Sahl b. al-Faḍl al-Tustari’s Kitāb al-Īmā’

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Introduction

Al-Shaykh al-Jalīl, Abū l-Faḍl Sahl b. al-Faḍl b. Sahl (Yāshār b. Ḥesed b. Yāshār) al-Tustari is the preeminent figure among Karaite intellectuals in the latter third of the 11th century. As a descendent of the Tustariṣ (‘al-Dasātira/Tasātira’), the illustrious family of Karaite notables, merchants, financiers and senior officials in the Fatimid court, his name has been familiar to historians of Jewish thought for more than a century. Yet little attention

* I am indebted to S. Butbul, W. Madelung, and the editors of this journal for their critical remarks.

1 In MS London, British Library (hereafter BL), Or. 2572 (Institute of Microfilmed Hebrew Manuscripts at the Jewish National and University Library, Jerusalem, microfilm no. [hereafter “IMHM, F”] 6343), f. 5b (cat. Margoliouth, vol. 3, p. 199, no. 896) ‘Alī b. Sulaymān calls al-Tustari “al-Shaykh al-Jalīl”. In other manuscripts the honorific title “al-Shaykh al-Fāḍil” is attributed to him [e.g. St. Petersburg, Russian National Library (hereafter RNL), Yevr.-Arab. I 1671 (IMHM, F 55212), f. 1a; St. Petersburg, RNL, Yevr.-Arab. I 1680 (IMHM, F 56257), f. 1a; St. Petersburg, RNL, Firk. Arab. 630, f. 8a]. Isaiah ben ’Uzziyah gives al-Tustari the honorific title “ha-Sar ha-Gadol Yashar b. Hesed” (see S. Poznański, “Der Karäer al-Mu’allim (oder al-Melammed) Fāsid und seine Bearbeiter”, in Monatsschrift für Geschichte und Wissenschaft des Judenthums 65 (1921), pp. 134f.).

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has been paid until now to the contents of his works and the contours of his thought, and attempts to study the extant fragments of his literary output have begun only very recently. The absence of previous research was, however, not primarily a result of neglect and inattention, but rather an inevitable consequence of the notorious inaccessibility of the relevant manuscript collections in the former Soviet Union. These circumstances severely restricted serious research for decades.

This article endeavours to reconstruct one of al-Tustarî’s major works, *K. al-ﾑâ’ ilâ jawâmî’ al-taklîf ’il–mam wa-’amal* (“Book Intimating the Ensemble of Theoretical and Practical Components of the Obligation Imposed by God”) and to provide a preliminary exploration of its structure and contents. Before turning to the book itself, it may be convenient to summarize the main points of previous research on al-Tustarî’s person and work.

**Previous research**

Because of the limited quantity of primary source material hitherto available containing information about al-Tustarî’s life and works, previous research on

*History of Palestine*, p. 820, Gil asserts that Sahl b. al-Fadl al-Tustarî was the great-grandson [sic!] of Abû Naṣr al-Fadl (Hesed) al-Tustarî (d. 1049) who was the older brother of the famous Abû Sa’d Ibrâhîm al-Tustarî (d. 1047). For a family tree see Gil, *Tustaris*, p. 116, reproduced in Rustow, *Rabbanite-Karaite Relations*, p. 405.


5 This is the title of the book according to MS ٠ (for details of the MSS of *K. al-ﾑâ’* see the table below). MS ١ gives the title as *K. al-ﾑâ’ ilâ jawâmî’ al-taklîf fi l-’ilm wa-l-’amal*. Gil, *The Tustaris* (n. 2 above), p. 64 and idem, *Jews in Islamic Countries* (ibid.), p. 271, erroneously read كمكب آليماً as *K. al-A’imma* (and translated accordingly “Book of the leaders”).


7 MS London, BL (formerly British Museum), Or. 2572, fols. 20a–42b, respectively 43a–67b (IMHM, F 6343). See G. Margoliouth, Descriptive List of the Hebrew and Samaritan MSS in the British Museum, London 1893, p. 67. Margoliouth’s more detailed description of this manuscript in the third volume of his Catalogue of the Hebrew and Samaritan Manuscripts in the British Museum (London 1909–1915, reprinted 1965), pp. 200f., no. 896/V, was only published after Steinschneider’s death. The 'excerpts' (read ‘Mawâdi’ muntaza’ a min ...’ instead of Margoliouth’s ‘M. mutafarra’ a min ...’) were most probably arranged by al-Tustari’s contemporary Abû l-Hasan ‘Abî b. Sulaymân al-Muqaddasî (see below, notes 20 and 57). Another manuscript containing portions of both texts is St. Petersburg, RNL Firk. Arab. 630, fols. 1–8a (K. al-Talwîh), respectively 8b–12b (K. al-Taḥrîr). Other known MSS of K. al-Talwîh (also entitled: K. al-Talwîh bi-l-uṣūl fi l-taklîf) include St. Petersburg, RNL Yevr.-Arab. I 2843, 9 fols. (IMHM, F 55897), St. Petersburg, RNL Yevr.-Arab. I 592, 6 fols. (IMHM, F 54183), and New York, Jewish Theological Seminary (hereafter JTS), ENA 3960, fols. 12–17 (IMHM, F 33240). The latter fragment has recently been identified by Y. Meroz who graciously brought it to my attention.

8 Ed. G. Margoliouth, in Jewish Quarterly Review 9 (1897), pp. 432–435. The four lines concerning Sahl b. al-Fadl al-Tustarî are found on fol. 190a, lines 10–13 = ed. Margoliouth, p. 435, lines 17–20. See Steinschneider (n. 6 above), p. 342 (‘Nachtrag’). In this addendum Steinschneider also took note of A. E. Harkavy’s reference to MS St. Petersburg, RNL Yevr.-Arab. I 3948, 287 fols. (IMHM, F 57949) containing parts of al-Tustari’s commentary on the Torah, in Zeitschrift für alttestamentliche Wissenschaft 1 (1881), p. 158. The existence of this commentary was also known due to quotations in later compilations, e.g. MS London, BL, Or. 2498 (cat. Margoliouth, vol. 2, p. 267f., no. 334). Other known manuscripts of this commentary include St. Petersburg, RNL Arab.-Yevr. 21, fols. 104ff.
Besides the above-mentioned K. al-Talwîh, Ibn al-Hîtf recorded a Radd ‘alâ l-Fayyûmî (“Refutation of Seʿadyah Gaon”), a Kitâb fi l-iʿtidâl (“Book on the Equinox”[?])10 and introductory works on positive law (wa-kataba kathîra min al-fiqh al-madkhal [sic!]). In 1903, A. E. Harkavy used extracts from al-Tustari’s works for his reconstruction of ‘Anan b. David’s Sefer ha-Miṣvot.11 S. A. Poznański, first in his review of Steinschneider’s book,12 later in his “The Karaite Literary Opponents of Saadiah Gaon”,13 then in a Festschrift article,14 and finally in the draft version of his unpublished Encyclopedia le-toledot beney Miqra15 collected some additional data and dated al-Tustari to the middle of the 11th century.16 J. Mann, who insisted that the Tustarîs were Rabbanites, rejected the identification of our Karaite author as a member of the renowned family.17 Mann was the first to record a manuscript of K. al-Īmā’ in the private collection of A. E. Harkavy18 and published some key sections from al-Tustari’s Maqâla fi l-ʿarayot (“Treatise on Incest”) including a sharp polemic against Yeshuʿah b.

9 According to the chronicle K. al-Talwîh deals with “the science of Kalâm, their [i.e. the Mutakallimûn’s] terminology, and their modes of argumentation” (fī ʿilm al-kalâm, fī alfâżihim wa-barâhînihim).


14 Poznański, Anfänge (n. 10 above), pp. 477f., repeated in Revue des Études Juives 72 (1921), pp. 204f.

15 MS Jerusalem, The Jewish National and University Library, 4° 760.

16 In his Anfänge (n. 10 above), p. 478, Poznański suggested that al-Tustari’s birth date was about 1010.


18 Ibid., p. 142, n. 27. See below, MS 2.
Yehudah with respect to the alleged illegality of the latter’s marriage according to the rules of *rikkāv*. A. J. Borisov, who collected some important information about al-Tustarī’s aforementioned contemporary ‘Alī b. Sulaymān, announced his intention to dedicate a separate article to al-Tustarī on the basis of the St. Petersburg manuscripts, but this article was never published. More recently, H. Ben-Shammai called attention to *K. al-Uṣūl al-Muhadhdhabīya* (“Book on the Principles [of Religion] Dedicated to al-Muhadhdhab”) by a certain al-Sayyid al-Fādil ha-Sar Yashar b. ha-Sar Ḥesed al-Tustarī. Since the latter was still alive in Dhū al-Ḥijja 587/Dec 1191, he cannot be identified with the author of *K. al-Īmā‘*. Other extant literary documents by Sahil b. al-Faṣl al-Tustarī include...

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21 Borisov’s article would most probably have included descriptions of several manuscripts in the Second Firkovich Collection containing collections of al-Tustarī’s responsa, some of which are autographs. See S. Schmidtke, *Manuscripts on Dogmatics (kalām), Legal Methodology (uşūl al-fiḥā), Philosophy and Logic in the Abraham Firkovich Collection* (“Arabski-Arabski”), *St. Petersburg: A Catalogue* (in preparation). The edition of a short extract from al-Tustarī’s *Maqādisīyāt*, i.e. answers to questions by ‘Alī b. Sulaymān al-Maqdisī/Muqaddasī, is included in Madelung — Schmidtke, (n. 4 above). Besides the manuscripts described in the aforementioned catalogue, the following MSS contain responsa by al-Tustarī: St. Petersburg, RNL Yevr.-Arab. I 10, 3 fols. (IMHM, F 51427); I 1686, fols. 108f. (IMHM, F 55328); I 1789, 5 fols. (IMHM, F 56245); I 3951, fols. 11f. (IMHM, F 60671); Arab.-Yevr. 21, 213 fols. (IMHM, F 63568); Arab.-Yevr. 238, 4 fols. (IMHM, F 63705), and other fragments in the Arab.-Yevr. series which have not yet been properly catalogued.

22 Cf. H. Ben-Shammai (n. 3 above), pp. 358f. including a short description of the fragment found in MS St. Petersburg, RNL Yevr.-Arab. I 3951, fols. 1–10 (IMHM, F 60671).
his paraphrase of an as yet unidentified work, copied by ʻAlî b. Sulaymân.\(^{23}\) Another manuscript contains a *Mukhtar fî šinâ‘at al-kitâba*.\(^{24}\) No evidence has been adduced to support the claim that al-Tustarî was the author of a work entitled *K. al-Ishâra fî uṣūl al-tawḥīd wa-l-ʻadl*.\(^{25}\)

In 1981 M. Gil dedicated a monograph to the Tustari family, which included a survey of the relevant Genizah documents. These findings were supplemented in subsequent studies by Gil, in which he also assembled the comparably scanty information about the Karaite community in Jerusalem during the last decades preceding the Crusader invasion.\(^{26}\) The Jewish communities suffered an important blow already with the conquest of Palestine by the Seljuq armies from 1071 onwards. To the Genizah documents referred to by Gil in connection with Sahl b. al-Faḍl al-Tustarî belongs a letter, dated in the summer of 1100 and presumably written by the leaders of the Karaite community in Alexandria or Tyre, inquiring about the fate of the Jerusalem Karaites in the wake of the Crusader invasion. Gil suggested that one of the captives mentioned in the letter, an eight-year-old boy called Abû Sa‘d b. Imra‘at al-Tustari, may have

\(^{23}\) MS London, BL, Or. 2572 (IMHM, F 6343), fols. 1f., respectively 5f. (cat. Margoliouth, vol. 3, p. 199, no. 896/1) includes two paraphrases of the same text arranged by ʻAlî b. Sulaymân in 465/1072–3, respectively 486/1093 (*Talkhīš fīmā lâ yasa‘u al-mukallaf tarkuhu min al-ulām ʻaqīm*, respectively *Talkhīš fīmā lâ yasa‘u al-mukallaf tarkuhu min ma‘rifati llâh*). The second paraphrase is identical with a text appended to a fragment of *K. al-Talwīḥ* in the JTS manuscript mentioned in n. 7 above, fols. 18f. In BL Or. 2572, fol. 5b ʻAlî b. Sulaymân writes that he only realized after completing his paraphrase that al-Tustarî had already prepared his own paraphrase of the same text, and then proceeds by copying from al-Tustarî’s paraphrase.

\(^{24}\) St. Petersburg, RNL Firk. Arab. 124, f. 1a.


been the son of Sahl b. al-Faḍl al-Tustarī’s widow. This would imply that al-Tustarī was already dead at this time.27

**A public disputation (majlis) in Jerusalem**

It was J. Drory who first drew Gil’s attention to a Muslim source mentioning al-Tustarī.28 This document deserves a closer look in the context of the present article.

In 485/1092 the sixteen-year-old Abū Bakr Muḥammad b. ‘Abdallāh al-Maʿāfīrī Ibn al-‘Arabī (468/1076–543/1148), who later became famous as ‘Fakhr al-Maghrib’, left al-Andalus to embark with his father on a *riḥla* to the East.29 Such journeys were encouraged in particular by Abū l-Walīd Sulaymān b. Khalaf al-Bājī (d. 474/1081), the most influential Andalusian theologian


28 Gil, *The Tustaris* (n. 2 above), p. 66, n. 95; see Drory’s book mentioned in n. 35 below.

of the 5th/11th century apart from the towering figure of Ibn Ḥazm, who
spread the fame of the “glorious sciences of the East” in al-Andalus and
advised young Andalusian scholars to travel to the East in their quest for a
solid theological education. Adverse political conditions in al-Andalus also
facilitated the decision to depart. After a rather adventurous journey along the
southern coast of the Mediterranean sea Ibn al-ʿArabī and his father arrived in
Jerusalem, where the son stayed for more than three years (until autumn 1095).
His ultimate goal, however, was to study with a young teacher at the Niẓāmīya
madrasa in Baghdad whose fame had already reached al-Andalus: Abū Ḥāmid
Muḥammad al-Ghazzālī. Jerusalem was the ideal place for him to acquire
the theological knowledge that would prepare him for his studies in Baghdad.
The account of his journey, included in the introductory section of his Qānūn
al-taʿwil, written forty years after his return to Seville in 495/1101, contains
valuable information about the curricula of religious studies in al-Andalus and
in the East. It presents a particularly vivid portrait of scholarly and social

30 Ibn al-ʿArabī mentions a book-seller in al-Andalus who promoted al-Bājī’s books with the
slogan “ʿilm jalīla jalabahā al-Bājī min al-mashriq” (see I. ʿAbbās, Rihlat Ibn al-ʿArabī
ilā al-Mashriq kamā sawwarahā ‘Qānūn al-taʿwil”, in Aḥbāth 21 [1968], p. 62). The
sciences in question are ‘ilm al-kalām and ḫāl al-fiqh. For the famous disputations between
al-Bājī and Ibn Ḥazm see A. M. Turkī, Polémiques entre Ibn Ḥazm et Bājī sur les principes
de la loi musulmane. Études et documents, Algiers 1976.

31 Ibn al-ʿArabī arrived in Baghdad during the second half of 489/1096. In his al-ʿAwāsim
min al-qawāṣim (ed. ‘A. Tālibī, Cairo 1417/1997, p. 24) he states that he met al-Ghazzālī
in Baghdad in Jumādā II 490/June 1097 after the latter had returned from abroad. If these
dates are correct, al-Ghazzālī arrived in Jerusalem only shortly after Ibn al-ʿArabī departed for
Ashqelon, where he stayed during the first half of 1096. The exact chronology of
al-Ghazzālī’s journeys during the years 1096–1097 is hard to establish. See G. F. Hourani,
“A Revised Chronology of Ghazzālī’s Writings”, in Journal of the American Oriental
Society 104 (1984), p. 295 and p. 296 n. 23. All of Ibn al-ʿArabī’s writings are heavily
influenced by al-Ghazzālī’s thought. In 503/1109 he was among those who, at the order
of the Almoravid rulers, were forced to dispose of their copies of al-Ghazzālī’s works. I.
ʿAbbās, Rihlat Ibn al-ʿArabī, p. 68, records a manuscript of 27 folios in the Public Library
in Rabat entitled: هذه أجوبة أسئلة ابن العربي رضي الله عنه إلا سأل شيخه الإمام
حبة الإسلام أبا حامد الغزالي نفعنا الله بهما

32 The Qānūn was composed in 533/1139. It also appears under the title K. Maʾrifat qānūn
al-taʿwil fi fawaʾid al-tanzīl (see MS Escurial, Arabic, no. 1264, cat. H. Derenbourg, Les
life in Palestine on the eve of the first Crusade. The young Ibn al-ʿArabī was
tremendously impressed by what he encountered and writes with awe about his
meetings with illustrious scholars and students from all over the Islamic world
who passed through Jerusalem.33 In connection with his studies under Abū Bakr
Muḥammad b. al-Walīd al-Fihrī al-Ṭūrūshī (born Ṭūrūsha ca. 451/1059, died
Alexandria 520/1126 or 525/1131), a former student of al-Bājī in Saragossa and
of Ibn Ḥazm in Seville who had settled in the East,34 he recounts the following
event which apparently still resounded in his memory forty-five years later:35

We36 used to talk about the Karrāmīya, the Muʿtazila, the
Anthropomorphists and the Jews. The Jews had in (Jerusalem) a leading
scholar (ḥabr) called al-Tustarī who was erudite and well versed in their
religion. In (Jerusalem) we had arguments with the Christians, too. The
land belongs to them, they cultivate their estates, take care of their
monasteries, and build their churches.

manuscript arabes de l’Escurial, Paris 1928, vol. 3, p. 4). Ibn al-ʿArabī’s earlier, more
detailed account of his journey (Ṭartīb al-rīḥla lil-targīṭ ft l-milla), in which he had, as he
says, omitted the events in Jerusalem, is not extant.


34 On al-Fihrī, who was also known as Ibn Abī Randaqa, see the article “al-Ṭūrūshī, Abū Bakr Muḥammad” by A. Ben Abdessem, in EI2, vol. 10 (2000), pp. 739f.; Kabbāla, Muʿjam (n. 29 above), vol. 12, p. 96; al-Maqqarī, Naḥḥ al-tīb, ed. Cairo, vol. 6, pp. 222–233 (= ed. I. ʿAbbās, vol. 2, pp. 85–90, no. 46). Other prominent students of al-Ṭūrūshī coming from the ‘West’ were the eminent tradionist Abū ‘Alī al-Safaḍī (d. 514/1120–1), and the future Mahdī of the Almohads, Ibn Tūmart (d. 524/1130).

35 Ed. I. ʿAbbās, in Abhāth 21 (1968), pp. 81:13–82:11. See also the editor’s introduction, p. 65. The edition of Qānūn al-ta’wīl by M. al-Sulaymānī (second edition Beirut 1990), was not available to me. The translated passage has been referred to repeatedly: see e.g. Gil, The Tustaris (n. 2 above), pp. 65f.; idem, History of Palestine (ibid.), p. 417; 802 n. 15; 820 n. 24; H. Ben-Shammāi, “The Karaites”, in The History of Jerusalem (n. 26 above), p. 221. An annotated Hebrew translation of this text is to be found in J. Drory, Ibn al-ʿArabī of Seville: Journey to Palestine (1092–1095), Ramat Gan 1993, pp. 96, 138–141 (notes) [Hebrew].

36 I.e. Abū Bakr Ibn al-ʿArabī and his teacher, al-Fihrī (see n. 34 above).
One day, we attended a huge public debate (majlis) in which the (various) religious denominations participated. Al-Tustarī, the leading Jewish scholar, spoke about his religion and said: “We all agree that Moses is a prophet who was confirmed by miracles and taught the Commandments; whoever thinks that someone else is a prophet must provide evidence for that”. As is customary in dialectical disputations, he intended to place the onus probandi on our side, so that he would comfortably attain (his) desired goal and continue unremittingly with (his) loquacious speech. But al-Fihrī countered: “If you mean the Moses who was confirmed by miracles, taught the Commandments and announced (the coming of the prophet) Ahmad [= Muḥammad], we are in total agreement with you about him, believe in him and give credence to him; if, however, you mean another Moses, we do not know what he may be”. The audience approved of this argument and cheered him excessively. It was a dialectically clever, very witty remark. The opponent [i.e. al-Tustarī] was left speechless and the verdict (as to who had the upper hand in the debate) was decided.

We remained in this disposition until I came — through God’s kindness — to know the objectives of the three sciences: the science of kalām, usūl al-fiqh and masā’il al-khilāf. These three sciences are the backbone of religion and the ideal preparation for getting acquainted with the rules of the legally obligated people.37

وكان نفاوض الكرامية والمعترضة والمشوبة واليهود. وكان لليهود بهما خبر منهم بقول له المتستر لقننا فيهم ذكي بطرقهم. وخصصنا التصاري بها، وكانت البلاد لهم أكرهون ضياعها ويلترمون أذى هم ويعمرون كنائشها. وقد حضرنا يومًا مجلسًا عظيمًا في فيه الطائف، وتكلم المتستر الحبر اليهودي على دينه فقال: اتفقنا على أن موسى النبي مؤيد بالمعجزات معلم بالكلمات، فمن ادعى أن غيره النبي، فعلبه الدليل. وأراد من طريق الجدل أن يرد الدليل في جهتنا، حتى يطرد له المرام، وتمتد أطراف الكلام. فقال له الفهري: إن أردت بموسى الذي أبد بالمعبترات وعلم الكلمات ويشتر بأخذه، فقد اتفقنا عليه معكم وأتنا به واصطفاء، وإن أردت به موسى آخر، فلا تعلم ما هو. فاستحسن ذلك الحاضرون وأطلوا في الثناء عليه، وكانت لكثرة جلالة عقلية قوية، فيته الخصم وانتقضي الحكم.

ولم نزل على تلك السجية حتى اطلعنا بفضل الله على أغراض العلوم الثلاثة: علم الكلام وأصول الفقه ومسائل الخلاف الذي هي عمدة الدين وطرق المثابرة إلى التدرب في معرفة أحكام المكلفين.
Whether or not Ibn al-'Arabī faithfully recounts the course of the majlis is of secondary importance for our purposes. What is noteworthy is the existence of such public debates in Jerusalem at the very end of the 5th/11th century. Moreover, it is possible that al-Tustarī’s debate with al-Fihrī was not confined to exchanging arguments in a polemical debate and we may speculate whether a fragment of an abridgement of al-Bājī’s K. Ḥkām al-fusūlī fī āhkām al-usūl in the Second Firkovich Collection may have had its origin in such an encounter.

K. al-Īmā’ ilā jawāmi‘ al-taklīf ‘ilmān wa-‘amālān

The manuscripts

So far 22 fragments of K. al-Īmā’ have been identified. These fragments derive from eight distinct manuscripts [ṇ–ף].

38 For some earlier examples of Jewish scholars participating in public sessions for discussion of religious and theological matters, especially in the context of tenth-century Baghdad, see D. Sklare, “Responses to Islamic Polemics by Jewish Mutakallimūn in the Tenth Century”, in The Majlis: Interreligious Encounters in Medieval Islam, ed. H. Lazarus-Yafeh et al., Wiesbaden 1999, pp. 137–161. Sklare is currently preparing a monographic survey of related texts. In our context we may once more point to a one-page fragment in the handwriting of al-Tustari’s contemporary ‘Ali b. Sulaymān in MS London, BL, Or. 2572, fol. 12b (cat. Margoliouth, vol. 3, pp. 199f., no. 896/II), edited by H. Hirschfeld in Zeitschrift für Assyriologie 26 (1912), pp. 111–113. The fragment seems to be an extract from a manual intended to guide a Jewish participant of an interfaith polemical majlis [yaqūlu li-man yaqūlu inna l-yahūd ...]. The extract text addresses the Muslim claim that the Jews have forged the existing text of the Torah (tahrīf).

39 MS St. Petersburg, RNL, Firk. Arab. 93. The fragment bears the title Bāb aqsām adillat al-shar’ and gives an abridged version of the text (cf. ed. ‘A. M. al-Jubbūrī, 2 vols., Beirut 1409/1989, pp. 69ff.). al-Fihrī is indeed known to have written abridgements of some of his teacher’s works.

40 Two thirds of the fragments have been identified by the staff of the Russian National Library, the Institute of Microfilmed Hebrew Manuscripts and the Ben Zvi Institute, the rest by myself. Some further fragments may, of course, still be identified in the future. I am grateful to Dr. D. Sklare for providing me with a list of some shorter fragments from the Second Firkovich collection “potentially belonging to K. al-Īmā’”.

41 MS St. Petersburg, RNL, Yevr.-Arab. I 1272 is evidently not a copy of K. al-Īmā’ itself, but rather a considerably abridged version of it. Between the first and the last words of fol. 3a
Moscow, Russian State Library, Guenzburg 1040, 164 fols. (IMHM, F 47570) [= א]; Saint Petersburg, Russian National Library (hereafter RNL), Yevr.-Arab. I 1680, 8 fols. (IMHM, F 56257) [= י]; St. Petersburg, RNL, Yevr.-Arab. II 974, fols. 86–88 (IMHM, F 59367) [= ל]

St. Petersburg, RNL, Yevr.-Arab. I 1711, 76 fols. (IMHM, F 55045) [= ב]; Yevr.-Arab. I 1716, 9 fols. (IMHM, F 56288) [= ג]; Yevr.-Arab. II 1058, fols. 61f. (IMHM, F 59400) [= ד]

Jerusalem, private collection (previously Kiev, Vernadsky Library, Harkavy Ph. no. 3), 51 fols.; date: 1345 (IMHM, F 70551) [= ה]

St. Petersburg, RNL, Yevr.-Arab. I 1671, 28 fols. (IMHM, F 55212) [= ה]; Yevr.-Arab. I 1096, 4 fols. (IMHM, F 54967) [= ו]; Yevr.-Arab. I 1299, 1 fol. (IMHM, F 54854) [= ז]

St. Petersburg, RNL, Yevr.-Arab. I 1686, fols. 65–70; 78f.; 95; 107; 110–119; 129–133 (IMHM, F 55328) [= הי]; Yevr.-Arab. I 924, 4 fols. (IMHM, F 54446) [= יח]; Yevr.-Arab. II 938, fols. 71f.; 77f. (IMHM, F 59382) [= ז]


St. Petersburg, RNL, Yevr.-Arab. I 1338, fols. 1; 4–36 (IMHM, F 54675) [= י”; Yevr.-Arab. I 2258, fols. 1–26; 35–40 (IMHM, F 56889) [= י”; Yevr.-Arab. I 1023, 8 fols. (IMHM, F 54458) [= י”; Yevr.-Arab. I 1184, 1

there are no less than 8 folios in MS א (see table of manuscripts, column VIII, MS א, between fol. 107b and 81b).

42 The following quire numbers (in Arabic script) are visible (see bold subscript numerals in table):

43 Apparently, the manuscript consisted originally of two volumes, whereby the lost second volume would have comprised the third maqāla of K. al-Ímā’ [see J. Mann, Texts and Studies (n. 17 above), vol. 2, p. 142, n. 27]. The manuscript was copied in 1345 (see colophon on fol. 1b). It belonged to A. Harkavy. According to the online catalogue of the Jewish National and University Library it is now part of an unspecified private collection in Jerusalem.
The following table synoptically describes the reconstruction of *K. al-Îmä'* on the basis of the manuscripts listed above [נ–ן]. It is to be read from the left to the right (columns I–IX). Each field represents one folio of the respective manuscript. Superscript numbers refer to a specific fragment of a manuscript (e.g. 61² in column א refers to folio 61 of ms. 2ב). Subscript numbers in MS נ refer to quire numbers (bold quire numbers are visible in this manuscript). Quires are separated by a bold horizontal line. Numbers in column C (I.1–III.2.x) refer to chapters or thematic units as explained in the second part of the article (see fig. 1 on the following page).

**Date and structure**

So far, no definite clue has been found that would enable us to determine the exact date of composition of *K. al-Îmä'*,[44] but we may savely class it with al-Tustarî’s mature works, written when he was already a well-established scholar (1070s–’90s). When writing *K. al-Îmä’*, he had already completed parts of his commentary on the Torah,[45] while he was still expecting to put others into writing.[46] His work on this commentary is known to have extended over more than two decades.[47] Al-Tustarî mentions some details about the circumstances of the book’s composition in its introduction [MSS 'נ/ד/ית, fol. 1b]:

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45 See MS ל, fol. 17a (= MS נ, fol. 79b), with regard to Leviticus 15(11).

46 See MS נ, fol. 1a (unspecific); fol. 13a with regard to Leviticus 23(24); fol. 76b with regard to Lev 13; fol. 152b, with regard to Exodus 21f. A reference to *K. al-Îmä’* is found in a later, undated responsum, MS St. Petersburg, RNL, Arab.-Yevr. 23, fol. 2a (IMHM, F 63705) (see n. 120 below).

47 See MS St. Petersburg, RNL, Arab.-Yevr. 21, fol. 105a (dated Dhū al-Qa‘da 460/September 1068), respectively fol. 159a (dated [4]77/1084).
Praise be to God, the One, the Just, who bestowed upon us His kindness by offering us the most exalted standing, which lies beyond what can be offered out of graciousness. In order to ensure that we reach the intended goal, He removed deficiencies. He divided our imposed obligation into a theoretical and a practical part, to multiply our reward by achieving these (respective goals) and for the sake of the benefit which follows as a result of the great hardship of acting in compliance with the motives of...
the imposed obligation owing to an acquired knowledge, as opposed to what would be the case if this knowledge were immediate (‘necessary’). To him belong abundant thanks and grace.

To the subject of this book: (I)\textsuperscript{56} received a letter from someone whose authority is irrevocable, from someone who has a very high rank in the sciences, namely the distinguished scholar Abū l-Ḥusayn [!] ‘Alī b. Sulaymān,\textsuperscript{57} may God continue to give him strength. He urged (me) to write a compendium comprising an aperçu of the ensemble of theoretical and practical obligations, similar to what al-Sharīf al-Murtaḍā did in his “Companion to the Theoretical and Practical (Religious Obligations)”, while adhering to the format of a compendium which should include the (following) three treatises:

The first treatise should treat subjects related to God’s unity and justice; the second should discuss the premises and underlying principles of the religious law, thereby following the pattern of usūl al-fiqh (compositions); the third should deal with the foundations of the (individual) ordinances contained in the Torah in a systematic (‘equable’) way and specify the evidence for (ordinances) which are based on something more than what is explicitly stated in the scriptural text; it should, moreover, distinguish (ordinances) whose obligation applies to a specific time and to specific people from (ordinances) whose obligation is all-inclusive (= applies to everyone) at all times.

I considered it appropriate to comply with his instructions, even though he, may God guard his lifetime, would have been better qualified than I to write such a book, because of his mastery of the rational and religious

\textsuperscript{56} For the sake of clarity, the translation deviates from the lengthy subordinate clause in the sentence [למאי זה כתוב ומ אמר MyClass ... אמר MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass MyClass 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sciences and his unrivalled accuracy therein. I ask God to grant me His support and guidance through His kindness.

According to this preamble it was al-Tustari’s contemporary and friend Abū l-Ḥasan ‘Alī b. Sulaymān who sent him a letter urging him to write a compendium (mukhtasar) comprising a concise synopsis of all theoretical and practical aspects of the divinely imposed obligations according to the view of Karaite Judaism. *Mukhtasar* and its related terms *jumal* and *jawāmi’* do not stand here for an abridgement of an already existing, more comprehensive work, but rather for the convenient, handy presentation of a very extensive subject matter, written by an acknowledged expert in the field for readers who are themselves on familiar terms with the specific area of knowledge.\(^5\)

The structure of the book and its emphasis on legal hermeneutics and juridical issues would suggest that it was mainly meant to serve as a *vademecum* for legal experts and practising jurists. Al-Tustari’s authorial expertise is accentuated by his remark in the closing section of *K. al-Ímā’*, noting that he had no books at his disposal when writing it, “neither his own books nor those of others”.\(^5\) It seems that the book was written in a relatively short period of time as a unified whole.

### Al-Sharīf al-Murtaḍā in Karaite libraries

The letter cited mentioned al-Sharīf al-Murtaḍā’s *K. Jumal al-‘ilm wa-l-‘amal* as a point of reference for what al-Tustari was meant to compose.\(^6\) This book,

\(^{58}\) See on this point the article “*Mukhtasar*” by A. Arazi and H. Ben-Shammai, in *El*, vol. 7 (1992), pp. 536–540.

\(^{59}\) "When writing this book, I did not have access to my own books nor the books of anyone else, because the (circumstances of) time separated me from them”.

written at the request of al-Murtada’s teacher, al-Shaykh al-Mufid, was highly regarded and immensely popular during the 5th/11th century, even outside the Imamiite Shafi’a. A late source even claims that the great ‘Abd al-Jabbir lauded the book with the somewhat double-edged remark: “If al-Sharif al-Murtada had (written) nothing but this compendium, he would have outclassed all other writers”.\(^6\) al-Sharif al-Murtada himself later wrote a Sharh on the theoretical part of his Jumal.\(^6\) Among his many illustrious students, who included most of the prominent Shafiite scholars of the following generation, at least three are known to have written commentaries on one or the other part of the Jumal.\(^6\)  

Al-Murtada’s preeminent student ‘Shaykh al-Ta’ifa’ Abü Ja’far Muhammad b. al-Hasan al-Tusi (d. Najaf, 459/1067) wrote an extensive Sharh on the theoretical part of the Jumal.\(^6\) Al-Qadi Abü l-Qasim Sa’d al-Din ‘Abd al-‘Aziz b. Nahri b. ‘Abd al-‘Aziz Ibn al-Barraj al-Shami al-Tarabulusi (d. 481/1088) commented upon the legal part of the Jumal.\(^6\) According to some sources Abū l-Fath Muhammad b. ‘Alî al-Karajikī (d. Tyre, 449/1057) is also said to have

\(\text{al-kutub} 26, 1–2 (1425/2004), \text{pp.} 70–97, \) with further references to more recent publications. 


\(65\) \text{Sharh Jumal al-’ilm wa-l-’amal}, ed. K. I. Shânehchi, Mashhad 1352/1974; Tîhrânî, \text{Dhârî}’a (n. 60 above), vol. 13, p. 178, no. 599.
written a commentary on the theoretical part of the Jumal. Interestingly enough, the Second Firkovich Collection includes at least three fragments of a copy of an anonymous Muslim commentary on the Jumal in Hebrew script. They comprise parts from the end of abwāb al-tawḥīd as well as from the beginning and from later sections of abwāb al-ʿadl. This anonymous commentary is clearly dependent upon al-Murtadā’s own Sharḥ. The possibility that these fragments are part of the lost commentary by al-Karajī cannot be excluded, but it may equally well be a copy of an otherwise unattested commentary.

This commentary is not, however, the only trace of al-Sharīf al-Murtadā’s works in Karaite libraries. A copy of his K. Dhakhīrāt al-ʿālim wa-baṣṭrat al-mutaʿallim (= K. al-Dhakhīra fi ʿilm al-kalām) in the handwriting of ʿAli b. Sulaymān is extant in MS St. Petersburg, RNL, Firk. Arab. 111.


MSS St. Petersburg, RNL, Yevr.-Arab. II 198, 8 fols. (IMHM, F 58944) [= n]; Yevr.-Arab. II 940, 10 fols. (IMHM, F 59329) [= b]; Yevr.-Arab. II 1042/V, 4 fols. (IMHM, F 59491) [= i]. I owe these references to the kindness of Dr. A. Zysow and Dr. D. Sklare. I have prepared an edition of these three fragments.

Dhakhîra and the more comprehensive but unfinished Mulakhkhas fi usūl al-dīn⁷⁰ were both written before the Jumal.⁷¹ A one-leaf fragment from the Cairo Genizah contains a section of al-Sharîf al-Murtaḍâ’s Inqâdh al-bashar min al-jabr wa-l-qadar in a paraphrased version by Abû Ja‘far al-Ṭûsî.⁷²

Bearing in mind that al-Murtaḍâ was one of the most acclaimed theologians in Baghdad during the late 4th/10th and early 5th/11th centuries, the familiarity of Karaite savants with his works is not in itself astonishing. Moreover, the main points of his theological doctrine concurred with the teachings of the Bahshamîya, i.e. the branch of the Başran Mu’tazila following the doctrine of Abû Hâshim al-Jubbâ’î, and hence with the mainstream of Karaite theological thought during the first half of the 11th century. But al-Murtaḍâ was also among the eminent dignitaries to sign in 402/1011–2 the Caliph al-Qâdir bi-llâh’s document charging the Fatimid caliphs with having forged their ‘Alid genealogy. This only added to the continuous tensions between Imāmî Shi‘ites and Ismâ‘îlites. Al-Murtaḍâ was hardly among the more widely read authors in the Fatimid empire.⁷³ There were, however, a few Imāmî Shi‘ite communities in Egypt and Palestine, and we may speculate whether the Karaites’ familiarity with some of al-Murtaḍâ’s writings could have been mediated by contacts between Karaite and Imāmî scholars, especially in Ramla, where both movements

⁷⁰ K. al-Dhakhîra (Sharh al-Dhakhîra fi l-kalâm) was written by one of al-Murtaḍâ’s students, Abû Salâh Taqî al-Dîn b. Najm al-Halabî, mentioned by Ibn Shahrâshûb, Ma‘âlim al-‘ulamâ’ [see Tîhrānî, Dhâhî’ a (n. 60 above), vol. 13, p. 277, no. 1011 and vol. 10, pp. 11f.].
⁷² In the epilogue (khâtimâ) of the Jumal (ed. al-Saffâr, p. 130) al-Murtaḍâ refers those readers who would like to acquire a more profound understanding of usūl al-dīn issues to the Dhakhîra and the Mulakhkhas.
⁷⁴ It was only later that his K. Ghurar al-fawâ’îd wa-durar al-qalâ‘îd (Amâlî al-Murtaḍâ) became very popular among Ismâ‘îlî scholars, too.
had important communities.\(^{74}\) Al-Sharīf al-Murtādā wrote seven responsa to questions from the Ramla community (al-Ramlīyāt)\(^{75}\) and his aforementioned student al-Kārijī written to have spent several years in Ramla.\(^{76}\)

With all that being said, al-Tustārī’s \textit{K. al-Imā’} is by no means meant to be a mere imitation of al-Murtādā’s \textit{Jumal}. It seems that the \textit{Jumal} is referred to as a model first and foremost because it succeeded in exemplary fashion in covering a very comprehensive subject matter within the handy format of a \textit{Mukhṭaṣār}. Already in its basic tripartite structure \textit{K. al-Imā’} differs from the \textit{Jumal}, which does not comprise anything corresponding to the second treatise of \textit{K. al-Imā’}.

In the remainder of this article each of the three treatises will be considered separately. A detailed analysis of this very condensed composition would obviously exceed the format of the present article. We shall therefore confine ourselves to pinpointing some distinctive facets of the book’s structure.

\(^{74}\) On the Imāmī community in Ramla see Gil, \textit{History of Palestine} (n. 2 above), p. 426 with n. 94 and p. 312 with n. 80. For some additional names see n. 76 below. Abū ‘Alī al-Hasan b. Mu’āmmar al-Raqī taught hadīth in Ramla on the authority of al-Shaykh al-Mufīd in Shawkāl 423/Sept. 1032 [see Tīhrānī, \textit{Tabaqqāt} (n. 60 above), vol. 5, p. 56].


\(^{76}\) Al-Kārijī was certainly in Ramla in 410/1019–20, 412/1021–2, 416/1025–6. According to Tīhrānī, \textit{Tabaqqāt} (n. 60 above), vol. 5, p. 177 al-Kārijī studied hadīth in Ramla with al-Sharīf Abū Mansūr Abmah b. Ḥamza al-Uraydī (ibid., p. 16), in 410/1019–20 with al-Qādī Abū l-Hasan Asad b. Ḥibrānīm b. Kula’y b. Sulamī al-Harrānī who was also a teacher of al-Najāshī (see ibid., p. 29), in Shawkāl 410/Feb. 1020 with Abū Sa‘īd Ahmad b. Muḥammad b. Ahmad al-Malīnī al-Haraawi [see Kabāhīa, \textit{Mu’jam} (n. 29 above), vol. 11, p. 27; A’yān al-Shī’ā, Beirut 1960, vol. 9, p. 400].
and contents. A comprehensive assessment of al-Tustari’s theological and philosophical thought will have to wait until critical editions of K. al-İmâ’ and his other writings have been published.

The first treatise

The first treatise, the shortest of the three, is meant to be a concise digest of Mu’tazilite usûl al-dîn. Accordingly, it includes a discussion of God’s unity and justice (al-Maqâla al-ülâ fîmâ yata‘allaqu bi-l-tawhîd wa-l-‘adl). It opens with the following lines [MSS 'א, fol. 2a; י, fol. 2a]:

Take note that in this treatise we intend to establish the existence of God and His attributes. But first of all we have to give evidence that it is obligatory to know Him. The evidence for that is that rational beings immediately (‘necessarily’) know that certain actions deserve blame, whereas others deserve praise and exaltation, that there is a gradation with respect to the extent of what one deserves of these things, and that some (actions) are not subject to deservningness at all. If all things were equivalent, inasmuch as they would not entail any evil consequence and in some instances involve attainment, this difference between their judgements would not exist. The attainment and evil consequences (of actions) are distinct only on account of an agent who effects them. That is why the legally obligated person must engage in rational investigation in order to gain knowledge about these things, and in order to get closer to salvation and farther away from the causes of perdition.
After establishing the obligation to know God as a postulate of practical reason, al-Tustarî goes on to give a condensed summary of the principles of religion (usûl al-dîn). The extant manuscripts (see table above) include three chapter headings for the first treatise (see below 1.2.6; 1.2.7; 1.3.4). They do not reflect the structure of the treatise and seem altogether fortuitous. It seems very likely, indeed, that initially the treatise was written as one unit and that the chapter headings are a later addition. The structure of the treatise may be described as follows:

A. Unity (Abwâb al-tawhîd)
   I.1 Evidence for the necessity/obligation to know God (al-dalîl ‘alâ wujûb l-‘ilm bihi ta’âlâ) [N2 1]
   I.2 Proving the existence of God and His attributes (ithbâtu llâh subhânahu wa-awsâfihi) [271–N2 1]
   I.2.1 The necessity of His being eternal (wujûb kawnihi ta’âlâ qadîman) [N43–N2 1]
       I.2.1.1 The origination of temporals (hidath al-hawâdith) [N2 1]
       I.2.1.2 The origination of bodies (hidath al-ajsâm) [23/N2 1]
       I.2.1.3 God is the originator of the world (kawnuhu ta’âlâ muhädîth al-‘âlam) [N4/23 1]
   I.2.2 The necessity of His being one (wujûb kawnihi ta’âlâ wâhîdon, lâ thâni lahu) [2/N4 1]
   I.2.3 The inconceivability of God’s being seen (istihâlat al-ru’ya ‘alayhi ta’âlâ) [24 1]
   I.2.4 The necessity of His being powerful/omnipotent (wujûb kawnihi ta’âlâ qâdir) [25–24 1]
   I.2.5 The necessity of His being knowing/omniscient (wujûb kawnihi ta’âlâ ‘âlim) [N6–25 1]
   I.2.6 [The necessity] of His being living ([wujûb] kawnihi ta’âlâ ḥayy) [N6 1]
   I.2.7 The necessity of His being self-sufficient (wujûb kawnihi ta’âlâ ghanîy) [26 1]
B. Justice (\textit{abwāb al-'adl})

I.2.8 His being willing and loathing (\textit{kawnuhu ta'ālā murūdān wa-kārīhān}) \[N7/26 \]

I.2.9 His being wise (\textit{kawnuhu ta'ālā ḥakīmān}) \[2/87 \]

I.2.9.1 God does not do evil (\textit{innahu ta'ālā lā yaf'alu l-qabīḥ}) \[N7 \]

I.2.9.2 God does not fail to do what is necessary (\textit{innahu ta'ālā lā yukhillu bi-wājib}) \[2/77 \]

I.3 The imposition of obligation (\textit{al-taklīf}) \[N14–27 \]

I.3.1 Deserving reward and punishment / praise and blame (\textit{istihqāq al-thawāb wa-l-‘iqāb / al-madh wa-l-dhamm}) \[N12–N8 \]

I.3.1.1 That it is good to impose obligation on the disobedient and the unbeliever (\textit{husn taklīf al-‘āṣi wa-l-kāfīr}) \[28 \]

I.3.2 Suffering (‘Pains’) (\textit{al-ālām}) \[N10/29 \]

I.3.3 The soul: The obligated person must be a stable, unchanging and inseparable entity: (\textit{al-nafs: wujūb kawn al-mukallaf amr thābit lā mutaghayyir wa-lā mutafarriq}) \[213–N12 \]

I.3.4 Repentance (\textit{al-tawba}) \[N14 \]

I.4 Prophecy (\textit{al-nubūwa}) \[N16–214 \]

I.4.1 The soundness of the transmitted reports and the Law; the veracity of the prophet (\textit{siḥḥat al-akhbār wa-l-shar‘; ṣidq al-nabī}) \[N16–214 \]

I.4.2 Abrogation; the permanence of the Law of Moses (\textit{naskh; ta'bīd shari‘at Mūsā}) \[N16–N15 \]

The topics addressed in this first treatise are found in similar arrangements and with various degrees of elaboration in Mu‘tazilite compositions on \textit{uṣūl al-dīn} written during the tenth and eleventh centuries.\footnote{The most important extant \textit{uṣūl al-dīn} works of the Bahshāmī branch of the Mu‘tazila written before \textit{K. al-Imā}’ include Abū l-Hasan ‘Abd al-Jabbār b. Ahmad al-Hamadhānī al-Asadābādī (d. 415/1024–5), al-Mughnī fi ḍawāb al-tawḥīd wa-l-‘adl, al-Muḥī bi-l-taklīf, al-Uṣūl al-khamsa, \textit{Sharḥ al-Uṣūl al-khamsa}; Abū Muhammad Ḥasan b. Ahmad Ibn Mattawayh,}
contemporaneous Mu‘tazilite works does not imply that al-Tustarî confined himself to giving a digest of the doctrine of his Karaites. Recent studies have substantiated the significant impact of the ‘philosophized’ theology of Abû 1-Hasayn Muḥammad b. ‘Alî b. al-Ṭayyib al-Ǧârî (d. Baghdâd, 436/1044) on al-Tustarî’s theological thought.78 Abû 1-Hasayn al-Ǧârî — a contemporary of al-Šarîf al-Murtadâ in Baghdad — acquired his philosophical education under the guidance of two prominent scholars of the Christian Aristotelian school of Baghdâd, Abû ‘Alî b. al-Sâmîh (d. 418/1027) and Abû 1-Faraj ‘Abdallâh b. al-Ṭayyib (d. 435/1043).79 An important testimony to this education is the famous


codex Leiden, UB, Or. 583, entitled Sharḥ al-samā‘ al-ṭabi‘i (‘Commentary on the Auscultatio Physica’) which contains, besides the Arabic translation of Aristotle’s Physics, commentaries and glosses by several scholars of the Christian Aristotelian school of Baghdad. It derives not directly, but at one remove from a copy in the handwriting of Abū l-Ḥusayn al-Bāṣrī, which was written in twenty-four quires and collated with a copy of Yahyā b. ‘Adī. A close study of this codex has shown that the comments of Abū Bishr Mattā b. Yūnus al-Qunnā‘ī (d. 320/940), Yahyā Ibn ‘Adī, Abū ‘Alī b. al-Samḥ and Abū l-Faraj b. al-Ṭayyib largely depend on Philoponus’ (Yahyā al-Nahwī’s) commentary on the Physics. As has been stated repeatedly by a number of students of Yahyā b. ‘Adī (for additional references see C. Ferrari, Der Kategorienkommentar von Abū l-Farāq Abūllāh ibn al-Ṭayyib. Text und Untersuchungen, Leiden 2006). While Abū l-Husayn al-Bāṣrī received his philosophical education at the Christian Aristotelian school of Baghdad, al-Sharīf al-Murtadā polemized against this very same school. He wrote, for instance, al-Radd ‘alā Yahyā b. ‘Adī al-naṣrānī fīmā yatanāhā wa-mā lā yatanāhā (see Tihrānī, Dhar‘a [n. 60 above], vol. 10, p. 237, no. 748); al-Radd ‘alā Yahyā b. ‘Adī fi l-tirādīhi ‘alā dalīl al-mawjūdayn fī ḥudāth al-ajsām (ibid., vol. 749); al-Radd ‘alā Yahyā b. ‘Adī fi mas‘āla sammāhā “ṭabī‘at al-muslimīn” (ibid., no. 750); al-Radd ‘alā man aḥbata ḥudāth al-ajsām min al-jawhar [ed. in Rasā‘i al-Murtadā (n. 60 above), vol. 3, pp. 331–334]. Abū l-Husayn al-Bāṣrī wrote refutations of al-Sharīf al-Murtadā ‘s K. al-Shāfī on the ināmāt and of K. al-Muqni‘ on the Ghayba doctrine. With regard to the relationship between these two eminent scholars see also the testimony in Abū l-‘Alā’ al-Ma‘arrī’s Luzāmīyat as quoted in S. M. Stern, “Ibn al-Sambī”, in The Journal of the Royal Asiatic Society (1956), p. 32.


81 The scribe of the manuscript, Abū l-Hakam al-Ma‘arrī al-Maghrībi, copied it in 1129–1130. He states that he copied faithfully from an exemplar (al-umm) which was copied from the original (al-ʾasl) in al-Karb in Jumādā II 470/1077. The copyist of the umm is not identified. The ʾasl was in the handwriting of Abū l-Husayn al-Bāṣrī who wrote it in Safar 395/1004. The fullest form of his name is given in the colophon of Book Four by the anonymous scribe of the ʾumm copy: Tamma taʾliq l-maqālātī l-rābi‘ati min al-samā‘i l-ṭabi‘i lil-Shaykh al-Imām al-ʿAlīn Abī l-Husayn Muḥammad b. ‘Alī al-Bāṣrī (see Giannakis, Philoponus, p. 23).

82 Giannakis, Philoponus; Lettinck, Introduction (n. 80 above). An aspect of Giannakis’ thesis
scholars, Philoponus’ objections against the doctrines of the eternity of the world and of eternal motion underwent reformulations of various kinds in the *Kalām* treatises in order to establish the contingency of the created world, the finiteness of the body of the universe, and the impossibility of infinite time, infinite motion, and infinite series of accidents. Al-Baṣrī’s argument is decisively influenced by the teachings of the Aristotelian school of Baghdād and their critical rephrasing of some of Philoponus’ proofs. To a certain extent, al-Tustarī’s indebtedness to Abū l-Ḥusayn al-Baṣrī’s thought may be described as a legacy of the Christian Aristotelian school of Baghdād. The nuances of such an indebtedness can only be determined after a close reading of all of al-Tustarī’s extant works and their comparison with the relevant texts of this school.


In *K. al-Īmā* al-Tustarī presents the arguments for the createdness of the world in a rather truncated, or — in keeping with the book’s title — ‘allusive’ form. His main argument concurs with an argument which Yūsuf al- Başîr had attempted to refute half a century earlier in his *K. al-Naqd* [‘alā Abī l- Ḥusayn al- Baṣrî], a sweeping attack against those who deny the existence of accidents (*nuffāt al-a’rād*). Al-Tustarī writes [MSS ‘a, fol. 2b; 3, fol. 2b]:


86 See MS St. Petersburg, RNL, Yevr.-Arab. I 3100, fol. 6b–7a (IMHM, F 56533).
87 ג י ל ו א ק
88 ג י ל ו א ק
89 ג י ל ו א ק
The inherent quality of the body is its occurring in a position in space. [...] The occurrence (of the body) in a position in space is innovated, because its stable existence\(^91\) in space must be in accordance with one of the following possibilities: either it is a stable existence without a beginning, or it occurs in (multiple) positions in space in continuous succession without a beginning, or it is a stable existence which is innovated in each position in space, so that its occurrence in them is not a continuous succession without a beginning.

It is inconceivable that it is stable in one position in space without having a beginning, since this would imply the impossibility of its departing from (this position). This is because stable existence without a beginning is one single stable existence, for if it were more than one stable existence, it would not be a stable existence without a beginning. Such a stable existence is necessary, not possible, since possibility extends to the

\(^90\) or: ‘being stable’, ‘stability’, ‘reality’.

\(^91\) or: ‘being stable’, ‘stability’, ‘reality’.
future, not to the past. Things which do not entail a beginning in the future have no possibility, and whatever is eternal \textit{a parte ante} entails no beginning in the future. Were (its) stable existence discontinued, the stable existence \textit{a parte ante} would be discontinued, for we have already made clear that it does not entail change. If (its) discontinuation were necessary, (its) stable existence \textit{a parte ante} would be possible, too, since possibility comprises both sides. We have already explained that stable existence \textit{a parte ante} is necessary, not possible, and what is neither necessary nor possible is impossible. Therefore it is impossible that something which is eternal \textit{a parte ante} would be discontinued, and it is impossible that the body (which is eternal \textit{a parte ante}) departs from its position in space. It is, however, known that (the body) \textit{does} depart from its position in space.

It is also not possible that (the body) occurs in (multiple) positions in space in continuous succession without a beginning, because if only what is innovated can occur in a position in space, it is inconceivable for them to be continuous, for everything of them would be preceded in a continuous succession, just as it is not possible that temporals occur in an infinite continuity in the future, from which one could infer a continuity without a beginning, because the future is analogous to the past insofar as every past thing was (once) a future thing. The whole (the totality) is preceded, because the whole is nothing but (its) components and it has no qualification by which it is set apart from the qualification of (its) components. On account of its being a whole it has neither a stable existence nor a reality because of which it would acquire a qualification contradicting the qualification of its parts. If it had a qualification contradicting the qualification of its parts, even though it
has no stable existence other than the stable existence of its parts, its parts would have (simultaneously) a qualification and its contrary, and this is absurd. Moreover, among the totality of temporals which affect the body successively, nothing is stable in it together with its counterpart, because they exclude each other and follow one after the other. At no point in time does the whole have a stable existence which includes (all of) them, not at a time and not in a subject, because they pass away and elapse. Whatever has this qualification has no stable existence as a whole except the stable existence of its parts, and since it is not possible for the whole to have a qualification contradicting the qualification of its parts, the whole must have a beginning, because it is (its) components. (The body’s) stable existence in positions in space is innovated, and the body, by its reality, cannot be separated from being in positions in space. Hence, it must be innovated.

The second treatise

The second treatise discusses “the premises and underlying principles of the religious law, thereby following the pattern of 'usūl al-fiqh (compositions)”. It includes the following chapter headings:

II.1. Exposition of the (methodological) procedures common to (all) sciences (bayān al-turuq al-mushtarakā lil-‘ulūm);
II.2. Chapter on the conversion of statements/propositions (faṣl fī ‘aks al-qadāyā);  
II.3. Chapter on the imperative/command (faṣl fī l-amr);

As noted with regard to the first treatise, the discrepancy between the structure as reflected by the chapter headings and the actual arrangement of the contents suggests that the treatise did not originally include chapter headings.

The opening section of the second treatise is not given a chapter heading. The first sentence reads: [MSS ג, fol. 16b; ב, fol. 2a].
II.4. Chapter on prohibitions (faṣl fī l-nawāḥī);
II.5. Chapter on generality and particularity (faṣl fī l-‘umūm wa-l-khuṣūṣ);
II.6. Chapter which discusses specifically the particular term (faṣl fī dhikr al-khāṣṣ);
II.7. Chapter on the clarifying statement (faṣl fī l-bayān);
II.8. Chapter regarding the fact that whatever is not explicitly stated must not be applied to the legal judgement nor its contrary without demonstrative evidence (faṣl fī anna mā siwā l-madhḵūr lā yajibu ḥamlūhu ‘alā ḥukmihi wa-lā ‘alā khīlāfihi bi-ghayri dalāla);
II.9. Chapter on abrogation and related issues (faṣl fī l-naskh wa-mā yattaṣīlu bihi);
II.10. Chapter on the juridical (inductive) syllogism (faṣl fī l-qiyās). 94

With the exception of the sections II.1–2 all chapter headings concur with major topics discussed in Islamic ṣasl al-fiqh compositions predating K. al-Īmā’. Since a detailed analysis of the latter subjects is given elsewhere, we propose to focus here on the two introductory sections which comprise a digest of Aristotelian syllogistics. 95

The introduction of Aristotelian syllogistics into ṣasl al-fiqh

It has recently been suggested that the development of Kalām might be roughly described as reflecting the various stages of the philosophic reception of the

94 The common translation of the term qiyāṣ as ‘analogy’/‘analogical reasoning’ does not adequately reflect the logical procedures designated by it.

Aristotelian *Organon*. In a first phase, which would include approximately the 2nd/8th and 3rd/9th centuries, the *Mutakallimün* operated with a variety of terms and concepts, including basic terms and preliminary rules of Aristotelian logic, borrowed from surrounding religious communities and from the various intellectual traditions of Late Antiquity. Generally speaking, this period is characterized by a complex form of reception and by diffuse channels of transmission. A second phase, stretching from the early 4th/10th to the late 5th/11th century, coincides with the comprehensive reception of the late antique *Organon* traditions by the *falāsifa* who tended to regard themselves as exclusive guardians of the true demonstrative method as exposed in the *Analytica Posteriora*. Most *Mutakallimün* reacted to this attitude by decisively rejecting the *Organon* and other philosophical models. The third phase begins with the late 5th/11th century. Its distinctive trait is a continuously growing reception of the philosophical system of Ibn Sīnā among the *Mutakallimün*.

This description of the reception of the Aristotelian *Organon* by Muslim theologians suffers from the shortcomings of most schematic models proposed to describe historical processes. It disregards many data which would contradict or at least modify the account given of the *Mutakallimün*’s acquaintance with Peripatetic logic. Nevertheless, even if we adopt the proposed schema with the appropriate caution and reservation, it is obvious that the massive introduction of Aristotelian logic into ‘ilm al-kalām and *usūl al-fiqh* was a very new phenomenon in the 11th century. It is commonly associated

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96 U. Rudolph and D. Perler, “Einleitung”, in Logik und Theologie. Das Organon im arabischen und im lateinischen Mittelalter, ed. eidem, Leiden 2005, p. 6, cautiously suggest that there may be a fundamental link between the development of Islamic theology and the philosophic reception of the *Organon*: “Denn es scheint so, als könne man jedem Stadium der philosophischen Auseinandersetzung [...] eine Etappe in der theologischen Entwicklung zuordnen”.

97 A detailed diachronical study of the integration of falsafa-concepts and falsafa-terminology into the different *Kalām* schools during the tenth and eleventh centuries still needs to be written. See for now C. Schöck, Koranexegese, Grammatik und Logik. Zum Verhältnis von arabischer und aristotelischer Urteils-, Konsequenz- und Schlusslehre, Leiden 2006 (this study focuses on universal quantifiers and indefinite nouns) and some articles in Logik
with the person of al-Ghazzâlî (d. 1111).98 Indeed, the distinct presence of logical terminology and arguments in his writings had a profound impact on the subsequent development of Islamic theology and jurisprudence and contributed to the integration of Aristotelian logic into the madrasa curriculum from the twelfth century onwards.99 It would, however, be misleading to depict al-hazzâlî as a pioneer or a harbinger of this development. He was one of several Muslim theologians of the eleventh century who — more or less independently — sought to incorporate at least parts of Aristotelian syllogistics into their works.100 Besides al-Ghazzâlî’s teacher al-Juwaynî (d. 478/1085), we may recall the name of Abû l-Husayn al-Baṣrî (d. 436/1044) who studied the Organon with his Christian teachers in Baghdad; we may also mention Ibn Ḥazm (d. 456/1064) who stressed the usefulness of logic for interpreting the canon of religious texts and for deriving legal ordinances, and himself wrote several treatises on logic.101


99 See e.g. R. M. Frank, Al-Ghazzâlî and the Ash‘arite school, London 1994. The significant impact of Avicennian philosophy on Ash‘arite kalām is already reflected in the curriculum of the Niẓāmiya during the second half of the 11th century.


Sahl b. al-Fadl al-Tustarî may thus be described as the Jewish counterpart of this new development. Even if he was by no means the first Jewish theologian to operate with Aristotelian logical terminology, his attempt is distinctly more systematic and more organically integrated in his system of thought than those of his predecessors, and the textual sources at his disposal are significantly more comprehensive.  

He is the first Jewish Mutakallim to include a concise summary of Aristotelian syllogistics within the framework of legal hermeneutics (usûl al-fiqh).  

In this point al-Tustarî also anticipated al-Ghazzâlî of whom he must have been aware during the last decade of the 11th century.  

Of al-Ghazzâlî’s two works which are of relevance in this context, al-Mustasfâ min ‘ilm al-usûl was only completed in 1109, while


103 Almost a century later, Yashar b. Ha-Sar Hesed al-Tustari, another scion of the Tustari family, references in K. al-Uṣûl al-Muḥadhdhabiya (cf. n. 22 above) to his “books on logic” (kutubunâ fî l-mantiq); see MS St. Petersburg, RNL, Yevr.-Arab. I 3951, fol. 4a, line 21. For other later examples in Jewish literature see A. Ravitzky, The Influence of Aristotelian Logic on the Understanding of Legal Hermeneutics in the Middle Ages, Ph.D. thesis, The Hebrew University, Jerusalem 2005 [Hebrew].

104 Al-Tustari was most probably in Jerusalem, when al-Ghazzâlî spent some months in the town in 1096 or 1097 (cf. n. 31 above). It is much less probable that al-Tustari was familiar with al-Ghazzâlî’s work, particularly at the time when he wrote K. al-Imâ’ and K. al-Talwîh.
the earlier Mankhūl fī ʿilm al-ʿusūl, written shortly before 1085 under the instruction of his teacher al-Juwaynī, does not include an introduction to Aristotelian syllogistics. On the other hand, it seems very likely that the background for al-Tustarī’s effort to render the theology of his Karaite teachers more “philosophical” and “logical”, owes — like al-Ghazzâlî — much to the philosophical challenge which the Avicennan system presented to all branches of Kalām, and Abū l-Ḥusayn al- Başrî’s philosophized theology to the Bahshāmī Mu’tazila.105 Aristotelian syllogistics were thus no longer regarded as the exclusive domain of the philosophers, but as an epistemic tool which was applicable to all branches of science and accessible to anyone who mastered it. According to this view Aristotelian syllogistics are constitutive to any science, and consequently the discipline of legal hermeneutics (ʿusūl al-fiqh) cannot dispense with them either.106

Before introducing Aristotelian syllogistics in the second treatise of K. al-Īmâ’, al-Tustarī maps out the foundations of epistemic processes in general [MSS ב, fol. 2a; ג, fol. 16b]:

105 With regard to Ibn Sīnā see D. Gutas, “The Logic of Theology (kalām) in Avicenna”, in Logik und Theologie (n. 96 above), pp. 59–72, with further bibliographical references; with regard to Abū l-Ḥusayn al-Bāṣrī see Madelung and Schmidike (n. 4 above).

106 Cf. in this regard al-Ghazzâlî’s statement at the very beginning of the Mustasfâ, ed. M. Abû l-ʿIlâ, Cairo n.d., p. 16: wa-ḥājat jamî’ al-ʿulūm al-nazarîya ilâ hâdhihi l-muqaddima ka-ḥājat ʿusūl al-fiqh.
Take note that first of all we have to clarify the methods which are common to (all) sciences, since there are methods for gaining knowledge of the religious law which belong to this category. The methods which lead to objects of knowledge are matters by means of which the rational being gains knowledge of what he did not know. These matters are based on immediate (‘necessary’) knowledge produced by God, since a rational being by himself does not have the capacity to produce knowledge from nothing (\textit{ab initio}). Since (this knowledge) is originated, it must depend on an agent. No one except God is able to produce such knowledge in someone else. The thorough investigation of sensual objects does not render it possible to understand them comprehensively/completely, so that this would constitute a universal statement, and (the understanding of) parts of (the sensual objects) is not a sufficient basis to gain knowledge of the totality.

Ultimately, all knowledge is anchored in a constitutional knowledge produced by God. Without this divine foundation all epistemic processes would be infinite chains of rational operations. Beyond this foundation, the production of new knowledge is classified according to its various sources, the methods employed, and the epistemic status of the newly acquired knowledge.

The epistemic data which constitute the normative practical knowledge of the religious law are derived from revelational and non-revelational sources. Hence, the second treatise of \textit{K. al-Imā'} is divided into two parts, the first dealing with the principles of non-revelational sources of normative knowledge which lead to probable particular or certain universal knowledge, the second with the sources of normative knowledge contained in the revealed texts. Aristotelian syllogistics are introduced as the key method of the first part, whereas in the second part they appear as a subtype of the juridical (inductive) syllogism (\textit{qiyās}).

The compendium character of \textit{K. al-Imā'} did not allow for a detailed exposition of Aristotelian syllogistics. The second treatise merely recalls the
constitutive elements of a propositional statement and the conditions of a sound syllogism and obviously assumes the reader’s familiarity with those parts of the *Organon* which are known as “the prolegomena to the demonstrative syllogism, respectively to the ‘Analytica Posteriora’” (*Muqaddimät al-burhän*) up to the assertoric syllogism (*APr* I.1–2 & 4–7).\(^{110}\) Al-Tustari first mentions the composition of a single proposition consisting of subject and predicate terms (*al-ṭarfayn*) and then goes on to explain the basic paradigms of the predicative relations between subject and predicate of propositional statements. In terms of quality, the predicate may be said to apply or not to apply to the subject (*müjib — sālib*); in terms of quantity, the predicate may be said to apply or not to apply universally (*kullî*) or particularly/partially (*juz‘î*) to the subject. He then discusses the valid syllogistical moods and hints at the concept of modality (possibility, necessity) in propositions and syllogisms. In a few sentences he explains the rules for the conversion of propositions used in the assertoric syllogism according to the four possible relations between subject and predicate: universal & affirmative, particular & affirmative, universal & negative, particular & negative, and some rules concerning conflicting (either-or) statements (‘*inād*’) and rules of preponderance (‘*tarjîḥ*’).

Future research will have to establish whether al-Tustari’s acquaintance with the *Organon* tradition was based on one of the numerous compendia composed in the Baghdadian or Avicennan traditions, or if he had at his disposal a translation of the integral text, as was the case with the *Metaphysics*.\(^{111}\)

The greater part of the “chapter on the conversion of statements/propositions” (*faṣl fi ‘aks al-qadāyā*), however, already deals with the juridical signs of the revealed text (*adillat al-shar*‘): *akhbâr*, *qiyâs*, and *ijtihâd*. This latter section


includes a rejection of the jurisprudential validity (layṣa bi-hujja) of unit-reports (akḥbār al-āḥād)\(^{112}\) and of consensus (ijmāʾ), in both cases directed against the Rabbanite Jews.

Revelation is mediated through language. Its meaning is bound to the various relations between the linguistic signs and the signified objects (al-dalāla) which are based on convention (al-wadʿ al-lughawī, al-muwādaʿa) as well as on the intention of the speaker to use the language in conformity with these conventional rules (al-dalāla tādullu bi-ḥasābi ḥāl al-fāʿ il laḥā wa-hiya qaṣduhu). Here again, al-Tustarī confines himself to briefly mentioning some basic features of linguistic semantics such as synonyms (al-fāz mushtaraka), antonymy (maʿānī mutadāddda), normal (‘real’) and deviative (‘metaphorical’) meanings (ḥaqīqa-majāz).

**The third treatise**

As mentioned in the preamble of *K. al-Īmāʾ*, it is the objective of the third treatise “to deal with the foundations of the (individual) ordinances contained in the Torah in a systematic (‘equable’) way and to specify the evidence for (ordinances) which are based on something more than what is explicitly stated in the scriptural text; it should, moreover, distinguish (ordinances) whose obligation applies to a specific time and to specific people from (ordinances) whose obligation is all-inclusive (= applies to everyone) at all times.”

The structure of the third treatise is outlined at the very end of *K. al-Īmāʾ* [MSS 1b, fol. 3b; 1, fol. 82a]:

112 *nahnu ghanīyūn ḍan al-kalām fihā li-annahā maṣqūda fī uṣūl shariʿatīnā wa-furūʿ ithā* (MS 8, fol. 70b = MS 1, fol. 23a).
The structure of this treatise (is as follows):

I started in it with the rational obligations [III.1] and let them be followed by the revealed obligations [III.2].114 (Within the revealed obligations) I started with the regulations concerning the religious services [III.2.1]: In the first place I mentioned prayer [III.2.1.1]; then (follow) the fixed times of the religious service(s) [III.2.1.2], beginning with the Sabbath [III.2.1.2.1] and followed by the first days of the month (new moon) [III.2.1.2.2], since the fixed times of the religious services depend upon them; then (follows) the Aviv for the same reason [III.2.1.2.3]; then (follow) the feasts according to their chronological order [III.2.1.2.4]; then (follow) the remaining fixed times of the religious services, such as the Sabbatical year and the Jubilee year [III.2.1.2.5]; then (follow) the sacrifices, because they are part of the religious services [III.2.1.3]; then (follow) the religious obligations of the priests concerning sacrifices [III.2.1.4.1]; then (follow)
their (other) duties [III.2.1.4.2]; then (follow the regulations regarding) the Levites, due to the exclusivity of their service [III.2.1.5]; then (follow) evil actions with regard to God, praised be He, namely idolatry, and obligatory acts of worship and reverence, and obligatory acts with regard to objects of worship other than Him [III.2.1.6]; then (follow the regulations regarding) circumcision, because it is an important principle amongst the religious services and obligations [III.2.1.7]; then (follow the regulations regarding) the respect of parents and their rights in keeping with the structure of the Ten Commandments [III.2.2.1], the prohibition to kill and related obligations [III.2.2.2]; then (follows) the discussion of adultery [III.2.2.3]; in it I included the laws of incest because they deal with a similar subject [III.2.2.4]; then (follow the regulations regarding) robbery/theft [III.2.2.5]. I included in it the regulations of “these are the judgements” (Exodus 21:1ff.) and related issues from the rest of the Torah [III.2.2.6]; then (follows) the discussion regarding food regulations in keeping with the order of the Torah [III.2.2.7]; then (follow) the laws of impurity, likewise in keeping with the order of the Torah [III.2.2.8]; then follow the laws of inheritance according to order and because they are regulations (which apply) at the time of death [III.2.2.9]; then (follow the regulations about) vows and oaths in keeping with the order of the Torah and because they are conditional obligations, and conditional obligations come after unconditional obligations [III.2.2.10]; then (follow the regulations regarding the) fringed garment, because it reminds (us) of all this [III.2.2.11]; then (follow the regulations regarding) mourning about events which have to do with the exile [III.2.3]; then (follow the regulations regarding) the time to come (=the Messianic time) which go beyond the previously mentioned ones [III.2.4].

I noted down the structure (of this treatise) so that anyone who wants to study something of it will look for it at the right place. May God help all of us to achieve what gratifies Him through His graciousness and benevolence, if He so wills.
The structure of the third treatise partly reflects the structure of earlier Karaite books of precepts (*katub al-farāʾid*), but deviates from them in other respects.\(^{115}\) The guiding principle of the structure established by al-Tustarî organizes the precepts from the general and unconditional to the particular and conditional, and from the rational to the revelational. This explains, for instance, why the precepts concerning prayer follow immediately after the rational commandments. Religious services (‘*ibādat Allāh*) are rooted in a purely rational imperative, namely the gratitude one owes to the benefactor (*shukr al-munʿim*), and since God is the benefactor *par excellence*, He deserves gratitude beyond comparison. In principle, all religious services are expression of this gratitude, within which “acts of the heart” precede “acts of the limbs”, and acts of unrestricted validity precede acts which are limited to specific times, places, circumstances and people.

The understanding of the Ten Commandments as an umbrella of some or all precepts is well-rooted in the Karaite tradition. A similar concept is already implied in the subtitle of Philo’s *De Decalogo* and repeated in § 154 of the same treatise (*οἱ δὲκα λόγοι κεφόλωαν νόμων εἰσὶ τῶν ἐν εἴδει παρ’ ὅλην τὴν νομοθεσίαν*). Philo’s viewpoint is reiterated by al-Qirqisânî at the beginning of the sixth book of his *K. al-Anwār wa-l-marāqib* where he mentions it as the last item in a list of twelve statements by Philo concerning the Decalogue: “These Ten (Commandments) are the foundation and the constitutive element of all ordinances. All precepts of the Torah depend upon them and are subsumed within them, just as all individuals and accidents which are originated in the world are subsumed within what was created during the six days of creation”.\(^{116}\)

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115 Of course, al-Tustarî was well acquainted with the Karaite legal literature (*katub al-farāʾid*) written by his predecessors. A large fragment of his personal copy of Yûsuf al- Başûr’s *K. al-Istibûr* is extant in MS St. Petersburg, RNL, Yevr.-Arab. I 1794, 114 fols. (IMHM, F 55442).

It is in keeping with this view that al-Qirqisānī occasionally characterized his K. al-Anwār as a “Commentary on the Ten Commandments”.117 Analogously to al-Tustarī’s category of unconditional obligation (al-wājib al-muṭlaq), the ninth statement in the same list declares the validity of the Ten Commandments to be unconditioned by time and place (wājiba fī kullī zamān wa-makān).118

The third treatise is not exclusively concerned with matters of positive law. It also includes several short disgressions into questions of legal hermeneutics, and it opens — like the first and the second treatises — with a propositional, systematic introduction which provides a categorical framework for the ensuing overview of the Law [MSS א, fol. 66b; ב, fol. 1a]:

Since our objective in these treatises is to specify what is part of the imposed obligation, and taking into account that the imposed obligation depends upon actions insofar as they have specific values, we have to explain the notion of these specific values. The values depend upon actions, respectively their absence (i.e. non-actions), and are categorized accordingly. Values (of actions) may be compatible or incompatible with one another. They are known to be incompatible because of the incompatibility of their inherent qualities, namely what one deserves for doing them (≡ their deservingness). With respect to actions values are concomitant to types, as we explained. (This entire complex) consists therefore of actions, non-actions, types, values and deservingness.

117 Ibid., pp. 130f. n. 45.
118 MS St. Petersburg, RNL, Yevr.-Arab. I 933, fol. 4a, line 1.
119 א ילין
The third treatise is by far the most comprehensive of the three treatises of K. al-İmâ’: in MS 8 it occupies 14 of 22 quires. This proportion gives weight to our earlier assumption that the compendium was first and foremost designed for practising jurists. Despite its relative length, al-Tustarî asserts towards the end of the book that the third treatise is no more than an incomplete summary of the entire legal complex [MS 8, fol. 3a]:

אכדר
על הצפציה לא ניכר אלא עניון ואלה ניתנו ולא פורס מתוכן ומגרב ומאם פגח ולא חסרה ואך מתוכן מומד.

Of the entire complex of precepts I endeavoured to take into account whatever I could. However, I cannot be exhaustive, because it is impossible to encompass (all of) its structural components and to give a precise and definitive description of (all) the inferential procedures. I admit that I am unable to achieve that (= exhaustiveness). It is in this respect that the savant said: “Your precepts are very comprehensive indeed” (Psalms 119:96).

A more detailed discussion of specific legal questions is to be found in al-Tustarî’s commentary on the Torah and in his numerous responsa to questions addressed to him by various Karaite scholars and communities. In one question, submitted to al-Tustarî by Abū l-Hasan ‘Alî b. Sulaymân, the latter refers to a specific passage in the third treatise of K. al-İmâ’ and to another responsum which al-Tustarî had previously dedicated to the same issue:120

السؤال [...] إنني وقفت في المقالة الثالثة من كتاب الإمام على ما يتعلق بمحاولات هشيات

120 MS St. Petersburg, RNL, Arab.-Yevr. 238, fol. 2a (IMHM, F 63705). The passage referred to is found in section III.2.1.2.4 of K. al-İmâ’, MS 8, fol. 109 – fol. 9 (for the correct order of the folios see column V in the table of manuscripts above). For the halakhic problem addressed in this question and the points of controversy with the Rabbanite interpretation of the underlying biblical text see e.g. Y. Erder, The Karaite Mourners of Zion and the Qumran Scrolls: On the History of an Alternative to Rabbinic Judaism, Tel Aviv 2004, pp. 132–135, 184–187 [Hebrew].
Question:

From the third treatise of *K. al-īmāʾ* I read the section regarding “the day after the Sabbath” (Lev 23:15) which determines “the Counting of the Sheaf”, and I saw that the procedure you (‘he’) mentioned, may God make your (‘his’) greatness lasting, is a summary of what you (‘he’) mentioned in a separate responsum on that subject.

**Conclusion**

*K. al-īmāʾ* is a most important source for our understanding of the development of Karaite theology and jurisprudence during the latter half of the eleventh century. It evinces the dynamic creativity of religious thought among the generation of Karaite scholars that witnessed the destruction of the Jewish communities and centres of learning in Palestine.

The preliminary findings of this article have shown that Sahl b. al-Faḍl al-Tustarī did not hesitate to challenge major elements of his teachers’ theological doctrine and drew upon new sources to buttress his own contested positions. A critical edition of his book will lay the necessary foundations for a more nuanced appreciation of al-Tustarī’s contribution to the enhancement of Karaite religious thought.