

ABŪ AL-ḤUSAYN AL-BAṢRĪ'S USE OF REASON IN °ILM  
AL-KALĀM AND UṢŪL AL-FIQH

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This study examines Abū al-Ḥusayn al-Baṣrī's use of reason in °ilm al-kalām and uṣūl al-fiqh. Very few details are known about the life of Abū al-Ḥusayn Muḥammad b. °Alī b. al-Ṭayyib al-Baṣrī (d. 436/1044). This is clear in the extremely brief entries about him in the medieval biographies of Muslim scholars and intellectuals: in most cases his entry does not exceed a few lines.<sup>1</sup> However, we know that Abū al-Ḥusayn was an influential Ḥanafī-Mu°tazilī jurist

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1 For example, see Abū °Abd Allah Muḥammad b. Aḥmad al-Dhahabī (d. 748/1348 or 753/1352-3), *Siyar A°lām al-Nubalā'*, ed. Shu°ayb al-Arnā'ūt and Muḥammad al-°Iḥṣūsī (Beirut: Mu°assasat al-Risālah, 1413 A.H.), 17:587, in CD-ROM *al-Jāmi° al-Kabīr li-Kutub al-Turāth al-°Arabī wa-l-Islāmī*, 4th ed. (Amman: Markaz al-Turāth li-l-Barmajjiyyāt, 2007-8). Hereafter I refer to this database as CD-ROM *al-Jāmi° al-Kabīr*; Shams al-Dīn Aḥmad b. Khallikān (d. 681/1282), *Wafayāt al-A°yān wa-Anbā' Abnā' al-Zamān*, 7vols., ed. Iḥsān °Abbās (Lebanon: Dār al-Thaqāfah, n.d.), in CD-ROM *al-Jāmi° al-Kabīr*; Shams al-Dīn Muḥammad b. Aḥmad al-Dhahabī, *Mizān al-°Itidāl fī Naqd al-Rijāl*, 8 vols., ed. °Alī °Awaḍ and °Adīl °Abd al-Mawjūd (Beirut: Dār al-Kutub al-°Ilmiyyah, 1995), 6:266, in CD-ROM *al-Jāmi° al-Kabīr*; °Abd al-Qādir b. Abī al-Wafā' al-Qurashī (d. 775/1374), *al-Jawāhir al-Muḍiyyah fī Ṭabaqāt al-Ḥanafīyya*, 2 vols. (Karachi: Mir Muḥammad Kutub Khānah, n.d.), 2:93-4, in CD-ROM *al-Jāmi° al-Kabīr*; Abū al-Sa°d al-Muḥsin b. Karāmah al-Jushamī (d. 484/1101), *Sharḥ al-°Uyūn*, in Fu°ād Sayyid, ed. *Faḍl al-°Itizāl wa-Ṭabaqāt al-Mu°tazilīyah* (Tunis: al-Dār al-Tūnisiyyah li-l-Nashr, 1974), 387; °Abd al-Jabbār b. Aḥmad (d. 415/1025)/ Aḥmad b. Yahyā b. al-Murtaḍā (d. 840/1437), *Firaq wa-Ṭabaqāt al-Mu°tazilīyah*, ed. °Alī Sāmī al-Nashshār and °Iṣām al-Dīn °Alī (Alexandria: Dār al-Maṭbū°āt al-Jāmi°iyyah, 1972), 125-6. This last book is composed of 12 ṭabaqāt of Mu°tazilī scholars. As the editors note in their introduction, °Abd al-Jabbār is the author of the first ten ṭabaqāt, whereas the last two ṭabaqah were later added by Ibn al-Murtaḍā. Abū al-Ḥusayn is mentioned in the twelfth ṭabaqah which was added by Ibn al-Murtaḍā.

and theologian.<sup>2</sup> He was a member of the Bahshamiyyah branch school which was part of the Basran branch of the Mu<sup>c</sup>tazilah before he formed his own Mu<sup>c</sup>tazilī branch school that was named

- 2 Modern scholars disagree whether Abū al-Ḥusayn is a Ḥanafī or a Shāfi<sup>c</sup>. M. Bernand, C. Brockelmann, and F. Sezgin believe that he is a Shāfi<sup>c</sup>. See, Marie Bernand, *L'accord Unanime de la Communauté comme Fondement des Statuts Légaux de l'Islam* (Paris: J. Vrin, 1970), 136; Carl Brockelmann, *Geschichte der Arabischen Litteratur Esrter Supplementband* (Leiden: E. J. Brill, 1937), 1B:669; Fuat Sezgin, *Geschichte des Arabischen Schrifttums* (Leiden: E. J. Brill, 1975), 1:627. Also see, Muṣṭafā b. °Abd Allah al-Qusṭantīnī (Ḥajjī Khalīfa), *Kashf al-Zunūn 'an Asāmī al-Kutub wa-l-Funūn* (Beirut: Dār al-Kutub al-°Ilmiyyah, 1992), 2:1732, in CD ROM *al-Jāmi° al-Kabir*. On the other hand, M. Hamidullah, W. Madelung, W. Hallaq, and C. Melchert hold that he is a Ḥanafī. See, Muhammad Hamidullah, introduction to Abū al-Ḥusayn Muḥammad b. °Alī b. al-Ṭayyib al-Baṣrī, *Kitāb al-Mu°amad fī Uṣūl al-Fiqh*, ed. Muhammad Hamidullah and others (Damascus: al-Ma°had al-°Ilmī al-Faransī li-l-Dirāsāt al-°Arabiyyah, 1965), 24-5; *Encyclopaedia of Islam*, 2nd edition, s.v. "Abū l-Ḥusayn al-Baṣrī" Hereafter I refer to the 2nd edition of the *Encyclopaedia of Islam* as *EI2* and the third edition as *EI3*; Wael Hallaq, "A Tenth-Eleventh Century Treatise on Juridical Dialectic," *Muslim World* 77 (1987), 1; Christopher Melchert, *The Formation of the Sunni Schools of Law* (Leiden: Brill, 1997), 85. Also, see Ibn Abī al-Wafā' al-Qurashī, *al-Jawāhir al-Muḍiyyah*, 2:93-4. There is compelling evidence proving that Abū al-Ḥusayn is a Ḥanafī. For example, Abū al-Ḥusayn defends the Ḥanafī definition and use of *istiḥṣān* in reaching *fiqhī* conclusions. This supports the conclusion that he is a Ḥanafī, especially since this legal method is usually criticized in Shāfi<sup>c</sup> *uṣūl al-fiqh* literature, whereas it is usually defended in Ḥanafī ones. For Abū al-Ḥusayn's defense of *istiḥṣān*, see his *al-Mu°amad*, 838-41. For Shāfi<sup>c</sup> criticisms of *istiḥṣān*, see for example Abū Ishāq Ibrāhīm b. °Alī b. Yūsuf al-Firūzabādī al-Shīrāzī (d. 476/1083), *Sharḥ al-Luma'*, ed. °Abd al-Majīd Turkī (Beirut: Dār al-Gharb al-Islāmī, 1988), 969-74; Abū Muẓaffar Maṣṣūr b. Muḥammad b. °Abd al-Jabbār al-Sam°anī (d. 489/1096), *Qawāfi° al-Adillah fī Uṣūl al-Fiqh*, 5 vols, ed. Muḥammad Ḥasan Ism°al al-Shāfi°ī (Beirut: Dār Iḥyā' al-Kutub al-°Ilmiyyah, 1997), 4:514-22. For Ḥanafī justifications of *istiḥṣān*, see Abū Zayd °Ubayd Allah b. °Isā al-Dabūsī (d. 430/138-9), *Taqwīm al-Adillah fī Uṣūl al-Fiqh*, ed. Khālīd al-Mis (Beirut: Dār al-Kutub al-°Ilmiyyah, 2007), 404-6; Abū Bakr Aḥmad b. Abī Sahl al-Sarakhsī (d. 490/1097), *Uṣūl al-Sarakhsī*, 2 vols, ed. Abū al-Wafā' al-Afghānī (Beirut: Dār al-Kutub al-°Ilmiyyah, 1414/1993), 2:199-208. For more arguments establishing Abū al-Ḥusayn's Ḥanafī orientation, see Hamidullah's introduction to Abū al-Ḥusayn's *al-Mu°amad* p. 24-5.