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LOCAL TRADITION AND IMPERIAL LEGAL POLICY UNDER THE Umayyads: THE EVOLUTION OF THE EARLY EGYPTIAN SCHOOL OF LAW

Mathieu Tillier

Abstract: Joseph Schacht considered that Egypt did not develop any original school of law during the second/eighth century, and that its early jurists followed the Medinan tradition. However, in the early Abbasid period, Egyptian jurist al-Layth b. Sa‘d supported an autonomous Egyptian legal tradition, based on the jurisprudence of the Companions who had taken part in the conquest. This suggests that Egypt followed an original legal tradition during the Umayyad and the early Abbasid periods, a tradition that was challenged, then replaced, by other schools in the first half of the ninth century CE. In order to understand the peculiarities and evolution of this Egyptian legal tradition, this article propose a preliminary study of the relationships between Egyptian jurists and other regional normative systems within the Islamic empire. I argue that the evolution of the Egyptian “school” is related to imperial Umayyad policy, especially to the legal agenda of Caliph ‘Umar b. ‘Abd al-‘Azīz.

Keywords: Egypt; Umayyads; legal schools; madhhabs; jurists; *fiqh*; judiciary; qadis.

The community of Egyptian jurists is best known from the second half of the eighth century, under the first Abbasids onwards, when their interactions with other provinces increased. The community’s most famous scholar, al-Layth b. Sa‘d (d. 175/791), an early Abbasid jurist, maintained a correspondence with his alter ego in Medina, Mālik b. Anas (d. 179/795), with whom he debated legal doctrine. However, Egyptian jurists before 132/750 have been little studied.¹ Joseph Schacht considers that Egypt did not develop any original school of law, and that its jurists followed the Medinan legal tradition. His conclusions, however, are not based on any in-depth study of the Egyptian milieu during the Umayyad period, but rather on the later writings of al-Shāfi‘ī (d. 204/820).² Yet, as I have shown in a previous study, al-Layth b. Sa‘d both proclaimed his respect for the Medinan legal school and supported an autonomous Egyptian legal tradition, based on the jurisprudence of Companions who had taken part in the conquest of the province.³ This suggests that Egypt followed an original legal tradition during

The research that resulted in this article has been presented several times, notably at the conference *Egypt connected: Cultural, economic, political and military interactions (500-1000 CE)* (Leiden University, 2015), at the seminar *Histoire et archéologie de l’Islam médiéval* (Sorbonne Université and Université Paris 1 Panthéon-Sorbonne, 2019) and at the *Sharī‘a Workshop* of Columbia University (2019). I am thankful to Grace Bickers, Najam Haider, Brinkley Messick, Aseel Najib, Petra Sijpesteijn, Suzanne Spectorsky, Maaïke van Berkel and Eric Vallet for their valuable remarks during these presentations. I am also grateful to Matthew Gordon for his comments and suggestions on this article.

¹ See one of the few extant lists, established from al-Shīrāzī, in H. Motzki, “The Role of Non-Arab Converts in the Development of Early Islamic Law,” *Islamic Law and Society* 6 (1999), 303.

² J. Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1950), 9; idem, *An Introduction to Islamic Law* (Oxford: Clarendon Press, 1982 (1st ed. 1964)), 35.

³ M. Tillier, “Les ‘premiers’ cadis de Fustāṭ et les dynamiques régionales de l’innovation judiciaire (750-833),” *Annales Islamologiques* 45 (2011), 217-8. The term “school” is the usual translation of the Arabic *madhhab*. This term originally referred to the opinion or set of opinions that a jurist “followed”. Etymologically, it belongs to the

the Umayyad and the early Abbasid periods, a tradition that was challenged, then replaced, by other schools—most significantly those of Mālik, then al-Shāfi‘ī, in the first half of the third/ninth century.

Our lack of knowledge of jurisprudence in Umayyad Egypt is partly due to historiographical reconstructions that took place during the Abbasid period. Perhaps because Egypt quickly adhered to “personal” schools of law related to the Medinan tradition (Mālikism and Shāfi‘ism), most legal sources leave no room for Egyptian jurists before al-Layth b. Sa‘d. We therefore ignore most early Egyptian legal doctrines and practices.⁴ However, a close reading of a fourth/tenth-century text allows us to lift a corner of the veil that conceals the Umayyad history of the Egyptian legal milieu. The historian Ibn Yūnus al-Ṣadafi al-Miṣrī (d. 347/958) wrote a biographical work about the most important Egyptian figures of the early Islamic centuries. The book itself has disappeared, but many quotes preserved by later authors allowed ‘Abd al-Fattāh Fathī ‘Abd al-Fattāh to propose a hypothetical reconstruction that is the main basis for the present study.⁵ Moreover, Ibn Yūnus’s contemporary, Abū ‘Umar al-Kindī (d. c. 350/961), wrote a *History of Egyptian Judges*, opening a window onto Fustāt’s legal and judicial circles.⁶ To understand the peculiarities of the Egyptian legal circles during the Umayyad period, I will first offer a preliminary study of the relationships between its local jurists and other regional normative systems within the Islamic empire. Second, I will argue that the evolution of the Egyptian “school” is intimately related to imperial Umayyad policy.

1. Egyptian Law under the Umayyads, between Theory and Practice

1.1. *The Early Egyptian Legal Milieu*

A few mentions of *faqīhs* or *muftīs* by Ibn Yūnus attest to the existence of an early Islamic Egyptian legal milieu. Several characters who settled in Fustāt following the conquest reportedly transmitted *ḥadīth* from important Companions of the Prophet, such as ‘Umar b. al-

same semantic field of the normative “path” as *sharī‘a*. The term came to designate the “path”, the “trend” followed by a series of jurists, characterized by their adhesion to a common tradition in spite of their individual differences. The expression “schools of law” to refer to pre-classical legal trends, as well as their regional nature, has been the subject of controversy over the past two decades, involving particularly Nimrod Hurvitz (“Schools of Law and Historical Context: Re-Examining the Formation of the Ḥanbalī Madhhab,” *Islamic Law and Society* 7 (2000), 37-64), Wael Hallaq (“From Regional to Personal Schools of Law? A Reevaluation,” *Islamic Law and Society* 8 (2001), 1-26) and Christopher Melchert (“Traditionist-Jurisprudents and the Framing of Islamic Law,” *Islamic Law and Society* 8 (2001), 400). See also S.C. Judd, “Al-Awzā‘ī and Sufyān al-Thawrī: The Umayyad Madhhab?” in *The Islamic School of Law: Evolution, Devolution, and Progress*, ed. P. Bearman, R. Peters and F.E. Vogel (Cambridge: Harvard University Press, 2005), 13, in which the author argues that some jurists’ mobility makes it difficult to attach them to any region. My own conclusion is that regional trends indeed existed in the eighth century CE. See M. Tillier, *Les cadis d’Iraq et l’État Abbasside (132/750-334/945)* (Damascus: Ifpo, 2009), 138-143.

⁴ J.E. Brockopp, one of the rare scholars who wrote about the formation of an Egyptian school, only devotes two pages to its history before 775 C.E. He mainly highlights the role of Alexandria as a place of transmission of knowledge during the early period. J.E. Brockopp, “The Formation of Islamic Law: The Egyptian School (750-900),” *Annales Islamologiques* 45 (2011), 130-1.

⁵ Ibn Yūnus, *Ta’rikh Ibn Yūnus al-Miṣrī*, ed. ‘Abd al-Fattāh Fathī ‘Abd al-Fattāh (2 vols., Beirut: Dār al-kutub al-‘ilmiyya, 2000).

⁶ Al-Kindī, *Akhbār quḍāt Miṣr*, in *The Governors and Judges of Egypt*, ed. R. Guest (Leiden, Brill, 1912), 299-476; French translation by M. Tillier in al-Kindī, *Histoire des cadis égyptiens* (Cairo: IFAO, 2012).

Khaṭṭāb, Mu‘ādh b. Jabal, and Umm Salama.⁷ According to Ibn Yūnus, caliph ‘Umar ordered ‘Amr b. al-‘Āṣ, the conqueror and first governor of the province, to move ‘Abd al-Raḥmān b. Muljam’s house closer to the mosque, so that he could teach the Qur’an and *fiqh* there.⁸ Qays b. al-Ḥārith al-Murādī, who arrived from Yemen during the conquest, similarly “learnt *fiqh* (*tafaqqaha*) so that he could give legal opinions in his time (*yufī fi zamāni-hi*).”⁹ It is unclear if the term *fiqh* was actually used at that time. Qays b. al-Ḥārith’s example suggests, however, that such people were recognised as the bearers of a special kind of knowledge that allowed them to provide some sort of legal or religious advice.

The Egyptian tradition, however, assigns a substantial role in the formation of a legal milieu to a particular Companion: ‘Uqba b. ‘Āmir (d. 58/677-8). He is best known for having participated in the conquest of Egypt, and became its governor from 44/665 to 47/667, under the caliph Mu‘āwiya.¹⁰ Ibn Yūnus considers ‘Uqba b. ‘Āmir a leading expert in law and the author of a local recension of the Qur’an, which remained authoritative in Egypt for some time, perhaps until c. 76/695-6, when governor ‘Abd al-‘Azīz b. Marwān (r. 65-86/685-705) ordered to write down a new codex.¹¹ Among the early jurists that Ibn Yūnus identifies, ‘Uqba b. ‘Āmir is the only one who supposedly reported directly from the Prophet, which may have given him a special authority. Indeed, al-Dhahabī later refers to him as “the Imām.”¹² He apparently played an important role in training the second generation of Egyptian jurists. Among others, he taught Marthad b. ‘Abd Allāh al-Yazanī (d. 90/709), who became a close adviser of the governor ‘Abd al-‘Azīz b. Marwān at the turn of the second/eighth century, and issued “fatwas” during official hearings.¹³ ‘Abd al-Raḥmān b. Jubayr (d. 97 or 98/715-6 or 716-7), another early “jurist” identified by Ibn Yūnus, reportedly transmitted the knowledge of the same ‘Uqba b. ‘Āmir.¹⁴

⁷ See Annex 1.

⁸ Ibn Yūnus, *Ta’rikh*, 1:315. A close supporter of ‘Alī at the beginning of the *fiṭna*, Ibn Muljam (d. 40/661) turned against him along with other Kharijis after the battle of Ṣiffīn, and murdered him in 40/661. On ‘Abd al-Raḥmān b. Muljam, see also al-Maqrīzī, *al-Muqaffā l-kabīr*, ed. Muḥammad al-Ya’lāwī (8 vols., Beirut: Dār al-gharb al-islāmī, 1991), 4:62-9; L. Veccia Vaglieri, “Ibn Muljam,” *EP*, s.v.

⁹ Ibn Yūnus, *Ta’rikh*, 1:401.

¹⁰ Al-Kindī, *Ta’rikh Miṣr wa-wulāti-hā*, in *The Governors and Judges of Egypt*, ed. R. Guest (Leiden: Brill, 1912), 36-38; Ibn Yūnus, *Ta’rikh*, 1:347; al-Suyūṭī, *Ḥusn al-muḥāḍara fī ta’rikh Miṣr wa-l-Qāhira*, ed. Muḥammad Abū l-Faḍl Ibrāhīm (2 vols., Cairo: Dār iḥyā’ al-kutub al-‘arabiyya/‘Isā al-Bābī al-Ḥalabī, 1967), 1:220. On ‘Uqba b. ‘Āmir, see also Ibn Sa’d, *Kitāb al-ṭabaqāt al-kabīr*, ed. ‘Alī Muḥammad ‘Umar (11 vols., Cairo: Maktabat al-Khānjī, 2001), 5:261; Khalīfa b. Khayyāt, *Kitāb al-ṭabaqāt*, ed. Suhayl Zakkār (Beirut: Dār al-fikr, 1993), 531; Ibn ‘Abd al-Ḥakam, *Futūḥ Miṣr wa-akhbāru-hā*, ed. Ch.C. Torrey (New Haven: Yale University Press, 1922), 294; Ibn ‘Asākir, *Ta’rikh madīnat Dimashq*, ed. ‘Umar b. Gharāma al-‘Amrawī (80 vols., Beirut: Dār al-fikr, 1995), 40:486; Ibn al-Athīr, *Uṣd al-ghāba fī ma’rifat al-ṣaḥāba*, ed. ‘Alī Muḥammad Mu’awwad and ‘Ādil Aḥmad ‘Abd al-Mawjūd (8 vols., Beirut: Dār al-kutub al-‘ilmiyya, n.d.), 4:51; Ibn Ḥajar, *al-Iṣāba fī tamyīz al-ṣaḥāba*, ed. ‘Ādil Aḥmad ‘Abd al-Mawjūd and ‘Alī Muḥammad Mu’awwad (8 vols., Beirut: Dār al-kutub al-‘ilmiyya, 1995), 4:429. See R.G. Khoury, *‘Abd Allāh Ibn Lahī’a (97-174/715-790): Juge et grand maître de l’école égyptienne* (Wiesbaden: Otto Harrassowitz, 1986), 96-7; Khayr al-Dīn al-Ziriklī, *al-A’lām: Qāmūs tarājim li-ashhar al-rijāl wa-l-nisā’ min al-‘arab wa-l-musta’ribīn wa-l-mustashriqīn*, 12th ed. (8 vols., Beirut: Dār al-‘ilm li-l-malāyīn, 1997), 4:240.

¹¹ Ibn ‘Abd al-Ḥakam, *Futūḥ Miṣr*, 117-8. Cf. Ibn Duqmāq, *al-Juz’ al-rābi’ min Kitāb al-intiṣār* (Cairo: al-Maṭba‘a al-kubrā al-amīriyya, 1309 H.), 72-3; al-Maqrīzī, *al-Mawā’iz wa-l-i’tibār bi-dhikr al-khiṭaṭ wa-l-āthār*, ed. Ayman Fu’ād Sayyid (5 vols., London: Mu’assasat al-furqān li-l-turāth al-islāmī, 2002-2003), 4/1:30-1; Ibn Ḥajar al-‘Asqalānī, *Raf’ al-iṣr’an quḍāt Miṣr*, ed. ‘Alī Muḥammad ‘Umar (Cairo: Maktabat al-Khānjī, 1998), 215.

¹² Ibn Yūnus, *Ta’rikh*, 1:468; al-Dhahabī, *Siyar a’lām al-nubalā’*, 2:467. Cf. Ibn ‘Abd al-Ḥakam, *Futūḥ Miṣr*, 287-94.

¹³ Ibn Yūnus, *Ta’rikh*, 1:347, 468; al-Dhahabī, *Siyar a’lām al-nubalā’* (ed. Shu‘ayb al-‘Arna’ūt and Muḥammad Nu‘aym al-‘Araqūsī. 23 vols., Beirut: Mu’assasat al-risāla, 1413 H.), 4:285.

¹⁴ Ibn Yūnus, *Ta’rikh*, 1:298-9. On this character, see Khoury, *‘Abd Allāh ibn Lahī’a*, 99.

According to al-Kindī, qadi ‘Ābis b. Sa‘īd (in office from 60 to 68/679-80 to 687-8) also owed his legal training to ‘Uqba b. ‘Āmir.¹⁵ These few names reveal the existence, in the last quarter of the seventh century, of a small group of jurists surrounding the governor, rooted in the local community of Fustāt. They followed the legal expertise of ‘Uqba b. ‘Āmir, one of the first governors serving the Sufyānid caliphate, whose knowledge and recension of the Qur’an were authoritative.¹⁶

This Egyptian tradition continued into the second/eighth century. Ibn Yūnus’ biographies of jurists are not detailed enough to precisely reconstruct the legal circles that developed from the first/seventh-century kernel. However, he provides some information about transmission of *ḥadīth*, following the trend of the biographical literature of his time. What *ḥadīth* was at the turn of the second/eighth century is also unclear, and such information is probably reconstructed from *isnāds*—the authenticity of which may be questioned. Even if one might suspect a later reconstitution of the *isnāds* as part of the process of creating formal *ḥadīths*, they could only appear credible if they followed historically realistic lines of transmission. This suggests that these transmission channels may reflect some historical transfers of knowledge and contacts between Egyptian scholars. Taken as such, Ibn Yūnus’ text shows that until the first two decades of the eighth century C.E., an Egyptian tradition mainly rooted in the teaching of the Companions who settled in Fustāt (‘Uqba b. ‘Āmir, ‘Amr b. al-‘Āṣ, and his son ‘Abd Allāh b. ‘Amr) and their Egyptian followers continued. This legal tradition, whose main representatives are ‘Abd al-Raḥmān b. Jubayr and Bakr b. Sawāda (d. 128/745-6),¹⁷ reached its climax with al-Layth b. Sa‘d, who appeared as the main representative of the Egyptian “school” of law in the second half of the second/eighth century.¹⁸

Al-Layth b. Sa‘d clearly refers to this milieu in his letter to Mālik, when he insists on the local origin of the legal traditions he upholds, arguing that they go back to the teaching of Companions who settled in Fustāt after the conquest.¹⁹ This local legal current apparently grew weaker during the second half of the second/eighth century, when Mālik’s teaching gradually replaced it.²⁰ Al-Layth b. Sa‘d was probably one of the last defenders of this local Egyptian tradition. His legal doctrine continued to be distinguished from that of Mālik. In the early fourth/tenth century, the Ḥanafī Egyptian jurist al-Ṭaḥāwī (d. 321/933) still regularly cites him in his book, *A Concise Treaty of Disagreements Among Jurists (Mukhtaṣar ikhtilāf al-‘ulamā’)*, alongside the main representatives of other early regional “schools,” such as Ibn Abī Laylā (d. 148/765) and Sufyān al-Thawrī (d. 161/778) in Kūfa. In his opinion, al-Layth b. Sa‘d still represented an important “school” – although it had disappeared in his time and non-Egyptian jurists did not bother to mention it.

¹⁵ Al-Kindī, *Akḥbār quḍāt Miṣr*, 313.

¹⁶ On ‘Uqba b. ‘Āmir, see M. Tillier, “Une tradition coranique égyptienne? Le codex de ‘Uqba b. ‘Āmir al-Ġuḥanī,” *Studia Islamica*, 117 (2022), 38-63.

¹⁷ See Khoury, *‘Abd Allāh ibn Lahī‘a*, 91, 99.

¹⁸ See Annex 2.

¹⁹ Yaḥyā b. Ma‘īn, *Ta’rīkh Ibn Ma‘īn (riwāyat al-Dūrī)*, ed. Aḥmad Muḥammad Nūr Sayf (4 vols., Mecca: Markaz al-baḥth al-‘ilmī wa-iḥyā’ al-turāth al-islāmī, 1979), 4:487-90; al-Fasawī, *Kitāb al-ma’rifā wa-l-ta’rīkh*, ed. Akram Ḍiyā’ al-‘Umarī (3 vols., s.l.: Mu’assasat al-risāla, 1981), 1:689-90.

²⁰ I have shown in a previous study that in the early Abbasid period, the qadis of Fustāt followed procedures similar to those prescribed by Medinan jurists (Tillier, “Les ‘premiers’ cadis,” 216).

1.2. Were Egyptian Jurists Isolated?

This local legal “school,” mostly visible in the last quarter of the first/seventh century and the early second/eighth century, was progressively replaced under the Abbasids by the personal schools of Mālik b. Anas, then of al-Shāfi‘ī (if we follow Schacht’s classification). This suggests that somewhere in the Marwānid period, external legal circles, especially from Medina, to whose legal tradition Mālik belonged, influenced Egypt. We need therefore to examine the integration of Egyptian jurists in the legal effervescence that characterized other provinces (especially the Hijaz, Iraq, and Syria) in the first half of the second/eighth century.

A First Approach: Citations of Egyptian Jurists in Early Ninth-century Muṣannafs

The best witnesses to this busy legal activity come from the first collections of traditions sorted by legal categories. The *Muṣannafs* of ‘Abd al-Razzāq al-Ṣan‘ānī (d. 211/827) and Ibn Abī Shayba (d. 235/849) offer an exceptional image of regional legal divergences during the Umayyad period. These two ancient tradition collections report almost systematically the opinions and sayings attributed to the early jurists of Kūfa (such as Ibn Shubruma and Ibn Abī Laylā), Baṣra (like Ibn Sīrīn), Medina, Mecca, and Syria (Makḥūl). These books thus reveal what their two authors, a Yemeni and an Iraqi, knew at the beginning of the third/ninth century about legal disagreements in Marwānid times. A systematic search for citations of Egyptian jurists identified as such by Ibn Yūnus in both *Muṣannafs* allows us to assess the degree to which the Egyptian legal school of the Umayyad period was known outside Egypt a few decades later:²¹

Egyptian jurists	Citations in both <i>Muṣannafs</i>
Marthad b. ‘Abd Allāh al-Yazanī (d. 90/709)	12
Ḥabīb b. al-Shahīd al-Tujībī al-Miṣrī (d. 109/727-8)	16
[Ḥibbān?] b. Abī Jabala al-Qurashī (d. 122/740)	1
Yazīd b. Abī Ḥabīb (d. 128/745-6)	71
Bakr b. Sawāda b. Thumāma al-Judhāmī al-Miṣrī (d. 128/745-6)	5
‘Abd Allāh b. Abī Ja‘far Yasār (d. 129/746-7)	1
Sa‘īd b. Abī Ayyūb al-Khuzā‘ī (d. 162 or 166/778-9 or 782-3)	25
Ibrāhīm b. Nashīṭ b. Yūsuf al-Wa‘lānī (d. c. 163/779-80)	1
‘Uthmān b. al-Ḥakam al-Judhāmī al-Miṣrī (d. 163/779-80)	2
Sulaymān b. Abī Dā‘ūd al-Ḥamrāwī al-Miṣrī (d. 168/784-5)	1
‘Abd Allāh b. Lahī‘a (d. 174/790)	21
Al-Layth b. Sa‘d (d. 175/791)	2 ²²

²¹ The following assessment is based on a count in the electronic versions of both works in the database *al-Maktaba al-shāmīla*, version 3.48 (<http://shamela.ws/>). I added ‘Abd Allāh b. Lahī‘a to the list, although he does not appear as a *faqīh* in Ibn Yūnus’ work, for the sake of comparison. Ibn Lahī‘a appears indeed to be one of the most important second/eighth century Egyptian scholars.

²² It is possible to add to this figure the four occurrences of the phrase ‘*an al-Layth*, although we cannot ascertain that it refers to al-Layth b. Sa‘d. At any rate, they do not introduce any opinion attributed to the Egyptian master.

In most instances, these Egyptian jurists appear in chains of transmitters, and their own legal opinions are not quoted. Their marginal presence in the two *Muṣannafs* becomes evident when comparing these figures with citations of a few leading Iraqi, Syrian, and Medinan jurists of the same period:

Other jurists	Citations in both <i>Muṣannafs</i>
Ibn Abī Laylā (Kūfa)	670
Ibn Sīrīn (Baṣra)	1530
Makḥūl (Damascus)	480
Saʿīd b. al-Musayyib (Medina)	823
Total	3503

These figures suggest that Egyptian jurists from the Umayyad and the early Abbasid periods were poorly known in Iraq and Arabia in the early third/ninth century. Even al-Layth b. Saʿd, although he is considered the most important Egyptian jurist of the early Abbasid period, is totally neglected by Ibn Abī Shayba, and he is not even mentioned by ʿAbd al-Razzāq. How can we interpret such ignorance of Egyptian legal tradition? The most likely answer is that these Egyptian jurists were only known locally, and had minimal interactions with jurists from other provinces. The major late eighth-century legal debates involved mainly Iraqis and Medinans. Syrian jurists were rapidly marginalized, but their opinions left important traces, mainly in the teaching of al-Awzāʿī (d. 157/774). As for the Egyptians, most Eastern jurists perhaps did not even know of them.

Such lack of mutual awareness between local and non-Egyptian scholarship is confirmed in Egypt's first *ḥadīth* works. In the earliest known Egyptian collection, the papyrus scroll of ʿAbd Allāh b. Lahīʿa (d. 174/790) (probably early ninth century), almost all the transmitters that can be identified lived in Egypt.²³ The *Jāmiʿ* of Ibn Wahb (d. 197/812) could apparently contradict this conclusion, for the author cites Iraqi and Medinan/Yemeni scholars from the Umayyad period.²⁴ It is worth remembering, however, that Ibn Wahb travelled to Medina where he closely followed Mālik's teaching, before returning to Egypt.²⁵ A close attention to *isnāds* reveals furthermore that the Umayyad-period transmitters were not Egyptians. Egyptian transmitters only occur in the Abbasid period, which suggests that they learned these traditions from Eastern scholars with whom they interacted after the revolution.²⁶

²³ See the biographies of transmitters established by Khoury, *ʿAbd Allāh ibn Lahīʿa*, 90-117.

²⁴ As for Iraqi jurists, he cites for example, Muḥammad b. Sīrīn (Ibn Wahb, *Jāmiʿ*, 1:104, 177, 393, 414, 452, 532); al-Shaʿbī (Ibn Wahb, *Jāmiʿ*, 1:170, 185, 186); Ibn Abī Laylā (Ibn Wahb, *al-Jāmiʿ fi l-ḥadīth*, ed. Muṣṭafā Ḥasan Ḥusayn Muḥammad Abū l-Khayr (2 vols., Riyadh: Dār Ibn al-Jawzī, 1996), 1:174, 534). Cf. G.H.A. Juynboll, *Muslim Tradition: Studies in Chronology, Provenance and Authorship of Early Hadīth* (Cambridge: Cambridge University Press, 1983), 44.

²⁵ J. David-Weill, "Ibn Wahb," *EP*, 3:987; Khoury, *ʿAbd Allāh ibn Lahīʿa*, 123.

²⁶ The transmission of Ibn Sīrīn's opinions goes several times through the Baṣran ʿAbd Allāh b. ʿAwn (d. 151/768) (Ibn Wahb, *Jāmiʿ*, 1:104, 177; 2:414); Ibn Wahb's knowledge of al-Shaʿbī comes either from anonymous transmitters (Ibn Wahb, *Jāmiʿ*, 1:170, 186) or from the Kūfan scholar ʿĪsā b. Abī ʿĪsā (d. c. 151/768; see al-

A Prosopographical Approach: Lists of Masters and Disciples

Other data provided by Ibn Yūnus point to the few interactions between Egyptians and other jurists. In his (reconstructed) volume dedicated to “foreigners” (*ghurabā*) who spent time in Egypt, only rare scholars belonging to the Umayyad period are labelled as *faqīh*. The main one is ‘Urwa b. al-Zubayr (d. 93/711-12?), one of the “seven jurists” of Medina, who may have spent seven years in Fustāt.²⁷ However, Gregor Schoeler has doubts regarding the reliability of this information, which is also transmitted by al-Balādhurī.²⁸ Among the few others are a jurist from Ifrīqiya and the Khārijī Imām Abū l-Khaṭṭāb (d. 144/761), who stopped in Fustāt on his way to central Maghreb at the beginning of the Abbasid period.²⁹ However, the data provided by Ibn Yūnus are certainly incomplete, and we can assume that other legally trained “foreigners” travelled to Fustāt, notwithstanding the fact that Egyptian jurists may have travelled to other regions of the empire. It is therefore necessary to examine more carefully biographical data available for Egyptian jurists.

Ibn Yūnus gives short lists of teachers and disciples for each of these jurists. Later authors, such as al-Dhahabī (d. 748/1348) and al-Suyūṭī (d. 911/1505), offer more exhaustive lists. These later lists raise an even more delicate problem of interpretation than that of Ibn Yūnus, as they were probably drawn up on the basis of a systematic census of names appearing in *isnāds*. They reflect above all the transmission channels of *ḥadīth*, and not the teaching of *fiqh* itself. Here again, we consider these lists as reflecting plausible interactions between scholars during the Umayyad period. In order to better understand the image of such interactions, we have identified the masters and disciples of jurists categorized as such by Ibn Yūnus, adding to his short lists the data provided by al-Dhahabī and al-Suyūṭī, and classified these masters and disciples by 25 year increments according to the province with which they are most associated.³⁰ We consider here the number of teachers and disciples in absolute value: if the same master/disciple is repeated several times in the same period, we count these repetitions.

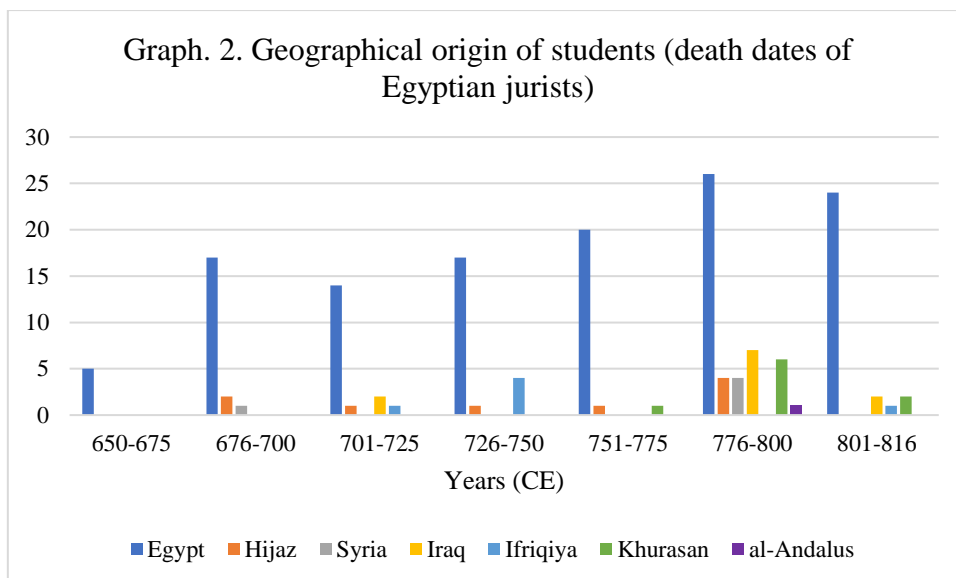
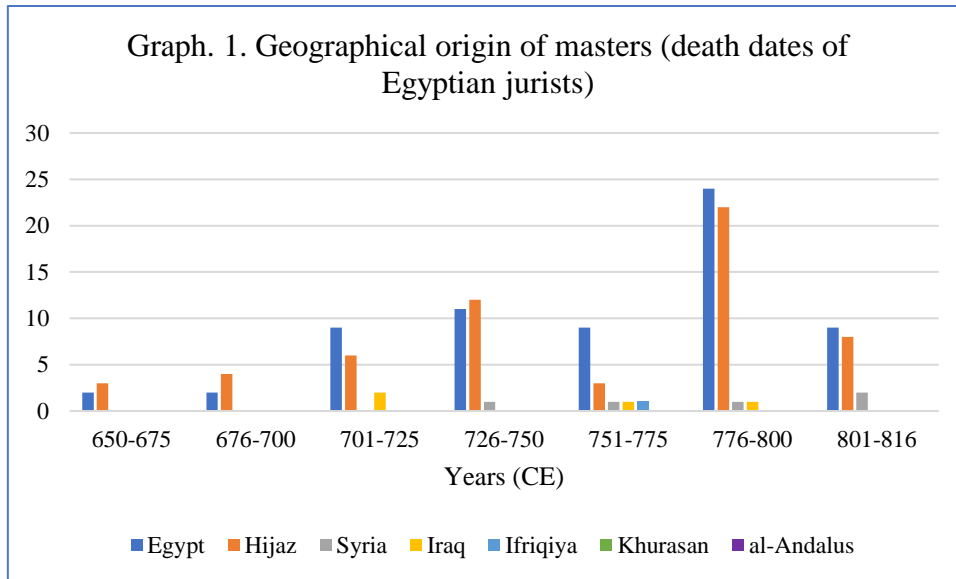
Dhahabī, *Taʾrīkh al-islām*, ed. Bashshār ‘Awwād Maʾrūf (15 vols., Beirut: Dār al-gharb al-islāmī, 2003), 4:179 (Ibn Wahb, *Jāmiʿ*, 1:185).

²⁷ Ibn Yūnus, *Taʾrīkh*, 2:147.

²⁸ G. Schoeler, “‘Urwa b. al-Zubayr,” *EP*, 10:983.

²⁹ Ibn Yūnus, *Taʾrīkh*, 2:109.

³⁰ The last period (801-816) has only 15 years, however, and the corresponding parts of graphs 1 and 2 must therefore be corrected upwards.



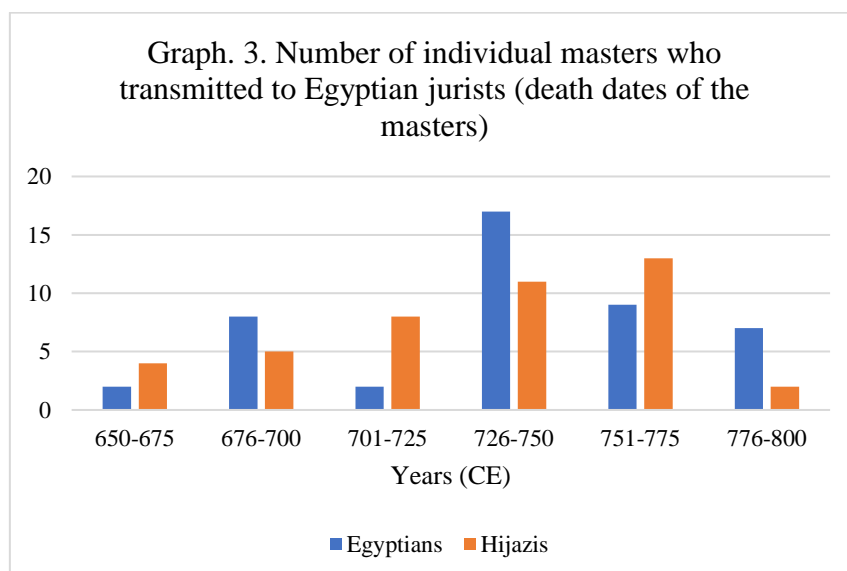
According to these sources, we should note first that hardly any Egyptian jurist who died before 725 had a master from the east of the empire (Graph. 1). The only “masters” outside Egypt come from the Hijaz (i.e., here, Medina). These are more numerous than Egyptian masters, for the good reason that they were Companions of the Prophet, whom our Egyptian jurists probably met before they settled in Egypt. Up until that date, interactions with non-Egyptian disciples appear almost non-existent (Graph. 2).

The data available regarding jurists active at the end of the Umayyad period suggest at first sight that there was a strong influx of Hijazi masters (Graph. 1). However, it should be noted that, among the 12 Hijazi masters of jurists who died between 726 and 750, 11 taught a single person, Yazīd b. Abī Ḥabīb, to whom we will return in more detail. With the exception of this jurist, the number of Egyptian masters remained much higher than those from other provinces. Similarly, these jurists’ disciples were still predominantly Egyptians (Graph. 2). Very few Hijazis and Iraqis seem to have studied with them. However, a significantly higher

number of scholars associated with Ifrīqiya studied with them, probably before settling in this province of the Muslim West.

It was not until the generation of jurists who died in the last quarter of the second/eighth century that a shift occurred. A majority of masters belonging to this generation were still Egyptians; however, they were now closely competing with the Hijazis, a phenomenon that seems to continue after the year 800 (Graph. 1). These Egyptian jurists, active in the second half of the second/eighth century, transmitted the teaching they received from the great Hijazi masters of the first half of the second/eighth century or the first two decades of the Abbasid period (Graph. 3). At the same time, the geographic origin of their disciples was diversifying, with an increasing number of scholars associated with the eastern part of the empire, particularly Khurasan. Nevertheless, the majority of these jurists' students were still Egyptians (Graph. 2).

These prosopographical data thus provide also an image of a fairly closed Egyptian legal milieu during most of the Umayyad period. With the exception of Yazīd b. Abī Ḥabīb, Egyptian jurists of the period had almost no master from outside their province and, with the exception of a few Ifrīqiāns, they trained only a very limited number of disciples who then moved to another part of the empire. Nevertheless, according to late prosopographical data, Hijazi masters were not unknown in Egypt: Egyptian jurists active in the second half of the second/eighth century seem to have often studied with them (among others) when they were young, which had a strong impact on the diffusion of Medinan knowledge in Egypt during the early decades of the Abbasid period. However, these data should be taken with caution: the rise in authority of Medinan scholars in the early Abbasid era, in connection with the emergence of a proto-Mālikī school, might have led some Egyptians to claim that they had studied with Hijazi masters whom they had actually never met, or encouraged the invention of *isnāds* going back to them.



1.3. Egyptian Legal Practices Compared to Other Regional Procedures

Examining the role of Fuṣṭāṭ’s qadis in transmitting *ḥadīth*, Gauthier Juynboll concludes that “the requirements for the office were not high,” meaning that most had limited legal skills.³¹ Moreover, Ibn Yūnus includes no Umayyad-era qadi from Fuṣṭāṭ on his list of qualified Egyptians *faqīhs*. Expertise in *fiqh* was probably not the most important criterion in selecting Fuṣṭāṭ’s judges. The latter usually belonged to the major Arab tribes of Fuṣṭāṭ, which suggests that their status as members of the ruling elite was regarded as the most important condition. On the other hand, 22 out of the 37 Egyptian jurists that Ibn Yūnus identifies in his book were *mawālī* (more than 59 percent), and could not reasonably expect to be appointed as qadi—their judicial career was limited to the role of scribe.³² This does not necessarily mean that Fuṣṭāṭ’s judges had no legal training, or that they were detached from the legal thought developed in their province. It is therefore necessary to consider how court procedure in Fuṣṭāṭ can be correlated with those in other provinces.

Procedural law was the subject of debates between “Eastern” jurists (especially Iraqi and Medinan ones) in the first half of the eighth century. A comparison between Egyptian and Eastern judicial practices may therefore represent a significant indicator of the legal integration of Egypt into the Umayyad empire. Information al-Kindī provides allows comparisons with major Middle-Eastern cities:

Procedures in Fuṣṭāṭ	Medina	Baṣra	Kūfa	Damascus
The litigant who produces the higher number of witnesses wins the lawsuit ³³ (69-83/688-89-702)	X ³⁴	X ³⁵		X ³⁶
The judge draws lots when litigants produce the same number of witnesses ³⁷ (69-83/688-89-702)	X ³⁸			
Evidence based on one single witness + the claimant’s oath ³⁹ (115-120/733-738)	X ⁴⁰	X ⁴¹		X ⁴²
The testimony of <i>ashrāf</i> is rejected ⁴³ (115-120/733-738)				

³¹ Juynboll, *Muslim Tradition*, 83.

³² M. Tillier, “Scribes et enquêteurs: Note sur le personnel judiciaire en Égypte aux quatre premiers siècles de l’hégire,” *Journal of the Economic and Social History of the Orient* 54 (2011), 391-7.

³³ Al-Kindī, *Akhbār quḍāt Miṣr*, 318.

³⁴ ‘Abd al-Razzāq al-Ṣan‘ānī, *Muṣannaf ‘Abd al-Razzāq*, ed. Ḥabīb al-Raḥmān al-A‘ẓamī (12 vols., Beirut: al-Maktab al-Islāmī, 1983), 8:279-80; Ibn Abī Shayba, *al-Muṣannaf*, ed. Ḥamad b. ‘Abd Allāh al-Jum‘a and Muḥammad b. Ibrāhīm al-Luḥayḍān (16 vols., Riyadh: Maktabat al-rushd, 2004), 7:411; Ibn Ḥazm, *al-Muḥallā* (11 vols., Cairo: Idārat al-ṭibā‘a al-munīriyya, 1352 H.), 9:438.

³⁵ Ibn Abī Shayba, *al-Muṣannaf*, 7:359; Wakī‘, *Akhbār al-quḍāt*, 1:304; Ibn Ḥazm, *al-Muḥallā*, 9:438.

³⁶ ‘Abd al-Razzāq al-Ṣan‘ānī, *Muṣannaf*, 8:280-1; Ibn Ḥazm, *al-Muḥallā*, 9:438.

³⁷ Al-Kindī, *Akhbār quḍāt Miṣr*, 318.

³⁸ ‘Abd al-Razzāq al-Ṣan‘ānī, *Muṣannaf*, 8:279-80; Ibn Abī Shayba, *al-Muṣannaf*, 7:411.

³⁹ Al-Kindī, *Akhbār quḍāt Miṣr*, 344-5.

⁴⁰ Wakī‘, *Akhbār al-quḍāt*, ed. ‘Abd al-‘Azīz Muṣṭafā al-Marāghī (3 vols., Cairo: Maṭba‘at al-sa‘āda, 1947-1950), 1:113, 118, 140; 3:87. Cf. Ibn Ḥazm, *al-Muḥallā*, 9:404.

⁴¹ Wakī‘, *Akhbār al-quḍāt*, 1:331, 340; 2:12. Cf. Ibn Ḥazm, *al-Muḥallā*, 9:404.

⁴² Ibn ‘Asākir, *Ta’rīkh madīnat Dimashq*, 22:210-2; 62:230.

⁴³ Al-Kindī, *Akhbār quḍāt Miṣr*, 345-6.

A man who denied his divorced wife a compensatory gift cannot testify ⁴⁴ (115-120/733-738)				
The testimony of children is accepted in case of injury ⁴⁵ (120-127/738-745)	X ⁴⁶	X ⁴⁷	X ⁴⁸	
The testimony of a litigant's brother is accepted ⁴⁹ (120-127/738-745)	X ⁵⁰	X ⁵¹	X ⁵²	No ⁵³
A Christian may testify against a Christian, a Jew against a Jew ⁵⁴ (120-127/738-745)	X ⁵⁵		X ⁵⁶	

Except for two cases of witness disqualification that seem specific to Egypt, without any equivalent in other provinces, the same basic rules regarding testimony, and probably oaths as well, were simultaneously implemented in other parts of the empire. According to the table above, judicial practices in Fustāt came closest to Medinan standards. An archaic procedure of judging in favor of the litigant who produced the higher number of witnesses was also accepted in Damascus and Baṣra. After Medina, Fustāt shared several particular rules with Baṣra, and to a lesser extent, with judges in Kūfa towards the end of the Umayyad period.

These indications raise a question regarding our previous conclusions about Fustāt's isolation from the rest of the empire. Judicial practices in Umayyad Fustāt match those of other provinces. It remains to determine how such similarities came about. Are these parallel developments unrelated to each other, from a common background dating back to the early decades of Islam and for which we have virtually no information? Alternatively, can we argue that these judicial practices developed simultaneously, due to other types of interaction between provinces?

⁴⁴ Al-Kindī, *Akhhbār quḍāt Miṣr*, 344.

⁴⁵ Al-Kindī, *Akhhbār quḍāt Miṣr*, 351.

⁴⁶ Ibn Ḥazm, *al-Muḥallā*, 9:420-1.

⁴⁷ Ibn Abī Shayba, *al-Muṣannaḥ*, 7:334; al-Ṭaḥāwī and al-Jaṣṣās, *Mukhtaṣar ikhtilāf al-ʿulamāʾ*, ed. ʿAbd Allāh Nadhīr Aḥmad (5 vols., Beirut: Dār al-bashāʾir al-islāmiyya, 1995), 3:337.

⁴⁸ ʿAbd al-Razzāq al-Ṣanʿānī, *Muṣannaḥ*, 8:349-50; Ibn Abī Shayba, *al-Muṣannaḥ*, 7:335; Wakīʿ, *Akhhbār al-quḍāt*, 2:270, 308, 313; Ibn Ḥazm, *al-Muḥallā*, 9:420-1; Ibn Qayyim al-Jawziyya, *al-Ṭuruq al-ḥukmiyya fī l-siyāsāt al-sharʿiyya*, ed. Muḥammad Ḥāmid al-Faqī (Cairo: Maṭbaʿat al-sunna al-muḥammadiyya, 1953), 171.

⁴⁹ Al-Kindī, *Akhhbār quḍāt Miṣr*, 351.

⁵⁰ Mecca followed the same rule. See ʿAbd al-Razzāq al-Ṣanʿānī, *Muṣannaḥ*, 8:343-4; Ibn Abī Shayba, *al-Muṣannaḥ*, 7:477-8; Wakīʿ, *Akhhbār al-quḍāt*, 1:169; 2:252.

⁵¹ ʿAbd al-Razzāq al-Ṣanʿānī, *Muṣannaḥ*, 8:343-4; Ibn Abī Shayba, *al-Muṣannaḥ*, 7:477-8.

⁵² Wakīʿ, *Akhhbār al-quḍāt*, 2:252.

⁵³ It is said that the Syrian scholar al-Awzāʿī refused this procedure. Al-Ṭaḥāwī and al-Jaṣṣās, *Mukhtaṣar ikhtilāf al-ʿulamāʾ*, 3:372.

⁵⁴ Al-Kindī, *Akhhbār quḍāt Miṣr*, 351.

⁵⁵ In Medina, al-Zuhrī appears sometimes as favourable, sometimes hostile to the testimony of non-Muslims. ʿAbd al-Razzāq al-Ṣanʿānī, *Muṣannaḥ*, 8:357; Ibn Abī Shayba, *al-Muṣannaḥ*, 7:694.

⁵⁶ Traditions also depict al-Shaʿbī as holding contradictory opinions. See ʿAbd al-Razzāq al-Ṣanʿānī, *Muṣannaḥ*, 8:357; Ibn Abī Shayba, *al-Muṣannaḥ*, 7:693, 694; Wakīʿ, *Akhhbār al-quḍāt*, 2:415. However, it seems that scholars of the first half of the eighth century (both in Iraq and Hijaz), whether or not they accepted transconfessional testimony, all allowed the testimony of non-Muslims for or against members of their own religious community. ʿAbd al-Razzāq al-Ṣanʿānī, *Muṣannaḥ*, 8:356-9; Ibn Abī Shayba, *al-Muṣannaḥ*, 7:692-6. Cf. Ibn Ḥazm, *al-Muḥallā*, 9:410; Schacht, *Origins*, 210.

Several clues suggest that Egyptian judicial practices resulted from interactions with other provincial traditions.⁵⁷ The procedure *al-yamīn ma‘a al-shāhid* (evidence constituted of a single witness plus the claimant’s oath) was used in Fustāt during the last decade of Umayyad rule. In his letter to Mālik b. Anas, al-Layth b. Sa‘d rejected this procedure, arguing that it had a Medinan origin, while Egypt had its own tradition, inherited from the Companions who settled in Fustāt.⁵⁸ A passage from al-Kindī confirms that the emerging authority of Medinan practice was not accepted in Fustāt without assessing its adequacy to local traditions. In the early Abbasid period, the qadi ‘Abd Allāh b. Lahī‘a reported that the Medinan jurist, Ibn al-Shihāb Zuhri (d. 124/742), accepted the testimony of a single witness, provided that he also transmitted the statement of a second (absent) witness. According to Ibn Lahī‘a, this opinion was consistent with the practice of most Umayyad period Egyptian qadis.⁵⁹ Ibn Lahī‘a had heard it from the Egyptian traditionist Yazīd b. Abī Habīb (d. 128/745-6), which suggests that al-Zuhri’s opinions were known in Egypt during the Umayyad period. However, it remains unclear whether the practice of Egyptian qadis matched al-Zuhri’s views because they regarded him as authoritative or for other reasons. Ibn Lahī‘a declares that he agrees with al-Zuhri, not through blind adherence to his views, but according to his own personal reflection (*ra‘y*): he claims thereby the doctrinal independence of Egyptian jurists. The harmony between Egyptian practices and Medinan theory seems therefore to have been partly reconstructed—or at least rationalized—during the early Abbasid period, when Egyptian scholars such as al-Layth b. Sa‘d and Ibn Lahī‘a began to compare Egyptian customs with the doctrines of the major legal centers whose influence was growing throughout the empire. The similarity of practices between Egypt and Medina during the Umayyad period were not seen as the voluntary adoption of foreign doctrines, but rather as a happy coincidence.

2. Egypt’s Integration into an Imperial Legal Framework

The picture to this point is of a fairly isolated Umayyad Egypt in terms of interactions between jurists. However, similarities between Egyptian judicial practices and those of other provinces, especially the Hijaz, offer a contrasting view. Egyptian jurists, anxious to preserve their local traditions, later considered this harmony a happy coincidence. But can we believe in coincidences? If interactions between Umayyad jurists fail to explain such parallel practices, should we not consider other protagonists?

Al-Layth b. Sa‘d’s letter to Mālik b. Anas offers a clue, namely that imperial policy may be responsible for such common judicial practices. Al-Layth considers Caliph ‘Umar II b. ‘Abd al-‘Azīz (r. 99-101/717-720) as the promoter of double testimony instead of “archaic” types of

⁵⁷ See for example, al-Kindī, *Akhbār quḍāt Miṣr*, 350-1.

⁵⁸ Yaḥyā b. Ma‘īn, *Ta’rīkh*, 4:491; al-Fasawī, *Kitāb al-ma’rifā wa-l-ta’rīkh*, 1:691; Ibn Qayyim al-Jawziyya, *I’lām al-muwaqqi‘īn ‘an rabb al-‘ālamīn* (5 vols., Beirut: Dār al-kutub al-‘ilmiyya, 1991), 3:71. Christopher Melchert believes that this procedure appeared in Baṣra, and that its Medinan origin is but a rear projection (“The History of the Judicial Oath in Islamic Law,” in *Oralité et lien social au Moyen Âge (Occident, Byzance, Islam): parole donnée, foi jurée, serment*, ed. Marie-France Auzépy and Guillaume Saint-Guillain (Paris: ACHCByz, 2008), 325). However he does not take into account reports claiming that early Medinan qadis had recourse to this procedure.

⁵⁹ Al-Kindī, *Akhbār quḍāt Miṣr*, 346.

evidence that had existed in Egypt, such as isolated testimony or higher number of witnesses.⁶⁰ In the context of his controversy with Mālik, al-Layth's insistence on 'Umar II is part of his argumentative strategy, which consists to appeal to an authority that Mālik himself acknowledges. It must therefore be taken with a grain of salt. Nevertheless, one cannot overlook the possibility that Umayyad rulers played an important role in rationalizing legal procedures, and more broadly in the development of Egyptian law.

2.1. Official Instructions

Legal and narrative sources highlight the importance of political relationships between Egypt and the capital of the empire during the Umayyad period. Since the reign of 'Abd Allāh b. al-Zubayr (r. 63-73/683-692) and that of his rival and successor, 'Abd al-Malik b. Marwān (r. 65-86/685-705), caliphs sent legal instructions and judicial rescripts to provincial qadis, governors and other officials.⁶¹

In Egypt, correspondence between caliphs and governors is mostly known from the reigns of 'Umar b. 'Abd al-'Azīz and Hishām b. 'Abd al-Malik (r. 105-125/724-743), who reportedly sent instructions to the qadis of Fustāt, directly or through the provincial governor. As in other cities of the empire, qadis and governors were sometimes caught off guard by legal cases brought to court and solicited therefore the caliph's instructions, who then enacted general rules and prescribed implementing specific procedures.⁶² Al-Kindī recounts for example a marital dispute brought before the qadi 'Abd Allāh b. Yazīd b. Khudhāmīr (in office 100-105/719-724), in which the latter ignored both the legal rule and the procedure that he should follow:

Ibn Qudayd reported from Aḥmad b. 'Amr b. al-Sarḥ, from Ibn Wahb, from 'Abd al-A'lā b. Sa'īd al-Jayshānī, from Muḥammad b. 'Ikrima al-Nahrī:

The latter married a woman. The day of the consummation of the marriage, she was wearing a long coat (*milḥafa*). He undressed her and suddenly noticed a leprosy scar on her lower thigh.

"Put your coat back on!" he ordered.

He spoke to 'Abd Allāh b. Yazīd b. Khudhāmīr, who wrote to 'Umar b. 'Abd al-'Azīz on his behalf. The latter replied: "Let him take an oath before God, in the mosque, that he did not touch her after seeing [the scar]. And let her brothers swear that they were unaware of her illness before they gave her in marriage. If they take the oath, assign a quarter of the dowry (*ṣadāq*) to the wife."⁶³

⁶⁰ Yahyā b. Ma'īn, *Ta'rīkh*, 4:491; al-Fasawī, *Kitāb al-ma'rifa wa-l-ta'rīkh*, 1:691-2; Ibn Qayyim al-Jawziyya, *I'lām al-muwaqqi'īn*, 3:71-2.

⁶¹ See M. Tillier, "Califes, émirs et cadis: le droit califal et l'articulation de l'autorité judiciaire à l'époque umayyade," *Bulletin d'Études Orientales* 63 (2014), 161-165, 172-175.

⁶² See Tillier, "Califes, émirs et cadis." Ibn Sa'd and al-Balādhurī's biographies of 'Umar II report dozens of caliphal rescripts sent to different governors of the empire regarding legal and procedural rules. See esp. Ibn Sa'd, *Kitāb al-ṭabaqāt al-kabīr*, 7:350, 357, 365, 366, 370, 371, 374, 381; al-Balādhurī, *Ansāb al-ashrāf*, ed. Suhayl Zakkār and Riyāḍ Zirīklī (13 vols., Beirut: Dār al-fikr, 1996), 8:138, 148, 150, 155-8, 162, 163, 165, 166, 184, 189, 195.

⁶³ Al-Kindī, *Akhbār quḍāt Miṣr*, 338-9.

Such rescripts contributed to disseminating caliphal law in Fustāt, in the sense of legal rulings decided by the caliph, whatever the sources on which his decisions were based. Although Egyptian qadis usually relied on provincial legal traditions, they periodically sought caliphal instructions, which helped integrate their judicial practices into an empire-wide legal framework.

2.2. Imperial Legal Policy

According to the sources, a turning point for the integration of Egyptian law into an imperial legal framework occurred around the year 720 C.E., during the reign of Caliph ‘Umar II b. ‘Abd al-‘Azīz. His legal edicts and judicial rescripts are among the best known that Umayyad caliphs sent, probably because of his prestige and authority among later Egyptians. Although other caliphs sent similar edicts to the provinces, ‘Umar II seems to have distinguished himself through his legal policy. His interest in prophetic traditions is well known, and he is remembered for the impetus he gave to the collection of *ḥadīth*, a task he apparently entrusted to the Medinan scholars Abū Bakr b. Muḥammad b. ‘Amr b. Ḥazm and al-Zuhrī.⁶⁴ Furthermore, he seems to have dispatched jurists to several provinces.

In Egypt, Yazīd b. Abī Ḥabīb is the most emblematic of these “imperial” jurists. Ibn Yūnus considers him as the first Egyptian scholar who set aside older apocalyptic narratives (*malāḥim* and *fitan*) in favour of traditions regarding the “lawful and the unlawful” (*al-kalām fī l-ḥalāl wa-l-ḥarām wa-masā’ili-himā*), and who promoted “‘ilm” (*aḏhara l-‘ilm*) in Egypt, perhaps in the sense of legal knowledge. More than a simple traditionist, as modern historians usually categorize him, he was also a jurist, and caliph ‘Umar II appointed him as “*mufīṭ*” in Fustāt, alongside two other scholars.⁶⁵ According to Ibn ‘Abd al-Ḥakam, he continued to report to the caliph, and even once asked the caliph his instructions regarding music played during weddings.⁶⁶ He held an official hearing (*majlis*) during which he answered legal questions brought by other scholars of Fustāt.⁶⁷ Furthermore, ‘Umar II apparently appointed ‘Abd Allāh b. Yazīd b. Khudhāmīr as qadi of Fustāt, breaking with the usual selection of provincial qadis by local governors. According to al-Kindī, this Egyptian jurist had been part of a delegation sent to the previous caliph, Sulaymān b. ‘Abd al-Malik (r. 96-99/715-717), and was then spotted by ‘Umar b. ‘Abd al-‘Azīz.⁶⁸

‘Umar II thus distinguished himself by his personal handling of Egyptian legal affairs, in selecting a qadi and appointing a mufti who both shared his vision of Islamic law. Why did he appeal in Egypt to Yazīd b. Abī Ḥabīb? I would suggest that he intended to incorporate Fustāt into the imperial legal milieu that was increasingly important in the Eastern provinces,

⁶⁴ Juynboll, *Muslim Tradition*, 34; H. Berg, *The Development of Exegesis in Early Islam: The Authenticity of Muslim Literature from the Formative Period* (Richmond: Curzon, 2000), 7, 19, 28.

⁶⁵ Ibn Yūnus, *Ta’rīkh*, 1:509; al-Dhahabī, *Siyar a’lām al-nubalā’*, 6:32; al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1:299. See also Khoury, *‘Abd Allāh ibn Lahī’a*, 114-6. It is noteworthy that Yazīd b. Abī Ḥabīb is supposed to have transmitted *ḥadīth* from the Medinan scholar Nāfi’ whom, according to Ibn Ḥajar, ‘Umar II sent to Egypt in order to teach *sunan* to the Egyptians. However, Juynboll doubts the authenticity of this report, as well as the historicity of this Successor, whose appearance as the “common link” in many *isnāds* could be a late rear projection. G.H.A. Juynboll, “Nāfi’,” *EP*, 7:878.

⁶⁶ Ibn ‘Abd al-Ḥakam, *Sīrat ‘Umar b. ‘Abd al-‘Azīz*, ed. Aḥmad ‘Ubayd (n.l.: Maktabat Wahba, n.d.), 106.

⁶⁷ Al-Kindī, *Akhbār quḍāt Miṣr*, 364.

⁶⁸ Al-Kindī, *Akhbār quḍāt Miṣr*, 338; Ibn Yūnus, *Ta’rīkh*, 1:291.

and from which Egypt was still isolated. ‘Umar b. ‘Abd al-‘Azīz’s interest in law is well known, and Arabic historiography presents him as surrounded by jurists when he was governor of Medina.⁶⁹ In all likelihood, the caliph was attracted to the Medinan legal tradition, to the point that he later appears as a major authority in the *Muwattaʿa* of Mālik b. Anas.⁷⁰ Yazīd b. Abī Ḥabīb himself seems to have been one of the few Egyptian jurists trained in “foreign” legal thinking, especially that of Hijaz. Among his masters, Ibn Yūnus mentions the Medinan scholars Sālim b. ‘Abd Allāh (d. 107/725)⁷¹ and ‘Ikrima (d. 105/723-4), who probably visited Egypt,⁷² and the Meccan jurist ‘Aṭā’ b. Abī Rabāḥ (d. 114-5/732-3).⁷³ Yazīd b. Abī Ḥabīb’s official appointment as mufti in Fustāt therefore appears to have been the deliberate introduction of a new legal tradition in Egypt, mostly inspired by Medinan law.

Other evidence suggests that ‘Umar II’s policy reached North Africa, a newly conquered area, where he encouraged the development of a legal tradition in line with that of the imperial centre. Ḥabīb b. al-Shāhid al-Tujībī al-Miṣrī (d. 109/727-8), a scholar of Egyptian background, was part of a delegation sent to ‘Umar II, and became thereafter a famous *faqīh*, as authoritative in Tripoli as Yazīd b. Abī Ḥabīb was in Fustāt.⁷⁴ The same caliph is supposed to have sent “ten Successors” to Ifrīqiya to disseminate Islamic law, among them the Egyptian jurists Ju’thul b. Hā’ān al-Ru’aynī (d. 115/733), Ḥibbān b. Abī Jabala al-Qurashī (d. 122/740), and Bakr b. Sawāda b. Thumāma al-Judhāmī (d. 128/745-6).⁷⁵ It is difficult to know whether North Africa was the subject of a specific policy, or whether data have been preserved for this part of the empire while they disappeared for others. In any case, it seems that Egypt played a significant role in shaping such policy, perhaps because of its geographical position, which made it the gateway to North Africa, or because of its cultural influence on Ifrīqiya.⁷⁶

Did the caliph intend to harmonize—or even unify—Islamic law on an imperial scale? If so, his short reign did not give him enough time to achieve his reform. It is also worth asking why ‘Umar II in particular tried to implement such a policy. The case of Yazīd b. Abī Ḥabīb may offer a clue: according to later sources, this scholar retrospectively embodied a shift in Egyptian attitudes from apocalyptic expectations to legal concerns. Antoine Borrut has highlighted evidence that ‘Umar II ascended to the throne in a context of high messianic expectations, that is, on the eve of the hundredth anniversary of the *hijra*. The establishment of God’s kingdom on earth by a rightly guided sovereign appeared as a necessary prerequisite for the apocalypse and the Last Judgment. However, in 99/717, the failure of the siege of Constantinople had called into question the caliphate’s ability to impose its sovereignty over

⁶⁹ See P.M. Cobb, “‘Umar II b. ‘Abd al-‘Azīz,” *EP*, 10:886

⁷⁰ A. Borrut, “Entre tradition et histoire: Genèse et diffusion de l’image de ‘Umar II,” *Mélanges de l’Université Saint-Joseph* 58 (2005), 363.

⁷¹ About Sālim b. ‘Abd Allāh b. ‘Umar, close to Caliph Sulaymān b. ‘Abd al-Malik (r. 96-99/715-717), see al-Ziriklī, *al-A’lām*, 3:71.

⁷² Ibn Yūnus, *Ta’rīkh*, 2:149. See J. Schacht, “‘Ikrima,” *EP*, 3:1109.

⁷³ Ibn Yūnus, *Ta’rīkh*, 1:509. About ‘Aṭā’, see J. Schacht, “‘Aṭā’ b. Abī Rabāḥ,” *EP*, 1:730.

⁷⁴ Ibn Yūnus, *Ta’rīkh*, 1:106; al-Dhahabī, *Siyar a’lām al-nubalā’*, 7:57.

⁷⁵ Ibn al-Abbār, *al-Takmilat li-kitāb al-Ṣila*, ed. ‘Abd al-Salām al-Harrās (4 vols., Beirut: Dār al-fikr, 1995), 1:176-7; Ibn Yūnus, *Ta’rīkh*, 1:70-1, 89, 103. Ibn Yūnus also mentions the Dimashqī scholar Ismā’īl b. ‘Ubayd Allāh b. Abī Muhājir (d. 131/748-9), whom ‘Umar II sent to Ifrīqiya “to judge according to the Book of God and the *sunna* of His prophet, and to teach them (*yufaqqihu-hum*) the religion.” Ibn Yūnus, *Ta’rīkh*, 2:37.

⁷⁶ See H. Djait, “L’Afrique arabe au VIIIe siècle (86-184 H./705-800),” *Annales: Histoire, sciences sociales*, 28th year, no. 3 (1973), 611.

the whole world.⁷⁷ This external failure could have caused a change in strategy. ‘Umar II now intended to assert himself as *mahdī* through his internal political agenda and, in particular, by the establishment of justice within the empire—which included not only his famous measures to redress the *mazālim* (injustices) of his predecessors, but also his legal policy.⁷⁸ At the same time, the failure to take Constantinople led Muslims to postpone their apocalyptical expectations. No systematic legal system had been needed for administering a world that they believed was soon to disappear. Postponing the apocalypse to a later period required, however, a long-term social restructuring in accordance with divine will. If this analysis is correct, the reign of ‘Umar II thus represents a pivotal period, and his legal policy may reflect a more general change in the understanding of Islamic history, as Muslims rethought their eschatological expectations to give more space to daily rules governing this world.

At any rate, ‘Umar II’s policy had a considerable impact on the Egyptian legal milieu. Al-Layth b. Sa‘d, the most famous local jurist in the second half of the second/eighth century, was Yazīd b. Abī Ḥabīb’s designated heir. In 128/745, when caliph Marwān II sent a new governor, al-Ḥawthara b. Suhayl al-Bāhilī, to restore order after a period of unrest, he commanded the elite of Fustāt to appoint a legal advisor who would “guide him (*yusaddidahu*) about legal cases (*ft l-qaḍā’*) and correct his opinions (*yuṣawwiba-hu ft l-naẓar*),” for the new governor was a rough “Bedouin.” Both Yazīd b. Abī Ḥabīb and ‘Amr b. al-Ḥārith (d. 148/765), the other major Egyptian jurist of the time (who apparently visited Medina),⁷⁹ agreed on their common student, al-Layth b. Sa‘d, who thereby initiated his eminent career.⁸⁰

During the early Abbasid period, the doctrine of Medinan jurists, as transmitted by Ibn Abī Ḥabīb, was still a major reference in Fustāt.⁸¹ Ibn Abī Ḥabīb had trained the qadi in office during the 760s, Abū Khuzayma Ibrāhīm b. Yazīd, who had the honour of opening his *fatwā* sessions.⁸² His successor, the famous ‘Abd Allāh b. Lahī‘ā (in office 154-165/771-2 to 780), had frequently visited Ibn Abī Ḥabīb in his youth, and the latter reportedly predicted his accession to the office of qadi.⁸³ As a child, qadi al-Mufaḍḍal b. Faḍāla (in office 168-169/785-786 then 174-177/790-793) had likewise been encouraged by the Egyptian master when he had asked him a question about a procedural rule.⁸⁴ Until the 780s, when the Abbasids tried to impose Ḥanafī or Mālikī jurists as judges in Fustāt, most qadis claimed to belong to Yazīd b. Abī Ḥabīb’s tradition one way or another. Although the latter has been so far regarded primarily as a traditionalist who introduced *ḥadīth* in Egypt, he was also—and perhaps more than anything else—a political tool used to bring Egyptian law in line with the Medinan tradition. The appointment of Yazīd b. Abī Ḥabīb as Egypt’s official jurist reveals the promotion of a new

⁷⁷ See A. Borrut, *Entre mémoire et pouvoir: L’espace syrien sous les derniers Omeyyades et les premiers Abbassides* (v. 72-193/692-809) (Leiden/Boston: Brill, 2011), 272, 296.

⁷⁸ In addition to the above, ‘Umar II is also recalled for introducing new regulations regarding *dhimmīs*. See A. Borrut, *Entre mémoire et pouvoir*, 303.

⁷⁹ About ‘Amr b. al-Ḥārith, *mawlā* of the Anṣār, see Ibn Yūnus, *Ta’rīkh*, 1:370-1; Ibn ‘Asākir, *Ta’rīkh madīnat Dimashq*, 45:455; al-Dhahabī, *Siyar a’lām al-nunbalā’*, 6:349-53; al-Zirikī, *al-A’lām*, 5:76. According to al-Kindī, he was part of the Egyptian delegation who went to swear allegiance to caliph Yazīd III in 126/744; at the beginning of the Abbasid era, he was part of governor Ṣāliḥ b. ‘Alī’s entourage. Al-Kindī, *Wulāt*, 84, 105.

⁸⁰ Al-Kindī, *Wulāt*, 89.

⁸¹ Al-Kindī, *Akhbār quḍāt Miṣr*, 346 (see *supra*).

⁸² Al-Kindī, *Akhbār quḍāt Miṣr*, 364.

⁸³ Al-Kindī, *Akhbār quḍāt Miṣr*, 370.

⁸⁴ Al-Kindī, *Akhbār quḍāt Miṣr*, 377. Cf. Ibn Ḥajar, *Raf‘ al-iṣr*, 437.

generation of “imperial” jurists, and marks the formation of a “mixed” Egyptian school, halfway between local traditions and Medinan interpretations.

Medinan influence on the Egyptian scholarly milieu was reinforced in the second half of the eighth century, partly in connection with Abbasid legal policy. Eager to base their legitimacy on the promotion of a legal system, the first Abbasid caliphs first turned to Medinan jurists, among whom they recruited several qadis before turning more resolutely to the Iraqi scholarly milieu.⁸⁵ The growing prestige of Mālik b. Anas, who attracted disciples from all over the *dār al-islām*, also played a major role in spreading his knowledge on an imperial scale. By the dawn of the ninth century, Egyptian law had mainly become proto-Mālikī, before al-Shāfi‘ī’s followers took over.

Conclusion

During the second half of the first/seventh century, a juristic milieu emerged in Fustāt, based on the teaching of the Companions and, among them, the governor ‘Uqba b. ‘Āmir. This legal tradition is little known. Because of incompatibilities between this “school” and the basic principles of classical *fiqh*, its influence on the development of Islamic law was either minimal or erased from the collective memory. It was later relegated to the dustbin of history on the pretext that it only dealt with eschatological expectations. Although this view may exaggerate historical reality, the belief in the imminence of the world’s ending and the Last Judgment may have led the first generations of Egyptian scholars to emphasize this issue rather than rules governing the social organization of a community that was destined to disappear soon.

In the first half of the second/eighth century, under the Marwānids, Egyptian jurists still appeared relatively isolated from the intense legal discussions that were now taking place in other parts of the Middle East. When presenting the opinions of the main Umayyad legal circles, early Abbasid sources only give a very marginal place to Egyptian jurists, whose interactions with “foreigners” were apparently limited. Such relative isolation is, at the current state of research, difficult to explain. Could one argue that scholars’ circulation in search of religious knowledge (*ṭalab al-‘ilm*) was at that time more limited than is often thought? Should we rather consider the characteristics of Fustāt’s population? Mainly inhabited by Yemeni tribes originating from the south of the Arabian Peninsula, the Egyptian capital had not sheltered a large number of major Companions after its foundation, which perhaps did not make it an attractive destination for eastern scholars. For their part, Yemeni scholars in Egypt, who had developed a distinctive culture marked by high eschatological expectations, might have been less sensitive to religious knowledge as it was developing further east. We may finally hypothesize that population flows related to the ongoing conquests also played a role in this phenomenon. While men of Arabia, Syria and Iraq were involved together in expeditions against territories to the north (Byzantium) and the east of the *dār al-islām*, Egyptians were more likely to participate in the conquest of western territories. This may explain the existence of strong interactions between scholars of originating from the former territories, and the relative isolation of Egyptians. All these hypotheses remain so far speculative.

⁸⁵ Tillier, *Les cadis d’Iraq et l’État abbasside*, 148-157.

However, judicial practices reveal that legal interactions actually existed between Egypt and the rest of the empire. Procedures implemented in Fuṣṭāṭ and elsewhere were quite similar, Medina being closest in comparison. Egyptian law was primarily integrated into the rest of the Umayyad Empire through institutions. Caliph ʿUmar II b. ʿAbd al-ʿAzīz played a leading role in this process by offering an official position to Yazīd b. Abī Ḥabīb, a local jurist from Fuṣṭāṭ also trained in Medinan law. By introducing elements of Medinan legal culture into Egyptian law, Ibn Abī Ḥabīb laid the foundations of a “reformed” Egyptian school, influenced by the legal tradition of Medina, in which the major Egyptian jurists of the next generation trained. This school seems therefore to have resulted from a policy of legal harmonization within the Umayyad Empire. It survived into the second half of the eighth century—when its main representative, al-Layth b. Saʿd, was still discussing the relationships between local Egyptian tradition and Medinan law—before giving way to the Mālikī and Shāfiʿī schools, both inherited from Medinan legal culture.

Appendix 1

1. List of Egyptian *Fuqahā'* who Died before 200 H., Mentioned as such by Ibn Yūnus¹

Nota bene: Unless another reference is given, death dates and regional identifications rely on the information provided by al-Dhahabī in *Ta'riḫ al-islām*.

Name	Date of death	Reference in Ibn Yūnus	Learned from	Taught to
Qays b. al-Ḥārith al-Murādī	?	1:401-2	ʿUmar b. al-Khaṭṭāb (d. 23/644) (Medinan)	Suwayd b. Qays b. Thaʿlaba (Egyptian) ² Bakr b. Sawāda (Egyptian)
ʿAbd al-Raḥmān b. Muljam al-Murādī al-Tadʿulī	44/664-5	1:314-5	Muʿādh b. Jabal (d. 18/639?) (Medinan)	
Abū Qays al-Sahmī, ʿAbd al-Raḥmān b. Thābit (<i>mawlā</i>)	54/674	1:523-4	ʿAbd Allāh b. ʿAmr (d. 65/684-5?) (Egyptian) ʿAmr b. al-ʿĀṣ (d. 43/663) (Egyptian) Umm Salama (d. 59/678-9?) (Medinan)	ʿAbd al-Raḥmān b. Jubayr al-Miṣrī (Egyptian) ʿUrwa b. Abī Qays (Egyptian) Yazīd b. Abī Ḥabīb (Egyptian)
ʿUqba b. ʿĀmir al-Juhanī (gov.)	58/677-8	1:345-7	Prophet	ʿAbd Allāh b. Mālik al-Jayshānī (Egyptian) ³ ʿAbd al-Malik b. Malīl al-Salīḥī (Egyptian) ⁴ ʿAbd al-Raḥmān b. ʿĀmir al-Hamdānī (Egyptian?) Kathīr b. Qulayb al-Ṣadafī (Egyptian) ⁵ Abū Qabīl al-Maʿāfirī (Yemen, then Egypt) ⁶ Jubayr b. Nufayr (Ḥimṣ)

¹ This list is based on all the entries in which someone is said to be *faqīh* (or *min [al-]fuqahā'*), *mufīī*, or to have been trained in *fiqh* (*tafaqqaha*). Other scholars who may also have been trained in *fiqh* but are not described as such by Ibn Yūnus are not listed here. Names of jurists recorded in this list are in **bold**.

² Al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1:259.

³ Al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1:295.

⁴ Ibn Ḥibbān, *al-Thiqāt*, ed. Sharaf al-Dīn Aḥmad (9 vols., Beirut, Dār al-fikr, 1975), 5:122.

⁵ Ibn Yūnus, *Ta'riḫ*, 1:406.

⁶ Al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1:298.

Name	Date of death	Reference in Ibn Yūnus	Learned from	Taught to
				Abū 'Ushshāna Ḥayy b. Yu'min (Egyptian) Abū Qabīl Ḥayy b. Hānī' al-Ma'āfirī (Egyptian) Ba'ja al-Juhanī (Hijaz) [Abū] Sa'īd al-Maqburī (Medinan) 'Ulayy b. Rabāḥ (Egyptian) Abū l-Khayr Marthad al-Yazanī (Egyptian) ⁷
Nā'im b. Ujayl al-Hamdānī al-Miṣrī (<i>mawla</i>)	80/699-700	1:491	'Uthmān b. 'Affān (d. 35/656) (Medinan) 'Alī b. Abī Ṭālib (d. 40/661) (Medina-Kūfa) Ibn 'Abbās (d. 68/687-8) (Hijaz) Ka'b b. 'Adī (d. ?) (Hīra; came to Egypt) ⁸ Abū Hurayra (d. 58/678?) (Medinan) 'Abd Allāh b. 'Amr (d. 65/684-5?) (Egyptian) ⁹	'Abd al-Raḥmān b. Hurmuz al-A'raj (Medinan origin; came to Alexandria) ¹⁰ Yazīd b. Abī Ḥabīb (Egyptian) Al-Ḥārith b. Yazīd (Egyptian) ¹¹ 'Ubayd Allāh b. al-Mughīra (Egyptian) ¹² Ka'b b. 'Alqama (Egyptian)
Abū 'Alqama al-Fārisī al-Miṣrī (<i>mawla</i>)	? (became a qadi of Ifrīqiya)	1:523	'Uthmān (d. 35/656) (Medinan) Ibn Mas'ūd (d. 32/652-3) (Kūfī) Abū Hurayra (d. 58/678?) (Medinan) Abū Sa'īd al-Khudrī (d. 64/684?) (Medinan) ¹³	Ya'lā b. 'Aṭā' (d. 120/738) (Wāsiṭī, originally from Ṭā'if) ¹⁴ Sharāḥīl b. Yazīd al-Ma'āfirī (d. af. 120/738) (Egyptian) ¹⁵ Ṣāliḥ b. Abī Maryam (d. c. 100/718-9) (Baṣrī) Abū l-Zubayr al-Makkī (d. 128/745-6) (Meccan) 'Abd al-Raḥmān b. Ziyād (d. 156/772-3) (Ifrīqī) ¹⁶
Abū l-Najīb Ḍalīm al-'Āmirī	88/707	1:248	Ibn 'Umar (d. 73/693) (Medinan)	Bakr b. Sawāda (Egyptian) ¹⁸

⁷ The last seven names are cited by al-Dhahabī, *Ta'riḥ al-islām*, 2:523.

⁸ Al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1:229.

⁹ The last name is given by al-Dhahabī, *Ta'riḥ al-islām*, 2:885.

¹⁰ Ibn Yūnus, *Ta'riḥ*, 2:126; al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1:345.

¹¹ Ibn Yūnus, *Ta'riḥ*, 1:101; al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1:257. See Khoury, *'Abd Allāh ibn Lahī'a*, 110.

¹² Ibn Yūnus, *Ta'riḥ*, 1:334; al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1:276.

¹³ These four names occur in al-Dhahabī, *Ta'riḥ al-islām*, 3:193.

¹⁴ Al-Dhahabī, *Ta'riḥ al-islām*, 3:342.

¹⁵ Ibn Yūnus, *Ta'riḥ*, 1:229; al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1:274.

¹⁶ The last three names occur in al-Dhahabī, *Ta'riḥ al-islām*, 3:193.

¹⁸ Al-Dhahabī, *Ta'riḥ al-islām*, 2:1034.

Name	Date of death	Reference in Ibn Yūnus	Learned from	Taught to
			Abū Sa'īd al-Khudrī (d. 64/684?) (Medinan) ¹⁷	
Marthad b. 'Abd Allāh al-Yazani	90/708-9	1:467	Abū Ayyūb al-Anṣārī (d. 52/672?) (came to Egypt) ¹⁹ Abū Baṣra al-Ghifārī (d. ?) (settled in Egypt) ²⁰ Zayd b. Thābit (d. bt. 42/662-3 and 56/675-6) (Medinan) 'Amr b. al-Āṣ (d. 43/663) (Egyptian) 'Abd Allāh b. 'Amr (d. 65/684-5?) (Egyptian) 'Uqba b. 'Āmir (d. 58/677-8) (Egyptian)	Yazīd b. Abī Ḥabīb (Egyptian) 'Abd al-Raḥmān b. Shimāsa (Egyptian) Ja'far b. Rabī'a (Egyptian) 'Ubayd Allāh b. Abī Ja'far (Egyptian) 'Ayyāsh b. 'Abbās al-Qitbānī (Egyptian) ²¹
'Abd al-Raḥmān b. Jubayr al-Miṣrī al-Mu'adhdhin (<i>mawlā</i>)	97 or 98/715-717	1:298-9	'Uqba b. 'Āmir (d. 58/677-8) (Egyptian) Ibn 'Amr (d. 65/684-5?) (Egyptian)	Bakr b. Sawāda (Egyptian) Ka'b b. 'Alqama (Egyptian) 'Abd Allāh b. Hubayra (Egyptian) Yazīd b. Abī Ḥabīb (Egyptian)
'Amr b. al-Walīd b. 'Abada al-Qurashī al-Sahmī (<i>mawlā</i>)	103/721-2	1:378	Ibn 'Amr (d. 65/684-5?) (Egyptian) Qays b. Sa'd b. 'Ubāda (d. 60/680?) (Egyptian) ²² Anas b. Mālik (d. 91-93/709-11?) (Baṣran) ²³	Yazīd b. Abī Ḥabīb (Egyptian)
'Abd Allāh b. Yazīd b. 'Abd Allāh b. Khudhāmīr al-Ṣan'ānī	After 105/723-4	1:290-1		Mūsā b. Ayyūb al-Ghāfiqī (Egyptian) ²⁴ Ghawth b. Sulaymān (Egyptian) ²⁵
Ḥabīb b. al-Shahīd al-Tujībī al-Miṣrī (<i>mawlā</i>)	109/727-8	1:106	'Umar II (d. 101/720)	Yazīd b. Abī Ḥabīb (Egyptian) Ja'far b. Rabī'a (Egyptian)

¹⁷ Al-Dhahabī, *Ta'rikh al-islām*, 2:1034.

¹⁹ Al-Dhahabī, *Siyar a'lāma al-nubalā'*, 2:406.

²⁰ Ibn 'Abd al-Ḥakam, *Futūḥ Miṣr*, 282; al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1:243.

²¹ The last four names are added by al-Dhahabī, *Ta'rikh al-islām*, 2:1004.

²² Al-Dhahabī, *Ta'rikh al-islām*, 3:133.

²³ Al-Dhahabī, *Ta'rikh al-islām*, 3:133.

²⁴ Ibn Yūnus, *Ta'rikh*, 1:487; al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1:278.

²⁵ Al-Kindī, *Akḥbār quḍāt Miṣr*, 356 sq. See other references in al-Kindī, *Histoire des cadis égyptiens*, 116.

Name	Date of death	Reference in Ibn Yūnus	Learned from	Taught to
			Ḥanash [b. ‘Abd Allāh] al-Ṣan‘ānī (d. 100/718-9) (Damascus-Egypt-Ifriqiya) ²⁶	Sālim b. Ghaylān (Egyptian) Sulaymān b. Abī Wahb (?)
Ju‘thul b. Hā‘ān al-Ru‘aynī	115/733-4	1:88-9	‘Abd Allāh b. Mālik al-Jayshānī (d. 77/696-7) (Egyptian)	Bakr b. Sawāda (Egyptian) ‘Ubayd Allāh b. Zaḥr al-Ifriqī (Ifriqī) ‘Abd al-Raḥmān b. Ziyād b. An‘um (Ifriqī)
Ḥibbān b. Abī Jabala al-Qurashī (<i>mawlā</i>)	122/739-40	1:103	‘Amr b. al-‘Āṣ (d. 43/663) (Egyptian) Ibn ‘Amr (d. 65/684-5?) (Egyptian) Ibn ‘Abbās (d. 68/687-8) (Hijaz) ²⁷	‘Ubayd Allāh b. Zaḥr (Ifriqī) ‘Abd al-Raḥmān b. Ziyād b. An‘um (Ifriqī) Abū Shayba ‘Abd al-Raḥmān b. Yaḥyā al-Ṣadaḥī (Egyptian) ²⁸
Yazīd b. Abī Ḥabīb (<i>mawlā</i>)	128/745-6	1:509	Sālim [b. ‘Abd Allāh] (d. 106/724-5?) (Medinan) Nāfi‘ (d. 117/735?) (Medinan) ‘Ikrima (d. 105/723-4?) (Medinan; came to Egypt) ‘Atā’ [b. Abī Rabāḥ] (d. 114/732?) (Meccan) ‘Abd Allāh b. al-Ḥārīt b. Jaz’ (d. 86/705?) (Egyptian) Abū l-Ṭufayl [al-Laythī] (d. 107/725-6?) (Meccan) Ibrāhīm b. ‘Abd Allāh b. Ḥunayn (d. af. 100/718-9) (Medinan) Sa‘īd b. Abī Hind (d. c. 105/724) (Hijaz) ‘Irāk b. Mālik (d. bt. 101-/720 and 105/723) (Medinan) ‘Ulayy b. Rabāḥ (d. 114/732-3?) (Egyptian) ²⁹	‘Abd Allāh b. Lahī‘a (Egyptian) Al-Layth [b. Sa‘d] (Egyptian) Ḥaywa b. Shurayḥ (Egyptian) Sa‘īd b. Abī Ayyūb (Egyptian) Yaḥyā b. Ayyūb (Egyptian) Ibn Ishāq (Medina-Egypt-Iraq) ³⁰

²⁶ These two names are provided by al-Dhahabī, *Ta’rīkh al-islām*, 3:25.

²⁷ These three names occur in al-Dhahabī, *Ta’rīkh al-islām*, 3:393.

²⁸ These three names occur in al-Dhahabī, *Ta’rīkh al-islām*, 3:393.

²⁹ The last five names are added by al-Dhahabī, *Ta’rīkh al-islām*, 3:562.

³⁰ The last four names are given by al-Dhahabī, *Ta’rīkh al-islām*, 3:562.

Name	Date of death	Reference in Ibn Yūnus	Learned from	Taught to
Bakr b. Sawāda b. Thumāma al-Judhāmī al-Miṣrī	128/745-6	1:70-1	Ibn ‘Amr (d. 65/684-5?) (Egyptian) Qays b. Sa‘d b. ‘Ubāda (d. 60/680?) (Egyptian) ³¹ Sahl b. Sa‘d al-Sā‘idī (d. 91/709-10?) (Egyptian) ³² Sa‘īd b. al-Musayyib (d. 105/723-4) (Medinan) Abū Sālīm al-Jayshānī (d. b. 80/699-700) (Egyptian) ‘Atā’ b. Yasār (d. 103/721-2?) (Medinan) ³³	‘Abd Allāh b. Lahī‘a (Egyptian) ‘ Amr b. al-Ḥārith (Egyptian) Ja‘far b. Rabī‘a (Egyptian) Al-Layth [b. Sa‘d] (Egyptian)
‘Abd Allāh b. Abī Ja‘far Yasār (mawlā) ³⁴	129/746-7	1:263	‘Abd al-Raḥmān b. Wa‘la (d. ?) (Egyptian) ³⁵	‘ Amr b. al-Ḥārith (Egyptian) Al-Layth b. Sa‘d (Egyptian)
Sa‘īd b. Rabī‘a b. Ḥubaysh b. ‘Urfuṭa al-Ṣadaḥī	? (qadi under caliph Hishām)	1:205		
Ḥassān b. ‘Atāhiya b. ‘Abd al-Raḥmān b. Ḥassān b. ‘Atāhiya al-Kindī al-Tujībī al-Miṣrī (gov.) ³⁶	133/750-1	1:115	‘Atā’ b. Abī Rabāḥ (d. 114-5/732-3) (Meccan)	
‘Umar b. al-Sā‘ib b. Abī Rāshid al-Zuhrī al-Miṣrī (mawlā)	134/751-2	1:365	Al-Qāsim b. Qazmān (?) A son of ‘Amr b. Umayya al-Ḍamrī (?) ³⁷	Al-Layth b. Sa‘d (Egyptian) Bakr b. Muḍar (Egyptian) ³⁸ ‘Abd Allāh b. Lahī‘a (Egyptian)

³¹ Ibn Yūnus, *Ta’rīkh*, 1:403; al-Kindī, *Wulāt*, 22-2.

³² Al-Suyūṭī, *Husn al-muḥāḍara*, 1:207.

³³ The last three names are given by al-Dhahabī, *Ta’rīkh al-islām*, 3:378.

³⁴ Al-Dhahabī relates that he was head of the arsenal where warships were built. Al-Dhahabī, *Ta’rīkh al-islām*, 3:442.

³⁵ Ibn Yūnus, *Ta’rīkh*, 1:297; al-Suyūṭī, *Husn al-muḥāḍara*, 1:260.

³⁶ See also his biography in al-Kindī, *Wulāt*, 85-6; al-Maqrīzī, *al-Muqaffā l-kabīr*, 3:273-6.

³⁷ These two names are provided by al-Dhahabī, *Ta’rīkh al-islām*, 3:711.

³⁸ Ibn Yūnus, *Ta’rīkh*, 1:73; al-Suyūṭī, *Husn al-muḥāḍara*, 1:346.

Name	Date of death	Reference in Ibn Yūnus	Learned from	Taught to
Khālīd b. Yazīd al-Jumaḥī al-Miṣrī (<i>mawlā</i>)	139/756-7	1:150-1		Al-Mufaḍḍal b. Faḍāla (Egyptian) ³⁹
‘Amr b. al-Ḥārith b. Ya‘qūb b. ‘Abd Allāh al-Anṣārī (<i>mawlā</i>)	148/765	1:370-1	Abū Yūnus <i>mawlā</i> of Abū Hurayra (d. 123/740-1) (Egyptian) Ibn Abī Mulaika (d. 117/735) (Meccan) Abū ‘Ashāna al-Ma‘āfirī (d. 118/736) (Egyptian) Qatāda (d. 117/735?) (Baṣrī) ‘Amr b. Dīnār (d. 127/744) (Meccan) ⁴⁰	Mālik b. Anas (Medinan) Al-Layth b. Sa‘d (Egyptian) ‘Abd Allāh b. Lahī‘a (Egyptian) Bakr b. Muḍar (Egyptian) ‘Abd Allāh b. Wahb (Egyptian) ⁴¹
Ziyād b. Abī Ḥumra Kaysān al-Lakhmī (<i>mawlā</i>)	bef. 150/767	1:193		Al-Layth b. Sa‘d (Egyptian) ‘Abd Allāh b. Wahb (Egyptian)
Sālim b. Ghaylān al-Tujībī al-Miṣrī (<i>mawlā</i>)	151 or 153/768-770	1:198	Yazīd b. Abī Ḥabīb (d. 128/745-6) (Egyptian) Al-Walīd b. Qays al-Tujībī (d. 131/748-9) (Egyptian) Darrāj Abū l-Samḥ (d. 126/743-4) (Egyptian) ⁴²	Al-Layth b. Sa‘d (Egyptian) ‘Abd Allāh b. Wahb (Egyptian) Ḥaywa b. Shurayḥ (Egyptian) ⁴³
‘Umar b. Mālik al-Shar‘abī al-Ma‘āfirī al-Miṣrī	?	1:367	‘Ubayd Allāh b. Abī Ja‘far (d. 136/753-4?) (Egyptian) ⁴⁴ Khālīd b. Abī ‘Imrān (d. 129/746-7?) (Ifriqī) ⁴⁵ Yazīd b. [‘Abd Allāh b.] al-Hād (d. 139/756-7) (Medinan)	Ḥaywa b. Shurayḥ (Egyptian) Ḍimām b. Ismā‘īl (Egyptian) ⁴⁷ ‘Abd Allāh b. Lahī‘a (Egyptian) Mughīra b. al-Ḥasan (Egyptian?) ‘Abd Allāh b. Wahb (Egyptian) ⁴⁸

³⁹ Al-Maqrīzī, *al-Muqaffā l-kabīr*, 3:784.

⁴⁰ This list is provided by al-Dhahabī, *Ta‘rīkh al-islām*, 3:937.

⁴¹ This list is provided by al-Dhahabī, *Ta‘rīkh al-islām*, 3:937.

⁴² The last two names are given by al-Dhahabī, *Ta‘rīkh al-islām*, 3:870.

⁴³ Al-Dhahabī, *Ta‘rīkh al-islām*, 3:870.

⁴⁴ Ibn Yūnus, *Ta‘rīkh*, 1:333; al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1:299.

⁴⁵ Ibn Yūnus, *Ta‘rīkh*, 2:72; al-Suyūṭī, *Ḥusn al-muḥāḍara*, 2:299. See Khoury, *‘Abd Allāh ibn Lahī‘a*, 113.

⁴⁷ Ibn Yūnus, *Ta‘rīkh*, 1:244; al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1:280.

⁴⁸ The last three names are given by al-Dhahabī, *Ta‘rīkh al-islām*, 4:166.

Name	Date of death	Reference in Ibn Yūnus	Learned from	Taught to
			Şafwān b. Abī Sālim (?) ⁴⁶	
Ḥaywa b. Shurayḥ al-Tujībī	158/774-5	1:143	Rabī'a b. Yazīd al-Qaṣīr (d. 123/740-1) (Damascene; died in Ifrīqiya) 'Uqba b. Muslim (d. c. 120/738) (Egyptian) Yazīd b. Abī Ḥabīb (d. 128/745-6) (Egyptian) Sulaym b. Jubayr (d. 123/740-1) (Egyptian) ⁴⁹	Ibn al-Mubārak (from Marw; he visited Egypt) Abū Wahb (?) Abū 'Āṣim (?) Al-Muqri' (?) 'Abd Allāh b. Yahyā al-Burullusī (Egyptian) ⁵⁰
Sa'īd b. Abī Ayyūb al-Khuzā'ī (mawlā)	162/778-9 or 166/782-3	1:203-4	Zuhra b. Ma'bad (d. 135/752-3?) (Alexandria) 'Uqayl [b. Khālīd] al-Aylī (d. 144/761-2?) (Ayla?-Egypt) 'Abd al-Raḥīm b. Maymūn (d. 143/760-1) (Egyptian) Ja'far b. Rabī'a al-Kindī (d. 134/751-2 ?) (Egyptian) Yazīd b. Abī Ḥabīb (d. 128/745-6) (Egyptian) Ka'b b. 'Alqama (d. 130/747-8) (Egyptian) ⁵¹	Ibn Jurayj (Meccan) Ibn al-Mubārak (from Marw; he visited Egypt) ' Abd Allāh b. Wahb (Egyptian) Abū 'Abd al-Raḥmān al-Muqri' (Başra-Mecca) Rawḥ b. Şalāḥ (Egyptian) ⁵²
Ibrāhīm b. Nashīf b. Yūsuf al-Wa'lānī (mawlā)	c. 163/779-80	1:30	Nāfi' (d. 117/735?) (Medinan) Al-Zuhrī (d. 124/742) (Medinan) Ka'b b. 'Alqama (d. 130/747-8) (Egyptian) ⁵³	Al-Layth b. Sa'd (Egyptian) Ibn al-Mubārak (from Marw; he visited Egypt) ⁵⁴ Rishdīn b. Sa'd (Egyptian) ⁵⁵ ' Abd Allāh b. Wahb (Egyptian)

⁴⁶ The last two names are given by al-Dhahabī, *Ta'riḥ al-islām*, 4:166.

⁴⁹ This list occurs in al-Dhahabī, *Ta'riḥ al-islām*, 4:44.

⁵⁰ This list occurs in al-Dhahabī, *Ta'riḥ al-islām*, 4:44.

⁵¹ This list occurs in al-Dhahabī, *Ta'riḥ al-islām*, 4:373.

⁵² This list occurs in al-Dhahabī, *Ta'riḥ al-islām*, 4:373.

⁵³ This list is provided by al-Dhahabī, *Ta'riḥ al-islām*, 4:302.

⁵⁴ Ibn Sa'd, *al-Ṭabaqāt al-kubrā*, 7:372; Ibn Ḥibbān, *Mashāḥīr 'ulamā' al-amṣār*, 227.

⁵⁵ Ibn Yūnus, *Ta'riḥ*, 1:178; al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1:283.

Name	Date of death	Reference in Ibn Yūnus	Learned from	Taught to
‘Uthmān b. al-Ḥakam al-Judhāmī al-Miṣrī (<i>mawlā</i>)	163/779-80	1:337-8	Muḥammad b. Zayd b. al-Muhājir b. Qunfudh (d. ?) (Medinan) Mūsā b. ‘Uqba (d. 141/758-9) (Medinan) ⁵⁶ ‘Ubayd Allāh b. ‘Umar (d. 147/764-5) (Medinan) Yaḥyā b. Sa‘īd al-Anṣārī (d. 143/760-1?) (Medinan) Yūnus [b. Yazīd] al-Aylī (d. 152/769?) (Ayla-Egypt) ⁵⁷ Ibn Jurayj (d. 150/767) (Meccan) ⁵⁸	‘Abd Allāh b. Wahb (Egyptian) Sa‘īd b. Abī Maryam (Egyptian) ⁵⁹ Ishāq b. al-Furāt (Egyptian) Al-Layth b. ‘Āṣim al-Qitbānī (Egyptian) ⁶⁰
Sulaymān b. Abī Dā‘ūd al-Ḥamrāwī al-Miṣrī al-Aḥṣas	168/784-5	1:219		Ibn al-Qāsim (Egyptian) ⁶¹ Idrīs b. Yaḥyā (Egyptian) ⁶²
‘Abd Allāh b. al-Musayyib b. Jābir al-Fārisī (<i>mawlā</i>)	170/786-7	1:286		‘Abd Allāh b. Wahb (Egyptian) Yaḥyā b. Bukayr (Egyptian)
Sa‘d b. ‘Abd Allāh b. Sa‘d al-Ma‘āfirī al-Iskandarānī	173/789-90	1:201	Mūsā b. ‘Ulayy b. Rabāḥ (d. 163/779-80) (Egyptian, gov.) ⁶³ Yaḥyā b. Ayyūb (d. 168/784-5?) (Egyptian) ⁶⁴ Abū Ma‘shar al-Sindī (d. 170/787) (Medinan) ⁶⁵	Ibn al-Qāsim (Egyptian) ‘Abd Allāh b. Wahb (Egyptian) Ismā‘īl b. Bukayr (?) Khālid b. Nizār (Ayla) ⁶⁶

⁵⁶ Ed., “Mūsā b. ‘Uqba”, *EP*, 7:643.

⁵⁷ See Ibn Yūnus, *Ta’rīkh*, 2:261.

⁵⁸ The last three names are given by al-Dhahabī, *Ta’rīkh al-islām*, 4:453.

⁵⁹ Ibn Yūnus, *Ta’rīkh*, 1:204; al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1:346.

⁶⁰ The last two names are given by al-Dhahabī, *Ta’rīkh al-islām*, 4:453.

⁶¹ J. Schacht, “Ibn al-Qāsim”, *EP*, 3:840.

⁶² Al-Dhahabī, *Siyar a’lām al-nubalā’*, 10:165.

⁶³ Ibn Yūnus, *Ta’rīkh*, 1:488; al-Dhahabī, *Siyar a’lām al-nubalā’*, 7:411.

⁶⁴ Ibn Yūnus, *Ta’rīkh*, 1:506; al-Suyūṭī, *Ḥusn al-muḥāḍara*, 1:294.

⁶⁵ The last name is added by al-Dhahabī, *Ta’rīkh al-islām*, 4:624.

⁶⁶ The last two names are provided by al-Dhahabī, *Ta’rīkh al-islām*, 4:624.

Name	Date of death	Reference in Ibn Yūnus	Learned from	Taught to
Al-Layth b. Sa'd (al-Imām) (<i>mawlā</i>) ⁶⁷	175/791-2	1:418-9		
'Uqba b. Nāfi' al-Ma'āfirī al-Labwānī (<i>mawlā</i>)	196/811-2	1:349	'Abd al-Mu'min b. 'Abd Allāh b. Hubayra al-Sabā'ī (d. ?) (Egyptian) ⁶⁸ Rabī'a b. Abī 'Abd al-Raḥmān [al-Ra'y] (d. 136/753-4?) (Medinan) ⁶⁹ Khālid b. Yazīd (d. 139/756-7) (Egyptian)	'Abd Allāh b. Wahb (Egyptian)
'Abd Allāh b. Wahb b. Muslim al-Qurashī (<i>mawlā</i>) ⁷⁰	197/812-3	1:289		

⁶⁷ The list of his masters and disciples is too long to be included in this table. Al-Dhahabī cites the following masters: 'Aṭā' b. Abī Rabāḥ (d. 114-5/732-3) (Meccan), Nāfi' (d. 117/735?) (Medinan), Ibn Abī Mulayka (d. 117/735) (Meccan), Sa'īd al-Muqri', Abū l-Zubayr [Muḥammad b. Muslim] (d. 128/745-6) (Meccan), al-Zuhrī (d. 124/742) (Medinan), Mishraḥ b. Hā'ān (d. c. 120/738) (Egyptian), Abū Qabīl al-Ma'āfirī [Ḥayy b. Hānī'] (d. 128/745-6) (Yemen, then Egypt), **Yazīd b. Abī Ḥabīb** (d. 128/745-6) (Egyptian), Bukayr b. 'Abd Allāh b. al-Ashajj (d. 127/744-5?) (Medina, then Egypt), Ja'far b. Rabī'a [al-Kindī] (d. 134/751-2?) (Egyptian), 'Abd al-Raḥmān b. al-Qāsim (d. 126/743-4) (Medinan), Darrāj Abū l-Samḥ (d. 126/743-4) (Egyptian), al-Ḥārith b. Ya'qūb [al-Anṣārī] (d. 130/747-8) (Egyptian), 'Ubayd Allāh b. Abī Ja'far (d. 136/753-4?) (Egyptian), 'Uqayl b. Khālid (d. 144/761-2?) (Ayla?-Egypt), Ayyūb b. Mūsā (d. 133/750-1) (Meccan), **Bakr b. Sawāda** (d. 128/745-6) (Egyptian), al-Julāḥ Abū Kathīr (d. 120/738) (Egyptian), al-Ḥārith b. Yazīd al-Ḥaḍramī (d. 130/747-8) (Egyptian), **Khālid b. Yazīd** (d. 139/756-7) (Egyptian), Khayr b. Nu'aym (d. 137/754-5) (Egyptian), Ṣafwān b. Salīm (d. 124/741-2) (Medinan), Abū l-Zanād ['Abd Allāh b. Ḍakwān] (d. 131/748-9?) (Medinan), 'Abd al-Raḥmān, Qatāda (d. 117/735?) (Baṣra), Muḥammad b. Yaḥyā b. Ḥibbān (d. 121/739) (Medinan), Yaḥyā b. Sa'īd [al-Anṣārī] (d. 143/760-1?) (Medinan), Yazīd b. ['Abd Allāh b.] al-Hād (d. 139/756-7) (Medinan), Muḥammad b. 'Ajlān (d. 148/765-6) (Medinan).

His main disciples are: Muḥammad b. 'Ajlān (Medinan), Ibn Lahī'a (Egyptian), Ibn al-Mubārak (from Marw; he visited Egypt), **Ibn Wahb** (Egyptian), Shabāba [b. Sawwār] (al-Madā'in), Ḥujayn b. al-Muthannā (Yemen, then Baghdad), Sa'īd b. Abī Maryam (Egyptian), Ādam b. Abī Iyās (Marw-Baghdad-'Asqalān), Aḥmad b. Yūnus, **Shu'ayb b. al-Layth** (Egyptian), Yaḥyā b. Bukayr (Egyptian), Yaḥyā b. Yaḥyā al-Laythī (Cordoba), Yaḥyā b. Yaḥyā al-Tamīmī al-Khurāsānī (Khurāsān-Hijaz-Iraq-Syria-Egypt), Abū l-Jahm al-'Alā' al-Bāhilī (Baghdādī), Qutayba b. Sa'īd (Balkh), Muḥammad b. Rumḥ (Egyptian), Yazīd b. Mawhab al-Ramlī (Ramla), Kāmil b. Ṭalḥa (Baṣra-Baghdad), 'Īsā b. Ḥammād (Egyptian). Al-Dhahabī, *Siyar a'lām al-nubalā'*, 4:710.

⁶⁸ Ibn Yūnus, *Ta'riḫ*, 1:328.

⁶⁹ Al-Dhahabī, *Siyar a'lām al-nubalā'*, 6:89.

⁷⁰ Al-Dhahabī cites the following masters: Yūnus b. Yazīd (d. 159/775-6) (Ayla), Ibn Jurayj (d. 150/767) (Meccan), Ḥayy b. 'Abd Allāh al-Ma'āfirī (d. ?) (Egyptian ?), Ḥanzala b. Abī Sufyān (d. 151/768) (Meccan), **Amr b. al-Ḥārith** (d. 148/765-6) (Egyptian), Usāma b. Zayd al-Laythī (d. 153/770) (Medinan), 'Umar b. Muḥammad al-'Umarī (d. 150/767-8) (Medina-'Asqalān), 'Abd al-Ḥamīd b. Ja'far (d. 153/770) (Medinan), Abū Ṣakhr Ḥamīd b. Ziyād (d. ?) (Egyptian), 'Abd Allāh b. 'Āmir al-Aslamī (d. 150/767-8?) (Medinan), Mūsā b. 'Alī [al-Lakhmī] (d. 163/779-80) (Egyptian), **al-Layth [b. Sa'd]** (d. 175/791-2) (Egyptian), Mālik [b. Anas] (d. 179/795) (Medinan). His main disciples are: **al-Layth b. Sa'd** (d. 175/791-2) (Egyptian), Aṣbagh b. al-Faraj (Egyptian), Abū Ṣāliḥ, Aḥmad b. Ṣāliḥ (Egyptian), Ḥarmala [b. Yaḥyā] (Egyptian), al-Ḥārith b. Miskīn (Egyptian), Yaḥyā b. Ayyūb al-Maqābirī (Baghdādī), Baḥr b. Naṣr al-Khawlanī (Egyptian), al-Rabī' b. Sulaymān al-Murādī (Egyptian), Yūnus b. 'Abd al-

Name	Date of death	Reference in Ibn Yūnus	Learned from	Taught to
Shu‘ayb b. al-Layth b. Sa‘d b. ‘Abd al-Raḥmān al-Fahmī (<i>mawlā</i>)	199/814-5	1:236	Al-Layth b. Sa‘d (d. 175/791-2) (Egyptian) Mūsā b. ‘Ulayy b. Rabāḥ (d. 163/779-80) (Egyptian, gov.)	‘Abd al-Malik b. Shu‘ayb (Egyptian) ⁷¹ Yūnus b. ‘Abd al-A‘lā (Egyptian) ⁷² Al-Rabī‘ b. Sulaymān al-Murādī (Egyptian) ⁷³ Muḥammad b. ‘Abd Allāh b. ‘Abd al-Ḥakam (Egyptian) ⁷⁴
al-Ḥakam b. Ṣāliḥ al-Miṣrī	201/816-7	1:135		Abū Yaḥyā al-Waqār (Egyptian) ⁷⁵

2. Foreign *Fuqahā*’ Dead before 200 H. who Visited Egypt or Settled There, Mentioned by Ibn Yūnus

Name	Date of death	Origin	Reference in Ibn Yūnus
‘Urwa b. al-Zubayr b. al-‘Awwām	93/711-2	Medina (he stayed seven years in Egypt.)	2:147
Muḥammad b. Aws al-Anṣārī	?	? (became admiral of the Ifrīqī fleet in 93/711-2)	2:194
‘Urwa b. Abī Qays, <i>mawlā</i> of ‘Amr b. al-‘Āṣ	c. 110/728-9 (classified as foreigner; however, son of Egyptian Abū Qays al-Sahmī)		2:147

A‘lā (Egyptian), Abū Ṭāhir b. al-Sarḥ (Egyptian), ‘Abd Allāh b. Muḥammad b. Rumḥ (Egyptian), ‘Alī b. Khashram (Khurāsān), ‘Amr b. Sawwād (Egyptian), ‘Īsā b. Mathrūd (Egyptian), Muḥammad b. ‘Abd Allāh b. ‘Abd al-Ḥakam (Egyptian), Hārūn b. Sa‘īd al-Aylī (Egyptian), ‘Abd al-Malik b. Shu‘ayb b. al-Layth (Egyptian), ‘Īsā b. Aḥmad al-‘Asqalānī (Baghdad-Balkh), Aḥmad b. ‘Īsā al-Tustarī (Egyptian), Ibrāhīm b. Munqidh al-Khawlānī (Egyptian), Saḥnūn b. Sa‘īd al-Qayrawānī (Ifrīqī), Aḥmad b. ‘Abd al-Raḥmān b. Wahb (Egyptian). Al-Dhahabī, *Siyar a‘lām al-nubalā*, 4:1143.

⁷¹ Ibn Yūnus, *Ta’rīkh*, 1:325; al-Suyūṭī, *Husn al-muḥāḍara*, 1:308.

⁷² Ibn Yūnus, *Ta’rīkh*, 1:505; al-Suyūṭī, *Husn al-muḥāḍara*, 1:309.

⁷³ Ibn Yūnus, *Ta’rīkh*, 1:170; al-Suyūṭī, *Husn al-muḥāḍara*, 1:348.

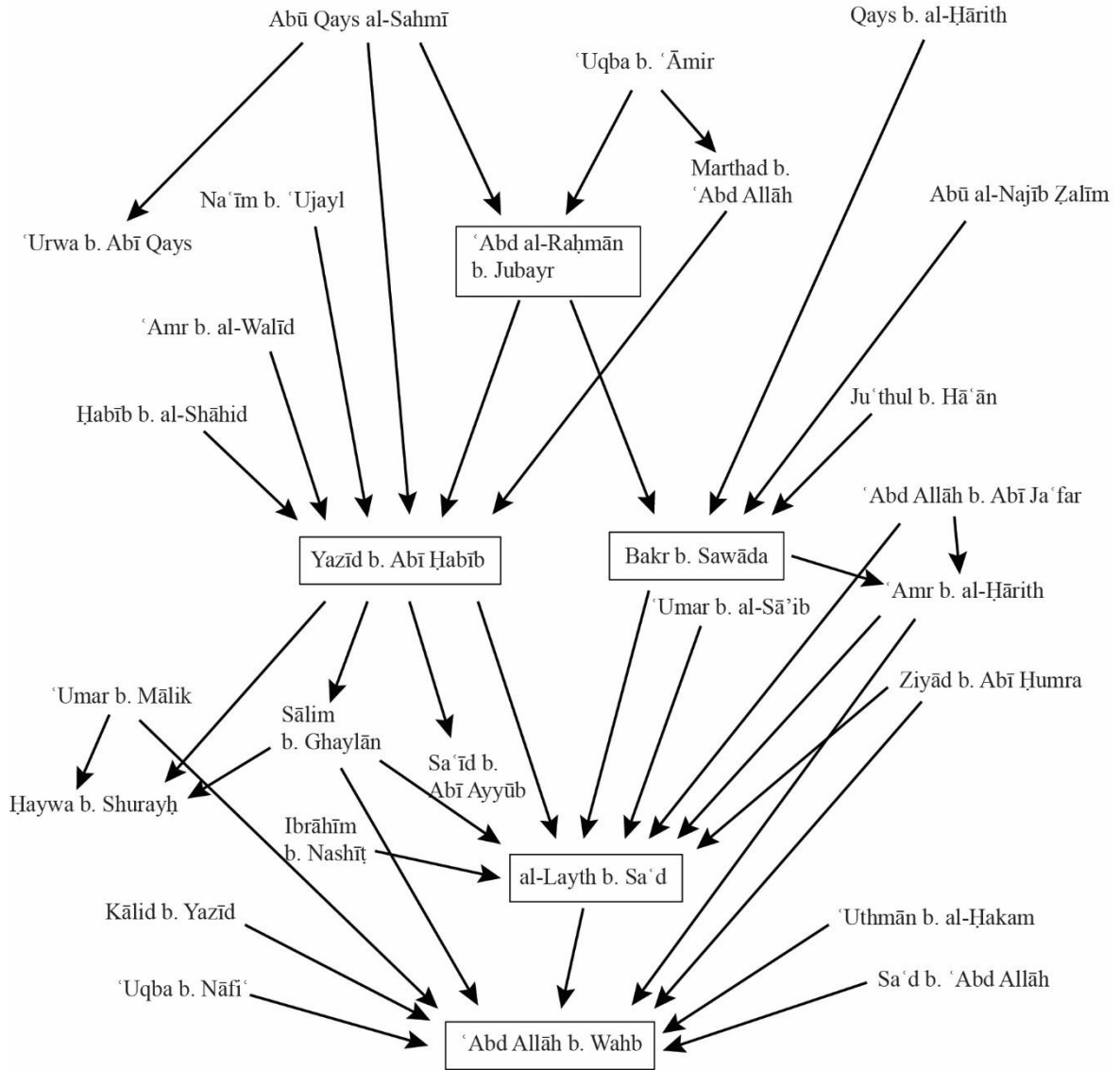
⁷⁴ F. Rosenthal, “Ibn ‘Abd al-Ḥakam,” *EP*, 3:696.

⁷⁵ Ibn Yūnus, *Ta’rīkh*, 1:187; al-Suyūṭī, *Husn al-muḥāḍara*, 1:448.

Makḥūl al-Shāmī	c. 118/736	Freed slave, perhaps of Egyptian or Persian origin. He settled in Syria.	2:236
Khālīd b. Abī ‘Imrān al-Tujībī al-Tūnisī	125/742-3 or 129/746-7	Ifriqiya (<i>faqīh</i> of the <i>ahl al-Maghrib</i>)	2:72-3
Ismā‘īl b. ‘Ubayd Allāh b. Abī l-Muhājir	131/748-9	Damascus; sent to al-Qayrawān by ‘Umar II	2:37
‘Abd al-A‘lā b. al-Samḥ b. ‘Ubayd b. Ḥarmala, Abū l-Khaṭṭāb al-Ma‘āfirī	144/761-2	(Khariji <i>faqīh</i> , then Ibadi; he proclaimed a caliphate in the Maghreb.)	2:109
Ṭulayb / ‘Abd Allāh b. Kāmil al-Lakhmī	173/789-90	Al-Andalus (he lived some time in Alexandria.)	2:106
Al-Hudhayl b. Muslim al-Tamīmī	189/804-5		2:247
Ziyād b. ‘Abd al-Raḥmān b. Ziyād “Ziyād Shabṭūn”	193/808-9 or 199/814-5	Al-Andalus (he introduced Malikism in this province.)	2:86-7

Appendix 2

Transmission of Knowledge among Egyptian *Fuqahā'*



Bibliography

Primary Sources

- ‘Abd al-Razzāq al-Ṣan‘ānī. *Muṣannaḡ ‘Abd al-Razzāq*, ed. Ḥabīb al-Raḥmān al-A‘zamī. 12 vols., Beirut: al-Maktab al-islāmī, 1983.
- Al-Dhahabī. *Siyar a‘lām al-nubalā’*, ed. Shu‘ayb al-Arna‘ūt and Muḥammad Nu‘aym al-‘Araqūsī. 23 vols., Beirut: Mu‘assasat al-risāla, 1413 H.
- . *Ta’rīkh al-islām*, ed. Bashshār ‘Awwād Ma‘rūf. 15 vols., Beirut: Dār al-gharb al-islāmī, 2003.
- Al-Balādhurī. *Ansāb al-ashrāf*, ed. Suhayl Zakkār and Riyāḡ Ziriklī. 13 vols., Beirut: Dār al-fikr, 1996.
- Al-Fasawī. *Kitāb al-Ma‘rifā wa-l-ta’rīkh*, ed. Akram Ḍiyā’ al-‘Umarī. 3 vols., s.l.: Mu‘assasat al-risāla, 1981.
- Ibn al-Abbār. *Al-Takmila li-kitāb al-Ṣila*, ed. ‘Abd al-Salām al-Harrās. 4 vols., Beirut: Dār al-fikr, 1995.
- Ibn ‘Abd al-Ḥakam (‘Abd Allāh). *Sīrat ‘Umar b. ‘Abd al-‘Azīz*, ed. Aḡmad ‘Ubayd. N.l.: Maktabat Wahba, n.d.
- Ibn ‘Abd al-Ḥakam (‘Abd al-Raḥmān b. ‘Abd Allāh). *Futūḡ Miṣr wa-akhbāru-hā*, ed. Ch.C. Torrey. New Haven: Yale University Press, 1922.
- Ibn Abī Shayba. *Al-Muṣannaḡ*, ed. Ḥamad b. ‘Abd Allāh al-Jum‘a and Muḥammad b. Ibrāhīm al-Luḡayḡdān. 16 vols., Riyadh: Maktabat al-rushd, 2004.
- Ibn al-Athīr. *Uṣd al-ghāba fī ma‘rifat al-ṣaḡāba*, ed. ‘Alī Muḥammad Mu‘awwaḡ and ‘Ādil Aḡmad ‘Abd al-Mawjūd. 8 vols., Beirut: Dār al-kutub al-‘ilmiyya, n.d.
- Ibn ‘Asākīr. *Ta’rīkh madīnat Dimashq*, ed. ‘Umar b. Gharāma al-‘Amrawī. 80 vols., Beirut: Dār al-fikr, 1995.
- Ibn Duqmāq. *Al-Juz’ al-rābi‘ min Kitāb al-intiṣār*. Cairo: al-Maṡba‘a al-kubrā al-amīriyya, 1309 H.
- Ibn Ḥajar al-‘Asqalānī. *Raf‘ al-iṣr ‘an quḡāt Miṣr*, ed. ‘Alī Muḥammad ‘Umar. Cairo: Maktabat al-Khānjī, 1998.
- . *Al-Iṣāba fī tamayīz al-ṣaḡāba*, ed. ‘Ādil Aḡmad ‘Abd al-Mawjūd and ‘Alī Muḥammad Mu‘awwaḡ. 8 vols., Beirut: Dār al-kutub al-‘ilmiyya, 1995.
- Ibn Ḥazm. *Al-Muḡallā*. 11 vols., Cairo: Idārat al-ṡibā‘a al-munīriyya, 1352 H.
- Ibn Ḥibbān. *Al-Thiqāt*, ed. Sharaf al-Dīn Aḡmad. 9 vols., Beirut, Dār al-fikr, 1975.
- . *Mashāhīr ‘ulamā’ al-amṣār*, ed. Majḡdī b. Maṣṣūr b. Sayyid al-Shūrā. Beirut: Dār al-kutub al-‘ilmiyya, 1995.
- Ibn Qayyim al-Jawziyya. *Al-ṡuruq al-ḡukmiyya fī l-siyāsāt al-shar‘iyya*, ed. Muḥammad Ḥāmid al-Faqī. Cairo: Maṡba‘at al-sunna al-muḡammadiyya, 1953.
- . *I‘lām al-muwaqqi‘īn ‘an rabb al-‘ālamīn*. 5 vols., Beirut: Dār al-kutub al-‘ilmiyya, 1991.
- Ibn Sa‘d. *Al-ṡabaqāt al-kubrā*, ed. Iḡsān ‘Abbās. 8 vols., Beirut: Dār Ṣādir, 1968.
- . *Kitāb al-ṡabaqāt al-kabīr*, ed. ‘Alī Muḥammad ‘Umar. 11 vols., Cairo: Maktabat al-Khānjī, 2001.
- Ibn Wahb. *Al-Jāmi‘ fī l-ḡadīth*, ed. Muṡṡafā Ḥasan Ḥusayn Muḥammad Abū l-Khayr. 2 vols., Riyadh: Dār Ibn al-Jawzī, 1996.
- Ibn Yūnus. *Ta’rīkh Ibn Yūnus al-Miṣrī*, ed. ‘Abd al-Fattāḡ Fathī ‘Abd al-Fattāḡ. 2 vols., Beirut: Dār al-kutub al-‘ilmiyya, 2000.
- Khalīfa b. Khayyāṡ. *Kitāb al-ṡabaqāt*, ed. Suhayl Zakkār. Beirut: Dār al-fikr, 1993.

- Al-Kindī. *Ta`rīkh Miṣr wa-wulāti-hā*. In *The Governors and Judges of Egypt*, ed. R. Guest, 6-298. Leiden: Brill, 1912.
- . *Akhbār quḍāt Miṣr*. In *The Governors and Judges of Egypt*, ed. R. Guest, 299-476. Leiden, Brill, 1912. Trad. M. Tillier, in al-Kindī, *Histoire des cadis égyptiens*, Cairo, IFAO, 2012.
- Al-Maqrīzī. *Al-Muqaffā l-kabīr*, ed. Muḥammad al-Ya`lāwī. 8 vols., Beirut: Dār al-gharb al-islāmī, 1991.
- . *Al-Mawā`iz wa-l-i`tibār fī dhikr al-khiṭaṭ wa-l-āthār*, ed. Ayman Fu`ād Sayyid. 5 vols., London: Mu`assasat al-furqān li-l-turāth al-islāmī, 2002-2003.
- Al-Suyūṭī. *Husn al-muḥāḍara fī ta`rīkh Miṣr wa-l-Qāhira*, ed. Muḥammad Abū l-Faḍl Ibrāhīm. 2 vols., Cairo: Dār iḥyā` al-kutub al-`arabiyya/`Isā al-Bābī al-Ḥalabī, 1967.
- Al-Ṭahāwī and al-Jaṣṣāṣ. *Mukhtaṣar ikhtilāf al-`ulamā`*, ed. `Abd Allāh Nadhīr Aḥmad. 5 vols., Beirut: Dār al-bashā`ir al-islāmiyya, 1995.
- Yaḥyā b. Ma`īn. *Ta`rīkh Ibn Ma`īn (riwāyat al-Dūrī)*, ed. Aḥmad Muḥammad Nūr Sayf. 4 vols., Mecca: Markaz al-baḥth al-`ilmī wa-iḥyā` al-turāth al-islāmī, 1979.
- Wakī`. *Akhbār al-quḍāt*, ed. `Abd al-`Azīz Muṣṭafā al-Marāghī. 3 vols., Cairo: Maṭba`at al-sa`āda, 1947-1950.

Studies

- Berg, Herbert. *The Development of Exegesis in Early Islam: The Authenticity of Muslim Literature from the Formative Period*. Richmond: Curzon, 2000.
- Brockopp, Jonathan E. "The Formation of Islamic Law: The Egyptian School (750-900)." *Annales Islamologiques* 45 (2011): 123-140.
- Borrut, Antoine. "Entre tradition et histoire: Genèse et diffusion de l'image de `Umar II." *Mélanges de l'Université Saint-Joseph* 58 (2005): 329-378.
- . *Entre mémoire et pouvoir: L'espace syrien sous les derniers Omeyyades et les premiers Abbassides (v. 72-193/692-809)*. Leiden/Boston: Brill, 2011.
- Djaït, Hichem. "L'Afrique arabe au VIII^e siècle (86-184 H./705-800)." *Annales: Histoire, sciences sociales*, 28th year, no. 3 (1973): 601-621.
- Hallaq, Wael. "From Regional to Personal Schools of Law? A Reevaluation." *Islamic Law and Society* 8 (2001): 1-26.
- Hurvitz, Nimrod. "Schools of Law and Historical Context: Re-Examining the Formation of the Ḥanbalī Madhhab." *Islamic Law and Society* 7 (2000): 37-64.
- Judd, Steven C. "Al-Awzā`ī and Sufyān al-Thawrī: The Umayyad Madhhab?" In *The Islamic School of Law: Evolution, Devolution, and Progress*, ed. P. Bearman, R. Peters and F.E. Vogel, 10-25. Cambridge: Harvard University Press, 2005.
- Juynboll, Gautier H.A. *Muslim Tradition: Studies in Chronology, Provenance and Authorship of Early Hadīth*. Cambridge: Cambridge University Press, 1983.
- Khoury, Raif G. *`Abd Allāh Ibn Lahī`a (97-174/715-790): Juge et grand maître de l'école égyptienne*. Wiesbaden: Otto Harrassowitz, 1986.
- Melchert, Christopher. "Traditionist-Jurisprudents and the Framing of Islamic Law." *Islamic Law and Society* 8 (2001): 383-406.

- . “The History of the Judicial Oath in Islamic Law.” In *Oralité et lien social au Moyen Âge (Occident, Byzance, Islam): parole donné, foi jurée, serment*, ed. Marie-France Auzépy and Guillaume Saint-Guillain, 309-328. Paris: ACHCByz, 2008.
- Motzki, Harald. “The Role of Non-Arab Converts in the Development of Early Islamic Law.” *Islamic Law and Society* 6 (1999): 293-317.
- Schacht, Joseph. *The Origins of Muhammadan Jurisprudence*. Oxford: Clarendon Press, 1950.
- . *An Introduction to Islamic Law*. Oxford: Clarendon Press, 1982 (1st ed. 1964).
- Tillier, Mathieu. *Les cadis d’Iraq et l’État Abbasside (132/750-334/945)*. Damascus: Ifpo, 2009.
- . “Scribes et enquêteurs: Note sur le personnel judiciaire en Égypte aux quatre premiers siècles de l’hégire.” *Journal of the Economic and Social History of the Orient* 54 (2011): 370-404.
- . “Les ‘premiers’ cadis de Fustāṭ et les dynamiques régionales de l’innovation judiciaire (750-833).” *Annales Islamologiques* 45 (2011): 214-242.
- . “Califes, émirs et cadis: le droit califal et l’articulation de l’autorité judiciaire à l’époque umayyade.” *Bulletin d’Études Orientales* 63 (2014): 147-190.
- . “Une tradition coranique égyptienne? Le codex de ‘Uqba b. ‘Āmir al-Ġuhanī.” *Studia Islamica*, forthcoming.
- Al-Ziriklī, Khayr al-Dīn. *Al-A‘lām: Qāmūs tarājim li-ashhar al-rijāl wa-l-nisā’ min al-‘arab wa-l-musta‘ribīn wa-l-mustashriqīn*, 12th ed. 8 vols., Beirut: Dār al-‘ilm li-l-malāyīn, 1997.