

AGOSTINO CILARDO:

The Early History of Ismaili Jurisprudence. Law under the Fatimids. (Ismaili Texts and Translations Series, 18.) xi, 189 pp. London and New York: I.B. Tauris, 2012. ISBN 978 1 78076 129 9.
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The book under review contains a critical edition accompanied by a translation and annotation of *Minhāj al-farā'id* attributed to al-Qāḍī Abū Ḥanīfa al-Nu'mān (d. 363/974, in Cairo), the foremost Fatimid jurist and the creator of Fatimid law. Following a long discussion of al-Qāḍī al-Nu'mān's life and other works (chapters 1 and 2), Agostino Cilardo accepts the attribution of this work to al-Qāḍī al-Nu'mān. Although the date of the composition of *Minhāj al-farā'id* cannot be established, Cilardo perceives it as al-Qāḍī al-Nu'mān's first work, which was followed by better-known ones such as *Iqtisār* and *Da'ā'im*.

Minhāj al-farā'id deals with inheritance law and is different from al-Qāḍī al-Nu'mān's later works. Cilardo asserts that a close discussion of each of al-Qāḍī al-Nu'mān's legal works "...reveals a chronological development of Ismā'īlī doctrine, even though Ismā'īlī *fiqh* became fully mature over quite a short period of time" (p. 43). The author discusses at length five of al-Qāḍī al-Nu'mān's works and compares them with Imāmī and Sunni doctrines on inheritance (ch. 2). This section of the book ends with a conclusive discussion of al-Qāḍī al-Nu'mān's method in the composition of his works. Cilardo states: "He created no new rulers, but only took into consideration the pre-existent law, both Sunnī and Imāmī, choosing from them whatever he deemed, or the Fatimid caliph considered, to be the best solutions to various cases" (p. 83).

The edited text is based on a manuscript in the Fyzee Collection of Ismā'īlī Manuscripts in Bombay and contains 26 folios. The codex also contains another anonymous small tract on legal questions (folios 26v–32v), which remains unpublished. *Minhāj al-farā'id* is divided into twenty chapters (*faṣls*), beginning with a chapter on inheritance law according to *ahl al-bayt* followed by one on the fixed Quranic shares. Other chapters discuss the rights of direct descendants and family members. Other chapters deal with the inheritance rights of the hermaphrodite, how an inheritance of male and female foundlings should be divided, and other special cases such as the division of an inheritance of a *mulā'ana* (a wife repudiated by a sworn allegation of adultery), of drown brothers and a slave manumitted through a written contract (*mukātab*). The work ends with a discussion of the *ahl al-dhimma*, Christians, Jews and Mazdeans. Al-Qāḍī al-Nu'mān states that a Muslim inherits from a *dhimmī* but not vice-versa, but he also envisions intricate familial situations of a Christian father some of whose children are Christian, while others are Muslim. The cases discussed by al-Qāḍī al-Nu'mān deal with families involving both Christian and Muslim members and how inheritances should be divided among them. The question of whether this discussion is purely theoretical or a reflections of North African realities of the early Fatimid period remains unanswered.

Cilardo's English translation of al-Qāḍī al-Nu'mān's text is highly readable and the book is a work of great erudition and a significant contribution to the study of Ismaili/Fatimid law and Islamic law in general. This complex work is nicely produced and accompanied by useful Arabic and English indexes and a bibliography, listing relevant Arabic texts and literature.

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