʾ, for which no shelf mark or catalogue reference is given. I have been able to compare the edition of the *Ithbāt al-Imāma* with the text of the epistle preserved in the manuscript of the *Kitab Anwār al-Yaqīn fī Imāmat Amīr al-Muʾminīn* kept at the British Library, with shelf mark Or. 3727; the text is the same, and also the initial doxography giving the chain of transmission.
[555] *Faḍl Hāshim ʿalā ʿAbd al-Shams*, 106;7-8.
[556] Madelung, "Zayd b. ʿAlī".

of virtue that al-Jāḥiẓ reports in his other accounts of the doctrines of the Shīʿa, where the importance of several qualities is evaluated and the excellence of different candidates compared. The epistle attributed to Zayd b. ʿAlī in the *Anwār al-Yaqīn* and the version ascribed to al-Jāḥiẓ share the major part of the content, but the latter lacks an introductory section devoted to the consensus of the community. The contents of the work can be summarised as follows:

i. Defence of *ijmāʿ* of the community and condemnation of *raʾy* [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 216;1-217;15 ≅ Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*, 63;1-19].

ii. Description of the division after the death of Muḥammad into two groups: those who claimed that the imamate was elective and elected Abū Bakr, and those who claimed that the Prophet had appointed ʿAlī. The only way of knowing who was right is to question both parties and consider true only that upon which all of them agree [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 218;1-219;17].

iii. Both parties agree that having an imam is necessary and that the principles of the imamate should be found in the Qurʾān and the *Sunna* [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 220;1-221;2 ≅ Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*, 63;20-64;9].

iv. Both parties coincide in their understanding of the principles of Islam and agree that God chooses and prefers the best (*khīra*) of His creation [Zayd b. ʿAlī's *Tathbīth al-Imāma*, 221;3-221;16 ≅ Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*, 64;10-13]. They agree, on the basis of several Qurʾānic verses, that the best Muslims are those who fear God and so are obedient (*muttaqūn*) [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 221;17-222;6 ≅ Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*, 64;13-14]; that, among them, the best are those who stive in the way of God (*mujāhidūn fī sabīl Allāh*) [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 222;7-222;14 ≅ Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*, 64;14-16]; that among them, the best are the first who emigrated to fight for Islam (*al-sābiqūn min al-muhājirūn ilā al-jihād*) [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 222;15-223;7 ≅ Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*, 64;17-19]; they also agree that, among these, the best for God are those who have fought the most [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 223;8-223;16 ≅ Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*, 64;20-65;4]; and, finally, both parties agree that,

according to this criterion, ʿAlī is more excellent than Abū Bakr [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 223;17-224;4 ≅ Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*, 65;5-11]. This reasoning proves that there is agreement that ʿAlī was the most excellent in the defence of God [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 224;5-224;17].

v. The author asks who are the best of the people: according to the Qurʾān, the best people are those who fear God and so are obedient (*muttaqūn*). On the basis of several Qurʾānic verses both parties agree that those who fear God and so are obedient (*muttaqūn*) are the submissive before God (*khāshiʾūn*) [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 225;1-225;9 ≅ Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*, 65;12-15]; and that the submissive before God are the *ʿulamāʾ* [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 225;10-225;15 ≅ Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*, 65;15-16]. They agree that the most learned of them are the people who act more justly (*aʿmal al-nās bi-al-ʿadl*) [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 226;1-226;8]; and that those who act more justly are those more inclined to the truth (*ahdā al-nās ilā al-ḥaqq*), who are followed and do not follow (*matbūʿ, lā tābiʿ*) [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 226;9-226;13 ≅ Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*, 65;16-66;2]. If both parties agree that ʿAlī was the best of those who fear God and so are obedient (*muttaqūn*), and that those who fear God are the most inclined to the truth, then ʿAlī is most inclined to the truth and therefore the best judge (*ḥākim*) for the community [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 227;1-228;18 ≅ Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*, 67;2].

vi. Discussion on the most learned people among the Companions. Both parties agree that there were four outstanding wise men: ʿAlī, ʿAbd Allāh Ibn al-ʿAbbās, ʿAbd Allāh b. Masʿūd, and Zayd b. Thābit al-Anṣārī; to whom some add ʿUmar b. al-Khaṭṭāb [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 229;3-230;1 ≅ Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*, 67;3-6]. They all agree that, in terms of leading the prayer (*al-taqaddum bi-al-ṣalāh*) the first four are better than ʿUmar [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 229;3-230;1 ≅ Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*, 67;6-9]. In virtue of the *ḥadīth* "Let the imams be of the Quraysh" (*al-aʾimma min Quraysh*), there is agreement that only ʿAlī and Ibn al-ʿAbbās are worthy candidates to the imamate [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 230;6-231;3 ≅ Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*, 67;12-14]. A second *ḥadīth* is used to select

between ʿAlī and Ibn al-ʿAbbās: "When there are two knowledgeable experts in law (*faqīhayni ʿālimayni*), then [the imam is] the oldest of them, with seniority in terms of the emigration (*hijra*)"; according to this rule, the only candidate is ʿAlī [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 231;4-232;7 ≅ Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*, 67;14-18].

vii. There is agreement that prophethood is not hereditary and that the role of the imam different from that of the prophet [Zayd b. ʿAlī's *Tathbīt al-Imāma*, 232;8-232;14=Al-Jāḥiẓ's *Ithbāt Imāmat ʿAlī*,].

The first part of this epistle reports a conventional debate focused on the respective merits of Abū Bakr and ʿAlī; the second part, however, represents an oddity in this narrative as it opposes the figures of ʿAlī and Ibn al-ʿAbbās in the context of the polemics on the imamate. In terms of methodology there is also a notable dissimilitude between these two sections: whilst the first part is exclusively based on the consensual interpretation of Qurʾānic verses, the testimonies adduced to discuss the excellence of ʿAlī and Ibn al-ʿAbbās are three *ḥadīths*.

The rivalry between these two figures is a recurrent topic in historical works, but the treatment of Ibn al-ʿAbbās as a candidate for the imamate is quite unusual[557]. We know that al-Jāḥiẓ recorded the doctrines of the so-called al-Shīʿa al-ʿAbbāsiyya in his *Kitāb al-ʿAbbāsiyya*[558]. The few passages that have survived do not contain any reference in this regard, but it is very likely that he might have discussed the figure of Ibn al-ʿAbbās *vis-à-vis* ʿAlī, and there is a further reference that might point in this direction. In his refutation of al-Jāḥiẓ's *ʿUthmāniyya*, the Zaydī Muʿtazilite al-Iskāfī discusses the value of the early conversion of ʿAlī. According to al-Jāḥiẓ -and the ʿUthmāniyya-, ʿAlī was nine years old when he embraced Islam; a child of this age is not mature enough to understand the principles of religion, and so the early conversion of ʿAlī cannot be compared with that of Abū Bakr. In order to refute this argument, al-Iskāfī argues that ʿAlī may have been older, and that a child of eleven or twelve years can be considered *bāligh*; but he closes his argumentation with a commentary that cannot but be interpreted as aiming for a different target, as it is not related to the arguments used in the *ʿUthmāniyya*:

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[557] See Petersen, *Ali and Muʿawiya in Early Arabic Tradition*, 83-99.
[558] See Chapter 10.

"[According to this reasoning], for al-Jāḥiẓ, ʿAbd Allah b. al-ʿAbbās, when the Messenger of God died -peace be upon him-, whould have not been a real believer (*ghayr muslim ʿalā al-ḥaqīqa*), nor deserved any reward nor been obedient to Islam, because he was ten years old in that time"[559].

Since this commentary has no place in the context of the debate between the ʿUthmāniyya and the Rāfiḍa that al-Iskāfī is refuting, it could have been intended as a veiled critique of other arguments reported by al-Jāḥiẓ where the excellence of Ibn al-ʿAbbās may have been evaluated in the same terms, or compared with that of ʿAlī.

Therefore, if the *Risāla fī Ithbāt Imāmat Amīr al-Muʾminīn ʿAlī b. Abī Ṭālib* was attributed to al-Jāḥiẓ by the Shīʿite authors because he actually quote from this text, these quotations could have been included not only in any of al-Jāḥiẓ's lost treatises on the Shīʿa, but also in those on the ʿAbbāsids.

9.3. Conclusions

Of the two epistles quoted by al-Irbilī and attributed to al-Jāḥiẓ, only the *Risāla fī ʿAlī wa-Āli-hi* can be accepted as authentic. This epistle is a *mufākhara* where the pre-eminence of the Hāshimites is defended in virtue of their privileged relation with God. This treatment, which contrasts with that of the treatises belonging to the cycle of works on the imamate, only occurs in works with similar formal characteristic such as the fragments of the Berlin and Hyderabad manuscripts and the *Faḍl Hāshim ʿalā ʿAbd al-Shams*. The second epistle is clearly a spurious attribution and has also been ascribed to Zayd b. ʿAlī; nevertheless, it may be possible that the origin for this attribution might have been a quotation from this epistle in any of al-Jāḥiẓ's texts on the Shīʿa or the ʿAbbāsids.

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[559] Al-Jāḥiẓ, *ʿUthmāniyya*, 298;9-11 (appendix with the fragments of al-Iskāfī's refutation).

Part 5. Al-Jāḥiẓ's Treatises on the ʿAbbāsids

Chapter 10. Al-Jāḥiẓ's *Kitāb al-ʿAbbāsiyya*

> This chapter is focused on a fragment ascribed to the *Kitāb al-ʿAbbāsiyya*. In the first part (10.1) I will analyse the polemics concerning Abū Bakr and ʿUmar's abrogation of the Qurʾān. The second part (10.2) discusses the relation of this polemic with the policies of al-Maʾmūn.

The *Kitāb al-ʿAbbāsiyya* is one of the treatises mentioned in the introduction to the *Kitāb al-Ḥayawān*[560]. Al-Jāḥiẓ also refers to this work in one of the paratexts of the *Kitāb al-ʿUthmāniyya* where he states his intention of writing a treatise reporting the opinions of those who supported the imamate of the ʿAbbāsids[561]. This treatise was part of a cycle of texts devoted to the polemics on the imamate together with the *Jawābāt fī al-Imāma*, the *Kitāb al-ʿUthmāniyya*, and, as we have argued, probably the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*.

In addition to these internal references, this treatise is mentioned in the works of Ibn al-Faqīh, al-Masʿūdī, al-Sharīf al-Murtaḍā and Ibn Abī al-Ḥadīd. Ibn al-Faqīh provides an account of the meeting between al-Jāḥiẓ and al-Maʾmūn that slightly differs from the versions of the *Bayān* and the *Fihrist*[562]. Unlike the ambiguous reference to the treatises on the imamate made by al-Jāḥiẓ and Ibn al-Nadīm, in the narration of the *Kitāb al-Buldān* the work offered to the caliph by al-Jāḥiẓ and praised by al-Maʾmūn is said to be the *Kitāb fī al-ʿAbbāsiyya*[563]. Al-Masʿūdī's account of al-Jāḥiẓ's texts on the imamate also mentions a *Kitāb Imāmat Wuld al-ʿAbbās* that reported the polemics between Abū Bakr and Fāṭima, and would have addressed the ideas of the pro-ʿAbbāsid sect called Rāwandiyya; according to Charles Pellat, this work is the same as the *Kitāb al-ʿAbbāsiyya*[564]. Al-Sharīf al-Murtaḍā also makes specific mention of al-Jāḥiẓ's text on this sect as one of the few sources of information about the pro-ʿAbbāsid sectarian groups and quotes part of it in his compendium on the imamate[565]. Finally, we have the testimony of Ibn Abī al-Ḥadīd, in whose *Sharḥ Nahj al-Balāgha* we find the text that has come down to us and that Sandūbī included in his edition of al-Jāḥiẓ's epistles[566]. In this chapter I will study this

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[560] Al-Jāḥiẓ, *Ḥayawān*, I, 12;9.

[561] Al-Jāḥiẓ, *ʿUthmāniyya*, 187;5.

[562] Al-Jāḥiẓ, *Bayān*, 374;14; Ibn al-Nadīm, *Fihrist*, 209;5-14.

[563] Ibn al-Faqīh, *Kitāb al-Buldān*, 195;3.

[564] Al-Masʿūdī, *Murūj al-Dhahab*, IV, 76;14f; Pellat, 'Nouvel essai', *sub* n. 1.

[565] Al-Sharīf al-Murtaḍā, *Al-Dharīʿa ilā Uṣūl al-Sharīʿa*, 471;4; al-Sharīf al-Murtaḍā, *al-Shāfī fī al-Imāma*, IV, 84;9f and 89;2f.

[566] Ibn Abī al-Ḥadīd, *Sharḥ Nahj al-Balāgha*, XVI, 263;13f; and al-Jāḥiẓ, *Kitāb al-ʿAbbāsiyya.*

fragment contained in the commentary of the *Nahj al-Balāgha*, which has been edited with the title *Kitāb al-ʿAbbāsiyya.*

10.1. Structure and Contents

The fragments edited by Sandūbī under the title *Kitāb al-ʿAbbāsiyya* correspond to the passages quoted in the *Sharḥ Nahj al-Balāgha* by Ibn Abī al-Ḥadīd, who, in turn, may have taken this text from al-Sharīf al-Murtaḍā's *al-Shāfī fī al-Imāma.* Like the rest of al-Jāḥiẓ's works on the imamate, this treatise has a dialogical structure where the interlocutors are, on the one hand, the supporters of Abū Bakr and ʿUmar, and, on the other, the partisans of ʿAlī and his family. The debate preserved in these extant fragments of the treatise, which are written from the point of view of the critics of the two first caliphs, is focused on discussing the disagreement between Abū Bakr and Fāṭima concerning her inheritance, but there is also a significant reference to ʿUmar's rejection of *mutaʿ* marriage. These passages have been read as an example of early Sunnī-Shīʿite polemics. I will argue that they may be part of an internal ʿAbbāsid discussion opposing al-Maʾmūn and his critics, and that they provide a reflection upon the relation between the two main sources of law, Qurʾān and *Sunna*, focused on one particular hermeneutic technique: abrogation (*naskh*).

Regretfully, we do not have the necessary information to contextualise these polemics within the broader debate that the *Kitāb al-ʿAbbāsiyya* may have reported and the problems it may have addressed. The context provided by al-Sharīf al-Murtaḍā and, after him, Ibn Abī al-Ḥadīd, is a general discussion of the validity of the arguments that base the rightness of a decision on the tacit approval of the community: the avoidance of rebuke (*tarak al-nakīr*)[567]. These passages of al-Jāḥiẓ are adduced as a cogent refutation of this argumentation, which these authors considered a fallacy. In this case, this *argumentum ex silentio* adduced by those who support Abū Bakr's and ʿUmar's decisions is refuted in order to defend Fāṭima's right to receive the inheritance left by Muḥammad. The dialectic strategy deployed in these passages is based on two points: firstly, the probative value of the *tarak al-nakīr* is refuted; in second place, Abū Bakr's decision is refuted and proved to be unlawful on the basis of the principles of *fiqh*. These passages are, therefore, mainly

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[567] Ibn Abī al-Ḥadīd, *Sharḥ Nahj al-Balāgha*, XVI, 263;13f. Ibn Abī al-Ḥadīd also deals with this topic in his treatment of ʿUmar's policies, cf. *Sharḥ Nahj al-Balāgha* XII, 215;10.

focused on the legal hermeneutics concerning the problems of source interaction, especially the apparent contradiction of the Qur'ānic text and the *ḥadīth*.

The debate discusses whether the general laws on inheritance established by the Qur'ān should also have been applied to Muḥammad's inheritance, or whether Abū Bakr was right when he rejected Fāṭima's claims on the basis of a prophetic *ḥadīth* stating that the Prophets do not leave inheritance. According to the defenders of Abū Bakr, the fact that the Companions avoided rebuking him can be adduced as a proof of the rightfulness of his decision. The supporters of Fāṭima's family refute this argument by employing a *reductio ad absurdum*: the same argument could be adduced to defend Fāṭima's rights, for she was not rebuked either. Since neither of them was rebuked -they conclude-, the most appropriate decision would have been to follow "the judgement of God with regard to inheritances"[568], and inheritance can only be discussed in terms of *fiqh*.

The acquiescence of the community to ʿUmar's decision of prohibiting *mutʿa* also serves to illustrate this point. The phrasing of this passage referring to ʿUmar suggests that the discussion of Fāṭima's inheritance follows a previous controversy concerning the attitude of the caliph towards temporary marriage. Abū Bakr's critics reproach their interlocutors for defending ʿUmar's prohibition of the two modalities of *mutʿa* existent in the time of the Prophet on the basis that no one rebuked a decision. According to its critics, this demonstrates the fallacy of the argument because ʿUmar was indubitably mistaken; but, unfortunately, the extant text does not refer to the arguments adduced to prove the unlawfulness of the prohibition. What is discussed in this fragment is the probative value of the *argumentum ex silentio*. As with Abū Bakr, ʿUmar was not rebuked by the Companions, and this does not necessarily render his decision correct. In order to reinforce this stance and explain the reason that motivated the silence of the Companions, they argue that ʿUmar's testimony about the events of the Day of the Portico was also manifestly contradictory, and yet he was never rebuked. In fact, ʿUmar testified that the Prophet uttered the famous *ḥadīth* in virtue of which the right to hold the imamate was conferred on the Quraysh (*al-aʾimma min al-quraysh*), but he also bore testimony that Muḥammad in his deathbed said: "If Sālim had been alive, I would not have had any doubt". Since Sālim was not of the Quraysh, but a manumitted

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[568] Al-Jāḥiẓ, *Kitāb al-ʿAbbāsiyya*, 301;10.

slave, both *ḥadīths* contradict each other. It was only out of fear that no one pointed out this contradiction and rebuked the caliph, as happened with ʿUthmān, who was rebuked and finally deposed because he did not inspire the same respect as Abū Bakr and ʿUmar[569]. Consequently, the avoidance of rebuking a decision cannot be adduced as a proof of its rightfulness and this conflict between Qurʾānic text and *ḥadīth* should be solved by appealing to other methods.

As in other treatises of al-Jāḥiẓ, these issues are identified as legal problems that should be evaluated in terms of source interaction by applying clearly defined hermeneutical techniques. Therefore, the final refutation presented by the critics of Abū Bakr and ʿUmar consist in the application of the rules regulating the abrogation of Qurʾānic verses. According to the general rules of inheritance stated in the Qurʾān, Fāṭima, like any other woman, was the lawful heir of her father; the question they had to answer is whether these general rules should also be applied to the particular case of the inheritance left by the Prophet, We know from other sources that ʿAlī referred to two Qurʾānic verses that clearly demonstrate that the prophets left inheritance: "Solomon became David's heir (*wa-waritha sulaymān dāwud*)" (Q.27;16); and "Grant me a son [said the prophet Zacharias], who will be my heir (*walī yarithu-nī*)" (Q.19;5-6)[570]. Abū Bakr objected to this interpretation by using a prophetic *ḥadīth*, which, in his opinion, limits the general meaning of these Qurʾānic verses: "We the prophets do not leave inheritance"[571]. The defenders of Fāṭima's position criticise this *ḥadīth* both in terms of its transmission and its meaning: the utterance of the *ḥadīth* is not impossible, but its transmission depends on the authority of an individual related to the interested part, i.e., Abū Bakr, and this undermines its probative value[572]; on the other hand, in order to abrogate the Qurʾān, the *ḥadīth* was interpreted by the caliph and his supporters as being restricted to the person of Muḥammad, despite its unrestricted formulation (*khāṣṣū al-khabar al-ʿāmm*), for it uses a plural form[573]. This is a disputed interpretation and, therefore, the *ḥadīth* does not fulfil the required conditions to be a supplementary source and clarify the meaning of a dubious passage of the Qurʾān.

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[569] Al-Jāḥiẓ, *Kitāb al-ʿAbbāsiyya*, 302;4-11.
[570] See ʿAlī's discussion with Abū Bakr in Ibn Saʿd, *Ṭabaqāt*, II, 2, 86.
[571] Al-Jāḥiẓ, *Kitāb al-ʿAbbāsiyya*, 303;18-19.
[572] Al-Jāḥiẓ, *Kitāb al-ʿAbbāsiyya*, 302;18-19.
[573] Al-Jāḥiẓ, *Kitāb al-ʿAbbāsiyya*, 303;15.

10.2. ʿAbbāsid Legitimising Discourses

The first question that arises when reading these fragments is, obviously, whether they are related to the description of the *Kitāb al-ʿAbbāsiyya* as we know it from al-Masʿūdī and al-Sharīf al-Murtaḍā. Do they belong to the same text that, according to these authors, was devoted to the imamate of the ʿAbbāsids and reported the ideas of the Rāwandiyya? No mention is made of the ʿAbbāsid caliphs in this text, let alone of the Rāwandiyya; the point of view from which the text is written seems to be openly pro-Shīʿite and, despite the identity of the interlocutors being unknown, this debate could be interpreted as a polemic between the ʿAlids and their critics. We know that al-Jāḥiẓ wrote at least three other treatises collecting related discussions: *Faḍl Hāshim ʿalā ʿAbd al-Shams*, *Risāla fī Taṣwīb ʿAlī* and the *Kitāb al-ʿUthmāniyya*. All of them are written as a dialogue either between the supporters of Abū Bakr and ʿAlī, or between the defenders of the Umayyads and those who championed the cause of ʿAlī and his family.

Faḍl Hāshim ʿalā ʿAbd al-Shams is a *mufākhara* that compares the virtues of both families; the *Risāla fī Taṣwīb ʿAlī* collects the arguments of those who supported ʿAlī and Muʿāwiya and discuses the agreement of Ṣiffīn. None of these treatises addresses the polemic of Muḥammad's inheritance, nor do they deal with the principles of *fiqh* in the way they are treated in the *Kitāb al-ʿAbbāsiyya*. On the other hand, the debate preserved in these passages is focused on the abrogation of some Qurʾānic verses and appeals to hermeneutical techniques similar to those discussed in the *ʿUthmāniyya*. There is, however, a crucial difference in the treatment of this subject; whereas in the *ʿUthmāniyya* the emphasis falls on the competence of the scholars to interpret the sources of law, these fragments of the *Kitāb al-ʿAbbāsiyya* are focused on the authority of the caliphs.

A close inspection of the two decisions under discussion, the rejection of Fāṭima's inheritance and the prohibition of the *mutʿa*, is needed in order to provide a plausible context for this text. The polemic concerning the inheritance of Fāṭima has its origins in the agreements between Muḥammad and the Jews of Fadak, a small town in the northern Ḥijāz, near Khaybar. After the expedition against the Jews of Khaybar, some lands of this oasis and the fief of Fadak were allocated to the Prophet, who employed their revenues for charitable purposes and almsgiving. The

ownership of the land became the object of discussion after Muḥammad's death, when Fāṭima claimed to be the lawful heir[574].

Whereas Fāṭima argued that she should inherit the estates that belonged to her father, Abū Bakr maintained that these fiefs were communal property and their revenues should continue to be used for benevolent purposes, thus reverting to the community as ṣadaqa. In order to support his contention, Abū Bakr adduced the aforementioned ḥadīth: "We the prophets do not leave inheritance; that which we have left behind is given in alms (ṣadaqa)". As the kin of the Prophet, the Hāshimites were also excluded from receiving alms and taking part in the administration of their collection. Despite Faṭima's allegations, supported by her husband ʿAlī, Abū Bakr did not recognise her rights as heir and maintained the previous legal status of these estates. This decision was interpreted by the ʿAlids as a flagrant injustice, and ʿAlī himself did not renounce this claim and did not recognise Abū Bakr as caliph until Fāṭima's death.

Is there any relation between this denunciation of Abū Bakr and ʿUmar and the ʿAbbāsid claims that may have been reported in the Kitāb al-ʿAbbāsiyya? There are some early reports that present this decision as a violation of the rights of the entire Hāshimite family, Ṭālibids and ʿAbbāsids alike. According to a tradition collected by Abū Dāwūd, beside the decision of rejecting Fāṭima's inheritance, Abū Bakr also deprived the Banū Hāshim of their right to receive the khums that Muḥammad had conferred to them as dhawū al-qurbā[575]. Abū Yūsuf also mentions in his Kitāb al-Kharāj a complaint of Ibn al-ʿAbbās concerning the right to receive the khums that the prophet ʿUmar refused to accept[576]. Another report collected in Ibn Ḥanbal's Musnad states that, after the death of Abū Bakr, the caliph ʿUmar bestowed on al-ʿAbbās and ʿAlī the administration of Muḥammad's estates in Medina, yet withheld the fiefs of al-Khaybar. This episode, as reported by ʿĀʾisha, ended up as a quarrel between them because ʿAlī usurped the rights of al-ʿAbbās[577]. The caliph ʿUmar settled their dispute by adducing the quoted ḥadīth, stating that the "we" should be interpret as "I" and so interpreting that Muḥammad was referring to his

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[574] On al-Fadak see Veccia Vaglieri, "Fadak"; and W. Madelung, *The Succession to Muḥammad,* 50-51; 360-363.
[575] Abū Dāwūd, *Sunan*, II, 125;16-127;5. On these reports see Madelung, "The 'Hāshimiyyāt' of al-Kumayt", 16-17.
[576] Abū Yūsuf, *Kitāb al-Kharāj,* 20-21.
[577] Ibn Ḥanbal, *Musnad*, I, 6.

own possessions. Nevertheless, al-ʿAbbās and ʿAlī returned to see the caliph shortly afterwards to ask for their share of Muḥammad's inheritance. Madelung has argued that this narration, which presents ʿAlī and al-ʿAbbās in a very negative light, reflects the "anti-Hashimite sentiments of Ummayad Sunnism"[578]; but, regardless of the reliability of the report, it provides evidence that this polemic was part of the complex discourse governing the tangled relations of ʿAbbāsids and ʿAlids, and that there were attempts to portray the opposition to Abū Bakr and ʿUmar as part of a shared Hāshimite discourse, which included the ʿAbbāsids[579].

The restitution of the Prophet's estates to the ʿAlids was a recurrent topic in Shiʿite literature and an important pect of the politics deployed by the ʿAbbasid caliphs to appease the Shīʿites. Whereas the Umayyads brought the estates of al-Khaybar and Fadak under private ownership, thus becoming part of the family's possessions, the ʿAbbāsids used them to control the ʿAlids by applying a 'carrot and stick' policy. Thus, the first ʿAbbāsid caliph, al-Ṣaffāḥ, restored the fiefs to Fāṭima's descendants only to be confiscated shortly afterwards by al-Manṣūr in retaliation for the revolt of al-Nafs al-Zākiya; the estates reverted to Fāṭima's family with the caliph al-Mahdī, but again, after the Shiʿite revolt and the battle of al-Fakhkh, al-Hādī confiscated the property, which would remain in ʿAbbāsid hands until the reign of al-Maʾmūn, who sent a letter to his administrator in Medina ordering the reversal of Abū Bakr's ruling[580].

Al-Maʾmūn's decision of reverting the ownership of al-Khaybar and Fadak to the descendants of Fāṭima has been interpreted as a token of his pro-Shīʿite sympathies. As I will argue, this measure may be behind the polemics discussed in al-Jāḥiẓ's *Kitāb al-ʿAbbāsiyya*. But the meaning of this event cannot be fully apprehended unless we take into consideration the second polemical decision mentioned in this treatise: ʿUmar's prohibition of the *mutʿa* marriage.

The attitude of the Prophet towards *mutʿa* has always been a controversial issue and the traditions on this topic are contradictory. The interpretations of the Qurʾānic passage that scholars adduce to justify temporary marriage are also divergent, even in the wording of the verse. To the text that would be admitted by

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[578] Madelung, *The Succesion to Muḥammad,* 63.
[579] On the particular narratives on Ibn al-ʿAbbās in the context of ʿAbbāsid propaganda see El-Hibri, "The Redemption of Umayyad Memory by the ʿAbbāsids", especially 247-250.
[580] Al-Yaʿqūbī, *Taʾrīkh*, II, 573;1-13; a transcription of the letter of the caliph to his governor can be found in al-Balādhurī, *Futūḥ al-Buldān*, 32;14-33;19.

the Sunnīs: "you are permitted to seek out wives with your wealth, in modest conduct but not in fornication; but give them their reward (*ujr*) for what you have enjoyed of them (*istamtaʿtum*) in keeping with your promise" (Q.4;28); the Shiʿites add the words *ilā ajal musamm* "for a definite period", according to the reading of Ubayy b. Kaʿb and Ibn ʿAbbās[581]. Al-Jāḥiẓ's treatise reports a well known tradition according to which the caliph ʿUmar condemned the two kinds of *mutʿa*, the *tamattuʿ* on the pilgrimage and the *mutʿat al-nisāʾ*. Regardless of the Qurʾānic verse and the acceptance of this contract attested in some *ḥadīths*, ʿUmar forbade *mutʿa* and considered it an act of adultery, thus deserving death by lapidation. Like Abū Bakr's decision concerning the inheritance of the Prophet, this prohibition was revoked by the caliph al-Maʾmūn[582].

In order to examine the extant fragments of al-Jāḥiẓ's *Kitāb al-ʿAbbāsiya* and in the light of this evidence, we should consider the arguments against Abū Bakr and ʿUmar not only from a diachronic perspective, but also within the context of the contemporary debates on the imamate, some of them reported in al-Jāḥiẓ's treatises. In this regard, the controversial ʿAlid sympathies of al-Maʾmūn, his vindication of caliphal religious authority, and the polemic provoked by his position concerning the restitution of Fadak and the *mutʿa* marriage suggest that the extant fragments of the *Kitāb al-ʿAbbāsiya* may have been connected to a polemic between al-Maʾmūn and his critics, even though no mention is made of the caliph in these passages.

Al-Maʾmūn's religious policies have been interpreted either as an attempt to restore for the caliphate the religious authority once associated with the person of the caliph, in opposition to the claims of the increasingly influential urban religious scholars[583]; or as an authoritarian hiatus in the traditional cooperation of caliphs and scholars[584]. If we pay attention to these two particular measures, by giving back the Prophet's estates, al-Maʾmūn positioned himself as equal in authority to Abū Bakr,

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[581] On *mutʿa* see W. Heffening, "Mutʿa", and Arthur Gribetz, *Strange Bedfellows:* mutʿat al-ḥajj *and* mutʿat al-nisāʾ.
[582] Al-Khaṭīb al-Baghdādī, *Taʾrīkh Baghdād,* XIV, 199;14-200;10; al-Subkī, *Tabaqāt al-Shāfiʿiyya al-Kubrā*, II, 57;7-11; Ibn Khālikān, *Wafayāt al-Aʿyān*, V, 199;22-200;19. According to these reports of al-Subkī, al-Maʾmūn finally recognised that *mutʿa* should be prohibited when the soundness of a prophetic *ḥadīth* forbidding it was demonstrated to him by Yaḥyā b. al-Aktham. According to al-Subkī, this *ḥadīth* was uttered on the very day of the battle of Khaybar. This connection of *mutʿa* and Khaybar also appears in al-Bukhārī, *Ṣaḥīḥ*, n. 6553.
[583] Crone and Hinds, *God's Caliph.*
[584] Zaman, *Religion and Politics under the ʿAbbāsids.*

and his revocation of the prohibition of *mutʿa* clearly challenged the religious authority of ʿUmar. The parallelism between contemporary prophecies that announced the advent of a Mahdī who was superior to the two first caliphs and al-Ma'mūn's decisions has also been noted by scholars, suggesting that al-Ma'mūn's proclamation of his religious authority *vis-à-vis* Abū Bakr and ʿUmar might have also been related to messianic beliefs[585]. In any case, it is beyond doubt that al-Ma'mūn's attitude towards Abū Bakr and ʿUmar was perceived by many as being confrontational and, according to some authors, openly hostile. Al-Yaʿqūbī, for instance, describes the caliph defending a man who had been punished for cursing Abū Bakr and ʿUmar[586], and ʿAbd Allāh b. Zayd b. Aḥmad al-Madhḥijī (fl. 748/1347) reports that some Zaydī authors argued that al-Ma'mūn promoted the doctrines of the ʿAbbāsiyya and that he was the initiator of the *madhhab al-Rāfiḍa*[587]. It is not surprising, in this regard, that later pro-ʿAbbāsid claims tried to distance themselves from the legacy of al-Ma'mūn by vindicating the figures of Abū Bakr and ʿUmar and associating them with al-Mutawakkil[588].

The scarcity of information contained in al-Jāḥiẓ's text does not allow us to go beyond these considerations. Due to the dialogic structure of the passages and al-Jāḥiẓ's declared intention of portraying the views of different groups in similar treatises, it would be an error to assimilate this opinion to al-Jāḥiẓ's own ideas on the subject or to his attitude towards al-Ma'mūn. It is worth noting, however, that the critique of Abū Bakr and ʿUmar as interpreters of the law is not an *argumentum ad hominem*; we cannot infer from these passages that this discussion might have been part of a broader argument in which al-Ma'mūn's legitimacy in imposing his interpretation of the religious sources as imam had been opposed to that of the first two caliphs. It is possible, as Hayrettin Yücesoy argues, that al-Ma'mūn may have tried to link himself to the messianic traditions comparing the Mahdī and the two caliphs; but, if the arguments reported in the *Kitāb al-ʿAbbāsiyya* were intended to defend al-Ma'mūn's decisions of restoring the ownership of the Prophet's estates and authorising the *mutʿa*, this defence was based on the denunciation of the wrong

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[585] Yücesoy, *Messianic Beliefs and Imperial Policies in Medieval Islam*, 130.
[586] Al-Yaʿqūbī, *Ta'rīkh*, 571;15-572;3.
[587] Berlin Ms. 10325, fol. 259v. *apud* Strothmann, *Das Staatsrecht der Zaiditen*, 64, n.1.
[588] Al-Subkī, for instance, reports that some people say: "The caliphs are three: Abū Bakr al-Ṣiddīq in the days of apostasy (*yawm al-ridda*), ʿUmar b. ʿAbd al-ʿAzīz rejecting injustice (*fī radd al-maẓālim*), and al-Mutawakkil revivifying the *sunna* (*fī iḥyā' al-sunna*)", cf. al-Subkī, *Ṭabaqāt*, II, 54;7-8.

interpretation of the principles of *fiqh*. It is not Abū Bakr's and ʿUmar's right to interpret the law which is under discussion, but the faulty argument on which their decisions were based, because they contravene the rules for abrogating the Qurʾān. If anything, this would prove that al-Maʾmūn's legal criterion was right because he applied the correct hermeneutical rules, not because he had the right to impose his opinion as infallible imam (*maʿṣūm*).

10.3. Conclusion

If these passages ascribed to the *Kitāb al-ʿAbbāsiyya* are part of the treatise on the ʿAbbasids mentioned by al-Jāḥiẓ in the *ʿUthmāniyya*, it is possible that the author may have reported in it, together with other opinions on the ʿAbbāsid right to the imamate, the polemics concerning al-Maʾmūn's policies. As mentioned, both al-Masʿūdī and al-Sharīf al-Murtaḍā drew attention to the Rāwandī doctrines reported in this treatise. The passages preserved in the *Sharḥ Nahj al-Balāgha* and edited by Sandūbī do not answer to this description. In the light of the reports linking ʿAlids and ʿAbbāsids in the shared misfortune which resulted from Abū Bakr's decisions against the Hāshimites, it would be possible to argue that this polemic may have been incorporated into the discourse of a pro-ʿAbbāsid group, the Hāshimiyya or the Rāwandiyya. The critiques of ʿUmar and the acceptance of the *mutʿa* marriage, however, cannot be related to these claims. Therefore, the most plausible interpretation is that these passages report the defence of the aforementioned measures of al-Maʾmūn's against their critics, be they the urban scholars that linked themselves to the *sunna* and adopted the name of *ahl al-jamāʿa*, as al-Maʾmūn states in his own official letters[589]; or those members of the ʿAbbāsid family who resented the pro-Shīʿī sympathies of the caliph and revolted against him following the counter caliphate of Ibrāhīm b. al-Mahdī; or the Baghdādī vigilantes who claimed to defend the principles of the ʿAbbāsid *daʿwa*, the *sunna* and the Qurʾān. The lack of further information does not allow us to go beyond this conjecture[590].

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[589] Al-Maʾmūn refers to them as: *al-jumhūr al-aʿẓam wa-l-suwād al-akbar min ḥashw al-raʿiyya wa-l-sufla al-ʿāmma man lā naẓar la-hu wa lā ruʾya wa-lā istidlāl la-hu bi-dalālat allāh wa-hadāyati-hi*, cf. Ṭabarī, *Taʾrīkh*, VIII, 632;2-4. Ibn Abī Ṭāhir, *Kitāb Baghdād*, 185;7; he claims that they attached themselves to the *Sunna* (*nasabū anfusa-hum ilā al-sunna*), cf. Ṭabarī, *Taʾrīkh*, VIII, 632;18. Ibn Abī Ṭāhir, *Kitāb Baghdād*, 186;1; and that they called themselves *ahl al-ḥaqq wa-l-dīn wa-l-jamāʿa*, cf. Ṭabarī, *Taʾrīkh*, VIII, 632;20. Ibn Abī Ṭāhir, *Kitāb Baghdād*, 186;3.

[590] Ṭabarī , *Taʾrīkh*, VIII, 563;14f [Bosworth, 77].

Chapter 11. Al-Jāḥiẓ on the ʿAbbāsid Caliphs

> This chapter is focused on the second text of the ʿAbbāsids, the *Manāqib al-Khulafāʾ*. In the first section, I will describe the contents of this work paying special attention to the depiction of al-Maʾmūn (11.1); the second section discusses whether al-Maʾmūn was considered an imam by al-Jāḥiẓ (11.2).

11.1. The *Manāqib al-Khulafāʾ*

The second text that has been described as part of the *Kitāb al-ʿAbbāsiyya* consists in a number of short descriptions of ʿAbbasid caliphs and some notable individuals from Baṣra. These fragments have survived in two manuscripts, located in Berlin (*Al-Mukhtār min Kalām Abī ʿUthmān al-Jāḥiẓ*, Ahlwardt 5032) and Hyderabad (*Al-Fuṣūl al-Mukhtāra min Kutub Abī ʿUthmān ibn Baḥr al-Jāḥiẓ*, Andhra Pradesh Government Oriental Manuscripts Library and Research Institute, Arab. 137)[591]. The passages on the ʿAbbāsid caliphs were firstly edited in 2002 by M. Durūbī[592], who based his edition uniquely on the Berlin manuscript. Later, Jens O. Schmitt, who seems not to have been aware of Durūbī's work, published his own edition of this text using both manuscripts[593].

The *Manāqib al-Khulafāʾ* starts *in media res* with a generic encomium of the caliphate that soon becomes exclusively focused on the caliphs of the ʿAbbāsid family. In a short preamble, al-Jāḥiẓ laments that the ʿAbbāsid dynasty has not received as much praise as the Umayyads, who, being of pure Arab stock, were more attentive to record their deeds in histories and poems, and were able to appropriate the Arab legacy. Contrarily, the supporters of the ʿAbbāsids were mostly Khurāsānīs, and they did not record their victories against the Syrians, nor were they able to use the classical poetry of the Arabs to legitimate their dynasty. The author also criticises the discordant reports of the historians, and affirms that he will contrast different notices in order to know the truth.

Both the content of the *Manāqib* and its structure suggest that it was not part of the *Kitāb al-ʿAbbāsiyya*. Unlike the extant fragment of this work that we have

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[591] See, Pellat, "Notice sur un Manuscript Arabe de Berlin"; and Daiber, "A New Manuscript of al-Jāḥiẓ's Works and its Importance for their Transmission".

[592] Durūbī (Ed.), "Risāla Jadīda li-al-Jāḥiẓ fī Manāqib Khulafāʾ Banī al-ʿAbbās".

[593] Jens O. Schmitt, "Al-Jāḥiẓ on ʿAbbāsid Caliphs and People in Basra". Although Jens O. Schmitt was able to compare both manuscripts, I find Durūbī's edition more reliable; my quotations from this text will refer to Durūbī's edition, hereafter *Manāqib*.

analysed in the previous section, the text on the caliphs and the people of Baṣra is not dialogical. There are punctual references to different religious groups and to the *miḥna*, but the text does not address any religious or political issue: it is descriptive not polemical, and the encomium of the caliphs is, with the exception of the passages on al-Maʾmūn, extremely conventional. In fact, the style and terms used to describe the caliphs are closer to the terminology employed by al-Jāḥiẓ in *mufākharāt* such as the *Faḍl Hāshim* and the *Manāqib al-Turk* than to the vocabulary and method of his treatises on the imamate.

11.2. Al-Jāḥiẓ on al-Maʾmūn

As with other works of al-Jāḥiẓ, there are parallelisms that deserve thorough attention. The first extant passages of the *Manāqib al-Khulafāʾ* are identical to a paragraph of the section of the *Bayān wa-l-Tabyīn* where al-Jāḥiẓ expresses his intention of reporting the virtues of the ʿAbbāsid caliphs. This section of the *Bayān* also contains short biographical notices and anecdotes of al-Manṣūr, al-Mahdī and al-Maʾmūn which are not present in the *Manāqib al-Khulafāʾ*[594].

The *Bayān wa-al-Tabyīn*, as we know it today, seems not to have been conclusively edited by al-Jāḥiẓ before its dissemination. This section on the ʿAbbāsid caliphs, which occurs under the rubric *Wajh al-tadbīr fī al-kitāb idhā ṭāla* in Hārūn's edition, seems to be in a pre-edition stage, as it consists in a disparate selection of fragments that might have been collected to illustrate the argument suggested in the title. The opening paragraph is an exhortation to the writers of long books encouraging them to keep the attention of the reader by moving from topic to topic (*an yukhrija-hu min shayʾ ilā shayʾ min bāb ilā bāb*)[595]. Right after this statement, al-Jāḥiẓ expresses his intention of reporting some notices on the ʿAbbāsid caliphs, and the author collects a series of anecdotes chronologically sorted and mainly focused on the caliphs' oratorical skills. The tenor of the majority of these reports is different to that of the biographical notices contained in the *Manāqib al-Khulafāʾ*, but we should not exclude the possibility that the section of the *Bayān* and the texts on the caliphs preserved by the Berlin and Hyderabad manuscripts may have been related beyond the textual correspondence of the preamble, either directly or because they

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[594] Al-Jāḥiẓ, *Bayān*, III, 366;5-367;6; Al-Jāḥiẓ, *Manāqib*, 61;5-65;3.
[595] Al-Jāḥiẓ, *Bayān*, III, 366;1-4.

collected passages contained in a third work on the ʿAbbāsid caliphs. It is especially manifest in the notices on the caliph al-Maʾmūn, whose treatment shows a clear parallelism.

The passages of the Berlin and Hyderabad manuscripts contain information about the caliphs al-Ṣaffāḥ, al-Manṣūr, al-Maʾmūn, al-Muʿtaṣim, and al-Wāthiq. These notices can hardly be taken as historiographical texts. They are stereotyped encomia extolling the forbearance and the judiciousness of the caliphs. However, they offer interesting historical information in two cases: the biographies of al-Maʾmūn and al-Muʿtaṣim. The lines devoted to al-Muʿtaṣim extol him as a warrior who succeeded in numerous battles and give information about the rebels he fought[596], and also the conquests that enhanced his position amongst those Muslims who contested his policies, thus rendering the *Azrāqī* Khārijites and the *Rāfiḍīs* speechless, and confounding the *Sunnī jamāʿī*[597]. His role as continuator of the *miḥna* is also mentioned when al-Jāḥiẓ states that he was fair and "only put the holder of a suspect idea to the test (*lam yamtaḥin illā ṣāḥib al-ẓunna*)"[598].

Conversely, the notice on al-Maʾmūn does not make explicit mention of any historical event, but it is noticeable for its tenor and the vocabulary used to describe the caliph. This is, in fact, one of the rare cases in which al-Maʾmūn is associated with the office of imam; but, does al-Jāḥiẓ present al-Maʾmūn as an imam? To a great extent, the depiction of al-Maʾmūn offered in this text is similar to the portrait of the caliph made by other historians. Al-Jāḥiẓ praises his wisdom, his oratorical skills and his eloquence, his profound knowledge of sciences and his magnanimity. However, rather than assuming these attributes as a mere ornament in al-Maʾmūn's biography, al-Jāḥiẓ considers that this wisdom was the remedy for the illnesses of the people who opposed him; it was al-Maʾmūn's wisdom what rendered him victorious despite the treachery of the time (*takhawwun al-zamān*), the disappearance of way marks (*dhahāb al-aʿlām*), the prevalence of corruption and the fickleness of the people[599].

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[596] Namely, the victories against Maziyār, the King of Ṭabaristān, and Bābak; the battle of Ghamūriyya and the defeat of Bāṭin; the seizure of the rebel al-Zuṭṭ; the victory over Jaʿfar al-Kurdī; and the defeat of the Khārijī, ʿAmr b. al-Faḍl al-Shirāzī. *Manāqib al-Khulafāʾ*, 72;3f.

[597] Al-Jāḥiẓ, *Manāqib*, 69;3-4.

[598] Al-Jāḥiẓ, *Manāqib*, 71;11. Compare with '*lam namtaḥin illā ahl al-tuhma*' in *Khalq al-Qurʾān*, 292;1-2.

[599] Al-Jāḥiẓ, *Manāqib*, 66;3f.

The terms used by al-Jāḥiẓ to describe al-Ma'mūn's tribulations deserve further consideration, as they contain a direct reference to the imam:

> "… no rightly guided imam (*imām mahdī*) and leader who was not an imam has been tested, from the beginning of creation, with such mighty tribulations and tumult among the populace as he was; with such corruption of the times, such prevention of what is right, and such harassing errors as he encountered"[600].

Should the reference to the *imām mahdī* be interpreted as recognition of al-Ma'mūn's imamate? In order to discern the meaning of these terms, it is compulsory to compare this passage with other references to the caliphs in these texts and in other works of al-Jāḥiẓ. In the *Bayān* and the *Manāqib al-Khulafā'*, the depiction of al-Ma'mūn notably contrasts with that of the other caliphs, who, despite the complimentary enumeration of their virtues, are never referred to but in the same terms as those employed by the historians, i.e. they are treated as kings but no mention is made of the imamate. It is true that al-Ma'mūn is not referred to as imam explicitly, and it may be argued that this reference has only rhetorical value. However, the way al-Jāḥiẓ writes about al-Ma'mūn, both in the *Manāqib al-Khulafā'* and in the section of the *Bayān* devoted to the ʿAbbāsids, suggest that he required a different treatment and shows a notable correspondence with al-Jāḥiẓ's depiction of the *Rāshidūn*.

This parallelism is evident in the use of the terminology chosen to describe the vicissitudes they faced. Al-Jāḥiẓ seems to be consistent when employing the verb *imtaḥana* and its derivatives, and, in his treatises on he imamate, he uses these terms almost exclusively to refer to the *fitnas* and the tribulations of the rightly guided caliphs. In the case of ʿAlī, treated at length in the *Risāla fī Taṣwīb ʿAlī*, the expression used to describe the adversities he suffered is almost identical to the aforementioned commentary on al-Ma'mūn. Al-Jāḥiẓ repeats this three times:

> "If, of all [his tribulations], ʿAlī had not been tested (*umtuḥina*) with but one of them, or had not known but one of them, then the test he was put to (*umtuḥina bi-hi*) when the herald of Muʿāwiya cried: "Bring out the killers of ʿUthmān", would have

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[600] Al-Jāḥiẓ, *Manāqib*, 66;4-7.

been the greatest test (*aʿẓam al-miḥna*) and the severest tribulation and trial (*ashadd al-balāʾ wa-al-fitna*)"[601].

"Some of those who claim that Abū Bakr and ʿUmar excelled over ʿAlī, defend that pre-eminence on the basis that ʿAlī was not tested (*umtuhina*) to the same extent that they both were put to the test (*imtiḥānu-humā*) so that he would be considered more excellent (*afḍal*). Were it not the case that God knew that his will in his soul (*irādata-hu fī nafsi-hi*) was more perfect (*atamm*), his knowledge wider (*ʿilma-hu awsaʿ*) and his resolution firmer (*ʿazma-hu aqwā*), He would have not tested him (*ikhtabara-hu*) with this and He would have not put him to the test (*imtaḥana-hu*) with that with which the imams before him were tested (*mā umtuḥina bi-hi al-aʾimma qabla-hu*)"[602].

"Have you seen that our treatise only mentions that ʿAlī was tested (*umtuḥina*) among his companions and in his time with that with which no imam before him was tested (*bi-mā lam yumtaḥan bi-hi imām qabla-hu*): dissension, discord, fight against the leadership, precipitation and haste?"[603].

The same terms are used in the *ʿUthmāniyya*, this time referring to Abū Bakr:

"... he was tested (*umtuḥina*) with that with which no one was tested before him (*bi-mā lam yumtaḥan aḥad qabla-hu*), and no one was tested after him, i.e. with his election [to take] the place of the Messenger of God, peace be upon him"[604].

In another instance the terms *khalīfa* and *imām* are used generically and seem to be equated, but the historical context for this consideration is also the time of the rightly guided caliphs:

"This is a situation with which only the caliphs have been tested (*lā yumtaḥanū bi-hā illā al-khulafāʾ*), and only the rightly guided imams have been put to the test (*lā yukhtabarū bi-hā illā al-aʾimma al-huddā*)"[605].

With the exception of the isolated reference to the *miḥna* in the *Manāqib al-Khulafāʾ*[606], and the treatment of the polemic on the createdness of the Qurʾān in the

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[601] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 435;20-22.
[602] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 437;11-14.
[603] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 447;21-24.
[604] Al-Jāḥiẓ, *ʿUthmāniyya*, 184;4-5.
[605] Al-Jāḥiẓ, *ʿUthmāniyya*, 229;10.

Risāla fī Khalq al-Qurʾān[607], where the verb is always used in the active voice, in al-Jāḥīẓ's works the use of the verb *imtaḥana* is exclusively reduced to the treatment of these three *Rāshidūn*, Abū Bakr, ʿUmar, ʿAlī, and al-Maʾmūn in this particular passage of the *Manāqib*. In this regard, al-Jāḥīẓ's depiction of the caliph is by no means comparable to that of contemporary or later historians.

A second aspect of al-Maʾmūn's depiction that deserves further consideration is the characterization of his wisdom. It has been noted that, despite al-Maʾmūn's efforts to present himself as imam, his biographers "cut his pretentions down to size"[608]. In his excellent study of the biographical tradition on al-Maʾmūn, Michael Cooperson has shown that Arab historians have dealt with the figure of al-Maʾmūn as a king (*malik*) rather than as an imam. The emphasis on the imamic virtues deployed by al-Maʾmūn in his state letters contrasts with the historiographical representation of the caliph as a wise, yet temporal ruler, deprived of the attributes of the imam as they had been defined by Shīʿite authors. Cooperson has only documented one divergent tradition in Ibn ʿAsākir's biography, which includes an anecdote where al-Maʾmūn claims to be one of the *aʾimmat al-hudā*[609].

This analysis of the historiographical tradition on al-Maʾmūn relies upon the dichotomy opposing *malik* and *imām*, and the scholarly debates on the separation of state and religion. In this regard, the imam, as opposed to the king, would be defined by two main characteristics: kinship and possession of imamic *ʿilm*, the inspired knowledge that the Shīʿite tradition attributes to their infallible imam (*al-imām al-maʿṣūm*). These are, in fact, the pillars of al-Maʾmūn's self presentation in the *Risālat al-Khamīs* and the inquisition letters, where he claims to have been elected by God. His biographers, however, transmitted a quite different version of al-Maʾmūn's wisdom. As Cooperson has convincingly argued, for the historians it consisted in literary knowledge (*adab*), knowledge of philosophy, science and *kalām* (*ḥikma*), rather than imamic *ʿilm*[610].

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[606] Al-Jāḥīẓ, *Manāqib*, 71;11.
[607] Al-Jāḥīẓ, *Khalq al-Qurʾān*, 292;1 (*lam namtaḥin*), 292;2 (*imtiḥān*), 292;12 (*imtaḥantanī*), 294;15 (*imtiḥāninā*), 299;11 (*imtaḥanū-hā*). In the *Risālat al-Qiyān*, however, the term *imtiḥān* is used to refer to the human obligation of following the rules concerning the *ḥaram* and the *ḥalāl*, cf *Risālat al-Qiyān*, 147;9.
[608] Cooperson, *Classical Arabic Biography*, 190.
[609] Cooperson, *Classical Arabic Biography*, 60.
[610] Cooperson, *Classical Arabic Biography*, 43.

The wisdom extolled by al-Jāḥiẓ in his notices on al-Ma'mūn cannot be categorised on the basis of these premises as it does not answer to this dichotomous conception of ʿilm. In these texts, the representation of al-Ma'mūn is neither that of an imam in the Shīʿite tradition; nor that of a religious scholar or a Sunnī ʿālim versed in Qurʾān and *hadīth*, as he was portrayed by later historians in a process that Cooperson has considered a Sunnī revival of al-Ma'mūn[611]. When al-Jāḥiẓ quotes al-Ma'mūn's words or describes his extensive knowledge, the caliph does not appear as the charismatic figure imbued with imamic ʿilm that we find in al-Ma'mūn's own writings, let alone as a ruler legitimised by his genealogy; but he does not appear as a scholar versed in the Qurʾān and the *ḥadīth* either[612]. This does not necessarily mean that al-Jāḥiẓ did not consider al-Ma'mūn an imam. Quite the opposite, these anecdotes about the caliph illustrate perfectly some of the virtues of the imam that had been discussed by al-Jāḥiẓ in his treatises, notably in the last part of *al-ʿUthmāniyya*.

The references to al-Ma'mūn made by al-Jāḥiẓ in his works, though surprisingly scarce, reveal a strong coherence. The section of the *Bayān wa-l-Tabyīn* that deals with the ʿAbbāsid caliphs, contains two anecdotes about al-Ma'mūn that, rather than reducing his image to the sphere of the temporal authority of the kings, emphasise his wisdom in religious and non-religious matters. The first anecdote is a discussion between Sahl b. Hārūn and al-Ma'mūn concerning the concept of ʿilm. The vizier affirms that there is some knowledge that the Muslims should not seek:

"There are some kinds of knowledge (*min aṣnāf al-ʿilm*) that it is not necessary for Muslims to seek, for some knowledge (*baʿḍ al-ʿilm*) may be disliked just as some permissible things (*baʿḍ al-ḥalāl*) are disliked"[613].

To which al-Ma'mūn's replies:

"Some things may be identified as knowledge (*ʿilm*) which are not knowledge at all; if this is what you mean, then it is to be treated as we have just mentioned. If you were saying: "knowledge is that whose depth is not achieved, whose deepness is not explored, whose extent is not reached, whose kinds are not exhaustively studied,

[611] Cooperson, *Classical Arabic Biography*, 52f.
[612] Cooperson, *Classical Arabic Biography*, 41-66.
[613] Al-Jāḥiẓ, *Bayān*, III, 373;14-374;1.

whose end is not seized"; then the matter is as you say. So if the matter is thus, then begin with that which is most important (*ahamm*), then move to what is next in importance; begin with duty (*farḍ*) over virtue (*faḍl*), and if you do this, it is a fair and a honest opinion.

One scholar said: seek those kinds of knowledge that most please your soul and are lighter to your mind, because your success in it (*nafādha-ka fī-hi*) is proportional to your desire for it and your easiness for it. And one sage also said: I do not seek knowledge with the ambition of reaching its end and attaining its limits, but to grasp that the ignorance of which is not permissible for, and the neglect of which is not good for the man of intelligence. Others say: Knowledge for kings is genealogy, history, and the generalities of jurisprudence (*jumal al-fiqh*); knowledge for merchants is calculus and writing; and knowledge for generals is the study of the books on the conquests, and biographies.

As for the case when you call something knowledge and you forbid it without it diverting attention from that which is more useful than it, but rather you prohibit it categorically, and command conclusively! Then [you should know] that knowledge is vision (*baṣr*), and its contrary is blindness (*'am^an*), that identifying wrongness is forbidding it, and identifying good is commanding it"[614].

It is extremely significant that the anecdote mentioning al-Jāḥiẓ's dedication of his books on the imamate to al-Maʾmūn and the positive reaction of the caliph occurs in this section. This anecdote follows the quoted passage on *ʿilm* and precedes another anecdote where al-Maʾmūn justifies *ikhtilāf* in the course of a debate with a Khurāsānī of Christian origins, who, having embraced Islam, eventually apostatised and returned to his first religion[615].

In this case, al-Maʾmūn shows his magnanimity by sparing the life of the apostate and conversing with him about those aspects of Islam that he disliked. The Khurāsānī claims that he was scared due to the great divergences (*ikhtilāf*) he had found among the Muslims. Al Maʾmūn argues that there are two kinds of *ikhtilāf*. There is a first kind that refers to differences in religious practices such as the calls to prayer (*al-adhān wa-l-takbīr wa-l-janāʾiz*), the utterance of the profession of faith (*tashahhud*), different modalities of praying (*ṣalāt al-aʿyād wa-takbīr al-tashrīq*), diverse readings of the Qurʾān (*wujūh al-qirāʾāt*) and legal opinions (*wujūh al-futyā*).

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[614] Al-Jāḥiẓ, *Bayān*, III, 374;1-13.
[615] Al-Jāḥiẓ, *Bayān*, III, 375;7-377;2.

However, affirms the caliph, this is not a real *ikhtilāf*, but a set of possible choices to alleviate the constraints placed upon the believers (*inna-mā huwa takhayyur wa-tawsiʿa*).

The caliph also explains that there is another kind of *ikhtilāf* concerning the interpretation of the verses of the Qurʾān and the *ḥadīths* (*ikhtilāfi-nā fī taʾwīl al-āya min kitābi-nā wa-taʾwīl al-ḥadīth ʿan nabyi-nā*), despite the general agreement in the fundaments of the revelation and the origin of the reports (*maʿ ijmāʿ-nā ʿalā aṣl al-tanzīl wa-ittifāqi-nā ʿalā ʿayn al-khabar*). But there is also disagreement between Christians and Jews concerning the interpretation of their sacred texts. The explanation of this *ikhtilāf*, says al-Maʾmūn, lies in God's will: had He wished to convey an univocal message through his Book and his Messengers that would not require interpretation, He would have done it; but God did not do it, because it would have implied the end of the tribulations by which the believers are put to the test (*la-saqaṭat al-balwā wa-l-miḥna*); competition and rivalry would have disappear (*dhahabat al-musābaqa wa-l-munāfasa*) and, consequently, there would have not been a striving for excellence (*lam yakun tafāḍul*). God, concludes al Maʾmūn, did not made the world like this.

What conclusions can we draw from the anecdotes of the *Bayān* and the description of al-Maʾmūn presented in the *Manāqib al-Khulafāʾ*? Unlike the references to caliphs such as al-Muʿtaṣim, these passages do not offer factual information, and, as psychological portraits, they add little to our knowledge of the caliph. They are extraordinarily significant, however, for understanding al-Jāḥiẓ's ideas on the imamate and his consideration of al-Maʾmūn, and also to question the pertinence of evaluating these sources according to the dichotomy that opposes a Sunnī concept of ʿ*ilm* based on the knowledge of the religious sources, and the imamic ʿ*ilm* defended by the Shīʿa and, to a great extent, also al-Maʾmūn in his official letters. In the light of the paradigm described by al-Jāḥiẓ in his treatises on the imamate, especially *al-ʿUthmāniyya*, what we should discuss is whether al-Jāḥiẓ treated al-Maʾmūn as imam according to the terms he uses in his treatises on the imamate. It is beyond doubt that, for al-Jāḥiẓ, the imam should be recognised by his qualities as the most virtuous (*al-afḍal*), and that the most important of these qualities is knowledge. The kind of ʿ*ilm* that al-Maʾmūn possessed and fostered includes the knowledge of religious sources and law mentioned by the Sunnī

sources, but al-Jāḥiẓ's depiction of al-Maʾmūn emphasises one particular aspect: the knowledge he refers to is achieved through discussion and debate, and encourages the kind of *ikhtilāf* defended by the caliph.

If in the *Bayān*, al-Jāḥiẓ represents al-Maʾmūn as a wise caliph who advocates investigating all kinds of knowledge before judging and condemning them, and who defends *ikhtilāf* as a positive and necessary state that allows competition in the improvement of society; in the *Manāqib al-Khulafāʾ*, al-Jāḥiẓ praises the equanimity of the caliph by stating that he was able to unite the Muʿtazilī and the Nābatī, the Azrāqī and the Rāfiḍī[616]. This is, in fact, an accurate representation of al-Jāḥiẓ's own ideas concerning human nature and his faith in a maieutic methodology represented by his adoption of dialogue as the perfect frame to convey the discussions on several topics and, especially, the imamate. Despite the pre-edited state of the *Bayān*, it is not coincidental that the mention of al-Jāḥiẓ's treatises on the imamate occurs in this section. The words that al-Jāḥiẓ attributes to al-Maʾmūn with regard to *ikhtilāf* represent a defence of the methodology that he deploys in his treatises on the imamate, usually referred to as *maqālāt* and *jawābāt*; these words are imbued with the same spirit that animates these texts and are an almost literal repetition of the opinions that al-Jāḥiẓ states in other treatises, when he states that *ikhtilāf* is the origin of harmony (*iʾtilāf*)[617]. Moreover, his depiction of al-Maʾmūn as promoter of discussion seems to echo one of the descriptions of the imam included in *al-ʿUthmāniyya*:

"Someone cannot be the most knowledgeable individual about religious and earthly issues and then not be known [for that], for he only becomes knowledgeable by frequenting the company of the learned men (*ʿulamāʾ*), sitting for long time with the jurists (*fuqahāʾ*), studying at length the books of God and the books of men, and engaging in debate with opponents (*munāzaʿat al-khaṣm*) and discussing with those who are like him (*muqāwalat al-akfāʾ*)"[618].

In his analysis of *al-ʿUthmāniyya*, Zahnisser, who argues in favour of the Mamūnid patronage of this work, interprets this passage as a direct reference to the

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[616] Al-Jāḥiẓ, *Manāqib*, 67;1-2.
[617] Al-Jāḥiẓ, *ʿUthmāniyya*, 257;5-9 (*kāna al-ikhtilāf min sabab al-iʾtilāf*).
[618] Al-Jāḥiẓ, *ʿUthmāniyya*, 266;16-267;2.

caliph[619]. We do not know whether al-Jāḥiẓ had al-Maʾmūn in mind when he wrote this lines, but the kind of knowledge he is describing matches the descriptions of the caliph in the *Bayān* and the *Manāqib*. It is, on the other hand, a refutation of the Shīʿite concept of *ʿilm* and the omniscient and infallible imam that receives knowledge as a divine bequest and lives in occultation[620]. In these texts al-Jāḥiẓ emphasises that knowledge can only be acquired through books, contact with other scholars and debate. It cannot be kept hidden nor attained without discussion with other people, both those who held one's opinions and those who defend opposite ideas (*khuṣūm, akfāʾ*)[621]. However, this is not the religious knowledge portrayed by later Sunnī sources. Al-Jāḥiẓ's description of the imam as a wise man who has attained knowledge from all possible sources, religious or non-religious, from friends and foes, matches the depiction of al-Maʾmūn in the anecdotes of the *Bayān* and the description of the *Manāqib*, not that of a Sunnī scholar.

This treatment of al-Maʾmūn's virtues and knowledge, and the references to the *imtiḥān* that al-Maʾmūn had to undergo and which rendered him comparable to Abū Bakr, ʿUmar and ʿAlī, certainly agree with al-Jāḥiẓ's idea of the perfect candidate for the imamate. However, the imam should be elected according to clear criteria. Did al-Maʾmūn became caliph according to any of the modalities of election that al-Jaḥiẓ discusses and defends in his treatises? His surviving treatises do not offer any direct insight into the civil war, with the possible exception of the references to al-Amīn as 'The Deposed' (*al-makhlūʿ*)[622]; however, al-Jāḥiẓ justifies rebellion against the unjust ruler in several instances of his works[623]. Al-Maʾmūn's war against his brother and his deposition would have been lawful according to the premises he accepted. Al-Maʾmūn's acceptance as imam could also be justified by appealing to the universal recognition of the virtue of the candidate, exemplified by the election of Abū Bakr, upon which al-Jāḥiẓ theorises in *al-ʿUthmāniyya*, arguing that, in these cases, it is not necessary to convoke a *shūrā*[624].

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[619] Zahnisser, *The ʿUthmāniyya of al-Jāḥiẓ*, 24.
[620] Al-Jāḥiẓ, *ʿUthmāniyya*, 268;1-7, where al-Jāḥiẓ tacitly alludes to the belief in the hidden imam (*khafī al-ʿilm mughayyab al-ʿamal*).
[621] Al-Jāḥiẓ, *ʿUthmāniyya*, 267;2, 267;8.
[622] Al-Jāḥiẓ, *Nafy al-Tashbīh*, 284;1.
[623] See Chapter 6, section 6.4, and Chapter 13, section 13.3.
[624] Al-Jāḥiẓ, *ʿUthmāniyya*, 270;12-19.

11.3. Conclusions

The extant passages of the *Manāqib al-Khulafāʾ* portray al-Maʾmūn as a physician able to cure the souls of his subjects with wisdom and magnanimity. Like Abū Bakr, ʿUmar or ʿAlī, he was capable of emerging successful from the test he was put to, overcoming the rejection of his people and gaining their favour with patience and dialogue. Due to the surprisingly scarce information about al-Maʾmūn that we find in the extant treatises of al-Jāḥiẓ, we cannot but speculate about his opinion of the caliph, but his depiction of al-Maʾmūn certainly corresponds with that of an imam; not a Shīʿite or a Sunnī imam, but an imam according to the principles that al-Jāḥiẓ defended in his works. The few exceptional lines conserved in the *Manāqib al-Khulafāʾ* can be considered an oddity if we pay attention to the biographical tradition of the caliph, but not if we read them in consideration of al-Jāḥiẓ's own works.

Chapter 12. *Faḍl Hāshim ʿalā ʿAbd al-Shams*

This chapter is focused on the polemic between Hashimites and Umayyads. I will analyse the structure and contents of the *Faḍl Hāshim* (12.1), the paradigm of virtue used to compare the families (12.2), and the relation of this text with other works of al-Jāḥiẓ. I will argue that this work should be read mainly as an encomium of the ʿAbbāsids (12.4).

12.1 The Text: Contents and Structure

The treatise entitled *Faḍl Hāshim ʿalā ʿAbd al-Shams*, like the text on the caliphs we have commented on, does not belong to the cycle of texts on the imamate written by al-Jāḥiẓ for the same patron. Unlike those treatises, the *Faḍl Hāshim* does not convey a debate where the interlocutors argue, build their cases and refute their opponents using a dialectical method. This treatise is also dialogical but, rather than a proper debate, it presents a juxtaposition of arguments, usually *ad hominem*, built upon a shared paradigm of virtue that none of the interlocutors discuss[625]. As the recurrent use of the term *fakhr* and its cognates suggests, it is a prose *mufākhara* that follows the models of the contests between tribes to prove their excellence and glory. This method was not strange to al-Jāḥiẓ; it was also used in the treatise he composed for al-Fatḥ b, Khāqān, the *Manāqib al-Turk*, which conveys the claims of the Turkish troops, the *Abnāʾ* and the *Ahl Khurāsān*, and also in works such as the *Mufākharat al-Jawārī wa-al-Ghilmān* and the *Fakhr al-Sūdān ʿalā al-Bīḍān*.

The information about the composition of this treatise is scarce. Internal evidence suggests that the *Faḍl Hāshim* was written during the first years of the caliphate of al-Wāthiq[626], but we do not have any further indication that might shed light on the commission or patronage of this treatise[627]. The relationship of *Faḍl Hāshim* with al-Jāḥiẓ's other works is also obscure. There is a clear reference to this

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[625] Al-Jāḥiẓ uses the derivates of the root *f-kh-r* in numerous occasions, cf. *Faḍl Hāshim*, 113;3 and 19-20.

[626] Pellat has dated this text in 226/840, under the reign of al-Muʿtaṣim, following a reference to the number of years in which the Hāshimites have held the caliphate, ninety-four, cf. *Faḍl Hāshim*, 77;14, and Pellat, 'Nouvel essai d'inventaire', sub. no. 82 ; nevertheless, a further reference to al-Wāthiq as caliph suggests that this treatise was not written before 228/842, cf. *Faḍl Hāshim*, 76;12.

[627] It is worth noting that, in a passage devoted to the caliph al-Muʿtaṣim, al-Jāḥiẓ mentions the name of one of his most important patrons, Aḥmad ibn Abī Duʾād, but the reference is extremely vague and does not allow to draw any conclusion, cf. al-Jāḥiẓ, *Faḍl Hāshim*, 115;3.

treatise in the *Risāla fī Taṣwīb ʿAlī*[628], and a mention of certain treatises referred to as *hāshimiyyāt* in the prologue of the *Kitāb al-Ḥayawān* that may refer to some works devoted to the Hāshimites. In the Jāḥiẓian corpus, only two works answer to this denomination: the *Faḍl Hāshim* and some unedited fragments on the Quraysh and the Hāshimites contained in the manuscripts of Berlin and Hyderabad[629]. In addition to these works, the treatises on the Hāshimites analysed in chapter 12 have been ascribed to al-Jāḥiẓ in Shīʿite sources and the authorship of the *Risāla fī ʿAlī wa-Āli-hi* seems to be beyond any doubt. External references to the *Faḍl Hāshim* are also scarce. Like other works of al-Jāḥiẓ, this treatise seems to have been used by Ibn Abī al-Ḥadīd to write a section of his *Sharḥ Nahj al-Balāgha* discussing the merits of which the Umayyads boast and the response of the Hāshimites; the author does not mention al-Jāḥiẓ, but there are clear parallelisms in the presentation of the information and *verbatim* correspondences with the text of the *Faḍl Hāshim*[630]. Al-Jāḥiẓ's treatise was probably also the main source of two pro-ʿAbbāsid works written by al-Maqrīzī: the *Kitāb al-Nizāʿ wa-al-Takhāṣum fī-mā bayna Banī Umayyad wa-Banī Hāshim*, and the *Kitāb fī dhikr mā warada fī Banī Umayya wa-Banī al-ʿAbbās*[631].

Despite the overall hyperbolic tenor of the opinions reported by al-Jāḥiẓ, the *Faḍl Hāshim* contains valuable information about the polemics on the imamate that may shed light, especially, on the ʿAbbāsid claims. The treatise conveys the opinions of Hāshimites and Umayyads about the merits of their respective families. These statements are presented, rather than as a real dialogue, as a juxtaposition of contrary opinions in five consecutive sections discussing a variety of topics:

1) Section on the Hāshimites (pp. 67-92):

- Merits of the Hāshimites as protectors of the sacred places of Mecca after the advent of Islam.

- The number of victims of their family.

- The nobility of the Banū Hāshim, the relation with Muḥammad's prophethood, and the Qurʾānic verses that mention them.

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[628] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 421;3-8, where al-Jāḥiẓ refers to a book that he composed on the Qurashī tribes, explicitly mentioning the comparison between the Hāshim and the ʿAbd al-Shams.

[629] Cf. Ms Berlin f. 105r-106v; I have not been able to consult the Hyderabad manuscript. As I have argued, these fragments might have been part of the *Risāla fī ʿAlī wa-Āli-hi*.

[630] Ibn Abī al-Ḥadīd, *Sharḥ Nahj al-Balāgha*, XVI.

[631] On these works see: Bosworth, *Al-Maqrīzī's "Book of Contention and Strife"*; and "Al-Maqrīzī's epistle 'Concerning what has come down to us about the Banū Umayya and the Banū l-ʿAbbās'".

- Accusation against the Umayyads: they do not have more nobility than that inherited from their common ancestor ʿAbd al-Manāf; they arranged unlawful marriages in the *Jāhiliyya.*

2) Section on the ʿAbd al-Shams (pp. 93-102):

- Umayyad role in the development of culture and the translation movement.

- Umayyad role in the Islamic conquests.

- Their skilled orators (*khuṭabāʾ*), ascetics (*nussāk*), and the ascetics amongst their kings (*nussāk al-mulūk*).

- Refutation of the claim that the accursed tree mentioned in the Qurʾān (Q. 17:60) refers to the Umayyads.

- Beauty of their caliphs and length of their caliphates.

- Refutation of Muḥammad b. ʿAlī b. ʿAbd Allāh b. al-ʿAbbās's claims of being more excellent than other members of the Quraysh.

3) Section on the Hāshimites (pp. 103-110):

- Intelligent men of the Hāshimite family (*ʿuqalāʾ*).

- Praise of their generosity (*jūd*), forbearance (*ḥilm*), and education (*adab*).

- The asceticism of their kings (*nussāk al-mulūk*).

- Their military deeds in the conquests.

- The attested competence of some members of the Hāshim in *fiqh* and theology. They claim that Sufyān al-Thawrī and Abū Ḥanīfa followed the methods of Zayd b. ʿAlī and Zayn al-ʿĀbidīn; that al-Shāfiʿī pointed out that ʿAlī b. al-Ḥusayn, the most learned jurist of Medina, relied on *akhbār al-āḥād.* They also argue that Ibn al-Ḥanafīyya and his son Abū Hāshim established the principles of *al-tawḥīd wa-al-ʿadl*, and that it has been recognised by the Muʿtazila[632].

- Virtues of their members: *shajāʿa, jamāl* and *ḥusn.*

- Genealogy and praise of the mothers of the Hāshimites.

4) Section on the ʿAbd al-Shams (pp. 110-112):

- The Umayyads claim that the Banū Hāshim and the ʿAbd al-Shams are indeed the same family, from the same father and mother.

- The Hāshimites are not nobler than the Umayyads in genealogical terms, but only because God chose a prophet from among them (*bi-al-risāla*).

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[632] Al-Jāḥiẓ, *Faḍl Hāshim*, 106;4-12.

5) Section on the Banū Hāshim (pp.112-115):

- Praise of the bravery of the Banū Hāshim illustrated by the example of Ibn al-Ḥanafiyya, who was so courageous, learned in *fiqh* and *akhbār*, and forbearing that some people claimed that he was a *mahdī*[633].

As mentioned, the structure and focus of the treatise has little in common with the rest of al-Jāḥiẓ's works, with the exception of the *Risāla fī ʿAlī wa-Āli-hi* and the *Manāqib al-Turk*. The interventions of the supporters of the Hāshimites and the ʿAbd al-Shams are clearly differentiated and the author is almost invisible in deictic terms: there are no paratexts addressed to the reader or the addressee, no cross-references to other treatises of al-Jāḥiẓ, and the verbal use of the first and the second persons is limited to the two opponents, who often speak in first person plural and address their arguments to the rival using the second person. The recurrent use of the expression *qāla Abū ʿUthmān* to introduce the interventions of the discussants suggests that the text that has come down to us has been edited or dictated. These introductory expressions occur exclusively in those passages conveying those opinions that are favourable to the Hāshimites or the critiques against the Umayyads, never when introducing pro-Umayyad arguments, which usually are preceded by *qālū*[634].

12.2. Hāshimites, ʿAbbāsids and the Paradigm of Virtue

In terms of its content, the first point that should be emphasised is that this treatise is not a report of the opinions of the Hāshimiyya and that, rather than being devoted to extol the excellences of the Hāshimites, as the title might suggest, the work is essentially an encomium of the ʿAbbāsid dynasty.

Muslim heresiographers have described the Hāshimiya as an ʿAbbāsid sect that claimed the imamate for this dynasty in virtue of an alleged bequest of Abū Hāshim ibn al-Ḥanafiyya to the ʿAbbāsid Muḥammad b. ʿAlī b. ʿAbd Allāh b. al-ʿAbbās[635]. This doctrine was used by the ʿAbbāsids as part of their anti-Umayyad

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[633] Al-Jāḥiẓ, *Faḍl Hāshim*, 115;1-2.
[634] The expression *qāla Abū ʿUthmān* occurs in *Faḍl Hāshim*, 67;1, 68;4, 68;12, 70;1, 71;6, 74;4, 74;15, 75;6, 77;13, 80;22, 81;9, 81;13, 85;11, 89;14.
[635] See B. Lewis, 'Hāshimiyya'; E. Kohlberg, 'Rawandiyya'; and Van Ess, *Theologie und Gesellschaft*, III, 10-17.

propaganda, but was abandoned in the time of the third caliph, al-Mahdī, when the ʿAbbāsids tried to dissociate their dynasty from the Shīʿite concept of imamate and based the claim of the dynasty on their descent from al-ʿAbbās b. ʿAbd al-Muṭallib[636]. This sect was often confused with the Rāwandiyya, a pro-Abbāsid and extremist Shīʿī group whose ideas have been allegedly reported by al-Jāḥiẓ in his *Kitāb al-ʿAbbāsiyya*, and both denominations, Hāshimiyya and Rāwandiyya, occur as synonyms in the sources.

In this treatise the term Hāshimiyya conveys the meaning it had before the ʿAbbāsid revolution and refers to the Ṭālibīs and the ʿAbbāsids alike. If we take into consideration al-Jāḥiẓ's treatment of the events and the individuals mentioned in this text, the result is overwhelmingly favourable to the ʿAbbāsids and this treatise very well could be considered a piece of pro-ʿAbbāsid propaganda. However, the arguments adduced by the defenders of the Hāshimites do not answer to the description of the sect preserved in the heresiographical sources. Are the opinions reported by al-Jāḥiẓ those of the sect called Hāshimiyya? As we have said, this treatise should not be counted as one of al-Jāḥiẓ's *maqālāt*: he is not reporting the claims of a religious group in the way he does in his other works. On the other hand, in this treatise al-Jāḥiẓ does not collect the opinions of the Ḥashimiyya, but those of the Hāshimites themselves, i.e. the ʿAbbāsids, and they do not claim the imamate for their dynasty by invoking the ancestry of al-ʿAbbās or the *waṣiyya* of Abū Hāshim; on the contrary, they capitalise upon the merits of the entire family and deal with the ʿAbbāsid caliphs as successors of the *rāshidūn*, especially ʿAlī.

The most obvious example of this ʿAbbāsid appropriation of the Hāshimite legacy is precisely the treatment of ʿAlī, which does not follow that of the Shiʿite propagandists. References to ʿAlī occur eighteen times in the treatise. Although he stands out as the most mentioned personality in this work, ʿAlī is never treated as an imam imbued with imamic *ʿilm* or as the most virtuous individual of his time (*al-afḍal*). In contrast with the pro-ʿAlīd arguments that al-Jāḥiẓ quotes in other treatises, in the *Faḍl Hāshim* ʿAlī is referred to in order to illustrate the excellence of the Hāshimites when their virtues are compared, one by one, with those of the ʿAbd al-Shams. Al-Jāḥiẓ deals individually with these virtues and merits and ʿAlī is usually paired with other outstanding Ṭālibid and ʿAbbāsid figures, such as Ḥamza b. ʿAbd

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[636] Al-Nawbakhtī, *Firaq al-Shīʿa*, 41f.

al-Muṭallib and Jaʿfar b. Abī Ṭālib, when referring to the martyrs of the family[637]; ʿAbd Allāh b. al-ʿAbbās, when referring to his knowledge of religious sources and his eloquence[638]; and, in other passages, also with Zayd b. ʿAlī b. al-Ḥusayn b. ʿAlī and his brother Muḥammad, Jaʿfar b. Muḥammad, ʿAlī b. al-Ḥusayn Zayn al-ʿĀbidīn, and Muḥammad b. al-Ḥanafiyya and his son Abū Hāshim [639; ʿAlī is mentioned together with Ḥamza b. ʿAbd al-Muṭallib when extolling his military exploits[640], and, on another occasion, with his son al-Ḥusayn, Muḥammad b. ʿAbd Allāh and his brother Ibrāhīm, Zayd b. ʿAlī, the caliph al-Muʿtaṣim, ʿAbd Allāh b. ʿAlī and Ṣāliḥ b. ʿAlī[641]; he is listed together with Abū Bakr, ʿUmar, and ʿUthmān when enumerating intelligent men (al-duhāt al-arbaʿa)[642]; and, when praising the asceticism of the Hāshimites, ʿAlī is presented as the most ascetic of the rulers (nussāk al-mulūk), but other illustrious Hāshimites such as Zayn al-ʿĀbidīn, ʿAlī b. ʿAbd Allāh b. al-ʿAbbās, Mūsā b. Jaʿfar b. Muḥammad, and ʿAlī b. Muḥammad al-Riḍā are also mentioned[643]. Throughout the entire treatise, ʿAlī is mentioned alone only once in order to illustrate one of the virtues extolled by the Hāshimites, his ethical values (akhlāq), which are compared with the moral lassitude of the Umayyad caliphs[644].

This does not mean that ʿAlī is not praised, or that his merits are not recognised. But the dialectical strategy deployed in this text dissolves ʿAlī's virtues in a sea of Ṭālibid and ʿAbbāsid names. The often quoted argumentation that ʿAlī was more virtuous than all his contemporaries because he excelled in all these virtues simultaneously, whist his rivals only excelled in one of them, is never used here; it would have been an argument addressed against other Hāshimites, essentially, against the other rāshidūn caliphs and the successors of Ibn al-ʿAbbās. Al-Jāḥiẓ refers, nonetheless, to some qualities that ʿAlī possessed simultaneously and that granted him the right to be caliph, but the qualities that al-Jāḥiẓ mentions in this passage are not these aforementioned virtues, which are only treated individually, but those which later could be claimed for the entire family: relation to the Prophet,

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[637] Al-Jāḥiẓ, *Faḍl Hāshim*, 78;4.
[638] Al-Jāḥiẓ, *Faḍl Hāshim*, 84;17,
[639] Al-Jāḥiẓ, *Faḍl Hāshim*, 106;4-12.
[640] Al-Jāḥiẓ, *Faḍl Hāshim*, 85;1-2.
[641] Al-Jāḥiẓ, *Faḍl Hāshim*, 106;13-107;3.
[642] Al-Jāḥiẓ, *Faḍl Hāshim*, 103;14-15.
[643] Al-Jāḥiẓ, *Faḍl Hāshim*, 105;18-23.
[644] Al-Jāḥiẓ, *Faḍl Hāshim*, 115;4-10.

companionship, and personal testament (*ijtimāʿ al-qarāba wa-al-sābiqa wa-al-waṣiyya*)[645].

It is no wonder then, that the principles on which the legitimacy of the Hāshimite imams lie are predicated, rather than on their excellence as individuals, upon the dynastic rights that the family has inherited in virtue of their relation to the Prophet. The ʿAbbāsids, the ultimate addressees of the treatise, are treated as the heirs of the Prophet, among whom ʿAlī was but one more; and the history of the Hāshimite family is presented as the continuous history of the caliphate, only interrupted by the ominous Umayyad kingdom.

In this regard, it is significant that there is no mention of the election of the imam or of the doctrines that trace the ʿAbbāsid legitimacy back to Ibn al-ʿAbbās to the detriment of the ʿAlīds. The Hāshimites portrayed in this treatise are the continuators of ʿAlī's caliphate and their rights derive from their first Qurashī and then Hāshimite genealogy:

"The Banū Hāshim boast against the [Umayyads] that the years of their rule are more, and their time [in power] longer, for the length of their rule has lasted until today -ninety-four years. And they also boast against them that they rule by virtue of their inheritance (*bi-mīrāth*) and the right conferred by paternal kinship. And that their authority [originated from] the seedbed of prophethood (*fī maghras nubuwwa*), and that their claims are not those of the Banū Marwān. On the contrary, [they argue] that the Banū Marwān do not have any basis for [claiming] this, and that there is no other genealogical link between them and it other than the fact that they say: 'we are from the Quraysh'[646]. And in the use of this name they are equal to all the Quraysh, because the report of the transmitters 'the imams are form the Quraysh', applies to all the Quraysh. But the basis for the claims to the caliphate are known, and that which all generations claim is known. The people have given their support to all this; some of them claimed [the caliphate] for ʿAlī because he contained pre-eminence in terms of relationship to the Prophet (*qarāba*), precedence in conversion (*sābiqa*), and

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645 Al-Jāḥiẓ, *Faḍl Hāshim*, 77;20.
646 Some Umayyad apologists argued that the Umayyads were related to the Hāshimites through the common descent of ʿAbd al-Shams and Hāshim from their father ʿAbd al-Manāf, cf. Bosworth, *Al-Maqrīzī's 'Book of Contention and Strife Concerning the Relations between the Banū Umayyad and the Banū Hāshim'* (Manchester: University of Manchester, 1983): 17-18. In al-Jāḥiẓ's treatise this is refuted by the Hāshimites, who claimed that the only nobility that the Umayyad had is that which they have inherited from ʿAbd al-Manāf, whereas they have not gained any by themselves, cf. *Faḍl Hāshim*, 69;19f.

bequest (*waṣiyya*). If that is the case, then neither the Sufyānids nor the Marwānids have any claim over it; and if it is only to be achieved by inheritance (*wirātha*) and merited in virtue of paternal kinship and deserved by virtue of kinship, then they would not have any claim over it either. And if it is not achieved but by means of precedence in companionship (*sawābiq*), and works (*aʿmāl*), and fighting for the cause of God (*jihād*), then they would not have any known precedence in this, or a famous battle; on the contrary, they did not have proximity to the Prophet (*qarāba*), nor that with which the caliphate is deserved, but they did not have an extreme opposition that prevented them from [seizing it], and it was the easiest and the most simple issue for them"[647].

In other passages of the treatise, al-Jāḥiẓ mentions several members of the family that deserved the caliphate for different reasons:

"[The Hāshimites] say: three members [of our family] who [lived] in the same time and bore the name ʿAlī were fit, all of them, for the caliphate because of [their knowledge] of religious law (*al-fiqh*), asceticism (*al-nask*), position (*al-markab*), opinion (*al-raʾy*), experience (*al-tajriba*), and their high status among the people (*al-ḥāl al-rafīʿa bayna al-nās*): ʿAlī b. al-Ḥusayn b. ʿAlī, ʿAlī b. ʿAbd Allāh b. al-ʿAbbās, and ʿAlī b. ʿAbd Allāh b. Jaʿfar"[648].

And also:

"And after these three men, three paternal cousins who are the sons of these three; they were all called Muḥammad, just as all the others were called ʿAlī, and they all deserved the caliphate in virtue of their noble genealogy and their noble qualities (*sharaf al-khiṣāl*): Muḥammad b. ʿAlī b. al-Ḥusayn b. ʿAlī, Muḥammad b. ʿAlī b. Muḥammad b. al-ʿAbbās, and Muḥammad b. ʿAlī b. ʿAbd Allāh [b.] Jaʿfar"[649].

As in the rest of al-Jāḥiẓ's treatises, possible terms in which the worthiness of the imam could be evaluated are taken into consideration, namely: relation to the Prophet (*qarāba*), precedence in conversion (*sābiqa, sawābiq*), inheritance (*wirātha*), direct bequest (*waṣiyya*), works (*aʿmāl*) and qualities (*khiṣāl*) such as knowledge of

[647] Al-Jāḥiẓ, *Faḍl Hāshim*, 77;13f.
[648] Al-Jāḥiẓ, *Faḍl Hāshim*, 108;6-8.
[649] Al-Jāḥiẓ, *Faḍl Hāshim*, 108;12-15.

fiqh, asceticism (*nask*) and good discernment (*ra'y*), and fighting for the cause of God (*jihād*). However, all these characteristics are only taken into consideration if a necessary prerequisite is fulfilled: genealogy (*nasab*). Belonging to the Quraysh is, according to the *hadīth* adduced in this passage, a necessary requirement to achieve the imamate; consequently, further criteria based on the qualities enumerated above should be evaluated, according to the interlocutors of the treatise, only among the members of the family.

It is worth mentioning that, although the *ḥadīth* refers to the imams of the Quraysh, in this treatise the discussions invariably refer to the *khilāfa*. If we pay attention to al-Jāḥiẓ's use of vocabulary, we find a significant difference with his works on the imamate. In the *Faḍl Hāshim*, the term *imāma* does not occur a single time, and the term *imām* and its plural *a'imma* are only used on seven occasions: one occurs in the *ḥadīth* 'al-a'imma min Quraysh', one refers to the Rightly Guided caliphs (*al-a'imma al-rāshidīn*)[650]; once to the leader of the Khārijites (*imām al-khawārij*)[651], two times to respectable individuals (*al-a'imma, salafu-hu wa-a'immatu-hu*)[652], and a third one in a poem, where it seems to be a synonym of *sayyid* (*la'ana Allāh man yasubbu 'Alī wa-Ḥusayn min sūqa wa-imām*)[653]; it also occurs in the names of Ibrahīm al-Imām[654] and al-Imām Ja'far al-Ṣādiq[655]. Only in the case of the *rāshidūn* is the term imam applied to a caliph.

The differences in the use of terminology do not stop here. A second aspect that should be emphasised is the careful selection of the vocabulary in order to avoid any reference to the politico-religious differences among the Hāshimites and, by extension, to dissociate the 'Abbāsid genealogical claims from the vindications of the partisans of the 'Alids. In the *Faḍl Hāshim*, the term *shī'ī* does not occur at all, and the term *shī'a* only occurs three times, when condemning the curses upon 'Alī pronounced by the Umayyads and, strikingly, applied to the partisans of the Umayyads. Thus, the noun *shī'a* is used twice by a pro-Umayyad interlocutor as a synonym of *ḥizb* in the midst of an argument refuting the comparison of the Umayyads with the Egyptian Pharaoh, when he argues that, unlike him, the Banū

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[650] Al-Jāḥiẓ, *Faḍl Hāshim*, 91;16.
[651] Al-Jāḥiẓ, *Faḍl Hāshim*, 101;8.
[652] Al-Jāḥiẓ, *Faḍl Hāshim*, 77;18, 92;17, 92;22.
[653] Al-Jāḥiẓ, *Faḍl Hāshim*, 91;23.
[654] Al-Jāḥiẓ, *Faḍl Hāshim*, 78;20, 111;11, 116;3.
[655] Al-Jāḥiẓ, *Faḍl Hāshim*, 78;17.

Marwān and the Banū Ṣufyān had their partisans (*la-hum ḥizb wa-shīʿa*)[656]. The second occurrence is a reference to an offence that ʿAbd al-Malik has committed against his own partisans (*qulūb shīʿati-hi*)[657]. The term *shīʿa* is never used to refer to any Hāshimite and, although several theological and political factions are mentioned, there is no reference to the Shīʿites as a religious group[658].

The avoidance of the terms *shīʿa* and *imāma* can be interpreted as a strategy to keep the polemic within the limits of a tribal or familial dispute by dismissing all religious and theological implications. Unlike al-Jāḥiẓ's other treatises, the *Faḍl Hāshim* is not intended to discuss the principles of the imamate, but to convey a quarrel between two rival Qurashī families that addresses a wide variety of topics, both in the *Jāhiliyya* and Islam. Nonetheless, there are clear references to the institution: the entire discussion presumes the acceptance of the exclusive right of the Quraysh to the imamate, different candidates are evaluated according to their merits, and the absence of any reference to the election of the imam and its modalities is especially significant if we compare this text with al-Jāḥiẓ's other treatises. Does this acceptance of the dynastic rights of the Qurashīs imply that al-Jāḥiẓ was defending contradictory positions, as his critics have denounced?

The author is invisible in deictic terms, with the exception of the expression *qāla Abū ʿUthmān* used to introduce the argumentations of the Hāshimites, which is clearly a later addition by the editor or transmitter of the text. If we consider that, as in his other dialogical treatises, al-Jāḥiẓ is conveying the opinions of different factions, the text is by no means contradictory: both Umayyads and Hāshimites belonged to Quraysh, and the use of genealogy to defend their dynastic rights was part of their legitimising discourse. What renders this text an oddity, rather than the absence of references to the election of the imam, which was not part of the discourse of both interlocutors, is precisely the recourse to arguments that are never reported in al-Jāḥiẓ's other treatises, and that compels us to wonder whether there is any relation between this particular selection of arguments and the narrative frame in which they are presented.

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[656] Al-Jāḥiẓ, *Faḍl Hāshim*, 91;4-6.
[657] Al-Jāḥiẓ, *Faḍl Hāshim*, 92;21.
[658] Although the treatise is not intended to discuss theological differences, there are references to the Jahmiyya, the *ahl al-naẓar* and the Khārijites, cf. *Faḍl Hāshim*, 90;21-23, and, for the Khārijites also 91;6, and 101;8.

12.3. The Faḍl Hāshim and al-Jāḥiẓ's Other Treatises on the Imamate

In order to evaluate these differences, the first question we should ask is whether al-Jāḥiẓ's adoption of this narrative technique, in contrast to the dialectical methods deployed in his works on the imamate, is significant. The *Faḍl Hāshim* is a prose *mufākhara* where the Hāshimites and the Umayyads boast of their glory and deeds; on the contrary, al-Jāḥiẓ's treatises on the *imamate* are *maqālāt* devoted to record the opinions of different groups on a particular subject, and presented in the fairest way so that the reader can choose for himself those arguments which he considers superior after careful examination.

As with any attempt to apply a theory of genres, the use of a generic taxonomy to classify al-Jāḥiẓ's texts is extremely problematic. The formal characteristics of the literary debate, *mufākhara* or *munāẓara* in Arabic, have been studied in connection with pre-Islamic poetic contests, an important social institution in pre-Islamic times where rival poets would extol the virtues of their tribes and satirize their enemies[659]. Wagner and, after him, Van Gelder have argued that the origins of the prose *mufākhara* should be found precisely in the writings of al-Jāḥiẓ, who composed several works that answer to the definition of the genre[660]. Van Gelder defines the literary debate as a "a text in prose, often rhymed, or in poetry, in which two or more contestants, often objects or concepts, are represented as speaking in turn and proclaiming their own superiority and the inferiority of the other by means of praise and blame"[661]. The contenders, who, according to Van Gelder, should speak for themselves[662], may combine rhetorical and logical argumentation with praise and blame; the debate sometimes includes a conclusion in which a judgement is pronounced by an arbiter[663]. In terms of its function, Van Gelder assumes these literary debates may have served as rhetorical training, often playful, in schools and literary "salons"[664], and that the "element of

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[659] See Wagner and Farès, "Mufā<u>kh</u>ara".
[660] Wagner, *Die arabische Rangstreitdichtung und ihre Einordnung in die allgemeine Literaturgeschichte*, 443; Van Gelder, "Conceit of Pen and Sword", 333.
[661] Van Gelder, "Conceit of Pen and Sword", 330.
[662] Van Gelder, for instance, does not consider al-Jāḥiẓ's *Mufākhara al-Jawārī wa-al-Ghilmān* a true literary contest, as the boys and the girls do not speak for themselves, cf. "Conceit of Pen and Sword", 333.
[663] Van Gelder, "Conceit of Pen and Sword", 330.
[664] Van Gelder, "Conceit of Pen and Sword", 335.

play" is often present in the subject-matter, which usually avoids grave matters, though it might have deeper levels of interpretation[665].

Literary debates, in their varied forms, were a codified genre in the time of al-Jāḥiẓ. We do not know their exact rules, let alone their variances according to the different situations and audiences. However, texts such as the *Risāla fī ʿAlī wa-Āli-hi* and *Faḍl Hāshim ʿalā ʿAbd al-Shams* allow us to identify a clear correspondence between form and content and to interpret some of the Jāḥiẓian contradictions in his writings on the Hāshimite families in the light of the particular characteristics of these works. As with the epistle on the virtues of ʿAlī and his family, the *Faḍl Hāshim ʿalā ʿAbd al-Shams* contains arguments that are completely alien to the interpretative paradigms used by al-Jāḥiẓ in his cycle of works on the imamate.

In addition to the arguments predicated upon genealogical rights, explicitly rejected in the *maqālāt*, the *Faḍl Hāshim* includes other claims that are only reported in other *mufākharāt* such as the *Manāqib al-Turk* and the *Risāla fī ʿAlī wa-Āli-hi*: those adducing an almost divine right to hold the imamate in virtue of the links of the Hāshimites, i.e. the ʿAbbāsids, with the prophetic mission of Muḥammad, and the favours that God has bestowed upon them. Although the noble status of the ʿAbd al-Shams is acknowledged in the *Faḍl Hāshim*, it is explicitly stated that the nature of ʿAbd al-Muṭallib's nobility is different, for God conferred upon him and his family the noble qualities that only His messengers possess in order to lay the foundations for the prophetic mission of Muḥammad (*irhāḍ[an] li-nubuwwat al-Nabī*)[666]. For the Hāshimites represented in this treatise, their family is more excellent than the rest of the Quraysh because they were blessed with the revelation (*akrama-hum Allāh bi-al-risāla*)[667].

Alongside this demotion of the noble status of the ʿAbd al-Shams, divine agency is also behind other arguments adduced to stigmatise the Umayyads. In contrast with the mention of the Hāshimites in the Qurʾān, which is taken as a merit that their rivals cannot match, a prophetic allusion to the ominous Umayyad dynasty can be found, according to the Hāshimites, in the cursed tree mentioned in the Sacred Book (*Umayya hiya al-shajara al-malʿūna fī al-Qurʾān*)(Q.17:60)[668]. This

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[665] Van Gelder, "Conceit of Pen and Sword", 336.
[666] Al-Jāḥiẓ, *Faḍl Hāshim*, 70;1-9.
[667] Al-Jāḥiẓ, *Faḍl Hāshim*, 111;23-112;1.
[668] Al-Jāḥiẓ, *Faḍl Hāshim*, 99;2-4.

interpretation of the verse would enjoy widespread acceptance among later authors, both Sunnīs and Shīʿītes, but contradicts the hermeneutical principles accepted by al-Jāḥiẓ in other works. The Hāshimites also accuse the Umayyads of violating the principles of Islam and its sacred places, of separating the caliph from the Messenger and of being unbelievers[669]. Albeit not explicitly, divine intervention is also adduced when the Hāshimites boast that there have never been ninety years without a single plague (ṭāʿūn), except in the period when they reigned (malakū)[670]; and, a verse saying that God has lifted the spears of the jinn, i.e. the plagues, is quoted to support this claim[671]. Similar arguments can only be found in the epistle on ʿAlī studied in chapter 9, and in the *Manāqib al-Turk*, where the *ahl Khurāsān* quote several prophetic *ḥadīths* and boast of having been chosen by God to be the new *anṣār*[672].

The scarce information concerning the circumstances of the composition of these works and their interrelation allow us merely to speculate about this generic differentiation, but, in the light of the information we have, we would not be wrong if we were to consider that the apparent invisibility of the author, the absence of references to the casuistry governing the recognition and the election of the imam, and, on the other hand, the emphasis on genealogy and prophetic signs, identify the *Faḍl Hāshim* and cognate *mufākharāt* as separate works, only tangentially related to al-Jāḥiẓ's treatises on the imamate due to the necessary references to the caliphate that occur in the midst of the quarrel between the Qurashī families or when vindicating the special rights of the Hāshimites.

12.4. ʿAbbāsids vis-à-vis Hāshimites in the *Faḍl Hāshim*

In terms of ʿAbbāsid legitimacy, and despite the references to prophecies and divine favours bestowed upon the ʿAbbāsids, the content of the treatise is extremely vague if we compare it with the opinions of the pro-ʿAbbāsid groups called *al-shīʿa al-ʿabbāsiyya* or even the official letters of the caliph al-Maʾmūn. It seems clear that the text aims to dissociate the ʿAbbāsids from the claims of the Shīʿites, hence the avoidance of the terms *imāma* and *shīʿa*, but also from those pro-ʿAbbāsid

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[669] Al-Jāḥiẓ, *Faḍl Hāshim*, 80;17-21.
[670] Al-Jāḥiẓ, *Faḍl Hāshim*, 90;22-91;3.
[671] Al-Jāḥiẓ, *Faḍl Hāshim*, 91;4-5.
[672] Al-Jāḥiẓ, *Manāqib al-Turk*, 15.6-9.

legitimising narratives that had been admitted by the dynasty in the past. This instance is clear in the treatment of Ibn al-Ḥanafiyya, who was considered by the Hāshimiyya the one to have received ʿAlī's *waṣiyya* and transmitter of his imamic *ʿilm* to the ʿAbbāsids by means his son Abū Hāshim. Ibn al-Ḥanafiyya is mentioned on several occasions throughout the treatise to illustrate the military excellence of the Hāshimites, but only one of these passages contains a vague reference to this doctrine and the esteem in which Ibn al-Ḥanafiyya was held by some people:

> "If boasting consists in strength, power, defeating the opponents in battle and the courage of men in war, who among you is like Muḥammad b. al-Ḥanafiyya? You have heard the stories about him (*akhbāra-hu*), and how he grabbed a trailing coat of mail, pulled it out and cut the tail that surrounded all of it. You have heard the story of the mighty force that the King of Byzantium sent to Muʿāwiya with which he vaunted himself over the Arabs, and that Muḥammad remained seated for [the king] to make him stand and he could not do it for it was as if he had to move a mountain; and how the Byzantine sat down so that Muḥammad could make him stand, and he lifted him over his head and then he hit him against the ground.
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> All this, together with his well-known courage, his [knowledge] of the religious law, [his] forbearance and patience, eloquence and knowledge of battles, and his ability to speak of hidden things (*ghuyūb*), [resulted in] claims that he was the Mahdī (*ḥattā udduʿiya la-hu anna-hu al-Mahdī*)"[673].

This depiction of Ibn al-Ḥanafiyya's excellence is a fine masterpiece of prudence: it not only avoids any mention of the defenders of this doctrine by using a passive construction, the report also minimises the religious implications of this claim when it portrays a *mahdism* deprived of any agency, where the feelings that Ibn al-Ḥanafiyya inspired in the people are an almost natural consequence of his virtues, not of his claims. Moreover, as with other figures, his exceptionality is paired with that of illustrious ʿAbbāsids, in this case, the caliph al-Muʿtaṣim, listed right after Ibn al-Ḥānafiyya as an example of a member of the Hāshimite family who also excelled in the art of war[674]. The subtle banalization of this doctrine, rendered a mere anecdote, is emphasised by a reference to the figure of the *Mahdī* in a parallel passage concerning the Umayyad caliph Sulaymān b. ʿAbd al-Malik, who received

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[673] Al-Jāḥiẓ, *Faḍl Hāshim*, 114;18-115;2.
[674] Al-Jāḥiẓ, *Faḍl Hāshim*, 115;2.

the nickname al-Mahdī (*ḥattā summiya al-Mahdī*); in this case, the verb is also passive and the sobriquet is said to be a consequence of the impression that the virtues of the caliph caused in his subjects, thus depriving the term of its messianic significance.

In another passage devoted to the excellence of the Hāshimites in the study and interpretation of the religious sources, Ibn al-Ḥanafiyya and his son Abū Hāshim are presented as those who established the principles of *al-tawḥīd wa-al-ʿadl*:

> "As for jurisprudence (*fiqh*), wisdom (*ʿilm*), exegesis and interpretation (*al-tafsīr wa-al-taʾwīl*), if you mention this [field] you do not have anyone [praiseworthy] in this, whereas we have ʿAlī b. Abī Ṭālib, ʿAbd Allāh b. al-ʿAbbās, Zayd b. ʿAlī b. Ḥusayn b. ʿAlī and his brother Muḥammad, and Jaʿfar b. Muḥammad, who filled the world with his wisdom and knowledge of law; and it is said that Abū Ḥanīfa was among his pupils, and also Sufyān al-Thawrī –you know only too well what they represent in this field-, and this is why Sufyān claimed to be related to the *zaydī* school, and also Abū Ḥanīfa. Who is like ʿAlī b. al-Ḥusayn Zayn al-ʿĀbidīn, of whom al-Shāfiʿī in his *Risāla fī Ithbāt Khabar al-Wāḥid* said: 'I have found that ʿAlī b. al-Ḥusayn, who was the most knowledgeable in law of the people of Medina, relied upon solitary traditions (*akhbār al-āḥād*)'? Who is like Muḥammad b. al-Ḥanafiyya and his son Abū Hāshim, who established the principles of the doctrines of the oneness [of God] (*tawḥīd*) and the divine justice (*ʿadl*), to the extent that the Muʿtazila say: 'We have vanquished all people by virtue of Abū Hāshim, [who was] the first one [to hold this]!'"[675].

In this passage several Hāshimites considered imams by the Shīʿites are mentioned, together with Ibn al-ʿAbbās, to illustrate the excellence of the family. The praise of their knowledge of *fiqh* is not exceptional and can be found in other sources, especially Shīʿite texts; what is significant is that this passage is precisely the way in which their knowledge is assessed. The measure for evaluating the excellence of the imams mentioned here is their influence on the development of *fiqh*; they do not bequest any imamic *ʿilm* to their sons: their intellectual heirs are Sufyān al-Thawrī, Abū Ḥanīfa, al-Shāfiʿī and the members of the Muʿtazila. As in the previous passage on Ibn al-Ḥanafiyya, the ʿAbbāsid appropriation of their legacy

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[675] Al-Jāḥiẓ, *Faḍl Hāshim*, 106;4-12.

prevents any accusation of Shīʿite sympathies or any suspicion of them claiming to be the descendants of the imams.

A further example in the consideration of these references as a possible attempt to dismiss or minimise the importance of the Shīʿite doctrines on the imamate, and, concretely, the centrality of Ibn al-Ḥanafiyya in the ʿAbbāsid dynastic claims is the report of the Umayyad critiques against Muḥammad b. ʿAlī:

> "They [i.e. the ʿAbd al-Shams] say:
> For what reason did Muḥammad b. ʿAlī b. ʿAbd Allāh b. al-ʿAbbās acquire more rights for the mission (daʿwa) and the caliphate (khilāfa) than the rest of his brothers? For what reason could he bestow this to his sons and not his brothers? How did the sons of the brother become worthier of it than the parental uncles?
> They say: If that were the case and [the caliphate] would only be merited by inheritance (mīrāth), then the one closest (aqrab) to al-ʿAbbās would be the worthiest, and if it is merited by age and experience, then paternal unclehood (ʿumūma) is more excellent in this regard"[676].

This passage is striking for several reasons. On the one hand, the critique seems to replicate an internal ʿAbbāsid quarrel which has nothing to do with the Umayyad claims: sons and brothers are, literally, members of the ʿAbbāsids, rather than the entire Hāshimite family; on the other hand, the Umayyads cautiously allude to the doctrines of two pro-ʿAbbāsid sects, the Rāwandiyya and the Hāshimiyya. The first three interrogations, despite being formulated using the expression *min ayna*, are far from being rhetorical; they ask for the reason behind the election of Muḥammad b. ʿAlī as *dāʿī* and candidate to the caliphate to the detriment of the rest of the ʿAbbāsids – not the Umayyads-, and the reason why the caliphate has become an office that passes from father to son. Although this first statement refers to the *khilāfa*, this is a clear reference to a model inspired by the Shīʿite conception of the imamate, concretely to the *waṣiyya* that, according to the Rāwandīs, Muḥammad b. ʿAlī received from Ibn al-Ḥanafiyya's son and which he would transmit to his direct descendant only, not his brothers. The second statement clearly refers to the idea of imamate defended by the Hāshimiyya or *al-Shīʿa al-ʿAbbāsiyya*, which, instead of linking the family with ʿAlī, traces the ʿAbbāsid

[676] Al-Jāḥiẓ, *Faḍl Hāshim*, 101;19-23.

legitimacy back to Ibn al-ʿAbbās as the real successor of Muḥammad. This second doctrine also had clear parallels with Shīʿite ideas, hence the reference to the *qarāba* concerning al-ʿAbbās, but the Umayyads refer to it here precisely to emphasise that this cannot explain the election of Muḥammad b. ʿAlī either and, therefore, the election of the ʿAbbāsid candidate can only be understood as the result of a doctrine that the ʿAbbāsids themselves abhorred in the time of the composition of this text.

Authors such al-Masʿūdī and al-Sharīf al-Murtaḍā have argued that al-Jāḥiẓ dealt with the doctrines of the Rāwandiyya in the *Kitāb al-ʿAbbāsiyya*. The only fragment ascribed to this work that has survived does not offer any information of this kind, but the *Faḍl Hāshim* clearly addresses this problem although in an extraordinarily prudent way. The references to Ibn al-Ḥanafiyya and Muḥammad b. ʿAlī in this treatise seem to be an intentional misrepresentation rather than the description of doctrines that had played an important role in the ʿAbbāsid propaganda up to the caliphate of al-Mahdī. In contrast, the testimonies of ʿAbbāsid claims to the caliphate based on their genealogy are evident, but, as we have shown, these are claims that always refer to the legitimacy of the Banū Hāshim generally and not the ʿAbbāsids exclusively, as the Hāshimiyya argued. The only exception to this pattern in this treatise is the *qarāba* regarding Ibn al-ʿAbbās, but these are opinions attributed to the Umayyads not the ʿAbbāsids.

12.5. Conclusion

The narrative mastery of this *mufākhara* and its great achievement lie in an apparent contradiction: al-Jāḥiẓ is able to silence both the religious discourse of the Shīʿa and that of the partisans of the ʿAbbāsids -Hāshimiyya and Rāwandiyya- by giving voice to the politico-religious claims of the Hāshimites. This could only be possible if the dialectic subtleties of the *maqālāt* genre were substituted by the no less subtle strategies of this *mufākhara*. Al-Jāḥiẓ's narrative isolates the virtues of all the members of the family, but especially those Hāshimites considered imams -or *mahdīs*- by the Shīʿites, into particular tribal contests where the integrity of their excellence, usually presented as proof of their imamic *ʿilm*, is divided into varied comparisons focused on a precise virtue which is shared by other members of the family. The treatise is organised according to virtues, not individuals; this allows the comparison of the merits of the two rival dynasties, but not the comparison of their

members. Figures such as ʿAlī are incorporated into the overall eulogy of the Hāshimite family, and their excellence disguised among a myriad of proper names. In this regard, the fact that the term *afḍal*, one of the core concepts in al-Jāḥiẓ's treatment of the polemics on the imamate, does not occur at all in this text is extremely significant and consistent with the avoidance of the term *imāma*. This narrative strategy reinforces the unity of the Hāshimites by focusing their critiques on a single rival family, the Umayyads, and allows the ʿAbbāsid appropriation of the individual glories vindicated by the Shiʿītes.

Likewise, the doctrines of the Rāwandiyya and the Hāshimiyya, although alluded to in different instances, are neutralised when they are governed by the logic of this *mufākhara*, either disguised among the enumeration of virtuous individuals, as in the case of the *mahdism* of Ibn al-Ḥanafiyya; or reduced to a parochial quarrels between paternal brothers and sons, as with the critique of Muḥammad b. ʾAlī's election as *dāʿī* and legitimate candidate by the revolutionaries who toppled the Umayyad kingdom.

This is not one of those treatises sustained by the spirit of the Muʿtazilite objectivity that al-Jāḥiẓ seeks in his cycle of works on the imamate. We do not know what the horizon of expectations of the possible audiences of this treatise was, but they were undoubtedly aware of the conventions regulating this text. This work should not be considered part of the treatises on the imamate that analyse the opinions of different politico-religious groups. This simply means that it should be read in a different way and, consequently, that such alleged contradictions in al-Jāḥiẓ's doctrines and methodology which this text reveals should be revised in the light of the particular etiquette that governs this genre.

Part 6. ʿAlī and Muʿāwiya

Chapter 13. The *Risāla fī Taṣwīb ʿAlī fī al-Ḥakamayn*

13.1. Historical Background

The *Risāla fī Taṣwīb ʿAlī* discusses the events that followed the murder of ʿUthmān and brought about the first civil war of the Muslim community, especially, the battle of Ṣiffīn and the arbitration. This conflict split the Muslim *umma* and had crucial consequences in the ramification of theological doctrines. After the death of ʿUthmān, ʿAlī acceded to the caliphate amid accusations of being involved in the plot to assassinate the caliph. He gained the support of important figures of Medina and the Kufan armies, but was opposed by those who demanded the appointment of a *shūrā* and the prosecution of ʿUthmān's murderers. The first episode of the *fitna* was the Battle of the Camel (656/356), when Ṭalḥa and Zubayr defected from ʿAlī and joined the camp of ʿĀʾisha. ʿAlī emerged victorious from this battle, but shortly afterwards he had to face the opposition of the governor of Syria and ʿUthmān's nephew, Muʿāwiya.

The battle against Muʿāwiya at Ṣiffīn ended with one of the most famous events in the history of Islam, the so-called *yawm al-masāḥif*. In the month of Ṣafar of 37/657 Muʿāwiyya demanded a truce by ordering his troops to raise the *masāḥif*, and called for arbitration between him and ʿAlī. Despite the better position of his troops, ʿAlī accepted the proposal and appointed Abū Mūsā as his arbiter. This decision motivated the defection of those who advocated for continuing the war against Muʿāwiya, and the critiques of those who considered that ʿAlī was mistaken[677].

In this treatise, al-Jāḥiẓ discusses the position of the *ansār* with regard to ʿAlī, especially Saʿd, Ṭalḥa and Zubayr; the rectification (*taswīb*) of his initial decision to fight Muʿāwiya by accepting the arbitration, and the reasons justifying this decision and the appointment of Abū Mūsā. On the other hand, he also deals with the accusations of *kufr* directed against Muʿāwiya.

In the next sections I will study the structure of the treatise, al-Jāḥiẓ's definition of the Muʿtazilite tenets, and the way he scrutinises the Muslim past by applying the same hermeneutical and epistemological principles discussed in the context of his other treatises on the imamate, especially in *al-ʿUthmāniyya*. I will

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[677] See Madelung, *The Sucession to Muḥammad*, chapter 4.

argue that the underlying logic of al-Jāḥiẓ's argumentation is predicated upon these generic principles and that his treatment of the polemics concerning ʿAlī and Muʿāwiya can only be properly understood if we take them into consideration.

13.2. Contents and Structure

Like al-Jāḥiẓ's other treatises on the imamate, the *Risāla fī Taṣwīb ʿAlī* is also a dialogical treatise. There is, however, a significant difference: this *risāla* does not start *in media res*. The proemium has been entirely preserved, and it is a precious piece of information that allows us to reconstruct the complex structure of the text and to understand al-Jāḥiẓ's dialectical strategies.

In contrast, the information about the composition of this work is scarce. We do not know when was it written and although the name of the addressee is mentioned, his identity is uncertain. This treatise is addressed to certain Ibn Ḥassān, whom al-Jāḥiẓ describes as a *Muʿtazilī Naẓẓāmī*[678]. Another name, related to the addressee, is mentioned by al-Jāḥiẓ in the closing lines of the treatise, certain ʿAlī b. Ibrāhīm b. Ḥusayn, whom I have been unable to identify[679].

The words addressed to Ibn Ḥassān show clearly that this work was part of an internal debate among Muʿtazilites. In several passages, al-Jāḥiẓ claims to express his own opinions and those of his school, to which he explicitly refers to as the Muʿtazila on various occasions. The first reference to his ascription to the school occurs in the midst of a passionate plea for fairness in the treatment of adversaries and objectivity in debates, a recurrent topic in all his treatises on the imamate. Al-Jāḥiẓ argues that the most representative characteristic of his school is justice, *ʿadl* : "justice is most important for us, and this is the method of our brothers, our forefathers and our ancestors from the Muʿtazila" (*al-ʿadl awlā bi-nā wa-huwa madhhab ikhwāni-nā wa-mashāyikhi-nā wa-salafi-nā min al-muʿtazila*)[680]. This justice refers to the difference between determining unbelief (*ikfār*) and determining

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[678] Al-Jāḥīz, *Taṣwīb ʿAlī*, 422;16. The meaning of this characterization can be partly understood thanks to a report of al-Naẓẓām's ideas preserved in *al-Fuṣūl al-Mukhtāra*: "Ibrāhīm [al-Naẓẓām]" was one of the most critic with the Rāfiḍīs because of their hating Abū Bakr, ʿUmar and Abū ʿUbayda; one of the most critic with the Khārijites because of their hating ʿAlī, ʿUthmān, Ṭalḥa, Zubayr and ʿĀʾisha; and one of the most critic with the Muʿtazila because of their hating Saʿd, Ibn ʿUmar, Muḥammad b. Muslima, Usāma b. Zayd, Zayd b. Thābit, and Saʿīd b. Zayd b. ʿUmar, and Ibn Nufayl, and many of those who did not approved killing the tyrannical group (*al-fiʾa al-bāghiya*) and say: 'Be ʿAbd Allāh the killed and not Abū ʿAbd Allāh the killer'"; cf. Van Ess, *Das* Kitāb al-Nakṯ *des Naẓẓām*, 119. Another work of al-Jāḥiẓ, the *Risāla fī Ṣināʿat al-Kalām*, is also addressed to the followers of al-Naẓẓām, cf. *Ṣināʿat al-Kalām*, 243;2.
[679] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 482;19.
[680] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 449;19-20.

disobedience to God (*farq mā bayna al-ikfār wa-al-tafsīq*), and the difference between determining disobedience to God and determining the commission of sins (*taʾthīm*)[681]. The Muʿtazilites, says al-Jāḥiẓ, are not among those who go from one place to another, or take sides with someone against another, or those who neglect the right of the inferior (*al-dūn*), such as his interlocutor, Ibn Ḥassān, appears to have done when he neglected the rights of those who were above him, even their rightly guided imams and caliphs (*aʾimmati-hi al-muhtadīn wa-khulafāi-hiʾ al-rāshidīn*).

Al-Jāḥiẓ presents himself as a worthy member of his school when vindicating the principle of ʿadl. He affirms that he is not ʿumarī, and that this does not turn him into an ʿalawī. Likewise, not being an ʿalawī does not turn him into an ʿuthmānī, with whom he only shares his opinions concerning *qarāba* (*illā bi-mā akhaṣṣu bi-hi al-ʿitra bi-sabab al-qarāba*); as for the rest, al-Jāḥiẓ claims to be moved by his love and care for all people, and his will to fight injustice whenever possible. This treatise, affirms al-Jāḥiẓ, is not one of those books written by zealots (*aṣḥāb al-ahwāʾ*), or by those who pursue material benefits (*mutakassibīn*) or aim to gain the favour of influential people (*mutaqarribīn*), or those who seek to vanquish opponents with falsities, or by the basest of the base: the hypocrites. The moral principles that inspire this text are those of the Muʿtazila and al-Jāḥiẓ, who claims to watch over Ibn Ḥassān with avuncular eye, reproaches him for contravening the tenets of their intellectual forefathers[682].

The admonitory address of the introduction, which is echoed in other passages of the treatise, is motivated by the opinions of Ibn Ḥassān concerning Muʿāwiya. In the preamble, al-Jāḥiẓ clearly states his intention of engaging in a polemic with him, following a previous quarrel where he disapproved of Ibn Ḥassān's refutation of the Khārijites and the Rāfiḍa; and Ibn Ḥassān, in turn, accused al-Jāḥiẓ of acting like a Shīʿite extremist (*ghāliya*) and of being compliant with the Nawābit[683]. Al-Jāḥiẓ, who shares Ibn Ḥassān's contention that ʿAlī was worthier than Muʿāwiya, dislikes both the arguments he adduces to defend ʿAlī from those who criticise his acceptance of the arbitration, and the arguments upon which he bases his attack on Muʿāwiya. These are the two main issues debated in this work.

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[681] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 449;20-21.
[682] Al-Jāḥiẓ, *Taṣwīb ʿAlī,* 449;17-450;8.
[683] Al-Jāḥiẓ, *Taṣwīb ʿAlī,* 418;20-420;12.

As we learn from these introductory paragraphs, the *Risāla fī Taṣwīb ʿAlī* is structured upon a twofold argumentation that changes according to the two classes of interlocutors addressed by al-Jāḥiẓ. On the one hand, he refutes the arguments adduced by the opponents of ʿAlī; on the other hand he debates with Ibn Ḥassān, reproaches him for his errors when defending ʿAlī and points out the consequences derived from his faulty argumentation, which are untenable for al-Jāḥiẓ and, by extension, for the Muʿtazila. Rather than to defend ʿAlī, this treatise is intended to show how ʿAlī should be defended, as al-Jāḥiẓ condescendingly says to Ibn Ḥassān[684].

It is possible to identify three argumentative lines concerning each one of the two personalities under discussion: 1) the arguments adduced against ʿAlī and Muʿāwiya by their critics; 2) the arguments used by Ibn Ḥassān in order to defend ʿAlī and attack Muʿāwiya; and, finally, 3) the arguments that, according to al-Jāḥiẓ, Ibn Ḥassān should have used, which are, in fact, a refutation both of the critiques of ʿAlī and of the naïve and misleading argumentation of his would-be defender, Ibn Ḥassān. The practical consequences of this intricate dialogical structure are obvious. As in other treatises of al-Jāḥiẓ, it is extremely arduous for the reader to identify the different voices and pin down the arguments. Al-Jāḥiẓ's contrapuntal virtuosity is the main reason for the many misunderstandings governing his works. In this exceptional case, however, the preserved proemium provides clues properly to understand the text and solve one of the most striking paradoxes of al-Jāḥiẓ's treatises on the imamate, his defence of Muʿāwiya which, as I will argue, is a necessary condition for the defence of ʿAlī's acceptance of the arbitration.

The main points debated with those who criticise ʿAlī are his qualifications to become imam and his decision of accepting the arbitration proposed by Muʿāwiya. The issues that al-Jāḥiẓ discusses with Ibn Ḥassān are his depiction of Muʿāwiya as an unworthy candidate to the imamate, his contention that Muʿāwiya was an unbeliever (*kāfir*), and his interpretation of ʿAlī's acceptance of the arbitration as a "slip" (*ʿathra)*. Although the institution of the imamate is not specifically addressed in abstract terms, the principles framing the different possibilities of electing and setting up an imam are discussed in this text and determine the treatment of ʿAlī and Muʿāwiya. Al-Jāḥiẓ enumerates and discusses the modalities of election, and consistently uses this paradigm to build further arguments. Far from being a mere

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[684] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 420;5-9.

compilation of anecdotes and polemical statements[685], this treatise is a coherent and meticulous analysis of the history of the imamate of the *Rāshidūn* and the first *fitna*, as well as a vindication of the Muʿtazila.

13.3. The Muʿtazila

One of the most interesting aspects of the *Taṣwīb ʿAlī* is precisely al-Jāḥiẓ's treatment of the tenets of the Muʿtazila and his discussion of the etymology of the name of the school. The origins of the term *muʿtazila* have been discussed at length by Arab heresiographers and historians. The best account of these opinions is Stroumsa's article on the beginnings of the school, which examines in detail the possible etymologies of *iʿtizāl*. Stroumsa argues that the verb *iʿtazala*, which means to withdraw or to separate, and its *maṣdar iʿtizāl* were used to describe the retirement from society of some renunciant Muslims[686]. For Stroumsa, its original meaning would have been related to ascetic practices, rather than to the well-known story of the disagreement between al-Ḥasan al-Baṣrī and Wāṣil ibn ʿAṭāʾ on the qualification of the sinner, and the origins of the school may have been also related to the emergence of asceticism in certain Muslim circles.

In this treatise, al-Jāḥiẓ gives his own explanation of the term *iʿtizāl*, which is one of the earliest attestations of any attempt to construct an etymology[687]. According to al-Jāḥiẓ, the term is related to one of the core tenets of the school: *al-manzila bayna al-manzilatayn*. As mentioned, the most representative characteristic of the Muʿtazila that al-Jāḥiẓ emphasises in this refutation to Ibn Ḥassān is *ʿadl*, a virtue illustrated with the equanimity the Muʿtazilites show when evaluating the difference between determining unbelief (*ikfār*) and determining disobedience to God (*farq mā bayna al-ikfār wa-al-tafsīq*), and the difference between determining disobedience to God and determining the commission of sins (*taʾthīm*)[688].

The example offered by al-Jāḥiẓ is not arbitrary. As we will discuss further on, the main reproach that Ibn Ḥassān's attack on Muʿāwiya deserves is that it is based on a wrong interpretation of the concept of disbelief, a fault that al-Jāḥiẓ judges improper of a Muʿtazilite. In order to refute Ibn Ḥassān's opinion, al-Jāḥiẓ

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[685] That is Pellat's opinion: "Comme d'habitude, il est difficile de découvrir un plan dans cette *risāla*", cf. *Taṣwīb ʿAlī*, 490.
[686] Stroumsa, "The Beginnings of the Muʿtazilah Reconsidered".
[687] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 460:16-19.
[688] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 449;19-21.

explains the Muʿtazilite contention regarding *kufr* and how it differs from that of other sectarian approaches. This position is predicated upon ʿ*adl*, as it is the Muʿtazilite dogma regarding the divine attributes:

"The best statements, or rather the fairest (*aʿdalu-hā*) and the most pleasing to God (*arḍā-hā ʿinda Allāh*), are the most moderate (*aqṣad*); that is why we have chosen the "withdrawal" (*iʿtizāl*) as a method (*madhhab*), and why we have made it into sect (*niḥla*) and something to be boasted of (*wa-mafkhar*). We will preface some words speaking on this issue [i.e. the concept of *kufr*], so understand it.

The Jahmiyya hold: 'We do not say that God is a causal determinant (*maʿnā*), nor that He is a thing (*shayʾ*), and when we annex something to Him, it is us who add something to Him, and this thing is one of His acts (*fiʿl min afʿāli-hi*). So it is for His listening, His seeing, His knowledge and His autonomous capacity (*qudra*). The Rāfiḍa say: 'He is a body (*jism*); in addition to what we say, that He is a thing'. And the Muʿtazila claim: 'He is a thing and there is no thing like Him: He is not a body, and His knowledge is neither an act (*fiʿl*) nor a doing (*ṣanaʿ*); when we say 'He has knowledge', it is the same as when we state 'He is knowing (ʿ*ālim*)', and we mean that no secret thing hides from Him'.

The Murjiʾa argue: 'He who reviles God (*qādhif*) is a believer (*muʾmin*)'. The Khārijites claim: 'He who reviles God (*qādhif*) is an unbeliever (*kāfir*)'. Others call him an 'associator' (*mushrik*). The Bakriyya say: 'He is in a worse situation than the associator (*mushrik*), while the hypocrite (*munāfiq*) will be punished more severely than the unbeliever (*kāfir*)'. The Muʿtazila affirm: 'He is a dissolute (*fāsiq*), He names him explicitly in the Qurʾan, though we do not name him an unbeliever (*kāfir*), as it would be incumbent upon us to make incumbent upon him the legal requirements pertaining to the unbelievers (*aḥkām al-kuffār*), but this is not the legal requirement which pertains to him; yet we do not call him a believer (*muʾmin*), because it would be incumbent upon us to protect him and praise him, and his reward would become obligatory for him [in the Afterlife]; but God, the Exalted, has told us that he is doomed, one of the sinners in Hell, and therefore we affirm that he is in Hell with the unbeliever, and that he cannot be in Heaven with the believer'"[689].

The principle of *al-manzila bayna al-manzilatayn* discussed in this passage is adduced later by al-Jāḥiẓ to defend Muʿāwiya and refute Ibn Ḥassān's affirmation

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[689] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 459;19-460;11.

that he should be considered a *kāfir*. But the illustration of the equanimity of the Muʿtazila does not stop here; there is a further discussion that also exemplifies the concept of *ʿadl* that al-Jāḥiẓ want to emphasize. As in the previous case, this example provides the theoretical basis for the treatment of one of the most important points discussed in the *Taṣwīb ʿAlī*, the right to depose an unjust ruler. These passages deserve to be translated in their entirety:

"With regard to the fight against the tyrannical group (*al-fiʾa al-bāghiya*) the Khārijites hold: 'We will proceed against them by declaring them infidels, taking prisoners and booty, chasing those who turn and flee, and giving the final blow to the wounded'. The Murjiʾa says: 'There should no be killing'. And the Muʿtazila adduce the [most] satisfactory opinion, which is that fighting is obligatory (*ijāb al-qitāl*) when it is intended to defend, not when the intention is to kill [unprovoked], to take captives, or to despatch the wounded, or to declare the licitness of [personal] property.

We do not go as far as the extremism of the Khārijites, nor do we fail to reach the [adequate measure] as the Murjiʾa. God's religion (*dīn Allāh*) lies between im who falls short and him who goes too far, and this etymology (*ishtiqāq*), i.e. the act of staying between two extremes and adopting a intermediate position (*iqtiṣād*), is withdrawing (*al-iʿtizāl*) from the extremism of those who exaggerate and from the deficiency of those who fall short. This is the principle upon which we base all our actions concerning someone who in our opinion is not like ʿAlī in terms of precedence, his origins and the perfection of his traits; or in fact concerning the most humble of our friends. [Thus], when I find that someone has performed an act that may be either wrong or right, we cannot decide that his action is an error until it is impossible for us to consider it correct, and, once we have decided that it is wrong, we cannot judge that it is a fault (*khaṭīʾa*) until it is impossible for us to determine it secure in terms of it not being a sin (*tarīq al-maʾthūm*). And if we decide that [this act] is a sin (*ithm*), we cannot decide that it is a deviance form God's will (*ḍalāl*) for as long as we find, in order to stop defending him, that this error leads [move] to sin [than to deviance]; and if we decide that this is indeed deviance from God's will (*ḍalāl*), we cannot decide that this is an act of unbelief (*kufr*) unless we have no other possibility, so that then the truth will have made the decision and [the consequences which have to be] endured unavoidable."[690].

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[690] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 460;12f.

These passages summarise three of the recurrent topics that we find in al-Jāḥiẓ treatises on the imamate. First of all, his insistence on *ʿadl*, a concept that does not refer here to the divine justice listed among the five Muʿtazilite principles, but to the equanimity with which all the opinions should be considered. This is the basic idea behind al-Jāḥiẓ's adoption of the dialogue as the perfect method to objectively evaluate different -and often antagonistic- arguments. The two other topics are the discussion of the concept of *kufr*, and the justification of violence against an oppressor, this latter discussed at length in the *Kitāb al-ʿUthmāniyya* and the *Jawābāt fī al-Imāma*.

As I will argue, this exposition of the Muʿtazilite tenets provides some of the theoretical principles adduced in the discussion with the Muʿtazilite Ibn Ḥassān concerning his attack against Muʿāwiya, and his faulty refutation of the adversaries of ʿAlī.

13.4. Principles of the Imamate in the *Taṣwīb ʿAlī*

The analysis of the imamate and the conditions and requirements to set up an imam made by al-Jāḥiẓ in the *Taṣwīb ʿAlī* is also similar to the argumentation we find in other treatises, especially the *Kitāb al-ʿUthmāniyya* and the *Jawābāt fī al-Imāma*. In contrast with these other works, however, the necessity of the imamate and the principles upon which it is predicated are not explicitly discussed here. Rather than concentrating on the nature of the institution, al-Jāḥiẓ focuses his arguments on the figure of the imam and the conditions of his election illustrated by the example of the polemics on the imamate of ʿAlī .

The debates concerning the origins of the institution are only tangentially mentioned on two occasions. Firstly, when referring to the arbitration between ʿAlī and Muʿāwiya, al-Jāḥiẓ states that the two arbiters should scrutinise the Qurʾān and the *Sunna* looking for any proof that ʿAlī had been appointed imam[691]. Secondly, al-Jāḥiẓ also quotes the *ḥadīth al-manzila*, which states "Your position concerning me is like the position of Hārūn to Mūsā" (*anta min-nī bi-manzila Hārūn min Mūsā*), although not in order to support ʿAlī, but to demonstrate the disloyalty of Saʿd who, despite having transmitted this *ḥadīth*, did not reported it during the lifetime of ʿAlī and did not support his right to the imamate[692].

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[691] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 454;6-8.
[692] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 468;10.

Likewise, no reference is made in this treatise to the polemics on the necessity or dispensability of the imamate with two exceptions: there is a brief mention of the necessity of the imam which does not deserve further discussion (*amr qad uḍṭurra ilay-hi*)[693]; and a reference to a group called *aṣḥāb al-ākhira*, who claim that the well-being of the community cannot be achieved under human governance but only when humans are governed by the Creator (*al-nās lā yaṣluḥūna ʿalā tadbīr al-bashar wa-inna-mā yaṣluḥūna ʿalā tadbīr al-khāliq li-al-bashar*)[694]. This statement recalls the slogan "No obedience to the creature in disobedience of the Creator (*lā ṭāʿa li-al-makhlūq fī maʿṣiyat al-khāliq*)", used by Khārijites, ʿAbbāsid propagandists, the Baghdadī vigilante Sahl b. Salāma, and some ascetic groups[695]. In this context, however, this denomination seems to refer to those partisans of ʿAlī who were extremely scrupulous and refrained to perform any act not clearly stipulated by the Qurʾān and the *Sunna*, as ʿAlī himself was sometimes said to be (*lā yarā al-raḍī illā fī-mā dalla ʿalay-hi al-kitāb wa-al-Sunna*)[696].

Although the necessity of the imamate is not expressly treated, al-Jāḥiẓ devotes several passages to discussing the threats posed by human nature and the consequent necessity of authority, which is emphasised in the same terms used in his other works[697]. In this case, al-Jāḥiẓ is interested in demonstrating that the use of violence is necessary in order to protect authority and maintain social order so as to refute quietist positions:

"... it is in the nature of the people to love money and elevated status. And when the whip cannot control them and the sword cannot dissuade them, authority (*amr*) becomes confused, corruption prevails, war is inevitable, and schisms (*fitan*) become widespread; authority (*amr*) is lost and the truth is vanquished. He who enjoys might has the right of ownership (*man ʿazza bazza*), he who has little power flees (*man qalla falla*), he who flees is eaten (*ukila*), and he declares his stance is killed (*man ẓahara qutila*).

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[693] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 478;13. See below the discussion on *ijmāʿ*.
[694] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 447;9-11.
[695] Lapidus notes that this slogan was used by the Khārijites and the ʿAbbāsids in their *daʿwa*, cf. "The Separation of State and Religion". Also by Sahl b. Salāma, cf. Ṭabarī, *Taʾrīkh*, VIII, 552;21 [Bosworth, 58]. On the ascetics cf. al-Muḥāsibī, who invokes the *ḥadīth* "*lā ṭāʿa al-makhlūq fī maʿṣiyya al-khāliq*" in *Kitāb al-Makāsib*, 70;13 and 70;15.
[696] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 446;17-18.
[697] Especially the *Jawābāt fī al-Imāma* and the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa*.

As soon as the imam does not defend his position and the frontier of his realm, he is defeated and deposed (*maʿzūl*), hunted (*maṭlūb*) and murdered; as soon as a leader (*raʾīs*) does not protect his own trough and fight for his family, he is looted and taken captive, or driven away and devoured. Therefore the world has never been brought to this state we are describing, nor has it ever prospered unless it enjoyed the contrary situation"[698].

This discussion is related to al-Jāḥiẓ's defence of legitimate violence as one of the tenets of his school, and to a further analysis of the requirements that the imam should fulfil and the modalities of his election. As in his other works on the imamate, al-Jāḥiẓ argues that only the individual who has precedence both in terms of virtue and conversion is worthy of the imamate (*al-khilāfa yā Ibn Ḥassān lā tustuḥaqqu wa-al-imāma lā tustūjabu illā bi-al-taqaddum fī al-faḍl wa-al-taqaddum fī al-sawābiq*)[699]. The dilemma the community has to face when setting up an imam is twofold: on the one hand, they have to agree on the definition of these merits; on the other hand, they need to ascertain whether the imam they choose is the most virtuous individual among all those who fulfil the requirements of the imamate. Defining *faḍl* is not enough; the community has to recognise it unanimously.

In order to discuss these questions, al-Jāḥiẓ uses a casuistic model similar to that developed in the *Kitāb al-ʿUthmāniyya*, which is built upon the epistemological and hermeneutical premises framing the modalities for electing the imam. For al-Jāḥiẓ, it is beyond doubt that the imam should be the most virtuous (*afḍal*); he does not even mention other polemics as to whether ʿAlī's acceptance of the imamate of his predecessors may have implied his acceptance of the *mafḍūl*. Al-Jāḥiẓ evaluates the act of knowing rather than the object of knowledge itself; for him, the real problem the community has to face is how to recognise the virtue (*faḍl*) of the imam. In the *Taṣwīb ʿAlī* the discussion of this problem is motivated by the comparison of ʿAlī and Muʿāwiya in terms of their worthiness to become imam. According to al-Jāḥiẓ, the election of the imam should be the logical consequence of the recognition of his virtue, but the definition of virtue is by no means univocal, nor its recognition universal. Therefore, there are a number options corresponding

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[698] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 426;5-11.
[699] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 423;18-19.

to the ways whereby the community can elect their imam according to the different Muslim factions:

"The caliphate, O Ibn Ḥassān, is only merited and the imamate is only deserved in virtue of precedence in terms of virtue and precedence [in conversion] (*taqaddum fī al-faḍl wa-al-taqaddum fī al-sawābiq*), and then only if the virtue is evident (*ẓāhir li-al-ʿuyūn*) and well known among all the Muslims who have agreed (*ajmaʿū*) upon giving preference to an individual and appointing and investing [him] with authority of their own volition and without [the threat] of the sword, without fear and without evident coercion, or any reason obliging [them] to make a wrong decision rather than any other decision; or it is either the case that they choose him after deliberation and scrutiny (*tashāwur wa-tanāẓur*), and his virtue becomes evident after a long investigation. Or he is chosen in his land over his family being bequeathed it by his paternal ancestry (*bi-mīrāth al-ʿumūma*), then he deserves it as inherited positions are deserved[700]. Or he [receives the imamate] by means of a direct appointment (*waṣiyya*), or a well established succession (*wirātha mashhūra*). Or this is the consequence of noble qualities which are added to genealogical propinquity (*qarāba*) and the veneration of the family (*ḥurma al-ʿitra*), so that the one who possess both traits achieves that which the one who only has one cannot achieve, and he meets with satisfaction (*muqnaʿ*) because of this relation, as he is nearer to the source [of legitimacy] (*maʿdin*), closer to the holder of the position, and it is more likely that his position will not be unclear to those far from his abode, and that powerful notables will not reject him, even if is the share of obedience due to him is less than that of many of those who do not share his nobility and are not like him in terms of his position. These are the principles which comprise all opinions, except those that the theologians (*mutakallimūn*) do not take into consideration because they find them defective and false"[701].

This last reference to the *maqalāt* is obscure, although it probably refers to the opinions of the Rāfiḍites who base their arguments on the divine inspiration of the imam (*ilhām*), implicitly dismissed by al-Jāḥiẓ on other occasions[702]. The other possibilities correspond to the modalities of election generally adduced by a number of Muslim sects, albeit not universally accepted. It has been argued that this

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[700] According to the editor, this passage is defective.
[701] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 423;18-424;9.
[702] Al-Jāḥiẓ, *ʿUthmāniyya*, 89;3f. The doctrine of *ilhām* is also criticised in *Ṣināʿat al-Kalām*, 244;1.

enumeration is an exposition of al-Jāḥiẓ's ideas concerning access to the institution of the imamate[703], but this opinion deserves further discussion. The three first options correspond to the paradigm enunciated in the *Kitāb al-ʿUthmāniyya*, which al-Jāḥiẓ uses to interpret how the three first caliphs ascended to the caliphate[704]:

1) *Ijmāʿ* of the community, who agrees that a certain individual is the most virtuous without coercion of any kind. This election by means of consensus corresponds to ʿUmar's accession to the throne. He was presented as candidate by Abū Bakr, but accepted with the complete agreement of the community.

2) If the pre-eminence of the candidate is not obvious and therefore it would be impossible to achieve the agreement of the entire community, a *shūrā* should deliberate and elect the most virtuous man among them. This option corresponds to the election of ʿUthmān.

3) Finally, the virtue of a man may be widely recognised and accepted in his community (*miṣri-hi*) because of his virtue, rather than his ancestry. That was the situation of Abū Bakr, who was universally accepted as the most excellent of his time, and thus he did not need to be appointed by the Prophet, or elected either by *ijmāʿ* or *shūrā* .

Contrary to these possibilities, the opinions that take *waṣiyya* and *nasab* into consideration have been emphatically rejected by al-Jāḥiẓ in other works. Is their inclusion in this list a contradiction? As we have argued, al-Jāḥiẓ's reconstruction of the complex tapestry of doctrines concerning the imamate is not determined by his own ideas, but by his particular narrative strategies and argumentative needs. Indeed, he claims to convey the opinions of different groups and in the *captatio benevolentiae* he includes in the *Taṣwīb ʿAlī* al-Jāḥiẓ presents himself as an objective reporter despite sharing the ʿUthmaniyya's contention regarding *qarāba*, which, as we have learnt from the *Kitāb al-ʿUthmāniyya*, explicitly excludes *nasab* from the equation of virtue. In these passages, al-Jāḥiẓ claims to discuss all possible conceptions of *faḍl* with a clear purpose: to argue that Muʿāwiya never claimed to be imam by adducing any of the possible arguments. That is why, in addition to the aforementioned modalities of election, al-Jāḥiẓ includes a further description of the

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[703] See De Gifis, *The Theory of Virtuous Leadership*, 99; n.5.
[704] Al-Jāḥiẓ, *ʿUthmāniyya*, 270;3f.

opinions of those groups who claimed the imamate for an individual by virtue of a personal bequest (*waṣiyya*) or a hereditary transmission (*wirātha*).

In this treatise, al-Jāḥiẓ does not discuss the concept of *nasab* as a requirement to the imamate. The reference to the doctrines that take genealogy into consideration is incumbent to discuss whether Muʿāwiya ever used this argument to claim the imamate. The only reference to the *nasab* of Muʿāwiya is when Ibn Ḥassān mentions that some people from the Sufyāniyya, Marwāniyya and Ghaylāniyya claimed that Muʿāwiya, as ʿUthmān's nephew, had more reasons to fight ʿAlī than Ṭalḥa and Zubayr, and that he was worthier to the caliphate than both of them in virtue of his *nasab*[705]. But al-Jāḥiẓ does not discuss this commentary and he vehemently denies that Muʿāwiya had ever claimed to be imam. Similarly, al-Jāḥiẓ dismisses Muʿāwiya's sobriquet *khāl al-muʾminīn* as a mere denomination never intended to vindicate any role for him in the imamate[706]. The polemics concerning genealogical claims have been addressed by al-Jāḥiẓ in other treatises such as *Faḍl Hāshim ʿalā ʿAbd al-Shams*, a *mufākhara* mentioned in the *Taṣwīb ʿAlī* to demonstrate that the comparisons between Muʿāwiya and ʿAlī can only be found among the hyperbolic claims made in this genre[707]. Indeed, the polemics concerning the virtue of the imam analysed in all al-Jāḥiẓ's treatises compare ʿAlī with virtuous companions, especially Abū Bakr, but never with Muʿāwiya.

Overall, in the *Taṣwīb ʿAlī* al-Jāḥiẓ only deals with the concepts of *nasab* and *waṣiyya* in passing. The main point under discussion is the arbitration and it is evaluated according to the paradigm provided by the three modalities of election illustrated by the three first caliphs. Despite the clear historical references, I do not consider that al-Jāḥiẓ's model is inspired by the example of the Well Guided Caliphs; quite the opposite, these principles inspire al-Jāḥiẓ's interpretation of the Muslim past. This is evident if we contrast al-Jāḥiẓ's arguments with those attributed to ʿAlī. One of the oppinions of ʿAlī that al-Jāḥiẓ quotes in this treatise is a reproach to Muʿāwiya for aspiring to lead the community without having been elected according to any of the modalities used by the previous caliphs: *ijmāʿ* in the case of Abū Bakr, a *shūrā* in the case of ʿUthmān, and a direct designation by Abū Bakr in the case of

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[705] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 462;4f..
[706] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 424;15f.
[707] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 421;.2f. De Gifis argues that al-Jāḥiẓ makes a connection between *faḍl* and blood kinship in this treatise, *The Theory of Virtuous Leadership*, 107. I do not agree with this interpretation, as it is a *mufākhara* where al-Jāḥiẓ gives voice to the opinions of both parties.

ʿUmar. This last case is not admitted by al-Jāḥiẓ; he only considers the election of ʿUmar lawful because, according to his particular interpretation of history, he was the most excellent and was ratified by the *ijmāʿ* of the community. For ʿAlī and his partisans, the direct appointment (*naṣṣ* or *waṣiyya*) was a lawful way to succeed the previous leader and acquire the imamate, so ʿUmar should have not need the ratification of the *ijmāʿ*.

The main problem faced by al-Jāḥiẓ is epistemological, since for him *ijmāʿ* is not a source of legitimacy, but a guarantee to assess the correctness of the election. The question al-Jāḥiẓ tries to answer is, how can the community know that their election is adequate? The acquisition of knowledge is a pivotal concept in al-Jāḥiẓ's epistemology, and it is possible to pin down a clear argument that echoes his opinions on *maʿrifa* when evaluating the polemics concerning ʿAlī's right to become imam.

Al-Jāḥiẓ, who contends that ʿAlī was the most virtuous man of his time, rejects the notion that his worthiness may have been compromised by the disagreement of the *umma* with regard to his leadership. The discussion of the concept of *ijmāʿ* is ultimately based on the same considerations of *maʿrifa* and *dalīl* that al-Jāḥiẓ discusses in the *Kitāb al-ʿUthmāniyya*. Some people, says al-Jāḥiẓ, claim that Muʿāwiya argued: "I have arrived to this position by consensus (*ijmāʿ*), and I will not be displaced by dissension (*firqa*)"[708]. Al-Jāḥiẓ answer is that, in this case, the majority of the people are mistaken concerning the status of *ijmāʿ* in this situation (*yaghluẓūna fī ḥukm al-ijmāʿ fī hādha al-makān*)[709].

People, states al-Jāḥiẓ, reach a consensus (*ajmaʿū*) on the pre-eminence of the virtuous man (*al-fāḍil*) because of the virtue they have found in him; but they do not consider that he is virtuous because they have previously agreed upon his pre-eminence. Consensus follows the pre-existent virtue (*al-fadīla al-mawjūda*), but virtue does not stem from the consensus they may reach. Therefore, when the virtue of a man is evident (*bāriz^{an}*), it is incumbent upon people to reach consensus (*ijmāʿ*) on him as a direct consequence of their recognition of virtue. If there is difference of opinion, then only those who disagree are distanced from God, for the rightful position is to support the right of the virtuous. In any case, the virtuous man holds the rightful position; he should be thankful if people agree upon him, and

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[708] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 477;19.
[709] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 477;20f.

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patient when there is disagreement, but his lawful rights are never damaged by this lack of support[710].

The opposition to ʿAlī is the perfect example to illustrate al-Jāḥiẓ's contention concerning *ijmāʿ*. Since his virtue was evident (*faḍl ʿAlī ẓāhir*), those who agreed on his imamate were right; there was, as we know, an important disagreement, but those who positioned themselves against him were wrong and their opposition did not harm his rights because these rights did not result from *ijmāʿ*, but from his evident pre-eminence. Concretely, the disagreement and defection of Ṭalḥa, Zubayr, Saʿd, Muḥammad b. Maslima, Ṣuhayb b. Sinān and Salāma b. Salāma b. Waqsh did not invalidate ʿAlī's imamate nor indicate a fault in ʿAlī's discernment (*nāqiṣ min baṣīrati-hi*). Were that the case, says al-Jāḥiẓ, if ʿAlī would had had no other merit to deserve the imamate but their support, this agreement would have not been a solid proof of his worthiness, as their rejection of him does not prove his inadequacy[711].

This same argument is repeated afterwards in the course of a discussion that ultimately refers to the necessity of the institution:

"The right does not become his of necessity by virtue of consensus (*al-ḥaqq laysa yajibu la-hu bi-al-ijmāʿ*): this is only a proof (*dalīl*) of the worthiness, and the legal status of the position of the Prophet, peace be upon him, and of the rank of the imam, and of determining pre-eminence, because we know that it is a matter that has become necessary. As for that which we do not know, the legal decision concerning declaring preeminence (*ḥukm al-tafḍīl*) is incumbent on account of what is evident of the status, we cannot reject (*nuzīl*) an obvious judgement because of 'maybe' (*bi-al-ʿall*) and 'perhaps' (*bi-al-ʿasā*), for certainty (*yaqīn*) an only be dispelled with certainty"[712].

The treatment of *ijmāʿ* in the *Taṣwīb ʿAlī* is exactly the same as in the *Kitāb al-ʿUthmāniyya*, where al-Jāḥiẓ discusses the concept of knowledge from different perspectives and refers the reader to his *Kitāb al-Maʿrifa*. In the *Kitāb al-ʿUthmāniyya*, al-Jāḥiẓ discusses the ʿUthmāniyya's contention that God has elected an imam for

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[710] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 478;1-7.
[711] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 478;8-15.
[712] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 478;11-15.

the people as a sign (*dalāla*)[713], and argues against their opinion that signs (*dalāʾil*) are not knowledge (*maʿrifa*), and that the sign does not create knowledge. Concretely, there is a clear reference to the argument mentioned above: if someone asks -says al-Jāḥiẓ- who posseses the knowledge to indicate who is the most virtuous man (*man la-hum bi-maʿrifat al-rajul alladhī lā baʿda-hu*)?; he should be answered: "It is not incumbent upon people to fabricate knowledge (*laysa ʿalā al-nās an yaṣnaʿū al-maʿrifa*), they only have to elect [the most virtuous] when they recognise him and are able to set him up (*idhā ʿarafū-hu wa-istaṭāʿū iqāmata-hu*)"[714]. It should be emphasised that this is by no means an *argumentum ad hominem* particularly applied to the polemics concerning ʿAlī. We have seen how al-Jāḥiẓ uses the same reasoning to defend the worthiness of Abū Bakr[715] or, in a different context, to refute the probative value of consensus when Abū Bakr's arguments against Fāṭima were supported with an *argumentum ex silentio* (*tark al-nakīr*) which al-Jāḥiẓ emphatically rejected as a valid argument for assessing the correctness of the caliph's interpretation of the law[716].

To these ways of achieving the recognition of the community and become their leader, we should add a fourth issue under discussion: the possibility of deposing an imam. Albeit not discussed in abstract terms as in the *Kitāb al-ʿUthmāniyya*, this problem is addressed in different parts of this treatise as part of the broad discussion of the right of rebellion. As mentioned, one of the examples used by al-Jāḥiẓ to illustrate the equanimity of the Muʿtazila is the right to depose an unjust ruler. The Muʿtazilites reject both the extremism of the Khārijites and the quietism of the Murjiʾa, and al-Jāḥiẓ agrees with his masters that the community has the right to rebel against the unjust ruler. In the aftermath of the murder of ʿUthmān, ʿAlī was accused of being involved in the plot to assassinate the caliph. His opponents adduced this fact as a proof of his unworthiness by applying a recurrent analogy that compares the imam with the witness of a trial (*shāhid*). If an individual who lies or is involved in a crime cannot be accepted as a witness, how could he be accepted as imam? Of course, al-Jāḥiẓ denies that ʿAlī was responsible for the death of ʿUthmān, but the argumentation shows clearly the analogy between the *aḥkām*

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[713] "The people [from the ʿUthmāniyya] claim that God chose an imam for the people, and that He set for them a custodian (*naṣaba la-hum qayyim*) as a sign and a ay for Him to give clear signals (*ʿalā maʿnā al-dalāla wa-al-īḍāḥ ʿan-hu bi-al-ʿalāma*), but not as a direct appointment or naming (*lā ʿalā al-naṣṣ wa-al-tasmiyya*)", Al-Jāḥiẓ, *ʿUthmāniyya*, 277;7-9.
[714] Al-Jāḥiẓ, *ʿUthmāniyya*, 265;3-5.
[715] See Chapter 6, section 6.2.
[716] See Chapter 10, section 10.1.

and the imamate, also applied in the *Kitāb al-ʿUthmāniyya* and the *Jawābāt fī al-Imāma* in order to discuss an institution for which we cannot find any explicit definition in the sources of law, such as the imamate. This comparison is repeated when rejecting Saʿd's qualifications to be imam[717]. Although Saʿd transmitted the famous *ḥadīth al-manzila*, he did not support ʿAlī; this means that he was either lying when reporting a false tradition, or violating the *Sunna* when not pledging allegiance to ʿAlī if he had been appointed by the Prophet as it is stated in this *ḥadīth*. In both cases Saʿd incurs faults that prevent him from holding the imamate, faults which would merit the deposing of an imam, just as they are reason enough, in terms of *aḥkām*, to dismiss a witness or a judge (*ghayr imām wa-lā ḥākim wa-la shāhid*)[718].

Though briefly, al-Jāḥiẓ also deals in this treatise with the limits of the application of the rules described above. He is realistic enough to realise that these principles can only be respected in ideal conditions; indeed, the formulation of the principle of *ijmāʿ* is conditional: there cannot be *ijmāʿ* without freedom to openly express one's opinion. In the *Kitāb al-ʿUthmāniyya*, this issue is discussed in detail, and al-Jāḥiẓ argues that even the obligation of electing and setting up an imam should be suspended if the principles that guarantee the fairness of the election cannot be assured. According to al-Jāḥiẓ, it is incumbent upon those competent -i.e. the *Khāṣṣa*- to set up an imam, but only if it is possible (*lā naqūlu ayḍan inna ʿalā al-khāṣṣa iqāmat al-imām illā ʿalā al-imkān*)[719]. Of course, the conditions of possibility determined by the events that followed the murder of ʿUthmān are extremely restrictive, but these limitations are also taken into consideration when examining the accusations against ʿAlī and Mʿuʿāwiya. Al-Jāḥiẓ justifies ʿAlī's decision to accept the arbitration on the basis of this reasoning, as well as refuting the arguments in favour of Muʿāwiya's insurrection presented by his partisans.

Finally, it is worth mentioning that the relation between *mulk* and *nubuwwa* is also discussed in this treatise. It could have not been otherwise, since the Umayyads were accused of having perverted the legacy of Muḥammad by turning the imamate into a worldly kinship (*mulk*). In the *Taṣwīb ʿAlī*, however, this issue is intimately related to the debate on the legitimate use of violence, and its discussion is motivated by the quietism defended by Saʿd. According to al-Jāḥiẓ, the defenders

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[717] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 467;3f.
[718] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 468;19-20.
[719] Al-Jāḥiẓ, *ʿUthmāniyya*, 261;17.

of Muʿāwiya claimed that Saʿd was not worthy of participating in a *shūrā*: "It is not possible to become king (*malik*) or imam as a result of him, either in time of unbelief or in time of Islam (*fī al-kufr wa-lā islām*), because he who does not defend the king's helmet with his sword [ought to be] killed (*maqtūl*), and his authority is lost (*amru-hu ḍāʾiʿ*)"[720]. Saʿd could have never been a good advisor as his rejection of violence demonstrates that he does not understand human nature and the principles of prophethood.

Al-Jāḥiẓ agrees with this opinion. For him, power cannot be assured without some kind of coercion. In order to illustrate this idea he gives an example which is recurrent in his works, that of a man who claims to be a prophet:

"If a man among us would claim the prophethood, and mentions that he could give testimony of resurrecting the dead and walking on water, and then would claim that power (*mulk*) would remain stable without restraining it with sword and whip, we would know that he could never produce any sing [of his prophethood], or provide any witness to his claim (*daʿwā-hu*), unless a people were to arrive whose nature is contrary to ours, whose conditions are contrary to ours, whose customs are contrary to ours, and whose causes for acting are contrary to ours. But when the matter is in accordance with what we have seen in the nature of people nowadays, and with what we have heard concerning the nature of the Arabs in the *Jāhiliyya* and in Islam, and the non-Arabs in their past, then that is something impossible and no one who knows the world and what it contains would hold that.

That is why the Manichaeans (*zindiqs*) do not have a kingdom nor will ever have one, [and why] the Christians of Byzantium and Ethiopia have been constrained by these matters to defend themselves with the sword when they wanted to rule (*ḥīna raghibat fī al-mulk*), and when they inclined themselves towards the earthly realm, although the entire world knows that killing is not part of their religion nor part of their tenets.

Do not you see that God has never abandoned the world without sending a prophet who would bear arms, establish the requital of good and bad, and [sanction the] use of the sword and the whip? Or without attaching a king to him to defend prophethood with the might of his rule, while the prophet would call [others] to obey him through the mercy of [his] prophethood?" If one of them is removed from the world, then gentleness and strength must be united, be it in one person or in two.

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[720] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 471;5-7.

God has said: 'There is life for you in the legal retribution, O men of understanding' (Q.2:179). The much-praised proverb says: 'The death of the few brings the many to life'".[721]

This vindication of legitimate coercion in support of prophethood is the consequence of al-Jāḥiẓ's theories on human nature. Rivalry and ambition are natural characteristics of human beings. People should be constrained by religious laws in order to achieve wellbeing, and the coercive power of law depends on the extent of the requital. Indeed, we find here a clear reference to one of the basic tenets of the Muʿtazila that al-Jāḥiẓ explicitly addresses in other texts: the promise and the threat (*al-waʿd wa-al-waʿīd*)[722]. In this case, however, the reasoning is slightly different. The issue under discussion is the right to rebel against the unjust ruler rejected by Saʿd, and the point al-Jāḥiẓ wants to emphasise is that kings are also constrained by laws. The aspect of religion al-Jāḥiẓ takes into consideration applies only to the worldly realm, and the corollary of this reasoning is that the right to legitimate violence is a necessary instrument to prevent social disorder and, ultimately, also the tyranny of the kings:

"There is not a single king on Earth whose kingdom does not reach the borders of the kingdoms of other kings, and if he becomes Christian, the other kings do not become Christian with him; and if he becomes a Manichaean (*tazandaqa*), they do not become Manichaean with him. The kings do not establish religions out of desire for religious observances, but because they know that if they did not have a religion, the oath of allegiance [to them] would not be incumbent, and the pact of those in power and with authority (ʿ*aqd ūlī al-milk*) would not be firm after the oath [was taken], and [they know] that would not agree to fight those who rebel against the oath and seek to have it renewed. If there were no religion, material property would be despoiled; wives would be shared, kinship would not be known with certainty, and [as a consequence] no one would have an heir; there would be no marriage or divorce, nor ownership or manumission; there would be no delegation [of one's affairs to agents], no payment for services (*ajra*), no legal testimony (*shahāda*), no bequest (*waṣiyya*), no condition (*sharṭ*), contract (ʿ*ahd*), no fixed punishments [defined by God] (*ḥudūd*), no legal consequences (*qiṣāṣ*), retaliation

[721] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 471;11-472;9.
[722] Al-Jāḥiẓ, *ʿUthmāniyya*, 253;15, and *Hujaj al-Nubuwwa*, 265;13.

(*qawad*), and imprisonment (*ḥabs*); no acquiescence (*iqrār*) or refusal (*ikrār*); no legal action (*daʿwā*), oaths (*aymān*), selling and purchase agreements (*lā bayʿ wa-lā-shirāʾ*), and no legacies (*mīrāth*). [The king] is only keen to have religion because with it and in it lies the firmness of his rule (*mulki-hi*) and the consolidation of his power (*sulṭāni-hi*); after that, he does not care about what they say concerning God, or in what doctrine they hold what they declare permissible concerning God, or how things come about once that in which and with which his authority is firmly established has been raised"[723].

Al-Jāḥiẓ gives examples of different peoples to illustrate this point:

"If you are eager to know that what I say is true, consider what Khusraw said, despite his great discernment, concerning God and Iblīs, concerning the signs of Zarathustra, and his laws governing sexual intercourse with one's mothers and performing ablutions with urine; [consider] the religion of Caesar [i.e. the Byzantine emperor], and his statements concerning God, the Messiah and [St.] Paul; and [consider] the religion of the Arab kings and their worship of stones; and [the opinions of] the kings of India concerning Budha, the glorification of adultery and the cremation [of widows]. These are the leaders of the communities, consider how you find them with regard to their religions"[724].

This kind of reflection, common in the works of al-Jāḥiẓ, has often been interpreted as an excursus, a digression intended to amuse the reader. In this case it is entirely pertinent to his argument. The commentary on kings and religion was motivated by the critique of Saʿd's quietism, which, according to al-Jāḥiẓ, rendered him unworthy of participating in a *shurā*, let alone of being imam. But this speech is not only addressed to those who extol the virtues of Saʿd and claim that he was worthier that ʿAlī. As we have seen, this is an argument intended to demonstrate the natural inclination of kings towards tyranny, a vindication of the Muʿtazilite defence of legitimate violence against unjust rulers, and a critique of the quietist position of the Murjiʾa. Needless to say, this critique of kings also echoes the accusation of Umayyad neglect of religious obligations made by the ʿAbbāsids.

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[723] Al-Jāḥiẓ, *Taṣwīb ʿAlī,* 472;9-473;5.
[724] Al-Jāḥiẓ, *Taṣwīb ʿAlī,* 473;6f.

To summarise, al-Jāḥiẓ takes into consideration the four modalities to achieve the imamate defined in the *Kitāb al-ʿUthmāniyya*: universal acceptance of the candidate, *ijmāʿ*, *shūrā*, and, finally, the deposition of the unjust ruler and the consequent election of the imam according to any of the previous modes. Likewise, when vindicating the principles of the Muʿtazila, he defines clearly the concept of *kufr* and justifies the use of legitimate violence.

13.5. Al-Jāḥīẓ's Source Criticism in the *Taṣwīb ʿAlī*

A further concurrence between the *Taṣwīb ʿAlī* and al-Jāḥiẓ's other treatises on the imamate, especially the *Kitāb al-ʿUthmāniyya* is the influence of Shāfiʿite hermeneutics in the analysis of religious sources and, in this case, of the only document quoted at length, the so-called Arbitration of Ṣiffīn. According to al-Jāḥiẓ, the *qaḍiyya* is a falsification, and a simple textual analysis collating this text with other works attributed to ʿAlī is enough to demonstrate its falsity. Nonetheless, even if it were not possible to prove convincingly that this text does not report the real agreement between ʿAlī and Muʿāwiya, its probative value should be rejected, according to al-Jāḥiẓ, in virtue of the rules that determine the veracity of *akhbār*. This document is *ḍaʿīf* in terms of *isnād*: its first known transmitters were al-Zuhrī and Ibn Isḥāq, and they did not witness the events reported in the document. Furthermore, it cannot be admitted as proof because the knowledge of this *khabar* is not like that of the *khabar* which does not imply a privilege (*faḍila*) for the *khāṣṣa* over the *ʿāmma*, i.e. a common and widespread *khabar* that can be universally understood (*mustafīḍ*); on the contrary, this is the kind of *khabar* whose transmission should have passed personally from one relevant individual to another, and if the trustworthiness of all the transmitters cannot be attested, then the *khabar* is invalid as proof[725]. The same formulation of this principle is quoted in the *Kitāb al-ʿUthmāniyya* when describing the types of *khabar*, which, as we have argued, corresponds to al-Shāfiʿī's definition of *ʿilm*[726].

Another aspect that deserves some attention is the discussion of the *Sunna*. It has been noted by scholars that the *Taṣwīb ʿAlī* reports early polemics on the definition of this concept, concretely in al-Jāḥiẓ's rendering of the *qaḍiyya* of Ṣiffīn. Martin Hinds, who has devoted an article to this agreement and discussed al-Jāḥiẓ's

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[725] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 453;10. Compare *ʿUthmāniyya*, 253;4-5 (*khawāṣṣ ʿan al-khawāṣṣ min ḥamalat al-athar wa-ṭullāb al-khabar*).
[726] Al-Jāḥiẓ, *ʿUthmāniyya*, 252;7; and al-Shāfiʿī, *al-Risāla*, §971.

criticism of the text, has identified two versions of the Ṣiffīn agreement. For him, version A, which is the version of the document transmitted by al-Jāḥiẓ, is genuine, in contrast with version B, which shows a clear pro-ʿAlī bias and signs of having been counterfeited, such as extended *isnāds*. According to Hinds, al-Jāḥiẓ is compelled to minimise the importance of the document in order to support his arguments: if this agreement had been genuine it would have constituted a proof against ʿAlī and weakened al-Jāḥiẓ's defence. Hinds argues that al-Jāḥiẓ is especially concerned with the description of the *Sunna*[727], as he discusses this concept with those who accept the veracity of the document:

> "They [i.e the authors of the document] talk about the description of the *Sunna* (*waṣf al-sunna*) and they present it as fair and [as a *Sunna*] upon which there is agreement, not disagreement (*al-ʿādila wa-al-jāmiʿa ghayr al-mufarriqa*), but all *Sunnas* are fair, they all bring agreement and not disagreement. So which one of them, then, is [the *Sunna*], what is its sign (*ʿalāmatu-hā*), what cast doubt on it?
>
> That which shows you that this is corrupt is that it has never come to our notice that, from the time when the appointed [the arbiters] until their issue was decided, they ever discussed among themselves any of this, publicly or privately, nor ever sought any interpretation (*taʾwīl*) or produced any explanation (*tafsīr*). We have only heard that which has come down to us concerning them when they bargained (*murāwaḍa*): that the people, after their division, would only bow (*la yakubbūna*) to a man who had not wallowed in bloodshed and who had not sworn an oath of allegiance to anyone or owed no bloodshed to anyone. And this is contrary to this written stipulation, and the matter about which the verdict came about. Had he given [to the arbiters] but a line in the Book or of the *Sunna* simply as to which of them is more probative hands would have been the most conclusive indication (*adallu faqaṭ*) and they would have abandoned this [discussion] altogether"[728].

Al-Jāḥiẓ also claims that the text may have suffered additions and suppressions. Hinds also argues that these modifications mentioned by al-Jāḥiẓ refer precisely to the reference to the *Sunna*. According to Hinds, al-Jāḥiẓ wishes to understand the expression *al-sunna al-ʿādila wa-al-jāmiʿa ghayr al-mufarriqa* as a reference to the *Sunna* of the Prophet, and the realization that the whole affair is

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[727] Hinds, 'The Ṣiffīn Arbitration Agreement', 108.
[728] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 455;1f.

corrupt becomes clear for al-Jāḥiẓ "by the absence of any evidence that reference was subsequently made to the Qurʾān or the *Sunna*"[729].

My reading of these passages differs notably from Hind's interpretation of al-Jāḥiẓ's aims and methods. Al-Jāḥiẓ does not necessarily reject the authenticity of the document in order to undermine the credibility of ʿAlī's critics. His rejection of the document is entirely coherent with his treatment of the imamate and is a direct consequence of his theories. Al-Jāḥiẓ's critique is based, as we have commented, on the quality of the transmission of the report and on its formal characteristics, but also on the analysis of the content and the evaluation of its internal coherence. For him the content of this document is absurd not because the Qurʾān and the *Sunna* of the Prophet are not quoted, but precisely because these sources could have never been quoted. In any case, in a discussion concerning the imamate it may have been logical to discuss whether the Qurʾān and the *Sunna* refer to ʿAlī as imam in any instance, as some partisans of ʿAlī argued, but al-Jāḥiẓ insistently repeats that Muʿāwiya never claimed to be imam and this document treats them both as equals.

What the *qaḍiyya* states according to al-Jāḥiẓ's interpretation is that:

"[The arbiters] should scrutinize the Book of God and the *Sunna* of His Prophet -peace be upon him-; if the Book indicates (*dalla*) that ʿAlī is the imam, then ʿAlī is the imam, and the way of following the *Sunna* is like the way of following the Book. And they have to do they same when deciding upon Muʿāwiya"[730].

According to al-Jāḥiẓ it would have been absurd to write a document with such a formulation because there is no mention of Muʿāwiya in the Qurʾān or the *Sunna* and, more importantly, Muʿāwiya never claimed to be imam. That is why he asks, quite hyperbolically, where the Qurʾānic verses referring to Muʿāwiya are, and what kind of *Sunna* is that in which someone can find proof that Muʿāwiya was imam[731]. It is not the treatment of ʿAlī what renders this document illogical, but the treatment of Muʿāwiya: "If the document of the agreement required the arbiters to do this kind of scrutiny alone, then Muʿāwiya does not have any attainment, nor any link to this, nor any ambition"[732]. If, as al-Jāḥiẓ does, we accept the premise that

[729] Hinds, 'The Ṣiffīn Arbitration Agreement', 109.
[730] Al-Jāḥiẓ, *Taṣwīb ʿAlī,* 454;6-9.
[731] Al-Jāḥiẓ, *Taṣwīb ʿAlī,* 455;10-18.
[732] Al-Jāḥiẓ, *Taṣwīb ʿAlī,* 454;24-26.

Muʿāwiya and his followers never claimed the imamate for him, this document could have not been genuine.

Al-Jāḥiẓ also discusses the treatment of the sources of law when dealing with the accusation of *kufr*. As mentioned, one of the questions that motivate the disagreement between al-Jāḥiẓ and Ibn Ḥassān is the latter's claim that Muʿāwiya should be considered a *kāfir* because he acted against the *Sunna*. The particular contravention Ibn Ḥassān adduces is a recurrent topic in anti-Umayyad literature: Abū Sufyān's acknowledgment of paternity concerning Ziyād ibn Abī Sufyān, who was also recognised by Muʿāwiya as his brother.

According to Ibn Ḥassān, Muʿāwiya incurred in *kufr* when he decided to adopt Ziyād as brother (*iddiʿāʾ Ziyād b. Abī Sufyān*). Ibn Ḥassān invokes the principle of *al-walad li-al-firāsh*, sanctioned by prophetic *ḥadīths*, and argues that Muʿāwiya acted against the clearly enunciated rulings (*al-ḥukm al-manṣūṣ*), and changed the meaning of a self-explanatory expression (*badala hādha al-qawl al-mufassar*)[733]; therefore, he should be considered *kāfir*[734]. Al-Jāḥiẓ's defence is also formulated in terms of source criticism: firstly, if Muʿāwiya had acted against the clearly established principles of law (*radda al-manṣūṣ*), then the knowledgeable people of his time would have denounced this, let alone his enemies; but we do not have any notice of this. It would be necessary, argues al-Jāḥiẓ, to have an authorised *khabar* to support this accusation, which should be the kind of widespread *khabar* that belongs to the *ʿilm al-ʿĀmma* (*la-kāna al-khabar bi-hi mashhūr wa-la-kāna maʿrūf mustafīḍ*), and we do not have such a proof[735].

This analysis is determined by the principles of legal hermeneutics. Al-Jāḥiẓ agrees with Ibn Ḥassān that Muʿāwiya incurred many faults, among them the violation of many legal rulings of the Qurʾān and the *Sunna* (*nabdh kathīr min akhkām al-kitāb wa-al-Sunna*)[736]; but he also emphasises that Ibn Ḥassān's accusation implies that Muʿāwiya contravened the basic legal principles that do not admit any interpretation (*al-manṣūṣ wa-mā lā yaḥtamilu al-taʾwīl*), i.e. those principles that belong to the *ʿilm al-ʿĀmma*[737]. Were that the case, Muʿāwiya would have certainly incurred in a major fault, *kufr*; that is why al-Jāḥiẓ, in virtue of the principles of

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[733] On early discussions of this principle see Rubin, '*Al-Walad li-l-Firāsh*', *Studia Islamica*, 78 (1993): 5-26.
[734] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 448;10f.
[735] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 449;3-7.
[736] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 450; 10.
[737] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 449;4-5.

justice defended by the Muʿtazila and also the hermeneutical principles that he systematically applies, reproaches Ibn Ḥassān for accusing Muʿāwiya without an authoritative *khabar*, i.e. the kind of self-explanatory *khabar* considered *mustafīḍ*.

In this following section I shall be looking at the way al-Jāḥiẓ applies these paradigms to analyse the history of the first century of Islam and to refute the claims of the anti-ʿAlids who supported Muʿāwiya, the Shīʿites who argued that ʿAlī had received the imamate as a *waṣiyya*, and Ibn Ḥassān's misconceptions concerning *kufr* and the modalities of election of the imam.

13.6. ʿAlī and Muʿāwiya

Al-Jāḥiẓ's treatment of the polemics concerning ʿAlī is twofold: on the one hand, he refutes the arguments of those who accused ʿAlī of being an unworthy imam; on the other hand he rejects Ibn Ḥassān's contention that the arbitration was a mistake, thereby damaging ʿAlī's reputation and involuntarily casting doubt on his worthiness to become imam. Conversely, the polemics concerning Muʿāwiya are almost exclusively focused on Ibn Ḥassān's arguments that Muʿāwiya was unworthy of holding the imamate, and that he should be condemned as an unbeliever (*kāfir*) for contravening the prescriptions of the *Sunna* and the Qurʾān.

The accusations directed against ʿAlī deal mainly with his involvement in the death of ʿUthmān and the correctness of the arbitration. One of the reasons for the *fitna* reported by al-Jāḥiẓ is that some people considered ʿAlī responsible for the death of ʿUthmān, directly or indirectly (*huwa alladhī qatala-hu aw kāna al-sabab li-qatli-hi*)[738]. This murder had direct consequences for his status as successor of the deceased caliph. The defenders of Muʿāwiya claimed that ʿAlī was unworthy of the imamate in virtue of the analogy based on the laws regulating the *aḥkām*:

"Then, he who kills the imam of the Muslims would not be, in their view, liable to [the same rules which apply to] the one who kills a man from among the common Muslims, yet the killer of a believer is for them someone who deviates [from the path of God] (*ḍāll*); someone who deviates like this cannot be a witness (*shāhid*), so how can he be a judge (*ḥākim*) according their view? And someone who cannot be a judge according to them, how can he be an imam according to them?"[739].

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[738] Al-Jāḥiẓ, *Taṣwīb ʿAlī,* 425;11.
[739] Al-Jāḥiẓ, *Taṣwīb ʿAlī,* 425;13-16.

For his critics, ʿAlī had contravened the laws as he had been involved in the death of a Muslim. Consequently, his opponents claimed to be legitimated to rebel against him and to elect a worthier individual in his place; in this case, they argued that anyone who enforces the law by seeking justice and prosecuting the person responsible for the crime would be considered worthier than ʿAlī:

> "He who prevents the deviated from taking hold of the imamate is more rightful than him for the imamate, and the worthiest man to hold the position of the imam is he who orders him to satisfy the price of his blood (*ṭalab bi-dammi-hi*) and yield himself so that the son and the avenger of blood would take what is rightful from him"[740].

ʿAlī's involvement in the death of ʿUthmān is vehemently denied by al-Jāḥiẓ, who claims that, thanks to Muʿāwiya, only the populace and the zealots believed this. It is worth noting, in this regard, that this accusation may have been accepted by both rivals and partisans of ʿAlī. Some radical Shīʿites seemed to believe that ʿAlī was responsible for the death of the caliph and that this should be viewed as meritorious because ʿUthmān was an unjust ruler and his death was deserved. Indeed, in a fragment preserved in a work devoted to the assassination of the caliph that may well have been part of the *Taṣwīb ʿAlī*, al-Jāḥiẓ reports a tradition according to which ʿAlī was responsible for poisoning Abū Bakr and instigating the assassination of ʿUmar and ʿUthmān. For al-Jāḥiẓ, this report must have been an invention of the Rāfiḍis, who praised ʿAlī for these alleged crimes[741]. According to Wilferd Madelung, this claim should be taken as mere anti-Shiʿīte slander on the part of al-Jāḥiẓ[742].

In any case, in the *Taṣwīb ʿAlī* al-Jāḥiẓ clearly states that the accuser aimed to sow doubt among stupid and gullible people (*ahl al-ghibā wa-al-ghafla*), or those blinded by their bigotry (*man yuʿmī-hu hawā-hu*)[743]; and that the intelligent people never believed these lies[744]. For al-Jāḥiẓ, this accusation was unfair and brought ʿAlī great suffering, but he emerged victorious from a test to which no one had been put

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[740] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 425;16-18.
[741] Ibn Bakr, *Al-Tamhīd wa-al-Bayān fī Maqtal al-Shahīd ʿUthmān*, 179-181.
[742] Madelung, *Succession to Muḥammad*, 70, n. 47.
[743] Al-Jāḥiẓ, *Taṣwīb ʿAlī,* 425;11-12.
[744] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 461;16f.

before[745]. This is one of the motifs used by al-Jāḥiẓ to demonstrate the virtue of ʿAlī. Asma Asfaruddin has used the concept "theology of suffering" to refer to this doctrine of value which transforms the imam's forbearance before tribulation into a virtue with clear charismatic overtones, even more commendable than active resistance[746]. In this regard, al-Jāḥiẓ reports that some people considered that ʿAlī was more virtuous (*afḍal*) than Abū Bakr and ʿUmar precisely because he had to overcome such adversities[747]. It is worth mentioning that both the vindication of suffering and the expression used to denote these tribulations (*umtuḥina*) occurs in the works of al-Jāḥiẓ only when he refers to Abū Bakr, ʿUmar, ʿAlī and al-Maʾmūn[748].

Besides the involvement in the murder of the caliph, ʿAlī was accused of being mistaken when accepting the arbitration or, what is worse, of having been deceived by Muʿāwiya. This accusation is also discussed according to the principles of the imamate we have commented on. The assassination of ʿUthmān initiated a period of social disorder in which it was incumbent upon the imam to seize control and impose his authority by fighting against the rebels. One of the major accusations against ʿAlī is that he showed that he was incapable of assuming this responsibility when he accepted the arbitration. According to al-Jāḥiẓ, three main recriminations were made by different groups:

1. Some people accepted the arbitration, but claimed that the election of Abū Mūsā was an error as there were more intelligentand more sincere advisors in ʿAlī's army[749].

2. Some argued that men should not judge what God had already decreed, for the Qurʾān states: "If two parties of believers take up arms the one against the other, make peace between them. If either of them unjustly attacks the other, fight against the aggressors till they submit to God's judgement" (Q:49,9); and also: "As for the man or woman who steals, cut off their hands to punish them for their crimes. That is the punishment enjoined by God" (Q:5,38). Therefore ʿAlī -or anyone else for that matter- should not seek arbitration concerning the punishments defined by God, and so it was not

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[745] Al-Jāḥiẓ, *Taṣwīb ʿAlī,* 435;20f.
[746] Afsaruddin, 'Lections from the Past",187.
[747] Al-Jāḥiẓ, *Taṣwīb ʿAlī,* 437;11f
[748] See above Chapter 11, section 11.2
[749] Al-Jāḥiẓ, *Taṣwīb ʿAlī,* 438;1-3.

for him or anyone else to seek arbitration as to whether *al-fiʾa al-bāghiya* should be fought, as this is a duty clearly expressed in the Qurʾān[750].

3. Some claimed that ʿAlī should have not withdrawn from a fight to which he had summoned his partisans. The withdrawal would have been excusable if his army were weak, but if that were the case he should have known that it is a religious duty not to expose the few he had with him to a more numerous enemy. Conversely, if his army were stronger, then he would not have any excuse. In any case, he committed an error that cast doubt on his military skills and, as a consequence, on his excellence and his worthiness as imam[751].

Point 2 reports the position of the Khārijites, for whom the murder of ʿUthmān was a necessary and rightful act. They argued that ʿAlī should have joined Muʿāwiya and his partisans in combat because that is what the Qurʾān stipulates. Al-Jāḥiẓ does not discuss this claim any further; in this treatise he only refers to the Khārijites to denounce their extremism when dealing with the right to use violence.

Points 1 and 3 correspond to the critiques of the partisans of Muʿāwiya that are discussed at length by al-Jāḥiẓ. Al-Jāḥiẓ's interpretation of ʿAlī's acceptance of the arbitration is also based on his analysis of the conditions pertaining to the election of an imam. For him, ʿAlī did not have any other choice but to accept the arbitration as the best solution. This does not mean that he was neglecting his duty, and thereby losing his right to be imam, as the Khārijites claimed; or that Muʿāwiya, who according to his partisans was more skilled in the arts of war, deceived him and forced him to take a wrong decision, as Ibn Ḥassān claims in his naïve attempt to exonerate ʿAlī from the consequences of the arbitration. Al-Jāḥiẓ refutes these arguments in terms of military strategy; for him it was not a deception on the part of Muʿāwiya, quite the opposite: ʿAlī was the deceiver because his army was divided by tribal partisanship[752], and his soldiers were tired and homesick[753]; the arbitration was only a strategy to gain time. On the other hand, it does not in fact mean that this modality of election was not valid. It is true that ʿAlī was not universally accepted, and that in these conditions it would have been impossible to proceed to

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[750] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 438;3-11.
[751] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 438;12-20.
[752] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 436;18f.
[753] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 444:16f

the election of the imam by *ijmāʿ*, as any decision would have been invalidated by the suspicion of acting under coercion or using *taqiyya* to avoid retaliation. But, was the arbitration a lawful choice?

Point 1 conveys two reproaches, firstly that ʿAlī had not convoked a *shūrā* to decide upon the succession of ʿUthmān; secondly, that when he accepted the arbitration he chose Abū Mūsā. The partisans of Muʿāwiya accused ʿAlī of taking possession of the imamate unlawfully as he did not follow the custom of the previous caliphs: there was no direct appointment accepted by the community, there was division and not consensus, and he did not summon the notables who participated in ʿUmar's election to convoke a new *shūrā*. As we have seen, al-Jāḥiẓ does not even take into consideration the *waṣiyya* of the Prophet alleged by the Shīʿītes; his discussion is focused on the possibility of *ijmāʿ* and the convenience of a *shūrā.*

According to the principles discussed by al-Jāḥiẓ, *ikhtilāf* cannot be admitted as a proof against ʿAlī's rights because in these circumstances *ijmāʿ* would have been invalid, even if it may have been eventually achieved. Consensus is valid only when it is reached freely and without coercion, not in the midst of a civil war[754]. Moreover, as can be deduced from al-Jāḥiẓ's epistemological considerations, *ijmāʿ*, when this exists, is only a sign (*dalīl*) of the rightfulness of the imam, but his rights do not emanate from the consensus of the people, just as they cannot be invalidated as a result of *ikhtilāf*. The rightfulness of the imam depends on his virtue, not on the recognition of his virtue.

The question whether ʿAlī should have convoked the remaining members of the *shūrā* of the six to set up a new process of election is discussed from different points of view. Firstly, al-Jāḥiẓ evaluates the qualities of the remaining members of the group. After the death of ʿAbd al-Raḥmān b. ʿAwf and the murder of ʿUthmān, there were only four of them left: Saʿd, Ṭalḥa, Zubayr and ʿAlī himself. Ṭalḥa and Zubayr were not worthy of inclusion in the *shūrā,* according to al-Jāḥiẓ, because of their initial pledge of allegiance to ʿAlī and their ulterior defection[755]; Saʿd's quietism and his contradictory attitude towards ʿAlī, whom he did not support despite his report of the *ḥadīth al- manzila*, rendered him unworthy of being in the *shūrā*[756].

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[754] Al-Jāḥiẓ, *Taṣwīb ʿAlī,* 470;8f
[755] Al-Jāḥiẓ, *Taṣwīb ʿAlī,* 471;4f , 473;12-13 and 480;1f.
[756] Al-Jāḥiẓ, *Taṣwīb ʿAlī,* 467;19-20, 473;13-14 and 481;6f.

Secondly, al-Jāḥiẓ discusses the pertinence of following the model of ʿUmar. He refutes the arguments of those who criticise ʿAlī by pointing out that, while they accept the changes introduced by previous caliphs, they criticise ʿAlī for accepting an arbitration: Abū Bakr elected ʿUmar, but ʿUmar did not appoint a caliph himself, he convoked a *shūrā*, thereby modifying the practice (*tadbīr*) and the custom (*sīra*) of his predecessor[757]. The administration of affairs (*tadbīr al-umūr*), affirms al-Jāḥiẓ, should be modified according to the circumstances[758]. It is important to emphasise that although al-Jāḥiẓ applies a *reductio ad adsurdum* to highlight the internal contradictions of his opponents' arguments, he is very careful not to contradict his own principles; unlike other authors, he refers to these practices as *tadbīr* or *sīra*, not *Sunna*, according to his contention that there is no *Sunna* concerning the imamate.

But how can al-Jāḥiẓ defend the arbitration if he did not consider this practice among the modalities of electing the imam discussed in this treatise or in his other texts? Again, this contradiction is only apparent; the entire argumentation of al-Jāḥiẓ is predicated upon the fact that Muʿāwiya and his supporters never claimed the imamate for him. The arbitration, unlike the *shūrā*, was not intended to elect a candidate but to discuss ʿAlī's legitimacy.

As a response to the Khārijites, al-Jāḥiẓ states that ʿAlī accepted the arbitration in order to submit himself to the judgement of the people, not because he wanted to avoid battle (*taḥkīm al-rijāl dūna taʾkhīr al-qitāl*)[759]. ʿAlī, who claims to have occupied privileged positions with the previous caliphs without ever having been deposed, reproaches Muʿāwiya for asking him to withdraw and implies that he wanted to take his place:

"You have ordered me to withdraw (*iʿtizāl*) when I have not initiated anything legally unprecedented (*ḥadath*) or give refuge to anyone who has done so (*muḥdith*), and when you have not assumed [authority] by means of a *shūrā* or an election (*al-takhāyur*) as ʿUthmān did: ʿUthmān did not nominate you as Abū Bakr nominated (*naṣṣa*) ʿUmar, the community did not agree spontaneously upon you, as they did with Abū Bakr. So it is not for me to surrender to you, in times of discord (*fī al-firqa*), a precious possession (*ʿilq*) which I received from its people in times of concord (*fī al-*

[757] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 480;12f.
[758] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 480;19.
[759] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 445;7f.

jamāʿa). If you attack me for that which is in my hands, I will prevent you. If you leave me alone, I will give this to someone who is like the one who gave it to me. It is for me to prevent you with arms if you bear arms against me; and I will prevent you with proofs (*bi-al-ḥujja*) if you seek to acquire it from me with proofs"[760].

The response of Muʿāwiya that al-Jāḥiẓ reports, however, is not a vindication of his own merits to present himself as imam, but of his right to oppose an imam that he considers to be unjust. Again, al-Jāḥiẓ emphasises that Muʿāwiya did not claim the imamate for himself, as is clearly stated in this speech where Muʿāwiya compares the imamate with a precious possession and presents himself as the temporary custodian awaiting for the rightful owner:

> "You alleged that they said:
>
> Muʿāwiya said: this precious possession has come into my hands, and the right of the possessor of which (*ṣāḥib al-yad*) has also come to me; it is a treasure (*luqṭa*) which has been demanded from me by some of those who have not been proved to me that this treasure belongs to them [i.e. ʿAlī], either by means of irrefutable explanations (*bayyināt*), or by means of [sort of] signs (*ʿalāmāt*) with which entitlement to this treasure is proved by him who produces such signs to demonstrate entitlement to the treasure. I have the right (*muḥiqq*) to stop you, and you have no right (*mubṭil*) to demand this from me. If you fight me I will fight you to defend my rights, and if you refrain from me and wait, I will keep this for its [rightful] possessor until when he wants this from me. If Saʿd were to demand this from me without giving clear evidence that he has more rights to it than you and I give it to him, would I not be unjust to you?"[761].

The second reproach, a direct consequence of the arbitration, is focused on ʿAlī's election of Abū Mūsā as arbiter. Al-Jāḥiẓ defends the value of ʿAlī's candidate against his critics[762], but he also resorts to a bizarre interpretation of ʿAlī's decision in order to exonerate him from he result of his election. He suggests that ʿAlī suspected that Muʿāwiya would try to persuade the arbiters to admit that ʿAlī was an unworthy candidate and he deserved the caliphate, even when he knew that it was absolutely false (*huwa ʿalā al-yaqīn anna Muʿāwiya lā yaṣluḥu li-al-khilāfa fī ḥāl min al-*

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[760] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 466;1-8.
[761] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 466;9-16.
[762] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 431;4f.

aḥwāl). If he had appointed an arbiter more respectful than Abū Mūsā from among the people who participated in the battles of Badr or Ḥudaybiyya, and he and, after him, his companions had supported Muʿāwiya, then they would have been wrong (*mukhṭiʾīn ghayr muṣībīn*) and this would have damaged not only ʿAlī's cause, but the very institution of the caliphate and the entire community, as their most important members would have shown that they had deviated from the path of God (*ḍullāl ghayr muhtadīn*). In contrast, if someone like Abū Mūsā were mistaken, his error would affect ʿAlī's interest only and not the institution[763].

To summarise, it is evident that al-Jāḥiẓ does not consider that the arbitration was a process similar to a *shūrā* where two candidates presented themselves for the imamate. As he insistently argues, Muʿāwiya never claimed to be imam, that is why al-Jāḥiẓ does not contradict himself when he bases his analysis on the three modalities of election corresponding to his interpretation of the accession to the caliphate of Abū Bakr, ʿUmar and ʿUthmān. Likewise, according to his definition of *ijmāʿ* as a *dalīl*, the worthiness of ʿAlī, who was the rightful imam as he was the more virtuous (*afḍal*), is not harmed by the division and the opposition he received. For al Jāḥiẓ, his acceptance of the arbitration was a way of gaining time in a situation where no proper election could have been made, and his appointment of Abū Mūsā an artifice to protect the community from further division in case the most notable companions would have been trapped by Muʿāwiya's deception.

As for al-Jāḥiẓ's refutation of Ibn Ḥassān's arguments concerning Muʿāwiya, it is evident that it was part of an internal debate among Muʿtazilites. Although al-Jāḥiẓ refers to previous quarrels about which we do not have further information, the discussion with Ibn Ḥassān in the *Taṣwīb ʿAlī* was mainly focused on the consequences of his faulty argumentation. For al-Jāḥiẓ, the mistakes that render Ibn Ḥassān's reasoning invalid, to the extent of damaging both the rights of ʿAlī that Ibn Ḥassān's claims to defend and the reputation of his school, the Muʿtazila, are two: his contention that Muʿāwiya claimed to be imam, and the accusation of *kufr* he directs against him.

The first reproach al-Jāḥiẓ addresses to Ibn Ḥassān is, in fact, that he uses a faulty argument when comparing Muʿāwiya with ʿAlī[764]. The terms of the comparison are incorrect because Muʿāwiya was only a common Muslim and had no part in the

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[763] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 442;10f.
[764] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 420;18f.

imamate (*laysa li-Muʿāwiya fī al-imāma ḥaẓẓ*)[765]. If we pay attention to al-Jāḥiẓ's strategies it is evident that this argument, rather than a defence of Muʿāwiya, is a necessary condition to assess the lawfulness of ʿAlī's decisions. As we have argued, al-Jāḥiẓ applies the paradigm defined by the three modalities of election to discuss the content of the *qaḍiyya*, and also to interpret and justify ʿAlī's acceptance of the arbitration. If, as Ibn Ḥassān affirms, Muʿāwiya had presented himself as imam, then ʿAlī's acceptance of the arbitration would have been, in fact, a call to a *shūrā* to decide between him and Muʿāwiya. This would have been a mistake on the part of ʿAlī for, as al-Jāḥiẓ states, a *shūrā* would have been invalid in these circumstances (*anna al-muslimīn lam yatashāwarū qaṭṭ fī amr al-imāma fa-mā dūna-hā fa-iftaraqū illā ʿan ghayr ikhtilāf*)[766]; hence his insistence on presenting Muʿāwiya as a common Muslim. In al-Jāḥiẓ's particular interpretation of the *fitna*, Muʿāwiya rebels against an imam that he considers unjust for his alleged involvement in the murder of ʿUthmān, but he never tries to present himself as imam.

It is worth noting, however, that al-Jāḥiẓ acknowledges both the many virtues of Muʿāwiya (*ʿaql, ḥilm, dahāʾ, fahm, nukrā, ḥazm, suʾdad, ʿazm, al-bayān al-ʿajīb, al-ghawr al-baʿīd*)[767]; and his faults, including the violation of many legal principles of the Qurʾān and the *Sunna* (*nabdh kathīr min aḥkām al-kitāb wa-al-sunna*)[768]; but it does not mean that he or his partisans ever claimed the imamate for him. According to al-Jāḥiẓ, the argumentation of Ibn Ḥassān was based on defective sources and reports transmitted by inexpert people, concretely by *mutakallimūn* who lack the expertise of the top-rank *aṣḥāb al-akhbār*, but instead base their arguments on tendentious reports[769]. They reported the opinions of Muʿāwiya as theologians do when they transmit reports (*hādhihi al-masālik laysat masālik al-ruwāt wa-inna-mā hiya masālik al-mutakallimīn idhā kānū ruwāt^{an}*)[770], and Muʿāwiya and his contemporaries such as ʿAmr b. al-ʿĀṣ and al-Mughīra b. Shuʿba did not know anything about the arts of disputation (*ṣināʿat al-kalām*)[771].

The second point discussed with Ibn Ḥassān is the denunciation of *kufr*. The motive adduced by Ibn Ḥassān to justify his accusation is that Muʿāwiya violated the

[765] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 420;18-19.
[766] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 470;8-10.
[767] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 423;7-8.
[768] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 450; 10.
[769] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 475;12-476;6.
[770] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 476;14-15.
[771] Al-Jāḥiẓ, *Taṣwīb ʿAlī*, 477;5.

Qurʾān and the *Sunna* when he accepted Ziyād ibn Abī Ṣufyān as his brother. The apology of the Muʿtazila al-Jāḥiẓ makes in this treatise is entirely relevant to his refutation. As we have seen, al-Jāḥiẓ bases his arguments on the Muʿtazilite principles of justice in the debate (*ʿadl*) and the intermediate position (*al-manzila bayna al-manzilatayn*), as well as in the legal hermeneutics concerning the transmission of *akhbār*. His defence of Muʿāwiya is entirely consistent with the treatment of the sources of law and the principles of his school that al-Jāḥiẓ makes in cognate treatises. According to Ibn Ḥassān, Muʿāwiya's fault is inexcusable because he violated one of the legal principles that can be known by all people alike (*ʿilm al-ʿĀmma*), a self-explanatory rule explicitly stated in the sources that does not admit any interpretation (*al-manṣūṣ wa-mā lā yaḥtamilu al-taʾwīl*). Al-Jāḥiẓ's answer is that in order to support this claim it is incumbent upon the accuser to provide a widespread *khabar* (*mustafīḍ*). Since this *khabar* does not exist, this accusation is untenable and, in conformity with the Muʿtazilite principles, no one can be considered *kāfir* if there is any doubt about his state.

The other accusation that Ibn Ḥassān makes is that Muʿāwiya contravened the *Sunna* when he appointed his son as successor. It is not difficult for al-Jāḥiẓ to demonstrate that appointing Yazīd does not contravene any *Sunna*. This opinion is consequent upon his affirmation that Muʿāwiya was not an imam and never claimed to be one, therefore the principles governing the election of the imam cannot be applied to his appointment of Yazīd as heir apparent, for Yazīd was not an imam either. Moreover, for al-Jāḥiẓ there is nothing unlawful in appointing a son as successor as long as he is the most virtuous candidate, which, in practice, means that his excellence should be recognised by the community.

13.7. Conclusions

The *Taṣwīb ʿAlī*, as it has come down to us, is an extremely complex text and the presentation of the information is highly fragmented, but this does not mean that it is devoid of all logic. Al-Jāḥiẓ's interpretation of ʿAlī's acceptance of the arbitration is based on the same hermeneutical and epistemological principles he applies in the rest of his works on the imamate and the arguments of the *Taṣwīb ʿAlī* are similar to those of the cycle of works on the imamate. Al-Jāḥiẓ defends the imamate of the most excellent and the elective nature of the insitution, taking into

consideration the same principles explained in the *ʿUthmāniyya.* His defence of Muʿāwiya against the accusation of *kufr* is also rooted in the epistemological considerations that govern his treatment of this subject in cognate works. In addition to the arguments concerning the polemics on the imamate, this treatise contains important information for the study of early Muʿtazilite thought.

Part 7. Conclusions

Chapter 14. Conclusions

14.1 Al-Jāḥiẓ's Treatises on the Imamate

The main objective of this dissertation was to understand the underlying logic of al-Jāḥiẓ's treatises on the imamate. A close reading these texts reveals, above all, the methodological limitations of any approach based on the ascription of these writings to a "doctrine of the imamate". On the one hand, al-Jāḥiẓ's treatises engage a series of debates that go far beyond the particular discussions concerning this institution and need to be related to a broader intellectual context. On the other hand, these works are not a homogeneous corpus: there is a clear difference between the cycle of works written for the same patron and usually referred to as *maqālāt –Kitāb* or *Maqālāt al-ʿUthmāniyya, Jawābāt fī al-Imāma, Kitāb* or *Maqālāt al-ʿAbbāsiyya*, and *Maqālāt al-Zaydiyya wa-al-Rāfiḍa -*, and the treatises conveying familiar or personal contests that I have denominated *mufākharāt -Faḍl Hāshim ʿalā ʿAbd al-Shams, Risāla fī Imāmat ʿAlī wa-Āli-hi, Risāla fī Banī Hāshim-*. The *Taṣwīb ʿAlī* should also be related to the group of *maqālāt* in terms of form and methodology, even though it does not belong to that cycle of works on the imamate.

Both groups of works obey different logic. As regards the discursive universe to which the *maqālāt* belong, it is possible to identify two clear paradigms underpinning all the argumentations: Muʿtazilite epistemology and ethics, and legal hermeneutics. The treatment of the notion of the imamate is systematically scrutinised on the basis of a clear premise: the necessity of the institution should be demonstrated either with the Qurʾān, the *Sunna,* or rational examination (*ʿaql)*. The probative value of the revealed sources is discussed by applying hermeneutical techniques of a clear Shāfiʿite inspiration and the legal implications of the duty of setting up an imam are evaluated according to Muʿtazilite epistemological and ethical concepts.

The generic conventions governing the cycle of *maqālāt* and the *mufākharāt* help us to understand the apparent contradictions in al-Jāḥiẓ's methodology: whereas the aforementioned paradigms are always used in the *maqālāt* and the *Taṣwīb ʿAlī*, the *mufākharāt* collect arguments *ad hominem* that often rely on genealogy and refer to eschatological motives. The discussion of the imamate in al-

Jāḥiẓ's *maqālāt* never countenances the legitimising value of genealogy or any merit of the imam based on his links with prophethood or God; these arguments that fall beyond the realm of reason only appear in the *mufākharāt.* We do not know how these characteristics were evaluated by the ʿAbbāsid readers, but it is evident that these two different kinds of works served different purposes and it is a mistake to take them as a unified corpus when seeking to determine al-Jāḥiẓ's coherence and systematicity. In this regard, it is possible to conclude that al-Jāḥiẓ's treatment of the polemics on the imamate is coherent and systematic.

14.2. Hermeneutics

One of the most important findings of this research is the centrality of legal hermeneutics in al-Jāḥiẓ's treatment of the imamate. The striking similitude with al-Shāfiʿī's methodology is evident in a number of textual parallelisms and in the application of hermeneutical techniques based on principles of source interaction.

This methodology is especially clear in the refutation of the Rāfiḍa preserved in the *ʿUthmāniyya*, where the evaluation of the probative value of the sources adduced in support of the imamate of ʿAlī always follows the same process. The first step is to discern whether the authorities belong to the *ʿilm al-ʿĀmma* or the *ʿilm al-Khāṣṣa.* The notion of imamate defended by the Rāfiḍa, which implies that the obedience to ʿAlī and his family is an universal duty whose violation results in unbelief (*kufr*), should necessarily be supported by sources belonging to the *ʿilm al-ʿĀmma*, as otherwise the ignorance of the law might prevent from the fulfilment of the legal duties. In order to discern whether a Qurʾānic verse or *ḥadīth* can be understood literally (*naṣṣ*) and therefore be considered part of the *ʿilm al-ʿĀmma*, the ʿUthmānīs apply the rubrics *jumla/naṣṣ*, *ʿāmm/khāṣṣ*, and analyse *ḥadīth* in terms of transmission and content.

These hermeneutical principles and, especially, the differentiation between *ʿilm al-ʿĀmma* and *ʿilm al-Khāṣṣa* underpin the argumentation of other treatises, such as the *Jawābāt fī al-Imāma* and the *Maqālāt al-Zaydiyya wa-al-Rāfiḍa.* Furthermore, the *Kitāb al-ʿAbbāsiyya* discusses the concept of abrogation in terms of source interaction.

The clear Shāfiʿite inspiration of these methods does not imply that either al-Jāḥiẓ or the groups to whom he gives voice agreed with all of al-Shāfiʿī's

conclusions. The most important difference between the Shāfiʿite model and the paradigm applied by al-Jāḥiẓ in these treatises is the rejection of the *khabar al-wāḥid*; it is also possible to conclude that the discussion of abrogation in the *Kitāb al-ʿAbbāsiyya* allows inter-source abrogation, a technique not admitted by al-Shāfiʿī. In any case, al-Jāḥiẓ's texts on the imamate clearly prove the existence and systematic use of sophisticated hermeneutical paradigms in the third/ninth century and challenge many current assumptions concerning the origins of Islamic law.

14.3. Principles of the Imamate

In addition to the opinions of the groups represented in al-Jāḥiẓ's treatises, it is possible to identify the author's own ideas about the imamate. For al-Jāḥiẓ, the principles of the imamate were not revealed in a form that could be universally understood, i.e. they do not belong to the *ʿilm al-ʿĀmma*, as the Rāfiḍa claim, but to the *ʿilm al-Khāṣṣa.* Unlike the ʿUthmānīs and the Zaydīs, who adduce that the Qurʾān contains signs (*dalāʾil*) concerning the imamate that can be interpreted by the experts, al-Jāḥiẓ argues that the revelation is silent in this regard and the necessity of the imamate should be proved by reason alone.

The necessity of the imamate is proved by al-Jāḥiẓ by appealing to two concepts: God's justice and human nature. God has created humans in such a way that their nature is governed by opposite impulses that may lead them astray. God revealed His laws to bring equilibrium to these impulses and make it possible for human beings to respond to His grace as moral agents (*mukallafūn*), but not all people are able to understand these laws. *Taklīf* is only possible for al-Jāḥiẓ in virtue of the guidance provided by messengers, prophets and imams, who ensure the universal implementation of God's commands and prohibitions. Consequently, for al-Jāḥiẓ the imamate is as necessary as prophecy, and it is a duty upon the community to set up an imam.

Since the principles of the imamate cannot be understood by all people alike, setting up an imam is a duty exclusively of the *Khāṣṣa* and only when it is possible, as God would not impose upon His subjects a duty which they cannot fulfil. The imam should be the most excellent individual in terms of service to Islam and knowledge and can attain the imamate by different ways: he can be appointed after the deposition of an unjust ruler, he can be set up without further consultation if he

is universally recognised as the most excellent by the community, or he can be elected by the *Khāṣṣa* in a *shūrā.*

14.4. Muʿtazilite Principles

Al-Jāḥiẓ's discussion of the imamate is deeply rooted in Muʿtazilite thinking and these works offer interesting insights into early Muʿtazilism that have been overlooked by scholars. In addition to the epistemological considerations that underline the treatment of the concept of knowledge, it is possible to identify a clear use of the notions later systematised as the Muʿtazilite *al-uṣūl al-khamsa.* Al-Jāḥiẓ does not refer explicitly to any of these tenets as part of a defined doctrine, but they are *de facto* pivotal concepts in his treatment of the problems of the imamate:

- *Tawḥīd*: Al-Jāḥiẓ's treatment of *taklīf* and human agency is directly related to the discussion of God's omnipotence and the problem of secondary causality. These treatises are more focused on epistemology than on ontology, but the discussion of *qadr* underlines many of the arguments, to the extent that al-Jāḥiẓ explicitly distances himself from the Jahmiyya in the *Kitāb al-ʿUthmāniyya.*

- *ʿAdl*: Divine justice is repeatedly invoked in all the discussions of the concept of duty. For al-Jāḥiẓ, God cannot impose a duty that cannot be fulfilled by His subjects; this principle is behind the categorization of knowledge, the discussion of *kufr* and the definition of the duty of setting up an imam.

- *Al-Waʿd wa-al-waʿīd*: The principle of the promise and the threat is implicit in al-Jāḥiẓ's discussion of human nature and the way God brigs equilibrium to the innate impulses of His creatures with laws whose abidance guarantees their material and spiritual wellbeing, and their salvation in the afterlife.

- *Al-Manzila bayna al-manzilatayn*: The principle of the 'intermediate position' is explicitly discussed by al-Jāḥiẓ in the *Taṣwīb ʿAlī*, and the concept of *kufr* is also debated in other instances in relation to the categorization of knowledge, the concept of duty and the different degrees of legal responsibility.

- *Al-Amr bi-al-maʿrūf wa-al-nahy ʿan al-munkar*: This principle is discussed in the context of the modalities of setting up an imam debated in the *ʿUthmāniyya* and the *Taṣwīb ʿAlī*. In this latter work, al-Jāḥiẓ argues that the etymology of the term *iʿtizāl* is related to this principle, since it refers to the withdrawal from the

extreme quietist position of the Murjiʾa and the radicalism of the Khārijites concerning the right to rebel against the unjust ruler.

It is impossible to know whether al-Jāḥiẓ was applying already established concepts to analyse the notion of the imamate, or whether these tenets might have stemmed from these early debates on the institution, but their use in this context is extremely significant for the study of early Muʿtazilism.

14.5. Further Implications

The implications of the findings of this research go beyond the particular figure of al-Jāḥiẓ. Scholars have made wide use of al-Jāḥiẓ's works to write the history of the Early ʿAbbāsid period, especially that of the early third/ninth century. For many, this author epitomises a combative Muʿtazilism against the adherents of the *ahl al-ḥadīth* and intellectual support of the religious policies of al-Maʾmūn. If anything, al-Jāḥiẓ's treatises on the imamate show clearly that these two assumptions are not supported by the sources: al-Jāḥiẓ's conception of the imamate is diametrically opposed to that of al-Maʾmūn, his position concerning *ḥadīth* and the *ḥadīth* scholars is extremely respectful and, more importantly, *ḥadīth* plays a pivotal role in his system of thought and holds the same status as the Qurʾān, at least in terms of authoritative value. The Jāḥiẓ that we see in these treatises does not fit the dichotomous interpretation of conflict between court and urban masses, and seems to advocate a middle ground that combines different groups regarded as incompatible by scholars.

The importance of these treatises for current interpretations of early Muʿtazilism and the origins of legal theory is equally significant. As we have seen, the treatment of many notions intimately related to *al-uṣūl al-khamsa* is consubstantial with the discussion of legal aspects and the application of hermeneutical techniques of Shāfiʿite inspiration. The close relationship between legal hermeneutics and Muʿtazilism that we find in al-Jāḥiẓ's treatises on the imamate allows us to see these principles in a new light and forces us to re-evaluate many assumptions concerning the intellectual history of this period.

Bibliography

Bibliography

The words *Kitāb* and *Risāla* are ignored in terms of alphabetical order. When there are several editions of the same work, I will list in first placed the main edition used in this dissertation.

1. Al-Jāḥiẓ's Works

Manuscripts:

Staatsbibliothek zu Berlin, Ms. 10325: al-Jāḥiẓ, *Mukhtar min Kalam Abī ʿUthmān al-Jāḥiẓ*

British Library, Ms. Delhi Arabic 158/b. Untitled, containing the two epistles attributed to al-Jāḥiẓ by al-Irbilī: *Risāla fī ʿAlī b. Abī Ṭālib wa-Āli-hi min Banī Hāshim* and *Kitāb al-Tarjīḥ wa-al-Tafḍīl*.

British Library, Ms. Or. 3727: Al-Manṣūr Ḥasan b. Badr al-Dīn Muḥammad, *Kitab Anwār al-Yaqīn fī Imāmat Amīr al-Muʾminīn*.

Edited works

Kitāb al-ʿAbbāsiyya, in *Rasāʾil al-Jāḥiẓ*, ed. Ḥasan Sandūbī (Cairo: al-Maktaba al-Tijāriyya al-Kubrā, 1933): 300-303.

Risāla fī ʿAlī b. Abī Ṭālib wa-Āli-hi min Banī Hāshim, in *Majmūʿ Rasāʾil al-Jāḥiẓ,* ed. Ṭaha al-Ḥājirī, 2nd ed. (Beirut: Dār al-Nahḍa al-ʿArabiyya, 1983): 47-59.

Al-Bayān wa-al-Tabyīn, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Maṭbaʿat Lajnat al-Taʾlīf, 1948).

Dhamm Akhlāq al-Kuttāb, in *Rasāʾil al-Jāḥiẓ*, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Maktabat al-Khānjī, 1964-79): II, 187-209.

Kitāb al-Futyā, in *Rasāʾil al-Jāḥiẓ*, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Maktabat al-Khānjī, 1964-79): I, 313-319.

Faḍl Hāshim ʿalā ʿAbd al-Shams, in *Rasāʾil al-Jāḥiẓ*, ed. Ḥasan Sandūbī (Cairo: al-Maktaba al-Tijāriyya al-Kubrā, 1933): 67-116.

Kitāb al-Ḥayawān, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Maktabat Muṣṭafā al-Bābī al-Ḥalabī, 1938-45).

Hujaj al-Nubuwwa, in *Rasāʾil al-Jāḥiẓ*, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Maktabat al-Khānjī, 1964-79): III, 223-281.

Istiḥqāq al-Imāma, in *Rasāʾil al-Jāḥiẓ*, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Maktabat al-Khānjī, 1964-79): IV, 207-215.

Other editions:

- in al-Mubarrad, *Al-Kāmil* (Cairo: Maṭbaʿat al-Taqaddum al-ʿIlmiyya, 1905): II, 212-220 (margins).

Jawābāt fī al-Imāma, in *Rasāʾil al-Jāḥiẓ*, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Maktabat al-Khānjī, 1964-79): IV, 285-307.

Risāla fī Khalq al-Qurʾān, in *Rasāʾil al-Jāḥiẓ*, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Maktabat al-Khānjī, 1964-79): III, 285-300.

Manāqib al-Khulafāʾ, ed. Muhammad Mahmūd Durūbī in *Risāla Jadīda li-l-Jāḥiẓ fī Manāqib Khulafāʾ Banī al-ʿAbbās*, monograph n. 187 of the *Annals of Arts and Social Sciences (Kuwait University)* (2002).

Other editions:

- Jens O. Schmitt (Ed.), "Al-Jāḥiẓ on ʿAbbāsid Caliphs and People in Basra", in Ana Akasoy and Wim Raven, *Islamic Thought in the Middle Ages: Studies in Text, Transmission and Translation in Honor of Hans Daiber* (Leiden: Brill, 2008), 613-637.

Manāqib al-Turk, in *Rasāʾil al-Jāḥiẓ*, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Maktabat al-Khānjī, 1964-79): I, 5-86 and III, 163-220.

Maqālāt al-ʿUthmāniyya, in *Rasāʾil al-Jāḥiẓ*, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Maktabat al-Khānjī, 1964-79): IV, 19-43.

Maqālāt al-Zaydiyya wa-al-Rāfiḍa, in *Rasāʾil al-Jāḥiẓ*, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Maktabat al-Khānjī, 1964-79): IV, 311-323.

Other editions:

- in al-Mubarrad, *Al-Kāmil* (Cairo: Maṭbaʿat al-Taqaddum al-ʿIlmiyya, 1905): II, 291-301 (margins).

- with the title *Risāla fī Bayān Madhāhib al-Shīʿa*, in *Majmūʿat Rasāʾil al-Jāḥiẓ*, ed. Sasi Efendi (Cairo: ʿalā nafaqat Muḥammad Afandī Sāsī al-Maghribī, 1906): 178-185.

- with the title *Risāla fī Bayān Madhāhib al-Shīʿa*, in *Āthār al-Jāḥiẓ*, ed. ʿUmar Abū al-Naṣr (Beirut: Dār al-jīl, 1969): 163-170.

- with the title *Istiḥqāq al-Imāma*, in *Rasāʾil al-Jāḥiẓ*, ed. Ḥasan Sandūbī (Cairo: al-Maktaba al-Tijāriyya al-Kubrā, 1933): 241-248.

- with the title *Fī al-Zaydiyya wa-al-Rāfiḍa*, ed. al-Jabūrī in *Al-Mawrid,* 7, 4 (1978): 232-242.

Kitāb al-Maʿrifa, in *Rasāʾil al-Jāḥiẓ*, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Maktabat al-Khānjī, 1964-79): 47-65.

Other editions:

- ed. Charles Pellat in *al-Mashriq* (1969): 315-326.

Mufākharat al-Jawārī wa-al-Ghilmām, in *Rasāʾil al-Jāḥiẓ*, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Maktabat al-Khānjī, 1964-79): II, 91-137.

Risāla fī Nafy al-Tashbīh, in *Rasāʾil al-Jāḥiẓ*, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Maktabat al-Khānjī, 1964-79): IV, 5-16.

Risāla fī Ṣināʿat al-Kalām, in *Rasāʾil al-Jāḥiẓ*, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Maktabat al-Khānjī, 1964-79): III, 243-250.

Risāla fī Taṣwīb Amīr al-Muʾminīn ʿAlī fī al-Ḥakamayn, ed. Pellat in *Al-Mashriq* (1958): 417-491.

Risāla fī al-Qiyān, in *Rasāʾil al-Jāḥiẓ*, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Maktabat al-Khānjī, 1964-79): II, 143-182.

Kitāb al-ʿUthmāniyya, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Dār al-Kitāb al-ʿArabī, 1955).

Works Attributed to al-Jāḥiẓ

Risāla fī al-Tarjīḥ wa-al-Tafḍīl, in *Majmūʿ Rasāʾil al-Jāḥiẓ,* ed. Ṭaha al-Ḥājirī, 2nd ed. (Beirut: Dār al-Nahḍa al-ʿArabiyya, 1983): 61-67.

Other editions:

-quoted in al-Irbilī, *Kashf al-Ghumma fī Maʿrifat al-Aʾimma* (Tabrīz: Maktabat Banī Hāshim, 1961): I, 36;9-39;13

- with the title *Risāla fī Ithbāt Imāmat Amīr al-Muʾminīn ʿAlI b. Abī Ṭālib*, ed. al-Zanjānī and al-Jalabī in *Lughat al-ʿArab*, 7 (1931): 497-501.

Other versions:

- quoted in al-Majlisī, *Biḥār al-Anwār* (Tehran: Dār al-Kutub al-Islāmiyya, 1957-1985): XL, 146;15-147;2.

- attributed to the Imam Zayd b. ʿAlī: *Tathbīt Imāmat ʿAlī*, in *Majmūʿ Kutub wa-Rasāʾil al-Imām Zayd b. ʿAlī*, ed. Yaḥyā Sālim ʿAzzān (Ṣanʿā: Dār al-Ḥikma al-Yamāniyya, 2001): 215-234.

2. Arabic Sources

ʿAbd al-Jabbār, *Faḍl al-Iʿtizāl wa-Ṭabaqāt al-Muʿtazila*, ed. Fuʾād Sayyid (Tunis: Al-Dār al-Tūnisiyya li-al-Nashr, 1986).

    - *Al-Mughnī fī Abwāb al-Tawḥīd wa-al-ʿAdl*, ed. ʿA. H. Maḥmūd and S. Dunyā (Cairo: Wizārat al-Thaqāfa wa-al-Irshād al-Qawmī, s.d.).

Abū Ḥanīfa, *Al-Fiqh al-Absaṭ* in Abū Ḥanīfa, *Al-ʿĀlim wa-al-Mutaʿallim*, ed. Muḥammad Zāhid al-Kawtharī (Cairo: Maṭbaʿat al-Anwār, 1949): 39-60.

Abū Yūsuf, *Kitāb al-Kharāj* (Beirut: Dār al-Maʿrifa, 1989).

Abū Daʾūd, *Sunan*, ed. Aḥmad Saʿd ʿAlī (Cairo: Muṣṭafā al-Bābī al-Ḥalabī, 1952).

Al-Ashʿarī, *Maqālāt al-Islāmiyyīn wa-Ikhtilāf al-Muṣallīn* [*Die dogmatischen Lehren der Anhänger des Islam*], ed. Helmut Ritter (Istanbul: Deviet Matbaasi, 1929-30).

Al-ʿAskarī, Abū Hilāl, *al-Awāʾil*, eds. Muḥammad al-Miṣrī and Walīd Qaṣṣāb (Damascus: Wizārat al-Thaqāfa wa-al-Irshād al-Qawmī, 1975).

Al-Baghdādī, Ibn Ṭāhir, *Al-Farq bayna al-Firaq*, ed. Muḥammad ʿAbd al-Ḥamīd (Beirut: Dār al-Maʿārif, 1978).

    - *Kitāb fī Uṣūl al-Dīn* (Istanbul: Al-Madrasa al-Ilāhiyya bi-Dār al-Funūn al-Turkiyya, 1928).

Al-Balādhurī, *Futūḥ al-Buldān,* ed. M.J. de Goeje (Leiden: Brill, 1866).

Al-Balkhī, *Faḍl al-Iʿtizāl wa-Ṭabaqāt al-Muʿtazila*, ed. Fuʾād Sayyid (Tunis: Al-Dār al-Tūnisiyya li-al-Nashr, 1986).

Al-Bukhārī, Muḥammad b. Ismāʿil, *Al-Jāmiʿ al-Ṣaḥīḥ*, ed. Ludolf Krehl and Th. W. Juynboll (Leyden: Brill, 1907).

Al-Dhahabī, Muḥammad Ḥusayn, *Al-Tafsīr wa-al-Mufassirūn* (Cairo: Dār al-Kutub al-Ḥadītha, 1961-62).

Ibn Abī al-Ḥadīd, *Sharḥ Nahj al-Balāgha* (Cairo: ʿĪsā al-Bābī al-Ḥalabī, 1959-67).

Ibn Abī Ṭāhir Ṭayfūr, *Baghdād fī Taʾrīkh al-Khilāfa al-ʿAbbāsiyya* (Baghdad: Maktabat al-Muthannā, 1968).

Ibn Bakr, *Al-Tamhīd wa-al-Bayān fī Maqtal al-Shahīd ʿUthmān*, ed. Maḥmūd Yūsuf Zayyid (Beirut: Dār al-Thaqāfa, 1964).

Ibn al-Faqīh, *Kitāb al-Buldān*, ed. M. J. Goeje (Leiden: E. J. Brill, 1885).

Ibn Ḥanbal, *Musnad* (Cairo: al-Maṭbaʿa al-Maymaniyya, 1896).

Ibn Ibrāhīm al-Kindī, *Bayān al-Sharʿ* (Oman: Wizārat al-Turāth al-Qawmī wa-al-Thaqāfa, 1988).

Ibn Khālikān, *Wafayāt al-Aʿyān*, Muḥammad ʿAbd al-Ḥamīd (Cairo: Maktabat al-Nahḍa al-Miṣriyya, 1948-50).

Ibn al-Nadīm, *Fihrist*, ed. M. Rizā Tajaddud (Tehran: Maṭbaʿa-i Dānishgā, 1971).

Ibn Qutayba, *Al-Ikhtilāf fī al-Lafẓ aw-al-Radd ʿalā al-Jahmiyya wa-al-Mushabbiha*, ed. Muḥammad Zāhid al-Kawtharī (Cairo: Maktaba al-Azhariyya li-al-Turāth, 2001).

- *Faḍl al-ʿArab wa-al-Tanbīh ʿalā ʿUlūmi-ha*, ed. Maḥmūd Khāliṣ (Abū Ẓabī: al-Majmaʿ al-Thaqāfī, 1998).

- *Al-Masāʾil wa-al-Ajwiba fī al-Ḥadīth wa-al-Lugha* (Cairo: Maktabat al-Quds, 1930).

- *Taʾwīl Mushkil al-Qurʾān*, ed. Aḥmad Ṣaqr (Cairo: ʿĪsā al-Bābī al-Ḥalabī, 1954).

Ibn Saʿd, *Kitāb al-Ṭabaqāt al-Kabīr*, ed. Carl Brockelmann (Leiden: Brill, 1904-40).

Ibn Taghrī Birdī, *Al-Nujūm al-Zāhira* (Cairo: Dār al-Kutub al-Miṣriyya, 1929-72).

Ibn al-Zayyāt, *Dīwān*, in Yaḥyā Jubūrī, *Muḥammad Ibn al-Zayyāt: Sīratu-hu, Ādābu-hu wa-Taḥqīq Dīwāni-hi* (Amman: Muʾassasat al-Risāla, 2002).

Jaʿfar b. Ḥarb (Ps-Nāshī), *Masāʾil al-Imāma*, in Josef van Ess, *Frühe Muʿtazilitische Häresiographie. Zwei Werke des Nāšī al-Akbar (gest. 293 H.)* (Beirut: in Kommission bei F. Steiner, 1971).

Al-Jassās, Aḥmad b. ʿAlī, *Al-Fuṣūl fī al-Uṣūl*, ed. ʿUjayl Jāsim al-Nashamī (Kuwayt: Wizārat al-Awqāf wa-al-Shuʾūn al-Islāmiyya, 1994).

- *Sharḥ Mukhtaṣar al-Ṭahāwī fī al-Fiqh al-Ḥanafī*, ed. ʿInāyat Allāh Muḥammad et al. (Beirut: Dār al-Bashāʾir al-Islāmiyya, 2010).

Al-Juwaynī, *Ghiyāt al-Umam fī Iltiyāth al-Ẓulam*, ed. Muṣṭafā Ḥilmī and Fuʾad ʿAbd al-Munʿim (Alexandria: Dār al-Daʿwa, 1989).

Al-Khaṭīb al-Baghdādī, *Tāʾrīkh Baghdād aw Madīnat al-Salām* (Cairo: Maktabat al-Khanjī, 1931).

Al-Khayyāṭ, *Kitāb al-Intiṣār wa-al-Radd ʿalā Ibn al-Rawandī al-Mulḥid*, ed. H. S. Nyberg (Beirut: Feuilles Orientales, 1993, 2nd ed.).

Al-Majlisī, Muḥammad Bāqir, *Biḥār al-Anwār* (Tehran: Dār al-Kutub al-Islāmiyya, 1957-1985).

Al-Malāṭī, Muḥammad b. Aḥmad, *Al-Tanbīh wa-al-Radd ʿalā Ahl al-Ahwā wa-al-Bidāʿ*, ed. Sven Dedering (Istanbul: Maṭbaʿat al-Dawla, 1936).

Al-Maʾmūn, ʿAbd Allāh, "Risālat al-Khamīs", in Ṣafwat, Aḥmad Zakī, *Jamharat Rasāʾil al-ʿArab fī ʿUṣūr al-ʿArabiyya al-Ẓāhira* (Cairo: Muṣṭafā al-Bābī al-Ḥalabī wa-Awlādu-hu, 1937), III, 377-397.

Al-Masʿūdī, *Murūj al-Dhahab*, ed. Charles Pellat (Beirut: al-Jāmiʿa al-Lubnāniyya, 1965-1970).

Al-Muḥāsibī, *Kitāb al-Makāsib*, in *Al-Ḥārith b. Asad al-Muḥāsibī: al-ʿĀlim, al-Zāhid, al-Faqīh*, ed. Kāmil Muḥammad ʿUwayda (Beirut: Dār al-Kutub al-ʿIlmiyya, 1994): 118-175.

Nashwān b. Saʿīd, *Al-Ḥūr al-ʿAyn*, ed. Kamāl Muṣṭafā (Cairo: Maktabat al-Khānjī, 1948).

Al-Nawbakhtī, *Firaq al-Shīʿa*, ed. Helmut Ritter (Istanbul: Staatsdruckerei, 1931).

Al-Qāsim b. Ibrāhīm, *Tathbīt al-Imāma*, in *Majmūʿ Kutub wa-Rasāʾil al-Imām al-Qāsim ibn Ibrāhīm al-Rassī, 169-246 H*, ed. ʿAbd al-Karīm Aḥmad Jadabān (Ṣanʿāʾ: Dār al-Ḥikma al-Yamāniyya, 2001).

Al-Qummī, Saʿd b. ʿAbd Allāh, *Kitāb al-Maqālāt wa-al-Firaq* (Tehran: Muʾassasah-i Maṭbūʿātī-i ʿAṭāʾī, 1963).

Al-Qurʾān, ed. and tr. N. J. Dawood (London: Penguin, 2003).

Al-Shāfiʿī, *Al-Risāla*, ed. Aḥmad Muḥammad Shākir (Cairo: Muṣṭafā al-Bābī al-Ḥalabī, 1940).

    - *Ibtāl al-Istiḥsān*, in al-Shāfiʿī, *Kitāb al-Umm*, ed. ʿAbd al-Muṭallib, A. F., (Al-Manṣūra: Dār al-Wafāʾ li-l-Ṭibāʿa wa-l-Nashr wa-l-Tawfīʿ, 2001): IX, 57-74.

    - *Kitāb Jimāʿ al-ʿIlm*, in al-Shāfiʿī, *Kitāb al-Umm*, ed. ʿAbd al-Muṭallib, A. F., (Al-Manṣūra: Dār al-Wafāʾ li-l-Ṭibāʿa wa-l-Nashr wa-l-Tawfīʿ, 2001): IX, 5-55.

    - *Al-Imām Muḥammad ibn Idrīs al-Shāfiʿī's Risāla fī Uṣūl al-Fiqh*, tr. Majid Khadduri (Cambridge: Islamic Texts Society, 1987).

Al-Shahrastānī, *Kitāb Nihāyat al-Iqdām fī ʿIlm al-Kalām* [*The Summa Philosophicae of al-Shahrastānī*], ed. Alfred Gillaume (London: Oxford University Press, 1934).

Al-Sharīf al-Murtaḍā, *Al-Shāfī fī al-Imāma*, ed. ʿAbd al-Zahrāʾ al-Ḥusaynī (Tehran: Muʾassasat al-Ṣādiq, 1990).

    - *Al-Dharīʿa ilā Uṣūl al-Sharīʿa*, ed. Abū al-Qāsim Gurjī (Tehran: Maṭbaʿa-i Dānisgā, 1967-69).

Al-Shaykh al-Mufīd, *La victoire de Bassora ou al-Jamal* [*Kitāb al-Jamal*], tr. by Mehdi Rouhani (Paris: Imprimerie Carthage, 1974).

Al-Subkī, *Tabaqāt al-Shāfiʿiyya al-Kubrā*, ed. M.M al-Tunāhī and A.M al-Ḥilū (Cairo: Dār Iḥyā al-Kutub al-ʿArabiyya, 1964).

Al-Ṭabarī, *Taʾrīkh al-Ṭabarī: Taʾrīkh al-Rusul wa-al-Mulūk*, ed. Muḥammad Abī al-Faḍl Ibrāhīm (Cairo: Dār al-Maʿārif, 1960-69).

- *The History of al-Ṭabarī XXXI: The Reunification of the ʿAbbāsid Caliphate*, tr, C. E. Bosworth (Albany: SUNY Press, 1987).

- *The History of al-Ṭabarī XXXII: The War Between Brothers*, tr, M. Fishbein (Albany: SUNY Press, 1992).

Al-Yaʿqūbī, *Taʾrīkh al-Yaʿqūbī* [*Ibn Wādhih qui dicitur al-Jaʿqūbī Historiae*], et. M. Th. Houtsma (Leiden: E. J. Brill, 1883).

Zayd b. ʿAlī, *Tathbīth al-Imāma*, in *Majmūʿ Kutub wa-Rasājil al-Imām Zayd ibn ʿAlī*, ed. Yaḥyā Sālim ʿAzzān (Ṣanʿāʾ: Dār al-Ḥikma al-Yamāniyya, 2001).

3. Secondary Literature

Abdul Hamid, Mustafa, *Al-ʿUṯmāniyya von Al-Ǧāḥiẓ: ein Beitrag zur mittlealterlicher theologischen Literatur des Islam*, unpublished PhD dissertation (Orientalisches Institut der Karl Marx Universität, 1968).

Abrahamov, Binyamin, "Al-Ḳāsim b. Ibrāhīm's Theory of the Imamate", *Arabica*, 34, 1 (1987): 80-105.

Afsaruddin, Asma, *Excellence and Precedence: Medieval Islamic Discourse on Legitimate Leadership* (Leiden: Brill, 2002).

- "Lections from the Past", in Heinemann et al. (Eds.), *Al-Jāḥiẓ: a Muslim Humanist for our Time* (Beirut: Orient-Institut, 2009): 175-196.

Arazi, Albert and ʿAmikān Elad, "'L'Epître à l'armée'. Al-Maʾmūn et la seconde daʿwa", *Studia Islamica*, 66 (1987): 27-70; and 67 (1988): 29-73.

ʿAṭṭār, Jamāl F., *The Political Thought of al-Jāḥiẓ* (University of Edinburgh: Unpublished PhD Dissertation, 1996).

Aydinli, Osman, "Ascetic and Devotional Elements in the Muʿtazilite Tradition: the Ṣūfī Muʿtazilites", *The Muslim World*, 97, 2 (2007), 174-189.

Bayhom-Daou, Tamima, "The Imam's Knowledge and the Qurʾān According to al-Faḍl b. Shadhān al-Nīsābūrī", *Bulletin of the School of Oriental and African Studies,* 64, 2 (2001): 188-207.

Baber, Johansen, *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh* (Leiden: Brill, 1999).

Bedir, Murteza, *The Early Development of Ḥanafī Uṣūl al-Fiqh* (University of Manchester: Unpublished PhD Dissertation, 1999).

    - "An Early Response to Shāfiʿī: ʿĪsā b. ʿAbān on the Prophetic Report (*Khabar*)", *Islamic Law and Society*, 9, 3 (2002): 285-311.

Bosworth, Clifford Edmund, "Al-Maqrīzī's epistle 'Concerning what has come down to us about the Banū Umayya and the Banū l-ʿAbbās'", in Wadād al-Qāḍī (Ed.), *Studia Arabica et Islamica: Festschrift for Iḥsān ʿAbbās* (Beirut: American University of Beirut, 1980): 39-45.

    - *Al-Maqrīzī's "Book of Contention and Strife"* (Manchester: University of Manchester, 1981).

Calder, Norman, "*Ikhtilāf* and *Ijmāʿ* in Shāfiʿī's *Risāla*", *Studia Islamica*, 58 (1983): 55-81.

    - *Studies in Early Muslim Jurisprudence* (Oxford: Clarendon Press, 1993).

    - *Interpretation and Jurisprudence in Medieval Islam*, ed. by Jawid Mojaddedi and Andrew Rippin (Aldershot: Ashgate, 2006).

Chejne, Anwar G., *Succession to the Rule in Islam with Special Reference to the Early ʿAbbasid Period* (Lahore: Muḥammad Ashraf, 1979).

Cook, Michael, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge University Press, 2000).

Cooperson, Michael, *Classical Arabic Biography. The Heirs of the Prophets in the Age of al-Maʾmūn* (Cambridge: Cambridge University Press, 2008).

    - "Al-Jāḥeẓ", *Encyclopaedia Iranica* [http://www.iranica.com/articles/jahez, consulted 19 July 2011].

Crone, Patricia, "ʿUthmāniyya", in *Encyclopaedia of Islam,* 2nd ed. (Leiden: Brill, 1960-2004): X, 952.

    - "A Statement by the Najdiyya Khārijites on the Dispensability of the Imamate", *Studia Islamica*, 88 (1998): 55-76.

    - "Ninth-Century Muslim Anarchists", *Past & Present*, 167, 1 (2000): 3-28.

- *God's Rule: Government and Islam* (New York: Columbia University Press, 2004).

- "'Even an Ethiopian Slave': The Transformation of a Sunnī Tradition", *Bulletin of the School of Oriental and African Studies*, 57, 1 (2009): 59-67.

Crone, Patricia and Martin Hinds, *God's Caliph: Religious Authority in the First Centuries of Islam* (Cambridge: Cambridge University Press, 1986).

Crone, Patricia and F. Zimmerman, (Eds.), *The Epistle of Sālim b. Dhakwān* (Oxford: Oxford University Press, 2001).

Daiber, Hans, "A New Manuscript of al-Jāḥiẓ's Works and its Importance for their Transmission", in Arnim Heinemann *et al.* (Eds.), *Al-Jāḥiẓ: A Muslim Humanist for our Time* (Beirut: Ergon Verlag Würzburg, 2009): 221-228.

Dakake, Maria Massi, *The Charismatic Community: Shīʿite Identity in Early Islam* (Albany: State University New York Press, 2007).

De Gifis, Adrian, *The Theory of Virtuous Leadership in the Works of al-Jāḥiẓ* (University of Chicago: Unpublished PhD Dissertation, 2010).

Dumayjī, ʿAbd Allāh, *Al-Imāma al-ʿUmẓā ʿinda Ahl al-Sunna wa-al-Jamāʿa* (Al-Riyāḍ: Dār Ṭayba, 1987).

Emon, Anver M., *Islamic Natural Law Theories* (Oxford: Oxford University Press, 2010).

Enderwitz, Sussane, *Gesellschaflicher Rang und etnische Legitimation. Der arabische Schriftsteller Abū ʿUthmān al-Ǧāḥiẓ (gest. 868) über die Afrikaner, Persen und Araber in der islamischen Gesellschaft* (Freiburg: Klaus Schwarz Verlag, 1979).

Ess, Josef van, *Die Gedankenwelt des Ḥāriṯ al-Muḥāsibī anhand von Überstzungen aus seinen Schriften dargestellt und erlautert* (Bonn: Selbstverlag ds Orientalischen Seminars des Universität Bonn, 1961).

- "Ǧāḥiẓ und die *asḥab al-maʿārif*", *Der Islam*, 42, 2-3 (1966): 169-178.

- "Ein unbekanntes Fragment des Naẓẓām", in Hoenerbach, W., (Ed.). *Der Orient in der Forschung, Festschrift Otto Spies* (Wiesbaden: Harrassowitz, 1967): 170-201.

- "Ḍirār b. ʿAmr und die Çahmiyya: Biographie einer vergessenen Schule", *Der Islam*, 44 (1968): 16-21.

- *Frühe Muʿtazilitische Häresiographie. Zwei Werke des Nāšī al-Akbar (gest. 293 H.)* (Beirut : in Kommission bei F. Steiner, 1971).

- *Das Kitāb al-Nakṯ des Naẓẓām und seine Rezeption im Kitāb al-Futyā des Ǧāḥiẓ* (Göttingen: Vandenhoeck & Reprecht, 1972).

- "Une lecture à rebours de l'histoire du Muʿtazilisme", *Revue des Etudes Islamiques*, 46 (1978): 163-240; 47 (1979): 19-69.

- "L'Autorité de la tradition prophétique dans la théologie muʿtazilite", in George Makdisi et. al. (Eds.), *La notion d'autorité au Moyen Age: Islam, Byzance, Occident* (Paris: Presses Universitaires de France, 1982): 211-226.

- "Wrongdoing and Divine Omnipotence in the Theology of Abū Isḥāq an-Naẓẓām", in Tamar Rudavsky (Ed.), *Divine Omniscience and Omnipotence in Medieval Philosophy: Islamic, Jewish, and Christian Perspectives* (Dordrecht: Reidel, 1984): 53–67.

- *Theologie und Gesellschaft im 2. Und 3. Jahrhundert Hidschra* (Berlin: de Gruyter, 1991-1997).

- "Political Ideas in Early Islamic Religious Thought", *British Journal of Middle Eastern Studies*, 28, 2 (2001): 151-164.

- *The Flowering of Muslim Theology*, tr. J. M. Todd (London: Harvard University Press, 2006).

- *Der Eine und das Andere: Beobachtungen an islamischen häresiographischen Texten* (Berlin: de Gruyter, 2010).

Farès, Bichr, "Mufākhara", in *Encyclopaedia of Islam,* 2nd ed. (Leiden: Brill, 1960-2004): VII, 309-310.

Frank, Richard M., "Moral Obligation in Classical Muslim Theology", *Journal of Religious Ethics*, 11, 2 (1983): 204-223.

- "Can God Do What is Wrong?", in Tamar Rudavsky (Ed.), *Divine Omniscience and Omnipotence in Medieval Philosophy. Islamic, Jewish and Christian Perspective* (Boston: D. Reidel, 1985): 69-79.

- "Two Islamic Views on Human Agency", in George Makdisi, Dominique Sourdel, and Janine Sourdel-Thomine (Eds.), *La notion de liberté au Moyen Age: Islam, Byzance, Occident* (Paris: Les Belles Lettres, 1985): 37-49.

Gelder, Geert Jan van, "The Conceit of Pen and Sword: On an Arabic Literary Debate", *Journal of Semitic Studies*, 32, 2 (1987): 329–360

Gimaret, Daniel, *Théories de l'acte humain en théologie musulmane* (Paris: J. Vrin, 1980).

Gleave, Robert, "Public Violence, State Legitimacy: the *'Iqāmat al-ḥudūd'* and the Sacred State", in Christian Lange and Maribel Fierro (Eds.), *Public Violence in Islamic Societies: Power, Discipline, and the Construction of the Public Sphere, 7th - 19th centuries CE* (Edinburgh: Edinburgh University Press, 2009): 256-275.

- "Recent Research into the History of Early Shiʻism", *History Compass*, 7, 6 (2009): 1593-1605.

Goldziher, Ignaz, *Schools of Koranic Commentators* (Wiesbaden: Harrassowitz, 2006).

Gribetz, Arthur, *Strange Bedfellows:* mutʻat al-ḥājj *and* mutʻat al-nisāʾ (Berlin: Klaus Swarz, 1994).

Hallaq, Wael, "Was al-Shāfiʻī the Master Architect of Islamic Jurisprudence?", *International Journal of Middle Eastern Studies*, 25, 4 (1993): 587-605

- *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005).

Heffening, "Mutʻa", in *Encyclopaedia of Islam,* 2nd ed. (Leiden: Brill, 1960-2004): VII, 757-759.

Hodgson, Marshall, *The Venture of Islam* (Chicago: Chicago University Press, 1974).

Al-Ḥājirī, Muḥammad Taha, *Al-Jāḥiẓ: Ḥayātu-hu wa-Āthāru-hu* (Cairo: Dār al-Maʻārif, 1962).

El-Hibri, Tayyeb, "Hārūn al-Rashīd and the Meccan Protocol of 802: a Plan for Division or Succession?", *International Journal of Middle Eastern Studies*, 24 (1992): 461-480.

Hinds, Martin, "The Ṣiffīn Arbitration Agreement", *Journal of Semitic Studies*, 17 (1972): 93-129.

Hirschfeld, Hartwig, "A Volume of Essays by al-Jāḥiẓ", in T. W. Arnold and Reynold A. Nicholson (Eds.), *A Volume of Oriental Studies Presented to Edward G. Browne on his 60th Birthday* (Cambridge: Cambridge University Press, 1922): 200-209.

Jabrī, *al-Jāḥiẓ: Muʻallim al-ʻAql wa-al-Adab* (Cairo: Dār al-Maʻārif bi-Miṣr, 1932).

Jadʻan, Fahmī, *Al-Mihna: Baḥth fī Jadaliyyāt al-Dīnī wa-al-Siyāsī fī al-Islām* (Amman: Dār al-Shurūq, 1989).

Jens O. Schmitt, "Al-Jāḥiẓ on ʻAbbāsid Caliphs and People in Basra", in Ana Akasoy and Wim Raven, *Islamic Thought in the Middle Ages: Studies in Text, Transmission and Translation in Honor of Hans Daiber* (Leiden: Brill, 2008), 613-637.

Jubūrī, Yaḥyā, *Muḥammad Ibn al-Zayyāt: Sīratu-hu, Ādābu-hu wa-Taḥqīq Dīwāni-hi* (Amman: Muʾassasat al-Risāla, 2002).

Kennedy, Hugh, *The Early Abbasid Caliphate: a Political History* (London: Croom Helm, 1981).

Kohlberg, E., "Rāfiḍa", in *Encyclopaedia of Islam,* 2nd ed. (Leiden: Brill, 1960-2004): VIII, 386-387.

    - "Al-Rawandiyya", in *Encyclopaedia of Islam,* 2nd ed. (Leiden: Brill, 1960-2004): VIII, 461-463.

    - "Some Zaydī Views on the Companions of the Prophet", *Bulletin of the School of Oriental and African Studies*, 39, 1 (1976): 91-98.

    - "Imam and Community in the *Pre-Ghayba* Period", in Said A. Arjomand (Ed.), *Authority and Political Culture in Shīʿism* (New York: SUNY, 1988).

Lambton, *State and Government in Medieval Islam* (Oxford: Oxford University Press, 1981).

Lassner, Jacob, *Islamic Revolution and Historical Memory: An Inquiry into the Art of ʿAbbāsid Apologetics* (New Haven: American Oriental Society, 1896).

    - *The Middle East Remembered: Forged Identities, Competing Narratives, Contested Spaces* (Ann Arbor: University of Michigan Press, 2000).

Lapidus, Ira M., "The Separation of State and Religion in the Development of Early Islamic Society", *International Journal of Middle Eastern Studies*, 6 (1975): 363-385.

Lecomte, Gérard, *Ibn Qutayba (mort en 276/889), l'homme, son oeuvre, ses idees* (Damascus: Institut Français de Damas, 1965).

Lewis, Bernard, "Hāshimiyya", in *Encyclopaedia of Islam,* 2nd ed. (Leiden: Brill, 1960-2004): III, 265-266.

Lowry, Joseph E., "The Legal Hermeneutics of Al-Shāfiʿī and Ibn Qutayba: A Reconsideration", *Islamic Law and Society*, 11, 1 (2004).

    - "The Reception of Shāfiʿī's Concept of *Amr* and *Nahy* in the Thought of his Student al-Muzānī", in Joseph Lowry, Devin Stewart and Shawkat Tooraea (Eds.), *Law and education in medieval Islam: Studies in memory of George Makdisi* (Cambridge: Gibb Memorial Trust, 2004): 128-149.

    - *Early Islamic Legal Theory. The* Risāla *of Muḥammad ibn Idrīs al-Shāfiʿī* (Leiden: Brill, 2007).

Madelung, Wilferd, "Zayd b. ʿAlī", in *Encyclopaedia of Islam,* 2nd ed. (Leiden: Brill, 1960-2004): XI, 473-474.

- "Zaydiyya", in *Encyclopaedia of Islam*, 2nd ed. (Leiden: Brill, 1960-2004): XI, 477-478.

- "Imāma", in *Encyclopaedia of Islam,* 2nd ed. (Leiden: Brill, 1960-2004): III, 1163-1169.

- *Der Imam al-Qāsim ibn Ibrāhīm und die Glaubenslehre der Zaiditen* (Berlin: De Gruyter, 1965).

- "Bemerkungen zur imamitischen Firaq-Literatur", *Der Islam*, 43 (1967): 37-52.

- "The 'Hāshimiyyāt' of al-Kumayt and Hāshimī Shīʿism", *Studia Islamica*, 70 (1989): 5-26.

- "The Vigilante Movement of Sahl b. Salāma al-Khurāsānī and the Origins of Ḥanbalism Reconsidered", *Journal of Turkish Studies*, 14 (1990): 331-337.

- *The Succession to Muḥammad* (Cambridge: Cambridge University Press, 1996).

Makdisi, George, *Ibn ʿAqīl et la Résurgence de l'Islam Traditionaliste au XIe siècle* (Damascus: Institut Français de Damas, 1963).

Mayer, Toby "Theology and Sufism", in Tim Winter (Ed.), *Cambridge Companion to Classical Islamic Theology* (Cambridge: Cambridge University Press, 2008): 258-287.

Melchert, Christopher, *The Formation of the Sunni Schools of Law* (Leiden: Brill, 1997).

- "The Ḥanābila and the Early Ṣūfīs", *Arabica*, 48, 3 (2001): 352-67.

- "Traditionist-Jurisprudents and the Framing of Islamic Law", *Islamic Law and Society*, 8, 3 (2001): 383-406.

- "The Piety of the Ḥadīth Folk", *International Journal of Middle East Studies*, 34 (2002): 425-39.

- "Quranic Abrogation Across the Ninth Century", in Bernard Weiss, *Studies in mic Legal Theory* (Leiden: Brill, 2002): 75-98.

- "Basran Origins of Classical Sufism", *Der Islam*, 83 (2006): 221-40.

Montgomery, James, "Al-Jāḥiẓ", in Michael Cooperson and Shawkat Toorawa, *Arabic Literary Culture (500-925)* (Detroit: Thomson Gale, 2005): 231-242.

- "Al-Jāḥiẓ's *Kitāb al-Bayān wa-l-Tabyīn*" in Julia Bray (Ed.), *Writing and Representation: Muslim Horizons* (London: Routledge, 2006): 91-152.

- "Speech and Nature: Jāḥiẓ, *Bayān* 2.175-207, Part 1", in Shawkat Toorawa and Devin Stewart (eds.), *Festschrift for Roger Allen,* special issue of *Middle Eastern Literatures*, 11, 2 (2008): 169-191.

- "Speech and Nature: Jāḥiẓ, *Bayān* 2.175-207, Part 2", *Middle Eastern Literatures*, 12, 1 (2009): 1-25.

- "Speech and Nature: Jāḥiẓ, *Bayān* 2.175-207, Part 3", *Middle Eastern Literatures*, 12, 2 (2009): 107-125.

- "Speech and Nature: Jāḥiẓ, *Bayān* 2.175-207, Part 4", *Middle Eastern Literatures*, 12, 4 (2009): 213-232.

- "Al-Jāḥiẓ on Jest and Earnest", in G. Tamer (Ed.), *Humor in der arabischen Kultur* (Berlin: de Gruyter, 2009): 209-239.

Nawas, John, "A Reexamination of Three Current Explanations for al-Maʾmūn's Introduction of the *Miḥna*", *International Journal of Middle Eastern Studies*, 26 (1994): 615-629.

Nagel, Telman, *Rechtleitung und Kalifat: Versuch über eine Grundfrage der islamischen Geschichte* (Bonn: Oriental Seminar, 1975).

Pellat, Charles, *Le milieu basrien et la formation de Ǧāḥiẓ* (Paris: Librairie d'Amerique et d'Orient, 1953).

- "Notice sur un manuscript arabe de Berlin", *Oriens,* 7, 1 (1954): 85-86.

- "Le culte de Muʿawiya au IIIe siècle de l'hégire", *Studia Islamica*, 6 (1956): 53-66.

- "Review: *al-ʿUthmāniyya* by A. S. Muḥ. Hārūn", *Arabica*, 3, 3 (1956):312-323.

- "L'Imamat dans la doctrine de Ǧāḥiẓ", *Studia Islamica*, 15 (1961): 23-52.

- "Encore un apocryphe Djāḥizien", *Mélanges d'Orientalisme offerts à Henri Massé* (Tehran: Imprimeries de l'Université, 1963): 317-326.

- *The Life and Works of al-Jāḥiẓ*, tr. D. M. Hawke (London: Routledge, 1969).

- "Nouvel essai d'inventaire de l'oeuvre gahizienne", *Arabica* 31, 2 (1984): 117-164.

Peters, Rudolph, *Crime and Punishment in Islamic Law. Theory and Practice from the Sixteenth to the Twenty-first Century* (Cambridge: Cambridge University Press, 2005).

Petersen, E. Ladewig, *ʿAlī and Muʿāwiya in Early Arabic Tradition* (Copenhagen: Munksgaard, 1964).

Powers, David S., "Wael B. Hallaq on the Origins of Islamic Law: a Review Essay", *Islamic Law and Society*, 17 (2010): 126-157.

Al-Qāḍī, Waddād, "The Earliest 'Nābita' and the Paradigmatic 'Nawābit'", *Studia Islamica*, 78 (1993): 27-61.

Reinhart, A. Kevin, "Islamic Law as Islamic Ethics", *Journal of Religious Ethics*, 11, 2 (1983): 186-203.

- *Before Revelation: The Boundaries of Muslim Moral Thought* (Albany: State University of New York Press, 1995).

- "'Like the Difference Between Heaven and Earth': Ḥanafī and Shāfiʿī Discussions of *Farḍ* and *Wājib* in Theology and *Uṣūl*", in Bernard G. Weiss (Ed.), *Studies in Islamic Legal Theory* (Leiden: Brill, 2002): 205-234.

Rosenthal, Erwin I. J., "ʿAbd al-Jabbār on the Imamate" in *Logos Islamikos: Studia Islamica in Honorem Georgii Michaelis Wickens* (Toronto: Pontifical Institute of Mediaeval Studies, 1984): 207-218.

Rubin, Uri, "*Al-Walad li-l-Firāsh*: On the Islamic Campaign Against *Zinā*'", *Studia Islamica*, 78 (1993): 5-26.

Sabari, Simba, *Mouvements populaires à Bagdad à l'époque ʿabbaside, IXᵉ-XIᵉ siècles* (Paris : Maisonneuve, 1981).

Saleh, Walid, "Preliminary Remarks on the Historiography of *Tafsīr* in Arabic: a History of the Book Approach", *Journal of Qurʾānic Studies*, 12 (2010): 6-40.

Schacht, Joseph, *The Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1950).

Schöck, Cornelia, *Koranexegese, Grammatik und Logik: zum Verhältnis von arabischer und aristotelischer Urteils-, Konsequenz- und Schlusslehre* (Leiden: Brill, 2006).

Skinner, Quentin, "Meaning and Understanding in the History of Ideas", *Visions of Politics, Volume I: Regarding Method* (Cambridge: Cambridge University Press, 2002): 57-89.

Sourdel, Dominique, *Le vizirat ʿabbāside de 749 à 936 (132 à 324 de l'Hégire)* (Damascus: Institut Français de Damas, 1959-60).

- "La politique religieuse du caliph ʿabbaside al-Maʾmūn", *Revue des Études Islamiques*, 30 (1962): 27-48.

Strothmann, *Das Staatsrecht der Zaiditen* (Strassburg: K.J. Trübner, 1912).

Stroumsa, Sarah, "The Beginnings of the Muʿtazilah Reconsidered", *Jerusalem Studies in Arabic and Islam*, 13 (1990): 265-93.

- "The Signs of Prophecy: The Emergence and Early Development of a Theme in Arabic Theological Literature", *Harvard Theological Review*, 78 (1985): 101-114.

Tor, D. G., *Violent Order: Religious Warfare, Chivalry, and the ʿAyyār Phenomenon in the Medieval Islamic World* (Würzburg: Ergon Verlag, 2007).

Vaccia Vaglieri, Laura, "Fadak", in *Encyclopaedia of Islam,* 2nd ed. (Leiden: Brill, 1960-2004): II, 725-727.

Vajda, Georges, "La conaissance naturelle de Dieu selon al-Ğāḥiẓ critiquée par les Muʿtazilites", *Studia Islamica*, 24 (1966): 19-33.

Vasalou, Sophia, *Moral Agents and Their Desserts. The Character of Muʿtazilite Ethics* (Princeton: Princeton Universty Press, 2008).

Wagner, Ewald, "Mufākhara", in *Encyclopaedia of Islam,* 2nd ed. (Leiden: Brill, 1960-2004): VII, 308-309.

- *Die arabische Rangstreitdichtung und ihre Einordnung in die allgemeine Literaturgeschichte* (Wiesbaden: Steiner in Kommision, 1963).

Watt, W. Montgomery, *Free Will and Predestination in Early Islam* (London: Luzac, 1948).

- *The Formative Period of Islamic Thought* (Edinburgh: Edinburgh University Press, 1973).

Yücesoy, Hayrettin, *Messianic Beliefs and Imperial Policies in Medieval Islam* (Columbia: University of South Carolina Press, 2009).

Zahniser, Mathias, *The ʿUthmāniyya of al-Jāḥiẓ: an Analysis of Content, Method and Sources* (John Hopkins University: Unpublished PhD Dissertation, 1973).

- "Insights from the ʿUthmāniyya of al-Jāḥiẓ into the Religious Policy of al-Maʾmūn", *The Muslim World*, 69, 1 (1979): 8-17.

- "Source Criticism in the ʿUthmāniyya of al-Jāḥiẓ", *The Muslim World*, 70, 2 (1980): 134-141.

Zaman, Muḥammad Qāsim, *Religion and Politics under the Early ʿAbbāsids* (Leiden: Brill, 1997).