

The Legal Epistemology of Qur'anic Variants: The Readings of Ibn Mas'ūd in Kufan *fiqh* and the Hanafī *madhhab*

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Introduction

As the usual narrative goes, around 20 years after the death of the Prophet Muḥammad, the third caliph, ʿUthmān (r. 23–35/644–655), brought together a committee to produce a canonical *muṣḥaf* ('codex'), charging the Prophet's erstwhile scribe, Zayd b. Thābit (d. c. 42–56/663–676), with the task of writing the Qur'an in a single *ḥarf* (pl. *aḥruf*; 'reading', 'lection').¹ This established a basic *rasm* (unvocalised text), and delimited the boundary of possible *qirā'āt* (vocalised readings).² ʿUthmān's Qur'an was copied and sent out to the major cities of the expanding Muslim territories. All other versions of the text were burned, or otherwise destroyed.³ From this time onwards (approximately the end of the third decade AH, or the middle of the seventh century CE) any recitation of the Qur'an—in theory at least—would need to agree with the *rasm* of this codex.

The emergence of the canonical Qur'anic text under the aegis of ʿUthmān is qualified within the sources by the presence of an alternative *ḥarf* in Kufa, a garrison town founded after the Muslim conquest of Iraq, during the caliphate of ʿUmar b. al-Khaṭṭāb (r. 13–23/634–644). This reading was transmitted by the senior Companion and Qur'an expert ʿAbd Allāh b. Mas'ūd (d. 32/652–653)⁴ who openly rejected the authority of ʿUthmān's text.⁵ The sources point to no less than a century of Kufan resistance to the imposition of a canonised Qur'anic text, with Ibn Mas'ūd's variant⁶ readings openly used in ritual prayer⁷ and even taught as the dominant tradition.⁸ Reports about the governor of Iraq in the latter part of the first century, al-Ḥajjāj b. Yūsuf (d. 95/714), mention he promoted an official copy of the Qur'an which included the addition of diacritical marks and even beheaded those found in possession of Ibn Mas'ūd's *muṣḥaf*.⁹

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Despite overall similarity with the canonical text, Ibn Mas'ūd's lection famously contains additions, deletions, and replacements of words that cannot be accommodated within the *rasm* of the °Uthmānic codex.¹⁰ It is also reported that his *muṣḥaf* had a different order of suras and excluded the initial *Sūrat al-Fātiḥa* and the *mu'awwidhatān* (the two suras at the end of the canonical text that command the believer to seek protection from evil).¹¹

A small number of these variant readings have potential implications for the articulation of law. The Kufan-Ḥanafī tradition records four such 'legal variants' (Q. 2:233, Q. 5:38, Q. 5:89, and Q. 65:6) all of which will be addressed in this article. Previous academic studies have also commented on these variants. In 1950, Joseph Schacht, in his *The Origins of Muhammadan Jurisprudence*, noted the case of Q. 65:6, which concerns the treatment of divorced women during their °idda (the obligatory period of three menstrual cycles following the pronouncement of divorce). While the °Uthmānic codex reads, *House them where you house yourselves according to your means (askinūhunna min ḥaythu sakantum min wujdikum)*,¹² Ibn Mas'ūd is held to have read, *House them where you house yourselves and provide for them according to your means (askinūhunna min ḥaythu sakantum wa-anfiqūhunna min wujdikum)*.¹³ The legal implication of this reading is to definitively mandate *nafaqa* ('provision') alongside *sukna* ('accommodation') for the irrevocably divorced wife (i.e. a wife who has received the pronouncement of divorce three times, or has been given a form of divorce that does not admit of revocation within the °idda through word, action, or marital intimacy).¹⁴

Joseph Schacht integrated this observation into his historical narrative of the development of *fiqh* ('jurisprudence') by arguing that Ibn Mas'ūd's lection, formerly common in Kufa, was forgotten as a proof text by the time of Abū Ḥanīfa (d. 150/767) on account of its supersession by the *textus receptus*. He based his argument on the fact that Abū Ḥanīfa does not mention the variant when it would have supported his position.¹⁵ The ancient provenance of this reading was taken for granted by N.J. Coulson in his 1964 *A History of Islamic Law*.¹⁶ However, Gerald Hawting later pointed out that he could not find the variation in sources earlier than the *Mabsūṭ* of al-Sarakhsī (d. 483/1090), or explain why Abū Ḥanīfa would not know it. He therefore proposed that it was a late entry to discussions on the topic,¹⁷ a conclusion that potentially challenges his predecessors' view that Kufan *fiqh* in the first/seventh and second/eighth centuries was influenced in a few places by transmitted variants of Ibn Mas'ūd. Such a perspective is similar in some respects to the thesis of John Burton that Qur'anic variants were developed in order to solve particular legal problems; the boundaries of the canon shaped according to the contours of the nascent regional schools of law.¹⁸

In a recent article, Mustafa Shah provides a broader view of the place of such *variae lectiones* within the formation of *fiqh* literature, assessing both the theoretical framings of the debate and a number of pertinent case studies, including some ascribed to Ibn Mas'ūd—though not Q. 65:6.¹⁹ He concludes that ‘the notion that the opposition between certain *lectiones*, particularly in terms of concomitant or consecutive variants, was strictly engendered by legal debates and disputes is not demonstrated by the sources’.²⁰ As well as reinforcing the earlier scholarly assessment of the significance of transmitted scriptural material in the makeup of legally efficacious variants, Shah’s study implicitly highlights the desideratum of clarifying the legal epistemology of Ibn Mas'ūd’s readings within the Ḥanafī *madhhab* up to and including the time of al-Sarakhsī.²¹

In this article, I will provide an assessment of the transmission and reception of Mas'ūdian variants by a select number of jurists in the Kufan tradition and their successors in the later Ḥanafī *madhhab*. For each jurist, I will classify which of the four variants they use and discuss how they approached the non-canonicity of these readings and accommodated them within their legal epistemology and juristic practice.

Sources

Without a complete written record, I will be dependent on a series of snapshots based on the imprints that this tradition has left on the history of Islamic law. In its Umayyad phase, this will involve a speculative reconstruction, based on later sources, of legally relevant readings in the doctrine of the Kufan scholar Ibrāhīm al-Nakha'ī (d. 96/715), a student of Ibn Mas'ūd at one remove.²²

Variant readings attributed to Ibn Mas'ūd are found in a range of significant early texts, including the *tafsīr* of Muqātil b. Sulaymān (d. 150/767), the *Ma'ānī al-Qur'ān* of al-Farrā' (d. 207–208/822–823), and the *Muṣannaḥ* of 'Abd al-Razzāq al-Ṣan'ānī (d. 211/827).²³ The earliest written attributions of variant readings to al-Nakha'ī are in al-Farrā''s *Ma'ānī*; the *tafsīr* of al-Ṭabarī (d. 310/923); the *Kitāb al-Maṣāḥif* of Ibn Abī Dāwūd al-Sijistānī (d. 316/929); and *Aḥkām al-Qur'ān* and *Sharḥ Mukhtaṣar al-Ṭahāwī* of al-Jaṣṣāṣ (d. 370/980–981).²⁴ Al-Farrā' is an important documenter of the readings of Kufa in the first two centuries after the Hijra; al-Ṭabarī pays special attention to recording the *isnāds* of his exegetical reports and also clearly values al-Nakha'ī as a juristic commentator on the Qur'an;²⁵ al-Sijistānī receives much of the material pertaining to Ibn Mas'ūd through al-A'mash (d. 148/765), a direct student of Ibrāhīm al-Nakha'ī;²⁶ and al-Jaṣṣāṣ has a special interest in al-Nakha'ī as a representative of the Kufan *fiqh* tradition that birthed his *madhhab*. Significantly, al-Farrā', al-Ṭabarī, and al-Jaṣṣāṣ treat al-Nakha'ī as a reciter in his own right, though references to his variant readings are usually explicit in tracing their origin to Ibn Mas'ūd and his circle.

Next, I will explore the treatment of a Mas'ūdian variant within the writings ascribed to Muḥammad b. al-Ḥasan al-Shaybānī (d. 189/805), a student of Abū Ḥanīfa and the main documenter of the Kufan juristic heritage. He mentions a variant reading by Ibn Mas'ūd for Q. 5:89 in both his large *fiqh* work *al-Aṣl* and his shorter legal *ḥadīth* work *Kitāb al-Āthār*, copies of which are both extant. Norman Calder has used a form-critical approach to cast doubt on his authorship of *al-Aṣl* in particular, inclining towards the idea of a longer process of community composition.²⁷ However, more recent scholarship has provided a powerful critique of such dating methods on the grounds that they easily lead to circular arguments.²⁸ It is also of relevance that Behnam Sadeghi has used an analysis of writing style to defend the single authorship of the *Kitāb al-Āthār*.²⁹ Even if I was inclined to accept that these texts reached a final form later than the second/eighth century, it seems obvious to me from the independent evidence linking this particular variant to al-Nakha'ī that it is preserved from the early Kufan tradition.

Moving forward in time, I will then look at five significant Ḥanafī scholars of the fourth/tenth and fifth/eleventh centuries: Abū Maṣṣūr al-Māturīdī (d. 333/944), Abū Bakr Aḥmad b. 'Alī al-Rāzī al-Jaṣṣāṣ, Aḥmad b. Muḥammad al-Qudūrī (d. 428/1036–1037), Abū Zayd al-Dabūsī (d. 430/1039), and Shams al-A'imma Muḥammad b. Aḥmad al-Sarakhsī.³⁰ All of these figures have securely attributed written works. The *Ta'wīlāt al-Qur'ān* (also known as *Ta'wīlāt ahl al-sunna*) of al-Māturīdī is a voluminous early work of Qur'an exegesis. Amongst the written corpus of al-Jaṣṣāṣ is *al-Fuṣūl fī'l-uṣūl*, the earliest extant Ḥanafī work in *uṣūl al-fiqh*; *Aḥkām al-Qur'ān*, a legal *tafsīr*, and *Sharḥ Mukhtaṣar al-Taḥāwī*, a commentary upon the positive law (*furū'*) text of an important third–fourth/ninth–tenth-century Ḥanafī scholar. Al-Qudūrī is best known for his own *Mukhtaṣar*, or legal primer, but here I will make use of his expansive comparative *fiqh* work *al-Tajrīd*. Al-Dabūsī's *Taqwīm al-adilla* is an early *uṣūl al-fiqh* work, while his *al-Asrār* is a *furū'* text. Finally, al-Sarakhsī's *Uṣūl* and encyclopaedic *furū'* text *al-Mabsūṭ* will round out the primary sources for this study.

Analysis

1. *al-Nakha'ī*³¹

a) Q. 5:89

Q. 5:89 pertains to different kinds of expiation that may be made for breaking an oath. The canonical text can be translated as follows:

*God will not take you to account for what is frivolous in your oaths,
but He will take you to account for what you swear to in a binding*

Jurist	Attested Legal Variants	Epistemology (Summary)
al-Nakha ^c ī (d. 96/715)	Q. 5:89, Q. 5:38	Primary <i>qirā'a</i> from an alternative Kufan canon.
al-Shaybānī (d. 189/815)	Q. 5:89	Variant <i>qirā'a</i> added to the canonical text.
al-Māturīdī (d. 333/944)	Q. 5:38, Q. 65:6	Variant <i>qirā'a</i> transmitted as <i>āḥād</i> from Ibn Mas ^c ūd, but able to provide <i>tafsīr</i> to what is <i>ijmāl</i> in the canonical text.
al-Jaṣṣāṣ (d. 370/981)	Q. 5:89, Q. 5:38	Conflicting: 1. In <i>Sharḥ Mukhtaṣar al-Taḥāwī</i> : Variant <i>qirā'a</i> transmitted <i>mustafīd</i> in Kufa at the time of al-Nakha ^c ī, so can be added to the canonical text. 2. In <i>al-Fuṣūl fi'l-uṣūl</i> and <i>Aḥkām al-Qur'ān</i> : Variant <i>qirā'a</i> abrogated at the time of the Prophet, but its ruling transmitted <i>mustafīd</i> , so can be added to the canonical text.
al-Qudūrī (d. 428/1036 –1037)	Q. 5:89, Q. 5:38, Q. 2:233	Variant <i>qirā'a</i> abrogated at the time of the Prophet, but transmitted <i>mustafīd</i> along with its ruling until Abū Ḥanīfa's time, so can be added to the canonical text. Note: as long as the <i>qirā'a</i> is transmitted <i>mustafīd</i> , so is the knowledge of what is abrogated from it.
al-Dabūsī (d. 430/ 1039)	Q. 5:89, Q. 5:38	Variant <i>qirā'a</i> abrogated at the time of the Prophet, except in the case of Ibn Mas ^c ūd, so it is <i>āḥād</i> . It acts as <i>muqayyad</i> upon the <i>muṭlaq</i> canonical text.
al-Sarakhsī (d. 483/1090)	Q. 5:89, Q. 5:38 (note: rejects its legal use), Q. 2:233, Q. 65:6	Variant <i>qirā'a</i> abrogated at the time of the Prophet, except in the case of Ibn Mas ^c ūd, so it is <i>āḥād</i> in his generation. It is thereafter transmitted <i>mashhūr</i> along with its ruling until the time of Abū Ḥanīfa, so can be added to the canonical text.

Table 1: Legal Variants and Epistemology by Jurist.

fashion. The expiation for breaking them is the feeding of ten indigents from the everyday food of your family, or clothing them, or freeing a slave. The one who does not find the means can fast three days (fa-ṣiyāmu thalāthati ayyāmin).

The *ḥarf* of Ibn Mas'ūd reads *fast three consecutive days* (*fa-ṣiyāmu thalāthati ayyāmin mutatābi'ātin*).³² A similar condition of consecutiveness in fasting is found in the canonical text of Q. 58:4, in which *fast two consecutive months* (*fa-ṣiyāmu shahrayni mutatābi'ayn*) is given as an expiation for *zihār* (a condemned pre-Islamic form of separation in which a husband, through pronouncing an oath, prohibits himself from sexual relations with his wife). In some reports, al-Nakha'ī refers to the Q. 5:89 variant as 'our recitation', rather than directly quoting Ibn Mas'ūd. This reinforces the impression that it was both his personal practice to recite this variant, and that of Kufans more generally.³³ This variant is also attributed to the second most significant companion in the transmission of variant readings, Ubayy b. Ka'b (d. 19–22/640–643).³⁴

b) Q. 5:38

In Q. 5:38, the verse setting out the punishment for thievery, the canonical reading is *cut off the hands of both the male and female thief* (*wa'l-sāriqu wa'l-sāriqatu fa'qta'ū aydiyahumā*). Al-Farrā' records from Ibn Mas'ūd, *cut off the right hands of both male and female thieves* (*wa'l-sāriqūna wa'l-sāriqātu fa'qta'ū aymānahumā*).³⁵ Al-Ṭabarī records one *isnād* indicating doubt about whether Ibrāhīm al-Nakha'ī quoted Ibn Mas'ūd or claimed this recitation for himself, and another referring to al-Nakha'ī alone. He also narrates from Ibn Mas'ūd without al-Nakha'ī, *cut off the right hands of both the male and female thief* (*wa'l-sāriqu wa'l-sāriqatu fa'qta'ū aymānahumā*). By using the singular form of *sāriq* and *sāriqa*, this second reading only diverges from the canonical Qur'anic text by a single word.³⁶ This is the version that al-Jaṣṣāṣ records as the recitation of al-Nakha'ī.³⁷ The early exegete Muqātil b. Sulaymān, though not recording this *qirā'a*, glosses the expression in Q. 5:38 with 'their right hands from the wrist' (*aymānahumā min al-kursū'*).³⁸ The juristic rule affected by this is whether the left hand could be amputated following a repeated crime. The canonical text arguably allows this possibility, whilst the variant *qirā'a* definitely negates it.³⁹

2. *al-Shaybānī*⁴⁰

a) Q. 5:89

In a commentary on a report from al-Nakha'ī pertaining to the expiation of oaths within his *Kitāb al-āthār*, al-Shaybānī argues for the impermissibility of separating the three days of fasting by adducing the Mas'ūdian variant for Q. 5:89, saying 'because it is in the reading of Ibn Mas'ūd' (*li-annahā fī qirā'ati Ibn Mas'ūd*),⁴¹ while in his *al-Aṣl* he states, 'it has reached us that it is in the reading of Ibn Mas'ūd' (*balaghanā annahu fī qirā'ati Ibn Mas'ūd*).⁴² Al-Shaybānī does not further justify his use of this variant reading and he has not authored any theoretical writings in which the question can be pursued. On the basis that this is an established part of Kufan tradition, as

recited by al-Nakha^cī, he uses it to ground his position, inserting it into what became source texts for the later Ḥanafī *madhhab* without providing an attendant epistemological framework. This verse, like other variants attributed to Ibn Mas^cūd, left his Ḥanafī successors with the job of justifying its use in positive law whilst clarifying the implications for legal theory and the stability of Qur'anic transmission.

3. *al-Māturīdī*⁴³

a) Q. 5:38

In his commentary on Q. 5:38, al-Māturīdī states that what is related about Ibn Mas^cūd's *ḥarf* establishes that only the right hand is amputated for theft. He also adduces a report from ʿAlī (d. 40/660) to the same effect.⁴⁴ More detail about this verse is provided in his discussion on Q. 65:6 in which he explains that there is no conflict between the variant *aymānahumā*, construed as *tafsīr* ('explanative'),⁴⁵ and the canonical reading *aydiyahumā*, which is *ijmāl* ('ambiguous').⁴⁶

b) Q. 65:6

Al-Māturīdī mentions the above exegesis of Q. 5:38 to support application of the same principle to Q. 65:6. He argues on a linguistic basis that in *askinūhunna min ḥaythu sakantum min wujdikum* (House them where you house yourselves according to your means) the phrase *min wujdikum* already contains the meaning of provision (*iḍmār al-naḥaqa*). The result is that Ibn Mas^cūd's addition of *wa-aṅfiqūhunna* (and provide for them) does not conflict with the canonical reading, but is again explanative to what it leaves ambiguous.⁴⁷

The epistemological status of Ibn Mas^cūd's reading receives further illuminating comment in al-Māturīdī's text. He states that at the very least his variants have the status of the *khbar al-āḥād* ('unit-report') and due to his virtues, deep understanding and long companionship with the Prophet, should be accepted, especially in the light of the acceptance of Abū Hurayra's (d. 58/678) narrations despite what is said about his weakness (*daʿf*).⁴⁸ Al-Māturīdī's critical view towards Abū Hurayra's juristic acumen aligns him with the view of the early Ḥanafī theorist ʿĪsā b. Abān (d. 221/836).⁴⁹ This figure appears to be significant in the early development of the systematic theory that texts not established with certainty can make an addition to the Qur'an.⁵⁰ In connection with the variants of Ibn Mas^cūd, this perspective can be linked with later Transoxianan Ḥanafīs, such as al-Dabūsī and even al-Sarakhsī, but not with Iraqīs, such as al-Jaṣṣās.

Al-Māturīdī also reflects more generally upon the significance of Ibn Mas^cūd's *ḥarf*. He quotes a report of Ibn ʿAbbās (d. 67–68/686–688) that, contrary to the dominant narrative, the *qirāʾa* Ibn Mas^cūd received from the Prophet took precedence over that of Zayd b. Thābit as the final recitation to be reviewed by him in the last year of his life.⁵¹

Unlike the Ḥanafīs that came after al-Māturīdī (see below), he does not claim that Ibn Mas'ūd's lection was abrogated: neither completely, nor for everyone except him.

4. *al-Jaṣṣāṣ*⁵²

a) *Q. 5:89*

Al-Jaṣṣāṣ discusses *Q. 5:89* in all three of the texts selected for analysis, though not entirely consistently. The anomaly is his lesser-known work, *Sharḥ Mukhtaṣar al-Taḥāwī*. Here, he seems to mainly rely on the previous Kufan approach to the material, one rooted in the practice of al-Nakha'ī and others who had recited the *ḥarf* of Ibn Mas'ūd, as the following reports indicate. In the *Sharḥ Mukhtaṣar* he reports al-Nakha'ī undergoing instruction in the *ḥarf* of Ibn Mas'ūd as a child in the Qur'an school, and Sa'īd b. Jubayr (d. 95/714) alternating between the reading of Zayd b. Thābit and Ibn Mas'ūd in public prayers during Ramaḍān.⁵³ He also quotes Ibn Mas'ūd's variant from al-Nakha'ī as 'in our reading' (*fī qirā'atinā*).⁵⁴ He uses these narrations as evidence for his statement that Ibn Mas'ūd's lection was *mashhūr* ('famous') and *mustafīd* ('widespread') among the people of Kufa. This, he says, makes it permissible to make an addition (*ziyāda*) to the text of the Qur'an, unlike a similar addition of the word *mutatābi'ātin* by Ubayy b. Ka'b used to indicate consecutive fasting in *Q. 2:185*, which is not established at the level of *istafāda* ('profuse-narration') and *tawātur* ('mass-transmission').⁵⁵

In his *Aḥkām al-Qur'ān*, al-Jaṣṣāṣ provides a short commentary on the *Q. 5:89* variant that departs from the above. He notes that it is transmitted from Ibn Mas'ūd via Mujāhid (b. Jabr) (d. 102–104/720–723), and from Ubayy via Abū'l-Āliya (Rufay' b. Mihrān) (d. 90–93/709–712), in addition to its reported recitation by al-Nakha'ī. Rather than dwelling on this, he turns to listing early authorities upon whom he establishes the position of consecutive fasting: Ibn 'Abbās, Mujāhid, Ibrāhīm (al-Nakha'ī), Qatāda (b. Dī'āma) (d. 118/736), and Ṭāwūs (d. 106/725). He argues that the recitation of the variant is abrogated, whilst its ruling is affirmed. He then mentions the divergence of Mālik (d. 179/796) and al-Shāfi'ī (d. 204/820) from this position of his *madhhab* and directs the reader to his *Uṣūl al-fiqh* for further explanation.⁵⁶ (This suggests it is likely that al-Jaṣṣāṣ wrote *al-Fuṣūl fī'l-uṣūl* before *Aḥkām al-Qur'ān*, while the less theoretical treatment in *Sharḥ Mukhtaṣar al-Taḥāwī* seems possibly earlier than either.)

In his *al-Fuṣūl*, al-Jaṣṣāṣ discusses *Q. 5:89* in considerable detail within *Bāb fī naskh al-tilāwa ma'a baqā' al-ḥukm* ('Chapter Concerning the Abrogation of Recitation with Retention of its Ruling'). His opinion is that *naskh* ('abrogation') of the recitation, the ruling, or both together, is possible with the condition that it occurs during the life of the Prophet. This is essential, in his view, in order to preserve the stability of the revealed law.⁵⁷

He defends this position with a *reductio ad absurdum* argument. If abrogation after the life of the Prophet was possible, then we would not know whether, perhaps, his *sharī'ca* was many times larger than what we presently have, as God could have made the community as a whole forget about parts of it. However, if we concede that point, then we must accept that all of the *sharī'ca* of the Prophet could be forgotten and then replaced with what we have today. For al-Jaṣṣāṣ, a person having doubts such as this about the preservation of the Law commits disbelief and leaves the religion (*milla*). Therefore, such abrogation must not be possible.⁵⁸

Al-Jaṣṣāṣ is here obviously playing on associations between abrogation and forgetting based on the verse most connected with the doctrine of *naskh*, Q. 2:106, *What We abrogate of a sign, or cause to be forgotten, We bring better than it, or the like of it* (*mā nansakh min āyatīn aw nunsihā naʿti bi-khayrin minhā aw mithlihā*). In fact, he makes the very point on the preceding page that the way *naskh* typically works is for the community as a whole to forget the abrogated material.⁵⁹ However his argument on this point is not very convincing due to the tenuous link he draws between *naskh* and community forgetting. One may ask why is it not possible that *naskh* after the lifetime of the Prophet could happen without the verses being forgotten? In fact, it would seem that this type of *naskh* is more widely attested within the Prophet's lifetime than the one based on forgetting.

In addressing the particular case of Ibn Masʿūd's reading of Q. 5:89, al-Jaṣṣāṣ affirms that the additional word *mutatābiʿātin* is not in the Qur'an today and it cannot be recited as such, but rather it was *mustafīd* 'in that time' (*dhālika'l-ʿaṣr*).⁶⁰ Interestingly, al-Jaṣṣāṣ does not here discuss Kufa and al-Nakhaʿī as the lived reality in which this took place, rather he keeps his discourse abstract. He explains the Q. 5:89 variant as follows:⁶¹

It is necessary that what is in the *ḥarf* of ʿAbd Allāh b. Masʿūd concerning the requirement of consecutive days of fasting (*sharʿ al-tatābuʿ*) for the expiation of an oath was abrogated as recitation during the life of the Prophet, may peace be upon him. This is because [people] were ordered not to recite it as from the Qur'an or to write it down. For this reason, [the *ḥarf*] was never transmitted to us in the same way that the Qur'an was. The meaning of their statement that 'it is in the *ḥarf* of ʿAbd Allāh' is that it was a part of the Qur'an in his *ḥarf*, then the recitation was abrogated and the ruling remained in effect. If the meaning was that it was established in the *ḥarf* of ʿAbd Allāh after the death of the Messenger, peace be upon him, then it would have necessarily been transmitted to us in the same manner as the rest of the Qur'an: mass-transmission (*tawātur*) and profuse-narration (*istafāda*), such that no-one doubts it being a part of it.

Al-Jaṣṣāṣ then fields two possible objections to this account. The first is that if the reading only reached the people of his era in the same way as the transmission of (*āḥād*) *ḥadīths*, it cannot be used as the basis for an addition to the text of the Qur'an. This is because, according to his own principles, addition to the Qur'an is a type of abrogation and requires an epistemologically certain source (such as one that is *mutawātir* or *mustafīd*). His answer is that while the ruling was *mustafīd* among the people, the recitation was not. Thus, he tries to draw a distinction between formal recitation and the informal knowledge of its ruling with which there can be an addition to the Qur'an.⁶²

The second objection is that if a ruling is established by *istafāda*, then its recitation must be established in the same way, as this is the means of its transmission. Al-Jaṣṣāṣ responds to this by saying that it does not matter that the recitation lacks *istafāda* transmission, is not found in other *maṣāḥif*, and is to be considered abrogated, as the ruling is not retained on this basis. Rather, either the recitation, or its ruling, may exist in the other's absence.⁶³

These two objections, then, allow al-Jaṣṣāṣ to attempt a dialectical defence of the idea of a widespread practice that is established at a level of certainty despite the lack of an equivalent record of transmission. The import of al-Jaṣṣāṣ' comments can be illustrated by the distinction he draws elsewhere in his *al-Fuṣūl* between immediate, or *ḍarūrī* ('necessary') knowledge and that which *iktisābī* ('acquired').⁶⁴ Both are established without doubt, but while for the first category, the *mutawātir* report, this is due to continuous mass-narration, for the second one, the *mashhūr* or *mustafīd* report, its certainty is inferred by its widespread acceptance in the generation of Muslims after the Companions—a key example is the permissibility of wiping upon leather socks (*mash ḥalā khuffayn*) instead of washing the feet in order to renew the state of purity.⁶⁵ The significance of this legal category according to al-Jaṣṣāṣ is the addition that it allows upon the text of Q. 5:6 (the verse establishing the elements of ritual ablution), which he construes as abrogation.⁶⁶ However, this position arguably leaves him vulnerable to precisely the argument that Ḥanafīs used against Mālikīs who relied on the practice (*amal*) of Medina: they were unable to ground their position in revelation via discrete chains of narration.⁶⁷

b) Q. 5:38

Al-Jaṣṣāṣ extends the use of Mas'ūdian variants to defend the existing Ḥanafī application of the punishment for theft in Q. 5:38. Al-Shaybānī, in his *Kitāb al-Āthār*, had not relied on the reading of Ibn Mas'ūd, or al-Nakha'ī, but rather a report from 'Alī asserting that a second theft is to be punished with an amputated left leg, followed by no amputations for further infringements.⁶⁸ In his *Sharḥ Mukhtaṣar* and *Aḥkām*, al-Jaṣṣāṣ introduces the variant of Ibn Mas'ūd, *cut off their right hands (fa'qtā'u*

aymānahumā)—which he says is also in the *qirā'a* of Ibrāhīm (al-Nakha^cī), Ibn ^cAbbās, and al-Ḥasan (al-Baṣrī) (d. 110/728)⁶⁹—as one of several arguments. It confirms his linguistic analysis that a single hand (the right) of each thief is intended by the plural *aydiyahumā* (*their hands*) in the canonical text. If both hands were meant, he argues, the word would have been *yadayhimā* ('their two hands').⁷⁰ He defends this with the Arabic principle that 'when [the Arabs] annex (*adāfat*) a single body part to each of a pair of individuals, they use the plural form', quoting Q. 66:4, *If you both repent to God, for indeed your hearts have deviated (in tatūbā ilā'llāhi fa-qad ṣaghat qulūbukumā)*.⁷¹ His main argument is that the only way to make a *ziyāda* to the text of the Qur'an is by *tawqīf* ('Divine fiat'), or *ittifāq* ('agreement', 'consensus'). In this case, there is no *tawqīf* and only amputating the left leg for a second theft garners *ittifāq*.⁷² He also links this to the *uṣūlī* point that addition to the Qur'an is only allowable with that which is able to abrogate it.⁷³ In other words, a source considered certain: *mutawātir* or *mustafīd* revelation, as well as *ijmā'* ('consensus').⁷⁴

5. *al-Qudūrī*⁷⁵

a) Q. 5:89

Al-Qudūrī builds upon the theoretical approach of al-Jaṣṣāṣ towards Q. 5:89 in his *al-Tajrīd*, trying in the process to resolve some of the contradictions in his predecessor's corpus. He presents al-Jaṣṣāṣ' argument for the *naskh* of a recitation, but not its ruling, before fielding the potential objection that this amounts to a *ziyāda* to the Qur'an on the basis of a *khabar al-wāḥid* ('single narration').⁷⁶ His response is that this variant of Ibn Mas'ūd was transmitted with *istafāda* up until the time of Abū Ḥanīfa, rather than just that of al-Nakha^cī. Thus, it seems, al-Qudūrī preserves al-Jaṣṣāṣ' conception of the *mustafīd* as certain knowledge, but seeks to extend its certain transmission to the time of the eponymous *mujtahid*-founder.

Al-Qudūrī then adduces the report of Ibn Jubayr in the mosque of Kufa, except in his version Ibn Jubayr recited one night according to the *ḥarf* of ^cAbd Allāh (Ibn Mas'ūd) and the next in the *ḥarf* of Ubayy (b. Ka^cb). However, al-Qudūrī immediately moves to neutralise the challenge of this ritual use of the non-canonical *qirā'a* by proposing that while it was transmitted *mustafīd*, the knowledge of what was abrogated from it in terms of recitation was also passed along.⁷⁷ In other words, he reads the report as implying Ibn Jubayr recited this non-canonical *qirā'a*, except for those parts which had been abrogated. He defends the fact that this is not mentioned in reports by stating that when the variant stopped being transmitted with *istafāda*, so did the knowledge of what was abrogated.⁷⁸ Thus he harmonises the conflict between al-Jaṣṣāṣ' approach in his *Sharḥ Mukhtaṣar* and his *al-Fuṣūl* and *Aḥkām*. Finally, he follows al-Jaṣṣāṣ in rejecting the use of Ubayy's variant for Q. 2:185 due to it lacking *mustafīd* transmission.

b) Q. 5:38

Al-Qudūrī closely follows al-Jaṣṣāṣ' linguistic argument that Q. 5:38 only allows the amputation of the right hand for theft, similarly adducing Q. 66:4 and adding a couplet used by Sībawayhi (d. 180/796), which supports the same grammatical point.⁷⁹ He then quotes Ibn Mas'ūd's variant, commenting that it 'explains the objective of the other recitation' (*bayān li'l-murād bi'l-qirā'a al-ukhrā*).⁸⁰

c) Q. 2:233

In his *al-Tajrīd*, al-Qudūrī uses an alleged variant of Ibn Mas'ūd when stating which needy family members should receive *nafaqa* ('maintenance'). The discussion is derived from Q. 2:233:

Mothers nurse their children for two full years, for those who wish to complete the term. The father is responsible for their provision and clothing according to what is customary—no soul is burdened beyond its limit. Neither mother, nor father, is to suffer on account of their child—the same is incumbent for the heir (wa-^ʿalā'l-wārithi mithlu dhālika) ...

He states that the Ḥanafīs argue that *wa-^ʿalā'l-wārithi mithlu dhālika* means that *nafaqa* must be paid as an 'obligation to every close family member' (*wājiba li-kulli dhī raḥm maḥram*), that is, family members eligible for inheritance who are at the prohibited degree of marriage.⁸¹ This interpretation is well attested in the previous Ḥanafī tradition: al-Shaybānī glosses the meaning, but does not mention a variant reading.⁸² Al-Qudūrī presents his Shāfi'ī opponents as arguing that *wa-^ʿalā'l-wārithi mithlu dhālika* refers only to the previous sentence that mentions there is to be no hardship for parents, meaning that there is to be no hardship for heirs either. They back this up with the argument that they are able to keep the meaning general for every heir, while the Ḥanafīs unjustifiably read the verse with *takhṣīṣ* ('specification') for those within the prohibited degrees. Al-Qudūrī turns this on its head by responding that it is his opponents who are making an unjustifiable *takhṣīṣ*: 'not harming' is a basic principle extended to all Muslims, so reading it as additionally applying to heirs is meaningless.⁸³

He then goes even further to defend the Ḥanafīs from the accusation of reading an additional *takhṣīṣ* into the verse, by mentioning that Ibn Mas'ūd recited, *wa-^ʿalā'l-rahmi'l-maḥrami mithlu dhālika* (*the same is incumbent for the close family member*).⁸⁴ Although he does not say so explicitly, his reasoning seems to be that, as in the cases of Q. 5:89 and Q. 5:38, the variant *qirā'a* allows an addition to the text of the Qur'an in its ruling, if not its recital. However, I have not found an attestation of this particular variant earlier than al-Qudūrī and its provenance remains unclear.

6. *al-Dabūsī*⁸⁵

a) Q. 5:89

In his *Taqwīm al-adilla*, al-Dabūsī discusses Q. 5:89 in a section on *Naskh al-tilāwa dūna al-ḥukm* ('Abrogation of Recitation Without its Ruling'), following the general framework previously used by al-Jaṣṣāṣ. He asserts that just as it is not necessary for a revealed ruling to be recited as part of the Qur'an, the abrogation of a ruling's recitation has no impact on its obligation.⁸⁶

The example that al-Dabūsī provides for this category is the familiar reading of Ibn Mas'ūd for Q. 5:89 concerning consecutive days of fasting. The most interesting aspect of his presentation is the manner in which he justifies how it is known that the recitation of this variant has been abrogated and how it is able to provide a *ziyāda* upon the Qur'an. He proposes that Ibn Mas'ūd has *ʿadl* ('probity') as a narrator. However, when God abrogated his recitation of the verse, it was removed from the hearts of all other Muslims, so that only the ruling remained. His narration alone (as *āḥād*) is not sufficient to be part of the recited Qur'an.⁸⁷ Next, he makes clear that he understands *ziyāda* to be considered as providing *bayān* ('explanation') in form, but *naskh* in meaning. This appears to be an attempt to form a synthesis between the view of the earlier Samarqandī tradition, represented by al-Māturīdī, which was to treat restriction of Qur'anic verses by *āḥād* reports as *bayān*, and Iraqīs, such as al-Jaṣṣāṣ, who require reports to be *mutawātir*, or *mustafīd*, in order to perform *naskh*.⁸⁸

To illustrate his point al-Dabūsī gives the famous example of the slave who is to be freed as an expiation for breaking one's oath in the first part of Q. 5:89. In this verse, the phrase *free a slave (taḥrīru raqaba)* is left *muṭlaq* ('unqualified'), so it can refer to a believer, or not, as opposed to Q. 4:92, in which the expiation for accidentally killing a believer is to free a believing slave (*fa-taḥrīru raqabatīn mu'mīna*). The question that exercised jurists was whether the latter *muqayyad* ('restricted') verse is able to limit the range of meanings within the former *muṭlaq* one. It seems that al-Dabūsī is not only willing to accept this process, understanding such a *ziyāda* to have abrogated the original state of the text,⁸⁹ but to implicitly use it as an epistemological model in which to place the readings of Ibn Mas'ūd.

b) Q. 5:38

In his *Kitāb al-asrār*, al-Dabūsī is more explicit in importing the framework of *muṭlaq* and *muqayyad* in order to use Ibn Mas'ūd's variant reading of Q. 5:38 to restrict amputation to the right hand alone, as well as alluding to the same result for the expiation of freeing a slave and consecutive fasting in Q. 5:89.⁹⁰ The implication of this view as a whole is that, similar to al-Māturīdī, al-Dabūsī is willing to effectively posit the restriction of the Qur'anic text with *āḥād* reports.

7. *al-Sarakhsī*⁹¹

a) Q. 5:89

In his *al-Mabsūṭ*, al-Sarakhsī argues for the consecutiveness of the expiatory fast in Q. 5:89 by asserting that the *qirā'a* of Ibn Mas'ūd is *mashhūr* until the time of Abū Ḥanīfa.⁹² His evidence for this is that the latter figure's contemporary al-A'ṣam would complete a recitation of the Qur'an according to the *ḥarf* of Ibn Mas'ūd and then one according to the *muṣḥaf* of 'Uthmān. He concludes the discussion by affirming that a *ziyāda* upon the text of the Qur'an may only be established by the *mashhūr* report.⁹³

Though the influence of al-Qudūrī's treatment is obvious, there has been a slight, yet significant, conceptual shift with his reintroduction of the term *mashhūr* in place of *mustafīd*. In al-Sarakhsī's *Uṣūl*, he distinguishes his position on the *mashhūr* report from that of al-Jaṣṣāṣ who, he says, treats it as a variety of *tawātur*, established by certain knowledge, albeit *iktisābī*, rather than *ḍarūrī*.⁹⁴ For al-Sarakhsī, the *mashhūr* is that which is initially singly narrated (*āḥād*), and thus open to doubt, before becoming *mutawātir* in a later generation through its widespread acceptance.⁹⁵ It does not give certainty, then, but rather knowledge that inspires confidence (*'ilm ṭuma'nīna*), such that it allows a *ziyāda* to the text of the Qur'an.⁹⁶ Again the *locus classicus* is the report of wiping over leather socks, which, it is argued, can add to the instruction for washing the feet in Q. 5:6. Al-Sarakhsī justifies this by arguing that it is akin to a consensus (*ijmā'*) made in the second or third generation. The *'ulamā'*'s acceptance of, acceptance and practice on the basis of this report is a strong enough proof for the addition to be made, even if a degree of doubt, or obscurity, remains from its early transmission, so that a person who denies it does not commit an act of unbelief. He explicitly links this with the position of the early Ḥanafī jurist 'Īsā b. Abān, who places opposition to this report at the level of error for which sin is feared.⁹⁷

Al-Sarakhsī applies these distinctions to the Q. 5:89 variant in the section on *naskh* within his *Uṣūl* to give a more complete justification for his categorisation of it as *mashhūr*. Focusing on Ibn Mas'ūd, he argues that, as a veracious narrator, his transmission of *qirā'a* should be accepted, and goes on to suggest a way to reconcile it with the mass-transmitted text of the Qur'an. Following al-Dabūsī, he posits that while the variant was abrogated in the lifetime of the Prophet, such that the community as a whole forgot it, God preserved it in the heart of Ibn Mas'ūd precisely so that he could transmit the ruling (he does not here acknowledge its transmission by Ubayy b. Ka'b).⁹⁸ As he formulates it, 'the single narration (*ḵhabar al-wāḥid*) must be acted upon and his *qirā'a* is nothing more than his narration'.⁹⁹

This use of the concept of *mashhūr* allows him to solve the problem of distinguishing between transmission of the *qirā'a* and its ruling, upon which al-Jaṣṣāṣ runs aground.

As al-Sarakhsī argues against the need for the variant to be attested at the level of certain *tawātur* or *istafāda* in order to carry out the required *ziyāda*, he can also jettison al-Qudūrī's view that the knowledge of what is abrogated in recitation is transmitted along with the variant *qirā'a*. Of course, it does leave him vulnerable to the accusation that he sets the epistemological bar too low for his judgement on this addition to the Qur'anic text. However, his use of the category of *mashhūr* is still a step up from the *āḥād* report judged acceptable by prior Transoxianan Ḥanafīs, such as al-Māturīdī and al-Dabūsī. Clearly, this was an intellectual compromise that, by the end of the fifth/eleventh century, Ḥanafī jurists were willing to make.

b) Q. 5:38

Al-Sarakhsī is aware of the Q. 5:38 variant, but rejects it as an argument for the Ḥanafī position, as he thinks it would imply that the right leg is to be amputated upon a repeated offence.¹⁰⁰ Here he implicitly acknowledges that Ḥanafī use of this variant from Ibn Mas'ūd was only ever a secondary argument to shore up the existing school doctrine.

c) Q. 2:233

Al-Sarakhsī follows al-Qudūrī in utilising the Q. 2:233 variant to extend the duty of *nafaqa* to help every close relative (*dhī'l-raḥmi'l-maḥrami*). He mentions that this includes minors, women, and men with a chronic illness, as long as they are in need, but does not otherwise expand upon the topic.¹⁰¹

d) Q. 65:6

As mentioned at the beginning of this article, al-Sarakhsī uses Ibn Mas'ūd's addition, *and provide for them (wa-anfiqūhunna)*, to Q. 65:6's instruction about the divorced wife, *House them where you house yourselves according to your means (askinūhunna min ḥaythu sakantum min wujudikum)*.¹⁰² This unambiguously puts maintenance (*nafaqa*) on the same footing as housing (*sukna*), a point on which the Ḥanafīs differed with other schools of law, at least in the case of a wife who has been irrevocably divorced.

Conclusion

Tracing epistemological engagement with the readings of Ibn Mas'ūd in the Kufan-Ḥanafī juristic tradition has provided the opportunity to examine the formative development of thinking both about the phenomenon of Qur'anic legal variants and its intersection with legal theory. In the milieu of al-Nakha'ī, the Qur'anic readings of Ibn Mas'ūd are not variants, but an alternative canon. He therefore uses readings such as Q. 5:38 and Q. 5:89 as the very basis for the articulation of law: God's commands. Admittedly this conclusion must be read into his juristic corpus, as not only does his

doctrine require reconstruction from later sources, but he lived before the development of theoretical speculation and justification upon the legal canon. Nonetheless, the evidence suggests that al-Nakha^ʿī would use Mas^ʿūdian readings in his legal work just as he would any other verse of the Qur'an. This also supports the position that such variants were not, as a rule, generated by legal debate.

By the end of the second/eighth century, such a position was no longer tenable due to the dominance of the canonical ^ʿUthmānic codex. In his defence of al-Nakha^ʿī's position on Q. 5:89, al-Shaybānī adduces the commonly known *qirāʿa* of Ibn Mas^ʿūd as a proof text. A producer of written materials for his nascent school, he acknowledges the reading's significance and acceptance within his tradition without carving out an explicit theoretical space for it. Implicitly, he finds a way to argue that God did, in a sense, intend for the restriction of the meaning of the verse, even if this cannot be recited as part of the Qur'an. His entry into an interpretive relationship with the canonical text reveals a layering, a space in which the lection of Ibn Mas^ʿūd is semi-present. Thereafter, al-Shaybānī's written record of the *qirāʿa* leads to a kind of canonisation of its own: giving his variant readings a currency within the *madhhab* and challenging following generations of Ḥanafīs to engage with their legacy.

Later, within the Samarqandī branch of Ḥanafism, al-Māturīdī makes use of Ibn Mas^ʿūd's variants to provide clarification of Q. 5:38 and Q. 65:6. Whilst acknowledging the reports of them as *āḥād*, in both cases he argues that they are able to act as *tafsīr* for the *ijmāl* within Qur'anic verses. This reflects a direction in Transoxianan Ḥanafism that was closer to other legal schools on this crucial hermeneutical issue than it was to the dominant Iraqī Ḥanafī view that required certain evidence to provide an addition to the Qur'an.¹⁰³ Interesting too is al-Māturīdī's defence of the importance of Ibn Mas^ʿūd's *ḥarf* for understanding the Qur'an and the insistence that his reading was divinely approved at the very end of the Prophet's life. He does not seem to understand Ibn Mas^ʿūd's *ḥarf* as having been abrogated, which is potentially a subtle nod to its prior high status in Kufa.

It should also be noted that al-Māturīdī's attestation of the Q. 65:6 variant places it in a written work considerably earlier than Hawting suspected. That al-Māturīdī, a contemporary of al-Ṭabarī and collector of source materials from the formative period, knows of this reading, yet it seems not to surface again in the tradition until the *Mabsūṭ* of al-Sarakhsī well over a century and a half later, surely indicates the danger of reasoning from absences in the historical record. Hawting carefully comments, '[i]nsofar as it is permissible to rely on the argument from silence, therefore, it seems reasonable to suggest that the variant reading was generated by the argument over the divorcée in *ʿidda*, rather than being the start of it'.¹⁰⁴ Having reviewed the nuanced way that such variants are utilised within Ḥanafī texts, I argue that putting them into a simple causal relationship with legal rulings neither does justice to the complexity of

juristic derivation and justification, nor to the scarcity of non-canonical readings relative to the scale of the *fiqh* enterprise as a whole.

Al-Jaṣṣāṣ, the great early theoretician, in one sense goes no further than al-Nakha^ḥī in using the readings of Ibn Mas^ʿūd at the level of *furū*^ḥ. He produces the alternative readings of Q. 5:38 and Q. 5:89 in the two places that they support established Ḥanafī practice. However, he is the earliest extant Ḥanafī author to articulate a place for the *qirāʾa* of Ibn Mas^ʿūd within the intellectual toolkit of the influential Iraqī school, providing a detailed theoretical defence in his *al-Fuṣūl*, as well as a summary in his famous *Aḥkām al-Qurʾān*. Working within an established epistemological framework, al-Jaṣṣāṣ is committed to the principle that addition to the text of the Qurʾan, which the Mas^ʿūdian variants represent, is only possible with a source at the level of certainty. As he cannot defend them as *mutawātir* narrations, which would make them part of the canonical Qurʾan, he argues they are embodied in *mustafīd* practice that can establish rulings without an equivalent level of transmission for their recitation. This correlates with juristic discussions on *ijmā*^ʿ, in which the certainty of a particular position was engendered by the existence of an initially *mutawātir* tradition that was later not preserved.¹⁰⁵ Interestingly, in his *Sharḥ Mukhtaṣar*, al-Jaṣṣāṣ does state that the variant recital of Q. 5:89 was *mustafīd* in Kufa. It seems that in his more theoretical works he realised this would contradict his understanding of *naskh*, which requires Ibn Mas^ʿūd's lection to have been abrogated in the lifetime of the Prophet. Thus, his affirmation of *mustafīd* practice without recitation is an attempt to bridge the gap between the need for epistemological certainty to carry out the textual addition and a rejection of such certainty to defend the existing Qurʾanic canon. Al-Jaṣṣāṣ, then, is caught between the real history of Ibn Mas^ʿūd's reading in Kufa, including its roots within his school tradition, and his desire for a consistent and theologically acceptable epistemology of revelation and abrogation.

Understanding the dilemma of al-Jaṣṣāṣ helps to shed light on the otherwise peculiar position of al-Qudūrī. He tries to solve the problem by extending *mustafīd* transmission of the lection of Ibn Mas^ʿūd to the time of Abū Ḥanīfa, but adding the proviso that up until this point there was a conveyance of what was abrogated in recitation. This allows him to justify both the epistemic certainty of the reading for adding to the canonical text while attempting to acknowledge the historical 'facts on the ground'. Al-Qudūrī neither explains in a practical sense how Ibn Mas^ʿūd's recitation could have been transmitted with its own verbally abrogated status, nor reconciles it with reports of the living tradition in early Kufa. His ingenious, yet flawed, solution did not ultimately find favour in the Ḥanafī tradition. However, al-Qudūrī seems to have been happy enough with his formulation to extend his treatment of Q. 5:38 and Q. 5:89 to Q. 2:233, a reading seemingly unattested previously elsewhere.

Al-Qudūrī's contemporary al-Dabūsī also cannot be understood without reference to the theoretical strands, Iraqī and Samarqandī, which he attempts to reconcile. On the one hand, as a Transoxianan jurist, he is committed to an explanatory role for the *āḥād* report in restricting Qur'anic texts. On the other hand, it seems that he 'inclined toward the *uṣūl* of the Iraqis',¹⁰⁶ such that he required Ibn Mas'ūd's readings to be able to 'abrogate' the *muṭlaq* within the canonical text. Whereas al-Māturīdī seems only to use these variant readings for the clarification of ambiguities in the Qur'an, al-Dabūsī understands them as *muqayyad*, which may have allowed him to explain the prominent Q. 5:89 variant as restricting the expiatory fasting to consecutive days.

Finally, al-Sarakhsī develops a new approach to the questions of revelation, abrogation, and transmission raised by the readings of Ibn Mas'ūd through utilising a wider epistemological shift in the Ḥanafī *madhhab*. Drawing partly on the ideas of earlier figures in the school, such as 'Īsā b. Abān, he argues that certainty is too stringent a requirement for legal addition to the Qur'an, rather, knowledge that inspires confidence (*'ilm ṭuma'nīna*) is sufficient. This means that Ibn Mas'ūd's readings in Kufa can be reclaimed as single narrations that became mass-transmitted from the generation of his students onwards. In al-Sarakhsī's terminology, such verses are functionally identical with the *mashhūr* report and are able to play a full role in the legal sphere without threatening the integrity of the Qur'anic canon. Again, the close association with arguments over the doctrine of consensus can be observed, now used explicitly by al-Sarakhsī in his discussion.¹⁰⁷ This underscores that a settled place for the readings of Ibn Mas'ūd in the Ḥanafī school was simultaneously constitutive of, and dependent upon, the emergence of a stable legal epistemology. For his part, al-Sarakhsī affirms Q. 5:89, Q. 2:233, and Q. 65:6, while rejecting the efficacy of Q. 5:38.

The approach of al-Sarakhsī, then, was coherent enough to provide the Ḥanafī *madhhab* with a defensible theoretical position towards the variants that the school relied upon to justify rules that seem to have emerged from the alternative Kufan canon. Although the handful of such readings transmitted within the Ḥanafī *madhhab* were fixed after the time of al-Sarakhsī, they became part of the firmament of the school's commentary tradition, a testament to its distinctive roots. Furthermore, treating the readings of Ibn Mas'ūd as *mashhūr* reports denatured the challenge of his *ḥarf* to the stability of the canonical text. His variants, always stylistically akin to glosses upon the Qur'an, were transformed into nothing more than a particularly well-attested variety of exegesis.

NOTES

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1 There is no consensus on the precise meaning of the word *ḥarf*. The root *ḥ-r-f* signifies an edge (*ṭaraf*), or boundary (*ḥadd*) (Ibn Manẓūr, *Lisān al-ʿArab*, vol. 2, p. 838). Thus, at the very least, a different *ḥarf* implies changes in the unpointed text, as well as potential differences in vocalisation, hence the suggested English translation of 'lection', defined as 'a reading found in a particular copy or edition of a text' ('lection', *Shorter Oxford English Dictionary*, 6th edn). A gloss of *lisān* ('dialect') has sometimes been suggested as having a basis in the sources, with ʿUthmān ordering his committee to write in the dialect of Quraysh if they differed (al-Bukhārī, *Ṣaḥīḥ*, vol. 3, p. 1,048; al-Tirmidhī, *Sunan*, vol. 2, p. 787). However, this idea does not account for the existence of a so-called *koine* facilitating the common understanding of poetry, and, it seems, the Qur'an, among geographically dispersed tribes (Nöldeke et al., *The History*, p. 260; Corriente, 'From Old Arabic to Classical Arabic', pp. 65–66 and pp. 71–75). Moreover, even if dispensations for varied Arabian dialects play a role in the emergence of different readings of the Qur'an, it does not seem to be sufficient to explain the phenomenon alone: many variants (including the ones studied in this article) are not connected to pronunciation or localised vocabulary, but are simply added, subtracted, or substituted words. It is in this context that Dutton has raised interesting questions related to the apparent multiform oral nature of the Qur'an before the ʿUthmānic codex (Dutton, 'Orality, Literacy and the "Seven Aḥruf"', pp. 33–34). The meaning of *ḥarf* and the phenomenon of the *aḥruf* require further research. Overall, it seems that the data is open to at least three interpretations (which are not necessarily mutually exclusive): the Prophet taught specific ways of reciting the Qur'an to different Companions; he recited it in multiple ways in general; or he allowed Companions to paraphrase it.

2 Modern scholarship has vacillated over whether to accept the dating of the emergence of a canonical *muṣḥaf* to the era of ʿUthmān's reign. Burton and Wansbrough, each for their own idiosyncratic reasons, rejected the traditional view and put forward diametrically opposed theories for the canonisation process. Burton suggested that the Qur'an was canonised during the life of the Prophet Muḥammad himself, while Wansbrough argued for the ʿAbbāsīd era (about 200/815) (Burton, *The Collection of the Qur'an*, pp. 230–240, and Wansbrough, *Qur'anic Studies*, p. 144). Neither view has ultimately found many supporters (see Versteegh, *Arabic Grammar and Qur'ānic Exegesis*, p. 48, and Donner, *Narratives of Islamic Origins*, pp. 35–63). There have been a number of efforts to take stock of the current state of research on this issue. Harald Motzki has attempted to date the reports of the canonisation process, tracing them back to the second/eighth century *muḥaddith* ('traditionist') al-Zuhrī (d. 124/742) (Motzki, 'The Collection of the Qur'an', p. 31). Recently, Nicolai Sinai has assessed a range of literary and material sources in the light of both earlier literature and innovative new studies. Rehearsing the arguments for an alternative 'emergent canon model', according to which the Qur'an gained a stable form only under the Umayyads, particularly the Caliph Hishām b. ʿAbd al-Malik (r. 105–125/724–743) and his feared governor al-Ḥajjāj b. Yūsuf, Sinai concludes that there is no compelling reason to reject the traditional narrative that codification took place in approximately 30/650 (Sinai, 'When Did the Consonantal Skeleton ... Part II', pp. 520–521. See also, Sinai, 'When Did the Consonantal Skeleton ... Part I'; Sadeghi and Bergmann, 'The Codex of a Companion of the Prophet'; and Cook, 'The Stemma of the Regional Codices of the Koran').

3 al-Bukhārī, *Ṣaḥīḥ*, vol. 3, p. 1,048; al-Dhahabī, *Siyar a'lām al-nubalā'*, vol. *Siyar al-khulafā' al-rāshidīn*, pp. 157–158. Burning is found in the more famous reports, such as that of al-Bukhārī. See also Ibn Abī Dāwūd, 'Kitāb al-maṣāḥif', p. 22. This led the event to be known as *taḥrīq al-maṣāḥif* ('the burning of the codices') in tradition (see Nasser, *The Transmission of the Variant Readings*, p. 9). However, erasure through submergence is attested in Ibn Abī Dāwūd, 'Kitāb al-maṣāḥif', pp. 13–14.

4 According to traditional sources, Ibn Masʿūd was originally a poor shepherd of the tribe of Hudhayl, before becoming a significant early follower of the Prophet Muḥammad: he was

considered by some as an honorary member of his household (al-Bukhārī, *Ṣaḥīḥ*, vol. 2, p. 741). He became especially known for his mastery of the Qur'an and was sent by the second caliph, °Umar b. al-Khaṭṭāb, to the then recently established garrison town of Kufa in 21/642 as the foremost teacher of its growing community (Ibn Sa°d, *Kitāb al-Ṭabaqāt al-kabīr*, vol. 8, p. 136; al-Dhahabī, *Siyar a°lām al-nubalā°*, vol. 1, pp. 485–486). It seems he remained a teacher and treasurer in Kufa, rather than its *qāḍī* ('judge') or governor. Ibn Sa°d reports that °Umar sent him as a teacher and advisor, or vizier (*mu°alliman wa-wazīran*) (Ibn Sa°d, *Kitāb al-Ṭabaqāt al-kabīr*, vol. 8, p. 136). Ḥudhayfa b. Yamān (d. 36/656) is reported to have said, 'You were sent to the people of Kufa as a teacher, so they took from your manners, your language, and your recitation' (*min adabika wa-lughatika wa-min qirā°atika*) (Ibn Abī Dāwūd, 'Kitāb al-maṣāḥif', p. 14). Furthermore, there are reports that Shurayḥ b. al-Ḥārith (d. 79–80/698–700) was appointed *qāḍī* of Kufa by °Umar in 18/639 and, with some gaps due to civil unrest, remained in post for 60 years until 79/698 (Judd, *Religious Scholars*, p. 118. Also, see Vadet, 'Ibn Mas°ūd'). The usual view of previous western scholarship has often explained the traction his Qur'anic reading gained in the town with reference to his political status. Nöldeke et al. referred to him as Kufa's governor (Nöldeke et al., *The History of the Qur°ān*, p. 456). Schoeler follows this idea, claiming that he 'even succeeded in imposing "his" Qur°ān for a short time in Kufa (where he was then qadi and treasurer)' (Schoeler, *The Genesis of Literature in Islam*, p. 33). There is a report from al-Balādhūrī (d. c. 278–279/892), presumably the ultimate source of Schoeler's statement, that mentions he was 'in charge of their judgements and treasury' ('*alā qaḍā°ihim wa-bayt mālihīm*) (al-Balādhūrī, *Fuṭūḥ al-buldān*, p. 376). The use of the word *qaḍā°* here is probably either a mistake, or refers to his role as an expert in the sacred law.

5 Narrations mention his extreme anger at being told to abandon his personal *muṣḥaf* and his criticism of Zayd b. Thābit, the Prophet's former scribe and a key figure involved in the compilation of °Uthmān's official canon. He had recited 70 suras from the Prophet while Zayd had 'two forelocks, playing with other boys' (Ibn Abī Dāwūd, 'Kitāb al-maṣāḥif', pp. 13–15. Also, see al-Nasā°ī, *Sunan*, vol. 2, p. 819). Lecker adduces other versions in which the 'two forelocks' are not just the typical hairstyle of a child, but reflect Zayd's attendance at the Jewish *maktab* within Medina, the source of his literacy. Lecker also quotes a report from Ibn Shabba explicitly stating that Zayd was a Jew before becoming a Muslim (Lecker, 'Zayd B. Thābit', pp. 260–263). The *bayt al-midrās* (Jewish study hall; lit. 'house of learning', a translation of the Hebrew *beth midrash*) in the Prophet Muḥammad's Medina is mentioned in the *ḥadīth* literature (al-Bukhārī, *Ṣaḥīḥ*, vol. 2, pp. 618–619). Further reports record Ibn Mas°ūd's refusal to leave his personal codex. In one, he makes a speech, saying, 'O people of Kufa [or: Iraq] conceal the copies of the Qur'an (*maṣāḥif*) that are with you and hide them amongst your goods. Indeed, God says, "The one who takes something and hides it amongst his goods (*yaḡhlul*) will come with what he took on the Day of Standing [Q. 3:161]", so meet God with the *maṣāḥif*!' (al-Tirmidhī, *Sunan*, vol. 2, pp. 787–788; Ibn Abī Dāwūd, 'Kitāb al-maṣāḥif', p. 17). The verb *ghalla* is used in Q. 3:161 in the context of concealing something from the spoils of war (see Lane, *Arabic-English Lexicon*, vol. 2, p. 2, 277). This verse is linked to the Battle of Badr in a *ḥadīth* (al-Tirmidhī, *Sunan*, vol. 2, p. 759). Nöldeke only understood this word in the sense of cheating, or fraud, and so found the use of the verse in the narrative to seriously differ from its Qur'anic meaning (Nöldeke et al., *The History of the Qur°ān*, p. 287). It seems rather that Ibn Mas°ūd is employing the verse in a new context to suggest that preservation of the pre-canonical Kufan *maṣāḥif* is praiseworthy.

6 Dutton argues that the language of 'variant' may be inappropriate in the context of the Qur'an as an oral and multiform phenomenon (Dutton, 'Orality, Literacy and the "Seven *Aḥruf*"', pp. 33–34). The use of the term in this article should be understood simply in terms of variance from the canonised °Uthmānic codex.

7 The jurist Sa°īd b. Jubayr is said to have lead the prayer in Kufa during Ramaḍān, reciting one night in the *ḥarf* of Zayd (b. Thābit) and the next in the *ḥarf* of °Abd Allāh (b. Mas°ūd)

(al-Jaṣṣāṣ, *Sharḥ Mukhtaṣar al-Ṭaḥāwī*, vol. 7, pp. 405–406). Even a century later, Mālik b. Anas is reported by Saḥnūn (or: Suḥnūn) (d. 240/854) to have given the legal verdict that prayer behind a person reciting Ibn Mas'ūd's reading is invalid (Dutton, 'Orality, Literacy and the "Seven Aḥruf"', p. 17).

8 al-A'ash narrates, 'I came to Kufa and the *qirā'a* of Zayd was not amongst them, except as the reading of 'Abd Allāh is amongst you today: no one recited it save one or two men' (Ibn Mujāhid, *Kitāb al-sab'a*, p. 67). Al-A'ash's teacher al-Nakha'ī says, 'We were taught the *ḥarf* of 'Abd Allāh in the Qur'an schools (*katātīb*) as children, just as we were taught the *ḥarf* of Zayd' (al-Jaṣṣāṣ, *Sharḥ Mukhtaṣar al-Ṭaḥāwī*, vol. 7, p. 405).

9 Sinai, 'When Did the Consonantal Skeleton ... Part I', pp. 283–284.

10 Dutton, 'Orality, Literacy and the "Seven Aḥruf"', pp. 12–14. Although reports of Mas'ūdian variants can be found in earlier literary sources, they have been compiled in lists since at least the fourth/tenth century *maṣāḥif* literature. Western scholarship also has a longstanding fascination in listing these differences. Goldziher highlighted their importance (Goldziher, *Schools of Koranic Commentators*, pp. 5–10); Arthur Jeffery published the *Kitāb al-maṣāḥif* of Ibn Abī Dāwūd at the back of his own compilation from earlier and later sources, though the latter collection is somewhat let down by his failure to list the provenance of each variant (Jeffery, *Materials for the History of the Text*, pp. 25–113); Nöldeke et al. gave a shorter list with more analysis (Nöldeke et al., *The History of the Qur'ān*, pp. 431–443); P. Edmund Beck focused on Mas'ūdian variants in the work of the Kufan exegete and linguist al-Farrā', one of the earliest literary sources to pay attention to them, in a series of studies (Beck, 'Die b. Mas'ūdvariantan ... I'; 'Die b. Mas'ūdvariantan ... II'; 'Die b. Mas'ūdvariantan III'. Also see Welch, 'al-Kur'ān').

11 Ibn al-Nadīm, *Kitāb al-Fihrist*, p. 29.

12 Though the precise English rendering of Qur'anic verses in this article is my own, I have benefited greatly from the translation of M.A.S. Abdel Haleem.

13 Schacht, *The Origins*, p. 225, in which he follows Jeffery, *Materials for the History of the Text*, p. 102, which lacks a source.

14 The same verse in the standard 'Uthmānic text goes on to explicitly mandate *nafaqa* for the pregnant divorcee.

15 Schacht, *The Origins*, p. 225.

16 Coulson, *A History of Islamic Law*, p. 31.

17 Hawting, 'The Role of Qur'ān and "ḥadīth"', p. 433.

18 Burton, *The Collection*, pp. 186–187.

19 Shah, 'The Case of *variae lectiones*', pp. 6–9, pp. 12–14, pp. 17–18, pp. 22–23.

20 Shah, 'The Case of *variae lectiones*', p. 24.

21 Shah, 'The Case of *variae lectiones*', pp. 22–23.

22 Although al-Nakha'ī has been recognised as an important link in the genealogy of the Ḥanafī tradition of *fiqh*, and as a Qur'anic reciter who transmitted Mas'ūdian variants, there has not been a focused attempt to study his role at the isthmus of these two roles. Beck notes that he transmits non-canonical readings, but does not take the subject further (Beck, 'Studien zur Geschichte der kufischen Koranlesung', p. 60). Al-Azami mentions, without reference, a *muṣḥaf* of 'Alqama that was in the possession of al-Nakha'ī, but makes no comment about his transmission of non-canonical variants (al-Azami, *The History*, p. 132). *The Encyclopaedia of Islam* has only a stub of an entry, with no mention of his *qirā'a*, in which the author also inaccurately characterises Abū Yūsuf and al-Shaybānī as 'belonging to other [non-Ḥanafī] law schools' (Lecomte, 'al-Nakha'ī, Ibrāhīm'). The lengthiest contemporary effort to write about

this figure is a modern Arabic survey, Qal^cajī's *Mawsū'ca*. Based on a thorough trawling of sources, both early and later, he sketches al-Nakha^cī's achievements in various fields of knowledge, including *qirā'a*, before setting out his *fiqh* in considerable detail. This is a useful contribution, though it too often becomes an uncritical reconstruction of al-Nakha^cī's views through the lens of later Ḥanafī *uṣūl* (see Qal^cajī, *Mawsū'ca*, vol. 2, p. 769 and cf. pp. 637–638 for a good example of this problem concerning the distinction between *'amm* ('general') and *khāṣṣ* ('specific') texts and the issue of whether urine is legally classified as filth). The most insightful reference to al-Nakha^cī's role within and beyond the discipline of *qirā'a* seems to be that made by Versteegh in his *Arabic Grammar and Qur'ānic Exegesis*. Here he remarks that the early exegete and linguist al-Farrā^o would distinguish between different chains of transmission for al-Nakha^cī's teachings in *tafsīr* and *qirā'a*, thereby marking out a distinction between these disciplines (Versteegh, *Arabic Grammar and Qur'ānic Exegesis*, p. 175. He makes more general comments about the disciplines on p. 185).

23 Ibn Sulaymān, *Tafsīr Muqātil*, vol. 1, p. 500; al-Farrā^o, *Ma'ānī al-Qur'ān*, vol. 1, p. 318; al-Ṣan^cānī, *al-Muṣannaḥ*, vol. 8, p. 514.

24 al-Farrā^o, *Ma'ānī al-Qur'ān*, vol. 2, p. 271, pp. 407–408; al-Ṭabarī, *Jāmi' al-bayān*, vol. 8, p. 652; Ibn Abī Dāwūd, 'Kitāb al-maṣāḥif', pp. 55–56; al-Jaṣṣāṣ, *Aḥkām al-Qur'ān*, vol. 4, p. 121; al-Jaṣṣāṣ, *Sharḥ Mukhtaṣar al-Ṭahāwī*, vol. 7, p. 405.

25 For example, al-Ṭabarī provides three separate chains for the variant readings of Ibn Mas^cūd, ^cAlqama, and al-Nakha^cī pertaining to Q. 2:196, despite the fact that al-Nakha^cī is in all of them (al-Ṭabarī, *Jāmi' al-bayān*, vol. 3, p. 328).

26 al-Dhahabī, *Siyar a'lām al-nubalā'*, vol. 5, pp. 393–394.

27 Calder, *Studies in Early Muslim Jurisprudence*, pp. 39–66.

28 Motzki, 'Dating Muslim Traditions', pp. 44–47.

29 Sadeghi, 'The Authenticity of Two 2nd/8th Century Ḥanafī Legal Texts', pp. 294–303.

30 A case could be made for also considering ^cAlī b. Muḥammad al-Bazdawī (d. 482/1089), a contemporary of al-Sarakhsī, who authored a very influential text in *uṣūl al-fiqh* (Zysow, 'Mu^ctazilism and Māturidism in Ḥanafī Legal Theory', pp. 237–238). The choice to only analyse al-Sarakhsī in this article is based on his more detailed treatment of the lection of Ibn Mas^cūd in his *Uṣūl* and the fact that he additionally preserves multiple Mas^cūdian variants in his legal encyclopedia *al-Mabsūt*. Cf. al-Bazdawī, *Uṣūl al-Bazdawī*, p. 507.

31 Said to be born in Yemen in the middle of the first/seventh century, Ibrāhīm b. Yazīd b. Qays al-Nakha^cī moved to Kufa at a young age, where he was immersed in the scholarly world inhabited by his paternal and maternal uncles ^cAlqama b. Qays (d. 62/681–682) and al-Aswad b. Yazīd (d. 75/694), who were the outstanding transmitters of Ibn Mas^cūd's *qirā'a* and *fiqh* (al-Dhahabī, *Siyar a'lām al-nubalā'*, vol. 4, p. 520). He became known for his juristic acumen and, in time, became the foremost Kufan jurist of his generation. His *fiqh* consists of a corpus of rulings seemingly grounded by implicit interpretive techniques. Schacht is very sceptical about the materials attributed to al-Nakha^cī (Schacht, *The Origins of Muhammadan Jurisprudence*, pp. 236–237). Ansari attempts to rebut these qualms and provides a good summary of his methods (Ansari, 'The Early Development of Islamic *Fiqh* in Kūfah', pp. 92–93, pp. 96–109. Again, see Sadeghi, 'The Authenticity of Two 2nd/8th Century Ḥanafī Legal Texts', pp. 307–311). Al-Nakha^cī was only rivalled in Kufa by ^cĀmir al-Sha^cbī (d. 104/722–723), who was briefly the qāḍī of Kufa at the turn of the first century AH (see Judd, *Religious Scholars and the Umayyads*, p. 118). While the Ḥanafī tradition would later claim al-Nakha^cī as its primary point of reference for the articulation of a codified body of law, the early literary sources show him crossing the boundaries of disciplines as the pre-eminent example of an upright Kufan scholar. Thus, he is quoted not only in discussions of *fiqh*, but also in legal exegesis of the Qur'an, as a transmitter of *ḥadīth* and in discussions of piety. He is prominently mentioned in

the *Muṣannaḥ* of Ibn Abī Shayba (d. 235/849), the *Tafsīr* of al-Ṭabarī, and *Aḥkām al-Qurʾān* of al-Jaṣṣāṣ. He is even mentioned in Abū Ṭālib al-Makkī's (d. 386/998) early Ṣūfī manual *Qūt al-qulūb* (al-Makkī, *Qūt al-qulūb fī muʿāmalat al-maḥbūb*, vol. 3, pp. 1,654–1,655). Also, see Qalʿajī, *Mawsūʿa*, vol. 1, pp. 95–158).

32 Muqātil b. Sulaymān, *Tafsīr Muqātil*, vol. 1, p. 500; al-Farrāʾ, *Maʿānī al-Qurʾān*, vol. 1, p. 318; al-Ṣanʿānī, *al-Muṣannaḥ*, vol. 8, p. 514; al-Ṭabarī, *Jāmiʿ al-bayān*, vol. 8, p. 652.

33 al-Ṭabarī, *Jāmiʿ al-bayān*, vol. 8, p. 652; al-Jaṣṣāṣ, *Aḥkām al-Qurʾān*, vol. 4, p. 121; al-Jaṣṣāṣ, *Sharḥ Mukhtaṣar al-Ṭaḥāwī*, vol. 7, p. 405; ʿAbd al-Razzāq also quotes the Kufans al-Aʿmash and Abū Ishāq (al-Sabīʿī) (d. 127/744–745) as saying that they recited this, as well as ʿAṭā b. Abī Rabāh (d. 114/732) in Mecca (al-Ṣanʿānī, *al-Muṣannaḥ*, vol. 8, p. 514). Abū Ishāq was slightly older than al-Nakhaʿī and lived longer, while al-Aʿmash was the student of both (al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, vol. 5, pp. 393–394).

34 al-Ṭabarī, *Jāmiʿ al-bayān*, vol. 8, p. 652. For further brief comments on the readings of Ubayy b. Kaʿb, see note 55.

35 al-Farrāʾ, *Maʿānī al-Qurʾān*, vol. 1, p. 306.

36 al-Ṭabarī, *Jāmiʿ al-bayān*, vol. 8, p. 408. The little-known Ibādī *tafsīr* of al-Huwwārī, who is said to have died in the second half of the third/ninth century, also quotes '*fa'qāʿū aymānahumā*' from Ibn Masʿūd (al-Huwwārī, *Kitāb Allāh al-ʿazīz*, vol. 1, p. 468. For the circumstances of the discovery of this text, see vol. 1, p. 6).

37 al-Jaṣṣāṣ, *Aḥkām al-Qurʾān*, vol. 4, p. 72; al-Jaṣṣāṣ, *Sharḥ Mukhtaṣar al-Ṭaḥāwī*, vol. 6, p. 318.

38 Ibn Sulaymān, *Tafsīr Muqātil*, vol. 1, p. 474.

39 See the discussion by al-Jaṣṣāṣ (al-Jaṣṣāṣ, *Aḥkām al-Qurʾān*, vol. 4, p. 72). See also al-Jalīl, 'Zāhirat al-ibdāl', p. 202.

40 Muḥammad b. al-Ḥasan al-Shaybānī was only a young man when he studied with Abū Ḥanīfa, not long before the latter's imprisonment and death. Therefore, it is Abū Yūsuf that must take greatest credit for his training. Melchert quotes a report to the effect that this must have been in Baghdad and others showing that al-Shaybānī is sometimes omitted within a list of Abū Ḥanīfa's students, but included as the first of Abū Yūsuf's (Melchert, 'The Early Ḥanafīyya and Kufa', pp. 27–29). The usual view is that al-Shaybānī did have a short period of association with Abū Ḥanīfa in Kufa (Ibn Saʿd, *Kitāb al-Ṭabaqāt al-kabīr*, vol. 9, p. 338; and see Chaumont, 'al-Shaybānī, Abū ʿAbdullāh Muḥammad b. al-Ḥasan'). For information on the spread of the Ḥanafī school tradition thereafter, see Tsafir, *The History of an Islamic School of Law*, pp. 17–30 and pp. 40–53. Al-Shaybānī's later emergence as a towering figure within the authorities of the Ḥanafī school reflects his literary output: he is credited with most of the surviving works upon which its rulings are based. Following his initial years of study, al-Shaybānī travelled to Medina to learn from Mālik b. Anas and transmitted a comparative narration of *al-Muwattaʿa*, recording both Mālik's views and his own responses. In later years, he acted as a teacher to al-Shāfiʿī, who greatly respected him, despite frequently disagreeing with his juristic methodology (see El Shamsy, *The Canonization of Islamic Law*, pp. 46–48). He is not known as a Qurʾanic reciter in his own right and it is not clear from his *fiqh* corpus which *qirāʾa* he favoured. It is of interest that Abū Ḥanīfa, however, is recorded as having a personal *qirāʾa* that would seem to contravene the ʿUthmānic codex in a few places (see al-Hudhalī, *al-Kāmil fī'l-qirāʾāt al-ʿashr wa'l-arbaʿīn*, p. 514).

41 al-Shaybānī, *Kitāb al-Āthār*, vol. 2, p. 601.

42 al-Shaybānī, *al-Aṣl*, vol. 2, p. 294.

43 The approximately 150 year gap between the death of al-Shaybānī and al-Māturīdī represents a key period in the shift from the personal, broadly regional, articulation of juristic

tradition to consolidated legal schools with eponymous founder-figures. Al-Māturīdī is an important figure in the development of the more theoretical side of Transoxianan Ḥanafism. He is most famous as the eponym of the Māturīdī school of Sunnī theology, though his contributions to the fields of exegesis and legal theory deserve mention in their own right (see Rudolph, *Al-Māturīdī and the Development of Sunnī Theology*, pp. 319–323; Saleh, 'Rereading al-Ṭabarī through al-Māturīdī', pp. 180–181; Zysow, 'Mu^ctazilism and Māturīdism in Ḥanafī Legal Theory', pp. 236–239).

44 al-Māturīdī, *Ta^wwilāt al-Qur^oān*, vol. 4, p. 220.

45 This technical use of the word should not be confused with the name commonly given to the discipline of exegesis. It seems rather to mean the category of the *mufassar* ('explained') text, just as *ijmāl* recalls the *mujmal* ('unclarified') one (see al-Jaṣṣāṣ, *al-Fuṣūl fi'l-uṣūl*, vol. 1, p. 63; vol. 1, pp. 381–382).

46 al-Māturīdī, *Ta^wwilāt al-Qur^oān*, vol. 15, pp. 235–236.

47 al-Māturīdī, *Ta^wwilāt al-Qur^oān*, vol. 15, p. 235. He suggests that it is possible this was also the lection of ʿUmar due to his famous statement, 'We do not give up the Book of our Lord and practice of our Prophet for the saying of a woman whom we do not know whether she was truthful or lied (*la nada^cu kitāb rabbinā wa-sunnat nabīyyinā bi-qawl imra'a lā nadrī asdaqat am kadhibat*)' (al-Māturīdī, *Ta^wwilāt al-Qur^oān*, vol. 15, p. 232). Al-Māturīdī's point is that ʿUmar's statement suggests that he thought the position of the Qur'an was clear on the *nafaqa* due to the irrevocably divorced woman.

48 al-Māturīdī, *Ta^wwilāt al-Qur^oān*, vol. 15, p. 236.

49 Zysow, *The Economy of Certainty*, p. 43.

50 Zysow, *The Economy of Certainty*, p. 17–18. For more on ʿĪsā b. Abān, see Bedir, 'An Early Response to Shāfi'ī'.

51 al-Māturīdī, *Ta^wwilāt al-Qur^oān*, vol. 15, p. 236.

52 The third/ninth and the fourth/tenth centuries saw the rise of the Mu^ctazila as a significant intellectual force, particularly in Iraq, with a close relationship to Ḥanafism in the period. In the case of al-Jaṣṣāṣ, a seminal Iraqī Ḥanafī jurist, there is an ongoing debate within modern scholarship over whether he can be considered a Mu^ctazilī author (Reinhart, *Before Revelation*, pp. 46–47, p. 49; Bedir, 'Al-Jaṣṣāṣ', pp. 156–160). At the very least, his more theoretical work, particularly his *al-Fuṣūl fi'l-uṣūl*, is influenced by the discussions going on in Mu^ctazilī circles in his time (Bernard, 'Ḥanafī Uṣūl al-Fiqh', p. 634).

53 al-Jaṣṣāṣ, *Sharḥ Mukhtaṣar al-Ṭaḥāwī*, vol. 7, pp. 405–406. See notes 7 and 8.

54 al-Jaṣṣāṣ, *Sharḥ Mukhtaṣar al-Ṭaḥāwī*, vol. 7, p. 405.

55 al-Jaṣṣāṣ, *Sharḥ Mukhtaṣar al-Ṭaḥāwī*, vol. 7, p. 406. The canonical text in Q. 2:185 is 'Whoever is sick, or travelling, then [fast] a number of other days (*wa-man kāna marīḍan aw ʿalā safarin fa-ʿiddatun min ayyāmīn ukhar*)'. Ubayy reads, 'a number of other **consecutive** days (*fa-ʿiddatun min ayyāmīn ukhara mutataʿbiʿātin*)'. It should be noted by way of comparison that Mālik also quotes a number of non-canonical *qirāʿāt* in his *al-Muwattaʿa*, including the addition of *mutataʿbiʿātin* to Q. 5:89, on the authority of Ubayy b. Kaʿb. Following this, he comments that he prefers that whatever God mentions in the Qur'an is fasted consecutively, which implies only a recommendation, as opposed to a stipulation (Ibn Anas, *al-Muwattaʿa*, p. 107). Dutton has analysed these cases and argues that Mālik uses them for corroboration only, never as the source of obligation (Dutton, *The Origins of Islamic Law*, pp. 57–60). This, then, is a weaker usage of this type of *qirāʿa*, which is perhaps explained by Ubayy's relatively lesser prominence in Medinan scholarship compared to Ibn Masʿūd in Kufa.

56 See al-Jaṣṣāṣ, *Aḥkām al-Qur^oān*, vol. 4, p. 121.

57 al-Jaṣṣāṣ, *al-Fuṣūl fi'l-uṣūl*, vol. 2, p. 253.

- 58 al-Jaṣṣāṣ, *al-Fuṣūl fī'l-uṣūl*, vol. 2, p. 254.
- 59 al-Jaṣṣāṣ, *al-Fuṣūl fī'l-uṣūl*, vol. 2, p. 253. He quotes Q. 2:106 on vol. 2, p. 256. There are a number of reports of Qur'anic material being forgotten by Companions in this way during the lifetime of the Prophet. See Modaressi, 'Early Debates', pp. 10–13.
- 60 al-Jaṣṣāṣ, *al-Fuṣūl fī'l-uṣūl*, vol. 2, p. 254.
- 61 al-Jaṣṣāṣ, *al-Fuṣūl fī'l-uṣūl*, vol. 2, p. 254.
- 62 al-Jaṣṣāṣ, *al-Fuṣūl fī'l-uṣūl*, vol. 2, p. 255.
- 63 al-Jaṣṣāṣ, *al-Fuṣūl fī'l-uṣūl*, vol. 2, p. 255.
- 64 al-Jaṣṣāṣ, *al-Fuṣūl fī'l-uṣūl*, vol. 3, pp. 47–49; cf. al-Sarakhsī, *Uṣūl al-Sarakhsī*, vol. 1, pp. 291–292.
- 65 al-Jaṣṣāṣ, *al-Fuṣūl fī'l-uṣūl*, vol. 3, pp. 48–49; vol. 4, p. 37, p. 62.
- 66 al-Jaṣṣāṣ, *al-Fuṣūl fī'l-uṣūl*, vol. 4, p. 37; vol. 2, p. 345. See Zysow, *The Economy of Certainty*, p. 18.
- 67 Ansari, 'Islamic Juristic Terminology Before al-Shāfi'ī', pp. 275–277.
- 68 al-Shaybānī, *Kitāb al-Āthār*, vol. 2, p. 545.
- 69 al-Jaṣṣāṣ, *Sharḥ Mukhtaṣar al-Ṭaḥāwī*, vol. 6, p. 318; al-Jaṣṣāṣ, *Aḥkām al-Qur'ān*, vol. 4, p. 72.
- 70 al-Jaṣṣāṣ, *Sharḥ Mukhtaṣar al-Ṭaḥāwī*, vol. 6, p. 317; al-Jaṣṣāṣ, *Aḥkām al-Qur'ān*, vol. 4, p. 73.
- 71 al-Jaṣṣāṣ, *Sharḥ Mukhtaṣar al-Ṭaḥāwī*, vol. 6, p. 317.
- 72 al-Jaṣṣāṣ, *Sharḥ Mukhtaṣar al-Ṭaḥāwī*, vol. 6, p. 318; al-Jaṣṣāṣ, *Aḥkām al-Qur'ān*, vol. 4, pp. 71–72.
- 73 al-Jaṣṣāṣ, *Sharḥ Mukhtaṣar al-Ṭaḥāwī*, vol. 6, p. 318.
- 74 For al-Jaṣṣāṣ, the evidentiary force of *ijmā'* is essentially grounded in the *tawātur* of reports about early agreement (al-Jaṣṣāṣ, *al-Fuṣūl fī'l-uṣūl*, vol. 3, pp. 265–266).
- 75 Aḥmad b. Muḥammad b. Ja'far al-Qudūrī was one of the last important Baghdad-based Ḥanafī jurists before the legal weight of the school moved definitively East to Transoxiana for several centuries. He became the most prominent scholar of his school in Iraq during his lifetime and was praised for his sharp legal mind. He left behind a commentary on the *Mukhtaṣar* of al-Karkhī, the teacher of al-Jaṣṣāṣ, as well as *al-Tajrīd*, a comparative *fiqh* work, and his own *Mukhtaṣar*, which became the most significant primer in the *madhhab* (Ibn Abī'l-Wafā', *Jawāhir al-muḍīyya*, vol. 1, p. 248).
- 76 al-Qudūrī, *al-Tajrīd*, vol. 12, p. 6,429.
- 77 al-Qudūrī, *al-Tajrīd*, vol. 12, p. 6,429.
- 78 al-Qudūrī, *al-Tajrīd*, vol. 12, p. 6,429.
- 79 al-Qudūrī, *al-Tajrīd*, vol. 11, p. 6,009.
- 80 al-Qudūrī, *al-Tajrīd*, vol. 11, p. 6,010.
- 81 al-Qudūrī, *al-Tajrīd*, vol. 10, p. 5,402.
- 82 al-Shaybānī, *al-Aṣl*, vol. 4, p. 548.
- 83 al-Qudūrī, *al-Tajrīd*, vol. 10, p. 5,403.
- 84 al-Qudūrī, *al-Tajrīd*, vol. 10, p. 5,403.
- 85 Abū Zayd al-Dabūsī was an influential Transoxianan Ḥanafī jurist of the fourth/tenth and fifth/eleventh centuries. Although many of his works are lost, his *Taqwīm al-adilla*, one of the earliest extant Ḥanafī works of *uṣūl* and the *Ta'sīs al-naẓar*, a text on scholarly difference

between the foundational figures of the *madhhab* and other jurists, are important historical documents (see Ahmed, 'Constructing an Islamic Legal Narrative', pp. 15–16).

86 al-Dabūsī, *Taqwīm al-adilla*, p. 232.

87 al-Dabūsī, *Taqwīm al-adilla*, p. 232.

88 Zysow, *The Economy of Certainty*, pp. 77–78, p. 87.

89 al-Dabūsī, *Taqwīm al-adilla*, p. 233.

90 al-Dabūsī, *Kitāb al-asrār*, pp. 515f.

91 Muḥammad b. Aḥmad al-Sarakhsī (or: al-Sarkhasī) was one of the most significant Transoxianan Ḥanafī jurists during the classical flowering of the *madhhab*. He dictated a hugely influential legal encyclopaedia, *al-Mabsūt*, while imprisoned in Ūzjand near Farghāna (Ibn Abī'l-Wafā', *Jawāhir al-muḍīyya*, vol. 3, pp. 78–79). His work on *uṣūl al-fiqh*, along with the effort of his contemporary al-Bazdawī, set the pattern for succeeding articulations of Ḥanafī legal theory. See also Taştan, 'Al-Sarakhsī (d. 483/1090)'.

92 al-Sarakhsī, *al-Mabsūt*, vol. 8, p. 144, vol. 3, p. 75.

93 al-Sarakhsī, *al-Mabsūt*, vol. 3, p. 75.

94 al-Sarakhsī, *Uṣūl al-Sarakhsī*, vol. 1, pp. 291–292. See Zysow, *The Economy of Certainty*, pp. 14–18.

95 al-Sarakhsī, *Uṣūl al-Sarakhsī*, vol. 1, p. 292.

96 al-Sarakhsī, *Uṣūl al-Sarakhsī*, vol. 1, p. 293.

97 al-Sarakhsī, *Uṣūl al-Sarakhsī*, vol. 1, p. 293.

98 al-Sarakhsī, *Uṣūl al-Sarakhsī*, vol. 2, p. 81.

99 al-Sarakhsī, *Uṣūl al-Sarakhsī*, vol. 2, p. 81.

100 al-Sarakhsī, *al-Mabsūt*, vol. 9, p. 166. The edition consulted quotes the canonical version of the verse, rather than the variant clearly meant by the author.

101 al-Sarakhsī, *al-Mabsūt*, vol. 5, p. 223.

102 al-Sarakhsī, *al-Mabsūt*, vol. 5, p. 202.

103 Zysow, *The Economy of Certainty*, pp. 76–80.

104 Hawting, 'The Role of Qur'ān and "ḥadīth"', pp. 432–433.

105 Zysow, *The Economy of Certainty*, p. 121.

106 Zysow, *The Economy of Certainty*, p. 84.

107 See Zysow, *The Economy of Certainty*, pp. 17–18.

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