

بنفس التحقيق سنة 1411هـ / 1991م، وقد ترجم  
أ. غاطو (A. Gateau) إلى الفرنسية القسم  
المتعلق بفتح المغرب والأندلس، الجزائر  
1942م.

### المصادر والأعمال

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د. جمعة شيخة

جامعة تونس

اتبع ابن عبد الحكم في منهجه التسلسل الزمني  
للأحداث، وكان صارماً في نقده للسند للتمييز  
بين ثقات الرواة وضعافهم، لكنه أهمل نقد المتن  
فتسربت إلى نصه روايات هي أقرب إلى القصص  
والأساطير منها إلى التاريخ الحق. لكن كل هذا  
لا يمنع من القول: إن ابن عبد الحكم هو أول  
من استنتج ورتب المادة التاريخية المتعلقة بمصر  
والمغرب لذا عد كتابه أقدم وثيقة في تاريخ  
البلدان في القرون الثلاثة الأولى للهجرة. وكان  
جل المؤرخين - إن لم نقل كلهم - من القرن  
4هـ / 10م إلى القرن 10هـ / 16م عالة عليه في  
هذا الموضوع كأبي عمر الكندي (ق 4هـ /  
10م)، وأبي عبد الله القضاعي وأبي عبيد  
البكري (ق 5هـ / 11م)، وابن دقماق (ق 8هـ /  
14م)، والمقرئزي (ق 9هـ / 15م)، والسيوطي  
وابن إياس (ق 9 - 10هـ / 15 - 16م) وفني  
العصر الحديث نقل عنه كثير من المستشرقين  
والمؤرخين في الغرب، وترجموا أقساماً منه إلى  
لغاتهم.

### أشارة

- فتوح مصر وأخبارها، تح. شارل س. طوري  
(Charles C. Torrey) مع مقدمة باللغة  
الإنجليزية، ليدن 1922م، ثم أعيد طبعه بالقاهرة

## ابن عبد الحَكَم، أبو محمد عبد الله

(155هـ / 771م - 214هـ / 829م)

وقيل سنة 150هـ / 767م، والأول أقرب إلى  
الصحة إذ اتفق الذين ترجموا له على أنه توفي  
سنة 214هـ / 829م، عن ستين سنة أو نحوها.  
وقد بلغت أسرة عبد الحكم في مصر من الجاه

عبد الله بن عبد الحَكَم بن أعين بن ليث بن  
رافع، الفقيه مفتي الديار المصرية،  
صاحب مالك [سير أعلام النبلاء، 10/ 220]  
ولد بالإسكندرية في مصر عام 155هـ / 771م.

ibn Abūhakeem ~~Abdullah~~ Abdullah

14561. aa. 125

IBN 'ABD al-ĤAKAM al-MISŪRĪ (Muḥammad ibn 'Abd Allāh)

IBN 'ABD al-ĤAKAM al-MISŪRĪ ('Abd Allāh)

سيرة عمر بن عبد العزيز

Sīrat 'Umar ibn 'Abd al-'Azīs. [A life of the Caliph 'Umar ibn 'Abd al-'Azīs. Transmitted by the author's son, Muḥammad. Edited and annotated by Ahmad 'Ubaid. Third edition.]  
pp. 180; pl. 3.

Dār al-Fikr: Damascus, 1964.

8°.

12 EKİM 1999

MADE YAYIMLANDIKTAN  
SONRA GELEN DOKÜMAN

12 EYLÜL 2006

Ibn Abūhakeem, Ab-

BROCKOPP, Jonathan E. The *Minor compendium* of Ibn 'Abd al-Hakam (d. 214/829) and its reception in the early Mālīkī school. *Islamic Law and Society*, 12 ii (2005) pp.141-181.

بمصر سنة أربع ومائتين بعد موت الشافعي بثمانية عشر يوماً. ولم يدرك الشافعي بمصر من أصحاب مالك إلا أشهب وابن عبد الحكم وكان نزوله على ابن عبد الحكم فأكرم نزله وبلغ من بره كثيراً وله في ذلك أخبار حسان. وكان أشهب ثقة فيما روى عن مالك. وروى عن الليث بن سعد وعن جماعة. وصنف كتاباً في الفقه رواه عنه سعيد بن حسان وغيره. وروينا عن محمد بن عبد الله بن عبد الحكم قال سمعت أشهب

يدعو على الشافعي بالموت فذكرت ذلك للشافعي فقال متمثلاً

تمنى رجال أن أموت وان أمت فتلك سبيل لست فيها بأوحد  
فقل للذي يعني خلاف الذي مضى تهباً لاخرى مثلها فكان قد

قال فلما مات الشافعي اشترى أشهب في تركته غلاماً كان له ثم مات أشهب بعده بثمانية عشر يوماً واشترت أنا ذلك المملوك في تركه أشهب. نا ابراهيم بن شاكر رحمه الله قال نا عبد الله بن عثمان قال نا سعد بن معاذ قال سمعت محمد بن عبد الله بن عبد الحكم يقول أشهب أفقه من ابن القاسم مائة مرة. ونا احمد بن عبد الله بن محمد بن علي عن أبيه أنه ذكر قول محمد بن عبد الله بن عبد الحكم لمحمد بن عمر بن لبابة فقال ليس هذا عندنا كما قاله محمد وإنما قاله لان أشهب شيخه ومعلمه، قال أبو عمر أشهب شيخه ونا ابن القاسم شيخه وهو أعلم بهما لكثرة مجالسته لهما وأخذه عنهما.

﴿ عبد الله بن عبد الحكم ﴾

ابن أعين بن الليث مولى عثمان بن عفان رضي الله عنه. ولد بمصر سنة

الشافعي

ABDULLAH b. ABDULHAKEM  
(FKH)

في فضائل الشافعي

مالك والشافعي وأبي حنيفة رضي الله عنهم

وذكر عيون من أخبارهم وأخبار أصحابهم للتعريف بجلالة أقدارهم

تأليف الامام الحافظ أبي عمر يوسف بن عبد البر النمري القرطبي المتوفى عام ٤٦٣

وهو مجزأ ثلاثة أجزاء أولها يشتمل على فضائل الامام مالك وأخباره ومن ذكر فيه معه من أصحابه رحمهم الله والثاني يشتمل على فضائل الامام الشافعي وأخباره ومن ذكر فيه معه من أصحابه رحمهم الله والثالث يشتمل على فضائل الامام أبي حنيفة وأخباره ومن ذكر فيه معه من أصحابه رحمهم الله

عن نسخة دارالكتب المصرية العامرة مع اتقانها ومقابلة بعضها بنسخة خزنة كوبريلو محمد باشا بالآستانة

عنيت بنشره

مكتبة

لصاحبها

بالقاهرة شارع رقبة القمح بالازهر

عام ١٣٥٠ للهجرة

(حقوق الطبع محفوظة)

6941

522.375

182-1

مكتبة المطابع

Iḥsān 'Abd al-Mannān al-Jibālī (Amman, 1989); 6. *Ḥadīth al-iftā'*, ed. Hishām b. Ismā'īl al-Saqqā' (Riyadh, 1985); 7. *al-Durra al-muḍī'a fī al-sīra al-nabawiyya*, on the life and example of the Prophet and the *aṣḥāb al-ashara* (the ten Companions promised Paradise), ed. 'Alī Ḥusayn al-Bawwāb (Beirut, 1992) (for a commentary on this work see Ḥajjī Khalīfa, 2/1013); 8. *Dhikr al-nār*, ed. Muḥammad al-Ghazzāwī (Beirut, 1994); 9. *al-'Aqida*, ed. 'Abd Allāh b. Muḥammad al-Busayrī (Riyadh, 1990), considered one of the major doctrinal treatises amongst the proponents of the tradition of the *salaf* (see Ibn Badrān, 498). In another work, entitled *I'tiqād al-Shāfi'ī*, the author attempts to demonstrate that his belief was identical to that of other early conservative scholars, including al-Shāfi'ī, many of whose opponents subscribed to his own *madhhab* (al-Dhahabī, *Siyar*, 21/447); 10. *Miḥnat al-Imām Aḥmad*, ed. 'Abd Allāh b. 'Abd al-Muḥsin al-Turkī (Giza, 1987); 11. *al-Naṣiḥa fī al-ad'īya al-ṣaḥīḥa*, ed. Maḥmūd al-Arna'ūṭ (Beirut, 1981).

A number of 'Abd al-Ghanī's works have not been published as yet and some of them are known only by their title (for manuscripts see, for example, *Fihris makhṭūṭāt* (*Ḥadīth* section), 349–354; Brockelmann, I/607; for other works, see al-Dhahabī, *Siyar*, 21/446–448; Ibn Rajab, 2/18–19; Ibn Ḥajar, *al-Iṣāba*, 1/82; al-Rūdānī, 108, 116, 152, 284, 318, 319, 438; Ḥajjī Khalīfa, 2/1171, 2053; al-Baghdādī, 1/69). Two of his students, Makkī b. 'Umar al-Miṣrī and Diyā' al-Dīn al-Maqdisī, wrote independently about the life and virtues of their teacher (see al-Dhahabī, *Siyar*, 21/444; Ibn Rajab, 2/6).

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*Rawḍatayn fī akhbār al-dawlatayn*, ed. Ibrāhīm Zaybaq (Beirut, 1997); al-Baghdādī, *Idāh*; Brockelmann, I, SI; al-Dhahabī, Muḥammad, *al-Mukhtaṣar al-muḥṭaj min ta'rīkh Ibn al-Dubaythī*, ed. Muṣṭafā 'Abd al-Qādir 'Aṭā' (Beirut, 1417/1997); idem, *Siyar a'lām al-nubalā'*, ed. Shu'ayb al-Arna'ūṭ et al. (Beirut, 1405/1985); *Fihris al-kutub al-'Arabiyya* (Cairo, 1310/1893); *Fihris makhṭūṭāt Dār al-Kutub al-Zāhiriyya*, ed. Muḥammad al-Albānī (Damascus, 1390/1970); Goldziher, I., *Muhammedanische Studien* (Halle, 1888–1890); Ḥajjī Khalīfa, *Kashf*; al-Ḥamīdī, 'Abd Allāh, *al-Musnad*, ed. Ḥabīb al-Raḥmān al-A'zamī (Beirut/Cairo, 1409/1988); Ibn Abī 'Āsim, Aḥmad, *al-Sunna*, ed. Muḥammad Nāṣir al-Dīn al-Albānī (Beirut, 1400/1980); Ibn Badrān, 'Abd al-Qādir, *al-Madkhal*, ed. 'Abd Allāh b. 'Abd al-Muḥsin al-Turkī (Beirut, 1405/1985); Ibn al-Dimiyāfī, Aḥmad, *al-Mustafād min dhayl ta'rīkh Baghdād*, ed. Muṣṭafā 'Abd al-Qādir 'Aṭā' (Beirut, 1417/1997); Ibn Ḥajar al-'Asqalānī, Aḥmad, *al-Iṣāba*, ed. 'Ādil Aḥmad 'Abd al-Mawjūd (Beirut, 1415/1995); idem, *Tahdhīb al-tahdhīb* (Beirut, 1404/1984); Ibn Muffīh, Ibrāhīm, *al-Maqṣad al-arshad*, ed. 'Abd al-Raḥmān Sulaymān al-'Uthaymīn (Riyadh, 1410/1990); Ibn Qutayba, 'Abd Allāh, *Gharīb al-ḥadīth*, ed. 'Abd Allāh al-Jabūrī (Beirut, 1408/1988); Ibn Rajab, 'Abd al-Raḥmān, *al-Dhayl 'alā ṭabaqāt al-Ḥanābila*, ed. Muḥammad Ḥāmid al-Fiqrī (Cairo, 1372/1953); al-Jahḍamī, Ismā'īl, *Faḍl al-ṣalāt 'alā al-nabī*, ed. Muḥammad Nāṣir al-Dīn al-Albānī (Beirut, 1397/1977); al-Maqdisī, 'Abd al-Ghanī, *al-'Umda fī al-aḥkām*, ed. Ibrāhīm Ramaḍān (Beirut, 1993); idem, *Tahrīm al-qatl wa ta'zīnuhu*, ed. Abū 'Abd Allāh 'Ammār al-Jazā'irī (Beirut, 1999); al-Mardāwī, 'Alī, *al-Insāf*, ed. Muḥammad Ḥāmid al-Fiqrī (Beirut, 1406/1986); al-Mizzī, Yūsuf, *Tahdhīb al-kamāl*, ed. Bashshār 'Awwād Ma'rūf (Beirut, 1400/1980); al-Muttaqī al-Hindī, 'Alī, *Kanz al-'ummāl*, ed. Bakrī al-Ḥayyānī and Ṣafwat al-Saqqā' (Beirut, 1409/1989); al-Rūdānī, Muḥammad, *Ṣilat al-khalaf*, ed. Muḥammad Ḥajī (Beirut, 1408/1988); al-Sahmī, Ḥamza, *Ta'rīkh Jurjān*, ed. Muḥammad 'Abd al-Mu'īd Khān (Beirut, 1407/1987); Sibṭ b. al-Jawzī, Yūsuf, *Mir'āt al-zamān* (Hyderabad, 1370/1951); Ṣeṣen, Ramazan, *Nawādir al-makhṭūṭāt* (Beirut, 1975); Yāqūt, *Buldān*.

AHMAD PAKATCHI  
TR. RAHIM GHOLAMI

'Abd al-Ḥakam, a famous and influential family of historians, jurists (sing. *faqīh*), traditionists (sing. *muhaddith*) and scholars during the 2nd and 3rd/8th and 9th centuries, who were the leaders of the Malikīs in

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Ibn Abdilhakem, Muhammed  
b. Abdullah

۱۸۳

ابن عبدالحکم

ابن عبدالحق، نک: عبدالمؤمن بن عبدالحق.

**ابن عبدالحکم**، عنوان افراد خاندانی از مورخان، فقیهان، محدثان و پیشوایان مذهبی مصر که در سده‌های ۲ و ۳ ق/ ۸ و ۹ م از شهرت و نفوذ بسیار برخوردار بودند و بر مالکیان مصر ریاست داشتند. نیای این خاندان، اعین بن لیث، از حقل، یکی از قراء ابله بر ساحل دریای سرخ، به مصر کوچید و در اسکندریه سکنی گزید. وی در آنجا صاحب فرزندی شد به نام ابوعثمان عبدالحکم که بعدها ثروت و قدرت بسیار کسب کرد و افراد خاندان ابن عبدالحکم، همه به وی منسوب شدند. رقابت‌های مذهبی و فرقه‌ای در بارهٔ مسألة خلق قرآن و دورهٔ «محنه» که سبب مصادرهٔ اموال و گرفتاری و شکنجه و مرگ بسیاری شد، از جمله سوانح زندگی خاندان ابن عبدالحکم بوده است. این افراد به سبب داشتن آثار و پایگاه مذهبی و اجتماعی، از این خاندان به شهرت رسیدند:

۱. ابوعثمان عبدالحکم بن اعین (د ۱۷۱ ق/ ۷۸۷ م)، از یاران و معاصران مالک بن انس و از نخستین فقیهانی که مذهب مالکی را در مصر رواج داد. عبدالحکم فقیهی فرزانه بود و از مالک بن انس و عبدالله بن وهب مالکی مصری روایت کرد و در اسکندریه درگذشت (سمعانی، ۲۰۰/۴، ۲۰۱).

۲. ابو محمد عبدالله بن عبدالحکم، فقیه بلندآوازه، بزرگ مالکیان مصر و دانشمندترین یار مالک بن انس که با او رابطهٔ نزدیک و مستقیم داشت و پس از اشتهب بن عبدالعزيز قیسی (د ۲۰۴ ق) ریاست مذهب مالکی در مصر به او رسید (ابن حبان، ۳۴۷/۸؛ ابواسحاق، ۱۵۱). تولد عبدالله را در اسکندریه و در ۱۵۰، ۱۵۴ یا ۱۵۵ ق (ابن عبدالبر، ۵۳؛ ابن خلکان، ۳۵/۳؛ یاقوت، ۲۲۹/۲) و درگذشت او را در قاهره، به اختلاف در ۲۱۰ (ابن عبدالبر، همانجا) یا ۲۱۳ (ابن حبان، همانجا) یا ۲۱۵ (سیوطی، ۳۰۵/۱) و ۲۲۴ ق (یاقوت، همانجا) نوشته‌اند.

عبدالله نخست از یاران مالک بن انس بود و سه جزء از اجزای حدیثی و همهٔ الموطأ را از مالک شنید و به نقل و روایت کتاب السنة فی الفقه و دیگر آراء او پرداخت (ابن ندیم، ۲۵۲؛ ابن عبدالبر، همانجا). پس از آن به شافعی پیوست و از نزدیکان با اخلاص او شد. شافعی چون از بغداد به مصر کوچید به خانهٔ عبدالله وارد شد و از او اکرام بسیار دید. عبدالله برای تأمین زندگی شافعی در آغاز ورود وی به مصر ۱۰۰۰ دینار از خود، ۱۰۰۰ دینار از ابن عسافه تاجر و ۱۰۰۰ دینار از اصحاب خویش در اختیار شافعی نهاد.

پس از استقرار شافعی، عبدالله برای خود و پسرش محمد از کتابهای شافعی یادداشت برداشت و محمد را ملازم شافعی کرد و با او به مهر به سر برد تا شافعی در خانهٔ او از دنیا رفت و در آرامگاه خاندان عبدالحکم به خاک سپرده شد. در مصر از اصحاب مالک تنها دو تن محضر شافعی را درک کردند: ابو عمرو اشتهب و عبدالله بن عبدالحکم

مانند آن را ندیدم، چه رسد به بهتر از آن (مقرئ، ۱۵۶/۳ - ۱۶۹)؛ ۸. جامع بیان العلم و فضله، ابن کتاب حدیثی در بارهٔ معنای دانش و فضیلت جست و جوی آن، ستوده بودن کوشش در آن و عنایت به آن است. این کتاب در بیروت چاپ شده است؛ ۹. الذرر فی اختصار المغازی و السیر (قاهره، ۱۹۶۶ م). این اثر در سیرهٔ نبوی و خلاصه‌ای است از سیرهٔ ابن اسحاق. البته افزون بر کتاب ابن اسحاق روایت‌هایی از کتابهای موسی بن عقبه و ابن ابی خبشه و نیز از روایت‌های استادانش آورده است. ابن حزم دوست یا به تعبیری شاگرد ابن عبدالبر نیز در جوامع السیره از این کتاب بهره جسته است (ضیف، ۱۷)؛ ۱۰. الزیادات التي تقع فی الموطأ عند یحیی بن یحیی عن مالک (قاهره، ۱۳۵۰ ق)؛ ۱۱. القصد و الآتم فی التعریف باصول العرب و العجم، این کتاب نیز همچون الانباه در نسب شناسی است، با این فرق که از آن کوچک‌تر است و در بارهٔ ریشه‌های اصلی ملل گوناگون از عرب، بربر، حبشه و مصر گرفته تا یونان، ترک، چین و جز آن بحث کرده است. این اثر به همراه الانباه چاپ شده است؛ ۱۲. الکافی فی فقه اهل المدينة المالکی (ریاض، ۱۹۷۸ م).

ب - خطی: ۱. تعریف فقهاء المالکیة (نک: سید، ۴۰/۲)؛ ۲ - ۴. التمهید فی الانساب؛ رساله فی آداب المجالسة و خوض اللسان؛ نزهة المستمعین و روضة الخائفین (نک: GAL, S, IV, 629؛ در مورد سه اثر خطی دیگر، نک: زرکلی، ۲۴۰/۸).

مأخذ: ابن ابار، محمد بن عبدالله، اعاب الکتاب، به کوشش صالح اشتر، دمشق، ۱۳۸۰ ق/ ۱۹۶۱ م؛ ابن بسام، علی، الذخیره، به کوشش احسان عباس، لیبی/تونس، ۱۹۸۱ م؛ ابن حزم، علی بن احمد، جمره انساب العرب، بیروت، ۱۴۰۳ ق/ ۱۹۸۳ م؛ ابن خطیب، محمد بن عبدالله، تاریخ اسبانیة الاسلامیة، به کوشش لوی پرووانسال، بیروت، ۱۹۵۶ م؛ ابن خلکان، و قیامت: ابن سعید، علی بن موسی، المغرب، به کوشش شوقی ضیف، قاهره، ۱۹۵۵؛ ابن عبدالبر، یوسف بن عبدالله، الأستکار، به کوشش نجدی ناصف، قاهره، ۱۹۷۳ م؛ هسو، الاستیعاب فی معرفة الاصحاب، به کوشش علی محمد بجاری، قاهره، ۱۳۸۰ ق/ ۱۹۶۰ م؛ هسو، الانباه علی قبائل الرواة، به کوشش حسام‌الدین قدسی، قاهره، ۱۳۵۰ ق؛ هسو، الانتقاء فی فضائل الثلاثة الائمة الفقهاء، بیروت، دار الکتب العلمیة؛ هسو، بهجة المجالس و انس المجالس، به کوشش محمد مرسی خولی، بیروت، ۱۹۸۱ م؛ هسو، جامع بیان العلم و فضله، بیروت، دار الکتب العلمیة؛ هسو، الدرر فی اختصار المغازی و السیر، به کوشش شوقی ضیف، قاهره، ۱۹۶۶ م؛ هسو، «القصد و الآتم»، همراه الانباه (نک: ابن عبدالبر در همین مأخذ)؛ ابن عذاری مراکش، محمد بن محمد، بیان المغرب، به کوشش کولان و پرووانسال، بیروت، ۱۹۲۹ م؛ ابن عطیه، عبدالحق، نهر سر، به کوشش محمد ابوالاجفان و محمدزاهی، بیروت، ۱۹۸۳ م؛ حمیدی، محمد بن فوج، جفوة المتقیس، به کوشش محمد بن تاویت طنجی، قاهره، ۱۳۷۲ ق/ ۱۹۵۲ م؛ خولی، محمد مرسی، مقدمه و حاشیه بر بهجة المجالس (نک: ابن عبدالبر در همین مأخذ)؛ ذهی، محمد بن احمد، سیر اعلام النبلا، به کوشش شعیب ارنؤوط و محمد نجیم عرقسوسی، بیروت، ۱۴۰۵ ق/ ۱۹۸۲ م؛ زرکلی، اعلام، سید، فؤاد، فهرس المخطوطات المصنوعة، قاهره، مطبعة السنة المحمدیة؛ ضیف، شوقی، مقدمه بر الذرر (نک: ابن عبدالبر در همین مأخذ)؛ قاضی عیاض بن موسی، ترتیب المدارک، به کوشش احمد بکیر محمود، بیروت، ۱۳۸۷ ق/ ۱۹۶۷ م؛ مراکش، عبدالواحد بن علی، المحجب فی تلخیص اخبار المغرب، به کوشش محمد سعید عریان و محمد عربی علمی، قاهره، ۱۳۸۶ ق/ ۱۹۲۹ م؛ مقرئ، احمد بن محمد، نفع الطیب، به کوشش احسان عباس، بیروت، ۱۳۸۸ ق/ ۱۹۶۸ م؛ یاقوت، GAL, S.

بلدان؛ نیز:

ناصر گذشته

كوركييس عواد، اقدم المخطوطات العربية  
في مكتبات العالم، هـ  
١٩٨٤ بغداد.

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وعن هذه المخطوطة ، نسخومصورة في ما  
٢٢ [١٩٧٦] ص ٢٣٣ ؛ مسلسل ٢٦٢  
٦٠٢ - مختصر في فكّ دوائر العرّوض.  
لا يُعرف مؤلفه.

نسخة في مكتبة الخزانة العامة بالرباط، في ٣ ورقات، ضمن مجموعة  
برقم ١٠٠ / ١١ ق، مكتوبة بخطّ نفيس سنة ٣٥٢ هـ = ٩٦٣ م.  
وعنها نسخة مصورة في معهد المخطوطات. (مجلة المعهد ٢٢ [١٩٧٦]  
ص ٢٠٣ ؛ مسلسل ١٧٤).

٦٠٣ - المختصر الكبير في الفقه المالكي.

تأليف: عبد الله بن عبد الحكم بن أعين المصري، ت ٢١٤ هـ =  
٨٢٩ م.

نسخة في خزانة جامعة القرويين بفاس، مكتوبة على رقّ غزال؛ بخطّ  
أندلسي قديم، في ٣٣ ورقة، برقم ٤٠ / ٨١٠. وعنها نسخة مصورة  
في معهد المخطوطات. (مجلة المعهد ٢٢ [١٩٧٦] ص ٢٣٤ ؛ مسلسل  
٣٦٤).

٦٠٤ - مختصر كتاب العين.

تأليف: محمد بن عبد الله، المعروف بالخطيب الإسكافي، ت ٤٢٠ هـ =  
١٠٢٩ م.

نسخة بالمكتبة الرضوية في مشهد، كُتبت سنة ٣٨٣ هـ = ٩٩٢ م.  
(مجلة المعهد ٦ [١٩٦٠] ص ٣٢٩).

٦٠٥ - مختصر المذكر والمؤنث.

تأليف: الفضل بن سلمة بن عاصم الضبي الكوفي، ت ٣٠٠ هـ =  
٩١٢ م.

نسخة ضمن مجموع في مكتبة الخزانة العامة بالرباط، برقم ١٠٠ /

ابن عبدالحق، نک: عبدالمؤمن بن عبدالحق.

**ابن عبدالحکم**، عنوان افراد خاندانی از مورخان، فقیهان، محدثان و پیشوایان مذهبی مصر که در سده‌های ۲ و ۳ ق/ ۸ و ۹ م از شهرت و نفوذ بسیار برخوردار بودند و بر مالکیان مصر ریاست داشتند. نیای ابن خاندان، اعین بن لیث، از حقل، یکی از قراء ایله بر ساحل دریای سرخ، به مصر کوچید و در اسکندریه سکنی گزید. وی در آنجا صاحب فرزندی شد به نام ابوعثمان عبدالحکم که بعدها ثروت و قدرت بسیار کسب کرد و افراد خاندان ابن عبدالحکم، همه به وی منسوب شدند. رقبتهای مذهبی و فرقه‌ای در باره مسأله خلق قرآن و دوره «محنه» که سبب مصادره اموال و گرفتاری و شکنجه و مرگ بسیاری شده، از جمله سوانح زندگی خاندان ابن عبدالحکم بوده است. این افراد به سبب داشتن آثار و پایگاه مذهبی و اجتماعی، از این خاندان به شهرت رسیدند:

۱. ابوعثمان عبدالحکم بن اعین (د ۱۷۱ ق/ ۷۸۷ م)، از یاران و معاصران مالک بن انس و از نخستین فقیهانی که مذهب مالکی را در مصر رواج داد. عبدالحکم فقیهی فرزانه بود و از مالک بن انس و عبدالله بن وهب مالکی مصری روایت کرد و در اسکندریه درگذشت (سمعانی، ۲۰۰/۴، ۲۰۱).

۲. ابو محمد/ عبدالله بن عبدالحکم، فقیه بلندآوازه، بزرگ مالکیان مصر و دانشمندترین یار مالک بن انس که با او رابطه نزدیک و مستقیم داشت و پس از اشهب بن عبدالعزیز قیسی (د ۲۰۴ ق) ریاست مذهب مالکی در مصر به او رسید (ابن حبان، ۳۴۷/۸؛ ابواسحاق، ۱۵۱). تولد عبدالله را در اسکندریه و در ۱۵۰، ۱۵۴ یا ۱۵۵ ق (ابن عبدالبر، ۵۳؛ ابن خلکان، ۳۵/۳؛ یاقوت، ۲۲۹/۲) و درگذشت او را در قاهره، به اختلاف در ۲۱۰ (ابن عبدالبر، همانجا) یا ۲۱۳ (ابن حبان، همانجا) یا ۲۱۵ (سیوطی، ۳۰۵/۱) و ۲۲۴ ق (یاقوت، همانجا) نوشته‌اند.

عبدالله نخست از یاران مالک بن انس بود و سه جزء از اجزای حدیثی و همه الموطأ را از مالک شنید و به نقل و روایت کتاب السنة فی الفقه و دیگر آراء او پرداخت (ابن ندیم، ۲۵۲؛ ابن عبدالبر، همانجا). پس از آن به شافعی پیوست و از نزدیکان با اخلاص او شد. شافعی چون از بغداد به مصر کوچید به خانه عبدالله وارد شد و از او اکرام بسیار دید. عبدالله برای تأمین زندگی شافعی در آغاز ورود وی به مصر ۱۰۰۰۰ دینار از خود، ۱۰۰۰۰ دینار از ابن عساقه تاجر و ۱۰۰۰۰ دینار از اصحاب خویش در اختیار شافعی نهاد.

پس از استقرار شافعی، عبدالله برای خود و پسرش محمد از کتابهای شافعی یادداشت برداشت و محمد را ملازم شافعی کرد و با او به مهر به سر برد تا شافعی در خانه او از دنیا رفت و در آرامگاه خاندان عبدالحکم به خاک سپرده شد. در مصر از اصحاب مالک تنها دو تن محضر شافعی را درک کردند: ابو عمرو اشهب و عبدالله بن عبدالحکم

مانند آن را ندیدم، چه رسد به بهتر از آن (مقری، ۱۵۶/۳ - ۱۶۹)؛ ۸. جامع بیان العلم و فضله. ابن کتاب حدیثی در باره معنای دانش و فضیلت جست و جوی آن، ستوده بودن کوشش در آن و عنایت به آن است. این کتاب در بیروت چاپ شده است؛ ۹. البدر فی اختصار المغازی والسير (قاهره، ۱۹۶۶ م). این اثر در سیره نبوی و خلاصه‌ای است از سیره ابن اسحاق. البته افزون بر کتاب ابن اسحاق روایتی از کتابهای موسی بن عقبه و ابن ابی خشمه و نیز از روایتیهای استادانش آورده است. ابن حزم دوست یا به تعبیری شاگرد ابن عبدالبر نیز در جوامع السیره از این کتاب بهره جسته است (ضیف، ۱۷)؛ ۱۰. الزیادات التي تقع فی الموطأ عند یحیی بن یحیی عن مالک (قاهره، ۱۳۵۰ ق)؛ ۱۱. القصد والایم فی التعریف بأصول العرب والعجم. این کتاب نیز همچون الانباه در نسب شناسی است، با این فرق که از آن کوچک‌تر است و در باره ریشه‌های اصلی ملل گوناگون از عرب، بربر، حبشه و مصر گرفته تا یونان، ترک، چین و جز آن بحث کرده است. این اثر به همراه الانباه چاپ شده است؛ ۱۲. الکافی فی فقه اهل المدينة المالکی (ریاض، ۱۹۷۸ م).

ب - خطی: ۱. تعریف فقهاء المالکیه (نک: سید، ۴۰/۲)؛ ۲ - ۴. التمهید فی الانساب؛ رساله فی آداب المجالسه و خوض اللسان؛ نزوه المستمعین و روضه الخائفین (نک: GAL, S, I/629؛ ذر مورد سه اثر خطی دیگر، نک: زرکلی، ۲۴۰/۸).

مأخذ: ابن ابار، محمد بن عبدالله. اعاب الكتاب. به کوشش صالح اشتر. دمشق، ۱۳۸۰ ق/ ۱۹۶۱ م؛ ابن اسام، علی، الذخیره، به کوشش احسان عباس، لیبی تونس، ۱۹۸۱ م؛ ابن حزم، علی بن احمد، جهوره انساب العرب، بیروت، ۱۴۰۳ ق/ ۱۹۸۳ م؛ ابن خطیب، محمد بن عبدالله، تاریخ اسبانیة الاسلامیه، به کوشش لوی پروانسال، بیروت، ۱۹۵۶ م؛ ابن خلکان، وثیبات؛ ابن سعید علی بن موسی، المغرب، به کوشش شوقی ضیف، قاهره، ۱۹۵۵؛ ابن عبدالبر، یوسف بن عبدالله، الأستذکار، به کوشش نجدی ناصف، قاهره، ۱۹۷۳ م؛ هسو، الاشعاب فی معرفه الاصحاب، به کوشش علی محمد بجاری، قاهره، ۱۳۸۰ ق/ ۱۹۶۰ م؛ هسو، الانباه علی قبائل الرواة، به کوشش حسام‌الدین قدسی، قاهره، ۱۳۵۰ ق؛ هسو، الانتفاء فی فضائل الثلاثة الائمة الفقهاء، بیروت، دارالکتب العلمیه؛ هسو، بهجة المجالس وانس المجالس، به کوشش محمد مرسی خولی، بیروت، ۱۹۸۱ م؛ هسو، جامع بیان العلم و فضله، بیروت، دارالکتب العلمیه؛ هسو، الدرر فی اختصار المغازی والسير، به کوشش شوقی ضیف، قاهره، ۱۹۶۶ م؛ هسو، «القصد والایم»، همراه الانباه (نک: ابن عبدالبر در همین مأخذ)؛ ابن عذاری مراکش، محمد بن محمد، بیان المغرب، به کوشش کولان پروانسال، بیروت، ۱۹۲۹ م؛ ابن عطیه، عبدالحق، فهرس، به کوشش محمد ابوالاجفان و محدثان، بیروت، ۱۹۸۳ م؛ حمیدی، محمد بن فتوح، جذوة المتقیس، به کوشش محمد بن نایب طنجی، قاهره، ۱۳۷۲ ق/ ۱۹۵۲ م؛ خولی، محمد مرسی، مقدمه و حاشیه بر بهجة المجالس (نک: ابن عبدالبر در همین مأخذ)؛ ذهی، محمد بن احمد، سیر اعلام النبلاء، به کوشش شعیب ارنؤوط و محمد نعیم عرقوسی، بیروت، ۱۴۰۵ ق/ ۱۹۸۲ م؛ زرکلی، اعلام؛ سید، فؤاد، فهرس المخطوطات المصورة، قاهره، مطبعة السنة المحمدیه؛ ضیف، شوقی، مقدمه بر الدرر (نک: ابن عبدالبر در همین مأخذ)؛ قاضی عیاض بن موسی، ترتیب المدارک، به کوشش احمد بکیر محمود، بیروت، ۱۳۸۷ ق/ ۱۹۶۷ م؛ مراکش، عبدالواحد بن علی، المعجب فی تلخیص اخبار المغرب، به کوشش محمد سعید عربان و محمد عربی علمی، قاهره، ۱۳۸۶ ق/ ۱۹۲۹ م؛ مقری، احمد بن محمد، نفع الطیب، به کوشش احسان عباس، بیروت، ۱۳۸۸ ق/ ۱۹۶۸ م؛ یاقوت، بلدان؛ نیز: GAL, S, ناصر گذشته

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technique is excellent, metaphors and similes abound, and the *badī'* is applied with assurance and felicity.

Hādīdjī Khalifa, nos. 934, 2165, 2646 and 5159, appears to confuse this Ibn Abbār with the historian who is the subject of the preceding article.

*Bibliography:* Ibn Bassām, *Dhakhira*, ii; Dabbī, *Bughya*, no. 352; Abu 'l-Walīd al-Himyārī, *Badī'*, index; Ibn Khallikān, Cairo 1310, i, 44; Maḳḳarī, *Analectes*, index; Pons Boigues, *Ensayo*, 409; S. Khalis, *La vie littéraire à Séville au XI<sup>e</sup> siècle*, thesis Sorbonne 1953 (unpublished); H. Pères, *Poésie andalouse*, 186; F. Bustāni, *Dā'irat al-ma'ārif*, ii, 295. (M. BEN CHENEB\*)

IBN 'ABBĀS [see 'ABD ALLĀH B. (AL-) 'ABBĀS].

IBN 'ABD ALLĀH, as patronymic of converts [see ISM].

IBN 'ABD AL-BARR AL-NAMARĪ (al-Numayrī), appellative of a family of Cordovan scholars, the principal representative of which is ABŪ 'UMAR YŪSUF B. 'ABD ALLĀH, born in 368/978. He studied in his native city under masters of repute, engaged in correspondence with scholars of the East and travelled all over Spain "in search of knowledge", but never went to the East. Considered the best traditionist of his time, he was equally distinguished in *fiḥh* and in the science of genealogy. After displaying Zāhirī tendencies at first, in which he resembled his friend Ibn Ḥazm, he later followed the Mālikī doctrine, not without some inclination towards Shāfi'ī teaching. He held the position of *ḳādī* at Lisbon and Santarem under al-Muẓaffar b. al-Aḫṫas, and died at Játiva in 463/1070.

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ومن أهل مصر :

### عبد الله بن عبد الحكم بن أعين

ابن الليث ، مولى عميرة ، امرأة من موالى عثمان بن عفان ، ويقال مولى نافع (426) مولى عثمان بن عفان ، قاله ابن شعبان ، يكنى أبا محمد ؛  
سمع مالكا ، والليث ، وبكر بن مضر ، وعبد الرزاق ، والقعنبي ، وابن لهيعة / وابن عليّة / (427) واسماعيل بن أبي عياش ، ويعقوب بن عبد الرحمان الزهرى ، والعطاف بن خالد وابن عيينة ؛  
روى عنه ابن نمير ، وهارون بن اسحاق ، وبنوه ، والمقدام بن داود ، وأبو يزيد القراطيسى ، والربيع بن سليمان ، وابن المواز ، والعداس ، وأحمد بن زكير (428) ، وابن حبيب ، وأحمد بن صالح ، ومحمد بن مسلم ، وغير واحد .

قال أبو عمر بن عبد البر : كان ابن عبد الحكم رجلا صالحا ثقة متحققا بمذهب مالك .

قال الكندى : كان فقيها ، قال أبو زرعة الرازى : هو صدوق / \* (242)  
ثقة (429) .

قال محمد بن مسلم : كتبت عنه ، وهو شيخ مصر .

وقال مثله أحمد بن صالح .

قال أبو حاتم الرازى : هو صدوق (429) / .

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(426) أ ، ط : نافع - ك ، م : رافع - وانظر ترجمة عبد الله بن الحكم فى الجرح والتعديل لابن أبى حاتم الرازى ، الجزء الثانى ، القسم الثانى ص 105 .

(427) « وابن عليّة » ساقط من نسخة أ .

(428) أ ، ط : وأحمد بن زكير - ك : وأحمد بن ركين .

(429) ما بين خطين ساقط من نسختي أ ، ط .

technique is excellent, metaphors and similes abound, and the *badī'* is applied with assurance and felicity. *Hādījī Khalifa*, nos. 934, 2165, 2646 and 5159, appears to confuse this Ibn Abbār with the historian who is the subject of the preceding article.

*Bibliography*: Ibn Bassām, *Dhakhira*, ii; Dabbi, *Bughya*, no. 352; Abu 'l-Walid al-Himyari, *Badī'*, index; Ibn Khallikān, Cairo 1310, i, 44; Makḥari, *Analectes*, index; Pons Boigues, *Ensayo*, 409; S. Khalis, *La vie littéraire à Séville au XI<sup>e</sup> siècle*, thesis Sorbonne 1953 (unpublished); H. Pérès, *Poésie andalouse*, 186; F. Bustāni, *Dā'irat al-ma'ārif*, ii, 295. (M. BEN CHENEBS\*)

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Manisa = Moracco

- ibn Abd al-Hakam  
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Iḥsān ‘Abd al-Mannān al-Jibālī (Amman, 1989); 6. *Ḥadīth al-ijf*, ed. Hishām b. Ismā‘īl al-Saqqā’ (Riyadh, 1985); 7. *al-Durra al-mudī‘a fī al-sīra al-nabawiyya*, on the life and example of the Prophet and the *aṣḥāb al-‘ashara* (the ten Companions promised Paradise), ed. ‘Alī Ḥusayn al-Bawwāb (Beirut, 1992) (for a commentary on this work see Ḥājji Khalīfa, 2/1013); 8. *Dhikr al-nār*, ed. Muḥammad al-Ghazzāwī (Beirut, 1994); 9. *al-‘Aqīda*, ed. ‘Abd Allāh b. Muḥammad al-Busayrī (Riyadh, 1990), considered one of the major doctrinal treatises amongst the proponents of the tradition of the *salaf* (see Ibn Badrān, 498). In another work, entitled *I‘tiqād al-Shāfi‘ī*, the author attempts to demonstrate that his belief was identical to that of other early conservative scholars, including al-Shāfi‘ī, many of whose opponents subscribed to his own *madhhab* (al-Dhahabī, *Siyar*, 21/447); 10. *Mīḥnat al-Imām Aḥmad*, ed. ‘Abd Allāh b. ‘Abd al-Muḥsin al-Turkī (Giza, 1987); 11. *al-Naṣīha fī al-ad‘ya al-ṣaḥīha*, ed. Maḥmūd al-Arna‘ūt (Beirut, 1981).

A number of ‘Abd al-Ghanī’s works have not been published as yet and some of them are known only by their title (for manuscripts see, for example, *Fihris makhṭūṭāt* (*Ḥadīth* section), 349–354; Brockelmann, I/607; for other works, see al-Dhahabī, *Siyar*, 21/446–448; Ibn Rajab, 2/18–19; Ibn Ḥajar, *al-Iṣāba*, 1/82; al-Rūdānī, 108, 116, 152, 284, 318, 319, 438; Ḥājji Khalīfa, 2/1171, 2053; al-Baghdādī, 1/69). Two of his students, Makkī b. ‘Umar al-Miṣrī and Diyā’ al-Dīn al-Maqdisī, wrote independently about the life and virtues of their teacher (see al-Dhahabī, *Siyar*, 21/444; Ibn Rajab, 2/6).

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*Rawḍatayn fī akhbār al-dawlatayn*, ed. Ibrāhīm Zaybaq (Beirut, 1997); al-Baghdādī, *Idāh*; Brockelmann, I, SI; al-Dhahabī, Muḥammad, *al-Mukhtaṣar al-muḥtāj min ta’rīkh Ibn al-Dubaythī*, ed. Muṣṭafā ‘Abd al-Qādir ‘Aṭā’ (Beirut, 1417/1997); idem, *Siyar a‘lām al-nubalā’*, ed. Shu‘ayb al-Arna‘ūt et al. (Beirut, 1405/1985); *Fihris al-kutub al-‘Arabīyya* (Cairo, 1310/1893); *Fihris makhṭūṭāt Dār al-Kutub al-Ḍāhīriyya*, ed. Muḥammad al-Albānī (Damascus, 1390/1970); Goldziher, I., *Muhammedanische Studien* (Halle, 1888–1890); Ḥājji Khalīfa, *Kashf*; al-Ḥamīdī, ‘Abd Allāh, *al-Musnad*, ed. Ḥabīb al-Raḥmān al-A‘zamī (Beirut/Cairo, 1409/1988); Ibn Abī ‘Āsim, Aḥmad, *al-Sunna*, ed. Muḥammad Nāṣir al-Dīn al-Albānī (Beirut, 1400/1980); Ibn Badrān, ‘Abd al-Qādir, *al-Madkhal*, ed. ‘Abd Allāh b. ‘Abd al-Muḥsin al-Turkī (Beirut, 1405/1985); Ibn al-Dīmyā‘ī, Aḥmad, *al-Mustafād min dhayr ta’rīkh Baghdād*, ed. Muṣṭafā ‘Abd al-Qādir ‘Aṭā’ (Beirut, 1417/1997); Ibn Ḥajar al-‘Asqalānī, Aḥmad, *al-Iṣāba*, ed. ‘Adīl Aḥmad ‘Abd al-Mawjūd (Beirut, 1415/1995); idem, *Tahdhīb al-tahdhīb* (Beirut, 1404/1984); Ibn Mufliḥ, Ibrāhīm, *al-Maṣṣad al-arshad*, ed. ‘Abd al-Raḥmān Sulaymān al-‘Uthaymīn (Riyadh, 1410/1990); Ibn Qutayba, ‘Abd Allāh, *Gharīb al-ḥadīth*, ed. ‘Abd Allāh al-Jabūrī (Beirut, 1408/1988); Ibn Rajab, ‘Abd al-Raḥmān, *al-Dhayl ‘alā ṭabaqāt al-Ḥanābila*, ed. Muḥammad Ḥāmid al-Fiḳī (Cairo, 1372/1953); al-Jahḍamī, Ismā‘īl, *Faḍl al-ṣalāt ‘alā al-nabī*, ed. Muḥammad Nāṣir al-Dīn al-Albānī (Beirut, 1397/1977); al-Maqdisī, ‘Abd al-Ghanī, *al-Umda fī al-ahkām*, ed. Ibrāhīm Ramaḍān (Beirut, 1993); idem, *Tahwīm al-qaṭl wa ta‘zīmuhu*, ed. Abū ‘Abd Allāh ‘Ammār al-Jazā‘irī (Beirut, 1999); al-Mardāwī, ‘Alī, *al-Insāf*, ed. Muḥammad Ḥāmid al-Fiḳī (Beirut, 1406/1986); al-Mizzī, Yūsuf, *Tahdhīb al-kamāl*, ed. Bashshār ‘Awwād Ma‘rūf (Beirut, 1400/1980); al-Muttaḳī al-Hindī, ‘Alī, *Kanz al-‘ummāl*, ed. Bakrī al-Ḥayyānī and Ṣafwat al-Saqqā’ (Beirut, 1409/1989); al-Rūdānī, Muḥammad, *Ṣīlat al-khalaf*, ed. Muḥammad Ḥājji (Beirut, 1408/1988); al-Sahmī, Ḥamza, *Ta’rīkh Jurjān*, ed. Muḥammad ‘Abd al-Mu‘īd Khān (Beirut, 1407/1987); Sibṭ b. al-Jawzī, Yūsuf, *Mir‘āt al-zamān* (Hyderabad, 1370/1951); Ṣeṣen, Ramazan, *Nawādir al-makhṭūṭāt* (Beirut, 1975); Yāqūt, *Buldān*.

AHMAD PAKATCHI  
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BY

JONATHAN E. BROCKOPP

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Dem. No:	78695
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SONRA BELLEK KURUMUNDAN

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2000

nous retenons, puisque la lecture *mslhh* = *maslaḥa'* donne un sens meilleur que *mslh-h* = *masāliḥi-hi* ("ses postes militaires").

La nouvelle photographie de l'inscription al-'Uṣṣ-Usays 107 fait disparaître une lecture d'interprétation malaisée, en permettant de reconnaître le nom du ḡabal Usays au début de la ligne 3. Elle amène aussi à renoncer à la lecture Ibrāhīm au début du texte. Or, ce nom avait été à l'origine de nombreux commentaires: on supposait, par exemple, qu'il prouvait que la langue arabe prononçait déjà Ibrāhīm (alors qu'on attend Abraham) près d'un siècle avant l'islam.

Ces remarques rappellent que la lecture et l'interprétation des inscriptions arabes préislamiques sont difficiles. Il convient donc, avant de les commenter longuement, comme le fait Irfān Shāhīd, de vérifier que le déchiffrement est assuré. Quant aux chercheurs qui éditent des textes, ils doivent signaler autant que possible les passages dont l'interprétation leur paraît solidement fondée, et les distinguer de ceux qui présentent encore de grandes incertitudes.

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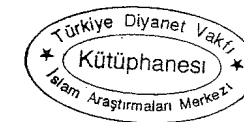
Jonathan E. BROCKOPP: *Early Mālikī Law. Ibn 'Abd al-Ḥakam and his Major Compendium of Jurisprudence*, Brill, Leiden XX + 309 p.

Ce livre est consacré à l'un des premiers manuels de droit de l'école mālikite : le *Muḥtaṣar al-kabīr fī-l-ḥikm* d'Ibn 'Abd al-Ḥakam (155-214/771-829). Après une étude substantielle où il présente l'auteur et les problèmes traités dans le manuel, J. E. Brockopp donne l'édition critique de deux courts chapitres du *Muḥtaṣar* (27 p.) peu remarquables jusqu'ici, avec une traduction en vis-à-vis. Malgré sa brièveté, le texte permet de consolider les résultats des recherches récentes sur le développement historique réel de l'école malikite et la distinction entre la compilation et la canonisation du corpus coranique, aussi bien que du *Muwatta'* de Mālik. Le *Muḥtaṣar* apparaît comme un effort conscient de l'auteur pour résumer le droit connu de lui dans une forme qui rompt avec la pratique habituelle d'attribuer tous les énoncés légaux à une autorité déjà établie et reconnue, un maître fondateur, un calife, le Prophète lui-même. L'étape des corpus officiels qui fonctionnent comme des instances obligées de référence pour autoriser l'énoncé de jugements indiscutables, intemporels, sacralisateurs, n'est pas encore atteinte avec Ibn 'Abd al-Ḥakam, contemporain de Šāfi'ī. Un autre intérêt du *Muḥtaṣar* réside dans le fait qu'il traite du droit de l'esclavage et qu'il permet sur un tel sujet, des comparaisons avec d'autres contextes médiévaux. On comprend ainsi comment le Coran apporte des modifications aux usages prévalant en Arabie, en Perse, à Byzance.

Usant avec rigueur de l'analyse philologique, l'auteur réécrit la biographie d'Ibn 'Abd al-Ḥakam en comparant plusieurs textes anciens et récents, corrigeant ainsi plusieurs inconséquences et erreurs ; le chapitre 2 établit l'authenticité du texte ; le chapitre 3 s'attarde à l'analyse historique du vocabulaire et des divers status de l'esclave, montrant la place du Coran comme la source de positions singulières pour les premiers musulmans ; le chapitre 4 enfin éclaire les status de l'esclave sous contrat (*mukāṭab*) et l'esclave né d'une femme esclave (*umm walad*).

Cette monographie est le volume 14 de la série *Studies in Islamic Law and Society* publiée chez Brill et dont j'ai déjà signalé la richesse scientifique et la rapide progression. Grâce à cette série et d'autres publications par des chercheurs anglophones, on peut désormais écrire une nouvelle histoire plus éclairante sur la formation du droit dit musulman et les limites de la pensée juridique en contextes islamiques contemporains.

Mohammed ARKOUN



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## THE *MINOR COMPENDIUM* OF IBN 'ABD AL-ḤAKAM (D. 214/829) AND ITS RECEPTION IN THE EARLY MĀLIKĪ SCHOOL\*

JONATHAN E. BROCKOPP

*Abstract*

Ibn 'Abd al-Ḥakam's *Minor Compendium* may be the earliest known handbook of Islamic law. Remarkably compact and comprehensive, it challenges depictions of the pre-classical period as a time of unsystematic legal scholarship, consisting of only "organic" texts and student notebooks. In this article, I argue for an early date for this text, based on analysis of the manuscript witnesses. I then compare the *Minor Compendium* with several contemporary texts to highlight its unique characteristics; in the process I discover, and seek to explain, several discrepancies in the descriptions of this text that are found in the biographical dictionaries. In my reading, the *Minor Compendium* is part of a nascent Mālikī tradition and demonstrates a close affinity to Mālik's *Muwatta'*. Yet it is also a highly creative and independent work, and its method of making legal arguments is quite different than that found in the *Muwatta'* and other early legal texts.

SINCE FUAT SEZGIN COMPLETED HIS FIRST VOLUME OF *Geschichte des arabischen Schrifttums* in 1967, many new texts from the earliest period

*Correspondence:* Jonathan E. Brockopp, 406 Weaver, Pennsylvania State University, University Park, PA, 16802. E-mail: brockopp@psu.edu

\* Authors' note: In writing this article I have benefited from the support of many persons and institutions, including the Bard College research and travel fund, the Institute for Advanced Studies at the Hebrew University in Jerusalem, the Centre des Études Maghébines à Tunis and the Fulbright Foundation. Initial findings were presented to the Columbia University Arabic Seminar in 1997, and I am grateful to members of the seminar, particularly the late Jeanette Wakin, for their critical comments. I have also benefited from extensive discussions with Miklos Muranyi. I wish to note a particular debt of gratitude to Dr. Mourad Rammah, director of manuscripts at the Raqqada Center for Islamic Arts, for facilitating my scholarship in Tunisia and for giving me permission to photograph the manuscripts. The anonymous reviewers at *Islamic Law and Society* offered incisive and challenging comments; my thanks go to them and to the Executive Editors of *ILS* for reading and commenting on several drafts. Finally, this article would never have been completed without the ideal working conditions I currently enjoy at the Pennsylvania State University.

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كتاب في معرفة الرجال  
على رواية الإمام مالك بن أنس وأصحابه

على رواية الإمام مالك بن أنس وأصحابه

تأليف

أبي محمد عبد الله بن عبد الحكم المتوفى سنة ٢١٤ هـ  
رواية ابنه أبي عبد الله محمد المتوفى سنة ٢٦٨ هـ  
رحمة الله عليهم أجمعين

نسخها وصرحها وعانت عليها

أحمد عيسى

وحقوق الطبع محفوظة له

الطبعة الثانية

الناشر: مكتبة ربيع

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تليفون : ٩٢٧٤٧٠

technique is excellent, metaphors and similes abound, and the *badī'* is applied with assurance and felicity. Hādījī Khalifa, nos. 934, 2165, 2646 and 5159, appears to confuse this Ibn Abbār with the historian who is the subject of the preceding article.

**Bibliography:** Ibn Bassām, *Dhakhira*, ii; Dabbī, *Bughya*, no. 352; Abu 'l-Walīd al-Himyari, *Badī'*, index; Ibn Khallikān, Cairo 1310, i, 44; Maḳḳari, *Analectes*, index; Pons Boigues, *Ensayo*, 409; S. Khalis, *La vie littéraire à Séville au XI<sup>e</sup> siècle*, thesis Sorbonne 1953 (unpublished); H. Pérès, *Poésie andalouse*, 186; F. Bustāni, *Dā'irat al-ma'ārif*, ii, 295. (M. BEN CHENEB\*)

IBN 'ABBĀS [see 'ABD ALLĀH B. (AL-)'ABBĀS].  
IBN 'ABD ALLĀH, as patronymic of converts [see ISM].

IBN 'ABD AL-BARR AL-NAMARĪ (al-Numayrī), appellative of a family of Cordovan scholars, the principal representative of which is ABŪ 'UMAR Yūsuf b. 'ABD ALLĀH, born in 368/978. He studied in his native city under masters of repute, engaged in correspondence with scholars of the East and travelled all over Spain "in search of knowledge", but never went to the East. Considered the best traditionist of his time, he was equally distinguished in *fiqh* and in the science of genealogy. After displaying Zāhiri tendencies at first, in which he resembled his friend Ibn Ḥazm, he later followed the Mālikī doctrine, not without some inclination towards Shāfi'ī teaching. He held the position of *kaḍī* at Lisbon and Santarem under al-Muzaffar b. al-Afṭas, and died at Játiva in 463/1070.

Ibn 'Abd al-Barr is the author of a considerable number of works of all kinds, of which there have been preserved especially:—*K. al-Isti'āb fī ma'rifa al-Ashāb*, biographies of the Companions of the Prophet, ed. Ḥaydarābād 1318-9, then on the margin of the *Iṣāba* of al-'Askalānī, Cairo 1323-5, and finally ed. 'Alī Muḥ. al-Badjāwī, Cairo 1957-60, 4 vols. (for the abridgements of this work, see Brockelmann).—*Djāmi' bayān al-'ilm wa-faḍli-hi wā mā yanbaghī fī riwāyati-hi wa-ḥamli-hi*, Cairo 1346.—*al-Kāfi fī 'l-fiqh*, a manual of Mālikī law (see Brockelmann, S I, 297, foot).—*al-Tamhīd li-mā fī 'l-Muwatta' min ai-ma'āni wa 'l-asānid*, on the methodology of *hadīth* (see Brockelmann, S I, 298, top, 629).—*Kitāb al-istidrāk fī sharḥ madhāhib 'ulamā' al-amṣār*, a summary of the preceding (see Brockelmann, S I, 297, foot).—*al-Istidrāk li-madhāhib al-a'sār fī-mā taḍammanahu 'l-Muwatta' min ma'āni 'l-ra'y wa 'l-āthār*, commentary on the *Muwatta'*.—*Kitāb al-Intikā' fī faḍl 'il al-thalāth al-a'imma al-fukahā'*, on Mālik, Abū Ḥanīfa and al-Shāfi'ī, Cairo 1350.—*al-Inṣāf fī-mā bayn al-'ulomā' min al-ikhtilāf*, ed. Cairo, in *Madjma'at al-rasā'il al-muniriyya*.—*al-Ḳaṣd wa 'l-amam fī 'l-ta'rif bi-uṣūl al-'Arab wa 'l-'Adjōm wa-man awwal men takallama bi 'l-'arabiyya min al-amam*, on genealogies, Cairo 1350; French trans. A. Mahdjoub, in *Kāfr*, xcix (1955-7).—*al-Inbāh 'alā kabā'il al-rucūh*, on the genealogies of transmitters, printed with *al-Ḳaṣd*.—*Bahdjat al-madjālis wa-uns al-mudjālis*, a book of *adab* composed in verse for al-Muzaffar and abridged by Ibn Luyūn (see Brockelmann, S I, 629, with other titles).

**Bibliography:** Ibn Khayr, *Fahrassa*, index; Ibn Bashkuwāl, *Ṣila*, ii, 640; Ibn Ḥazm, *Risāla*, (see Ch. Pellat, in *al-Andalus*, xix/1 (1954), 7-9); A. González Palencia, *Literatura*, index; F. al-Bustāni, *Dā'irat al-ma'ārif*, iii, 333-4; Brockelmann, S I, 297, 628-9 (with further bibliography).

(CH. PELLAT)

IBN 'ABD AL-HĀDĪ [see Yūsuf b. 'ABD AL-HĀDĪ].  
IBN 'ABD AL-HAKAM refers to the son and the four grandsons of 'ABD AL-HAKAM (said to have died in 171/787-88), a wealthy and influential family of legal scholars and historians in 3rd/9th century Egypt. The Banū 'Abd al-Hakam were among those who introduced Mālikism into Egypt. They were also intimately connected with al-Shāfi'ī [q.v.], providing the initial financing of his stay in Egypt. Al-Shāfi'ī is said to have died in their house (Ibn Farḥūn, 134), and he was buried in their family plot. Later, they dissociated themselves from his teaching. Their prominent position brought them the usual share of tribulations. Thus, they suffered persecution during the Mu'tazilī *mihna* in 227/842, and in 237/851 they were among those accused of having misappropriated the confiscated property of a former high official that the central government claimed for itself. They were assessed the exorbitant sum of 1,404,000 *dinārs*. Although they were speedily exonerated, they seem to have lost their former prominence and influence as a result of this affair.

X 1. ABŪ MUHAMMAD 'ABD ALLĀH B. 'ABD AL-HAKAM, who was born in 155/772 and died on 21 Ramaḍān 214/22 November 829, is said to have had direct contact with Mālik. He wrote a number of textbooks on Mālikī legal teaching. Of his writings, only the biography (*sira* or *faḍā'il*) of 'Umar b. 'Abd al-'Azīz is preserved (ed. A. 'Ubayd, Cairo 1346/1927). The work depicts 'Umar as the ideal Muslim ruler by means of bringing together numerous edifying anecdotes, stories of his dealings with his contemporaries, his sermons, his prayers, and his official correspondence, including a fiscal rescript clarifying his financial policies (H. A. R. Gibb, in *Arabica*, ii (1955), 1-16). It exemplifies the deep influence of religio-legal thought upon Muslim historiography, and it is particularly valuable as the oldest preserved representative (apart from the *Sira* of the Prophet) of Muslim biographical writing on the large scale in monograph form.

— 2. 'ABD AL-HAKAM, the eldest of 'Abd Allāh's sons, died under torture during the misappropriation trial in November 851. Like Sa'd, who appears to have been the youngest of the four brothers, he did not leave much of a permanent mark.

X 3. ABŪ 'ABD ALLĀH MUHAMMAD B. 'ABD ALLĀH was esteemed by his contemporaries as the outstanding member of the family. Born on 15 Dhū 'l-Hidjja 182/27 January 799, he studied with al-Shāfi'ī but later wrote a "Refutation of al-Shāfi'ī where he was in contradiction to the *Qur'ān* and the *sunna*." It was he who was summoned to Baghdād to subscribe to the dogma of the createdness of the *Qur'ān*, but he refused to do so and was sent back to Egypt. His works, none of them preserved, included polemical treatises directed against the 'Irākīs and against Bishr al-Marīsī, as well as studies of special legal questions. In the manuscripts of his father's biography of 'Umar b. 'Abd al-'Azīz, he is stated to be its transmitter (an addition in his name appears on pp. 121 f. of the edition). The date of his death is variously given as Wednesday, 4 or 15 Dhū 'l-Ḳa'da 268/26 May (Thursday) or 6 June (Wednesday) 882, or 269/882-83.

X 4. ABŪ 'L-KĀSIM 'ABD AL-RAḤMĀN B. 'ABD ALLĀH (born ca. 182/798-99, died 257/871) is famous for his work on "The Conquest of Egypt and the West" (*Futūḥ Miṣr*), the oldest preserved work on the subject (ed. C. C. Torrey, New Haven 1922; another old manuscript in Manisa, General Library 281, 2.

-ibn Abd al-Hakam  
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-ibn Abd al-Hakam 90107  
Ibn Abdallah  
-ibn Abd al-Hakam  
Ibn al-Kasim

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together as complementary pieces for reconstructing a history of the formative period of law.

Finally, there is the small but interesting point of titles. As Hallaq has shown, titles of books from the formative period can be misleading.<sup>18</sup> To what extent, then, should these two *mukhtaṣars* be understood as precursors of the genre of such compendia that developed later in the classical period? The literature contains claims that these *mukhtaṣars* are, in fact, "summaries" of one text or another, but these claims appear to be more consonant with 11th-century concern for explanation than with any 9th-century interpretation. Comparison with other texts attributed to Malik and al-Shafi'i demonstrates that these *mukhtaṣars*, while clearly dependent on works by these masters, incorporate far too much non-canonical material to be considered summaries. Rather, one might best interpret the title "*mukhtaṣar*" in a more generic fashion—that is, al-Muzani and 'Abd Allah ibn 'Abd al-Hakam were suggesting that these books represented only a small portion of their broad knowledge of the field.<sup>19</sup>

#### TWO EARLY TEXTS

In the late 8th century, Alexandria and Fustat (Old Cairo) were important centers for jurisprudential activity, particularly the latter. Lists of judges and jurists are preserved that claim continuous legal activity from the conquests of 'Amr ibn al-'As, and the texts that survive from the 8th century seem to confirm a long history of legal scholarship. Although later writers classify 'Abd Allah ibn Lahī'a (d. 790) and 'Abd Allah ibn Wahb (d. 804) as members of the Maliki school, they may be regarded more properly as colleagues of Malik ibn Anas and sympathizers of his teachings.<sup>20</sup> Texts from the next generation of Egyptian scholars, from the early 9th century, appear to continue this trend of a creative tension with the ancient school of Medina, and the works of Ibn al-Qasim (d. 806), al-Shafi'i, and Ibn 'Abd al-Hakam can all be seen as products of this intellectual milieu.

The first of the two *mukhtaṣars* to be addressed here was written by 'Abd Allah ibn 'Abd al-Hakam ibn A'yan al-Misri, who was born in Alexandria in 771.<sup>21</sup> He lived most of his life in Fustat, where he died in 829. He was known as a legal expert as well as a historian, having studied with many famous scholars, such as al-Layth ibn Sa'd (d. 791), Malik ibn Anas, Sufyan ibn 'Uyayna (d. 811), and 'Abd al-Razzaq al-San'ani (d. 822). After he returned from his scholarly travels, he settled in Fustat, married, and had four sons, two of whom were particularly important: 'Abd al-Rahman (d. 871), the historian and author of *Futūḥ Miṣr* (the earliest preserved record of the Muslim conquest of Egypt and North Africa),<sup>22</sup> and Muhammad (d. 862), a Maliki scholar in his own right. 'Abd Allah ibn 'Abd al-Hakam's scholarship and his substantial library attracted many students. As a historian, he gave lectures on 'Umar ibn 'Abd al-'Aziz and perhaps also on 'Amr ibn al-'As.<sup>23</sup> In the legal field, he was known as an expert on Malik's legal statements and wrote three compendia of jurisprudence, the largest of which, *al-Mukhtaṣar al-kabir fi l-fiqh*, is partially preserved in several fragments.<sup>24</sup> After the death of Ashhab ibn 'Abd al-'Aziz in 819, he was named chief of the nascent Maliki school in Egypt. For a time, he exercised some influence with the governor ('Abd Allah ibn Tahir) and the chief judge (Ibn al-Munkadir) of Egypt, though it was finally through political ca-

price that he was jailed when nearly sixty years old, and died in prison. Among the more famous of his students, besides his sons, were al-Miqdam ibn Dawud al-Ru'ayni (d. 896), 'Abd al-Malik ibn Habib (d. 852), and Muhammad ibn al-Mawwaz (d. 882). Manuscript evidence shows that 'Abd Allah ibn 'Abd al-Hakam's legal opinions were quoted by important jurists of later generations,<sup>25</sup> and his place in history was secured by Abu Bakr Muhammad al-Abhari (d. 985), whose commentary on *al-Mukhtaṣar al-kabir* was a fundamental text for the Maliki school in Baghdad.<sup>26</sup>

The only manuscripts we have for *al-Mukhtaṣar al-kabir* are fragments ranging from a few folios to a few hundred folios. Some of these fragments, however, can be dated to within two hundred years of 'Abd Allah ibn 'Abd al-Hakam's death, and transmission records from these ancient manuscripts can be used, along with stemmatic analysis, to demonstrate that 'Abd Allah ibn 'Abd al-Hakam was indeed the author of this text. In other words, it is possible to reconstruct substantial portions of *al-Mukhtaṣar al-kabir* which can be proved to have stemmed from the beginning of the 9th century. Such a finding is significant, because it is not dependent on literary or biographical accounts, but on the manuscripts themselves. When looking at this text, then, we have a unique window into the thoughts of a student of Malik ibn Anas and a colleague of al-Shafi'i.

One of the most surprising aspects of the text of *al-Mukhtaṣar al-kabir* is the lack of citations. The book contains almost no hadith; rather, it appears to be a set of abstract cases and rules, with only occasional reference to legal authorities, such as Malik ibn Anas and his most important Egyptian students, 'Abd Allah ibn Wahb (d. 812), Ashhab ibn 'Abd al-'Aziz (d. 819), and 'Abd al-Rahman ibn al-Qasim (d. 806). More careful examination of the text reveals a remarkable connection to Malik ibn Anas's magnum opus, the *Muwatta'*. Although *al-Mukhtaṣar al-kabir* does not incorporate passages from the *Muwatta'* verbatim, it summarizes Malik's words and uses them to lead off sections of discussion on certain topics. Consider the following argument from *al-Mukhtaṣar al-kabir*:

'Abd Allah ibn 'Abd al-Hakam said: I asked Malik: What is your opinion about the female slave who bears her master a child? He answered: There is no way he can sell her, though he may continue to take pleasure with her. If he dies, she is free.

He said: [The female slave] becomes an *umm walad* through anything she miscarries which she recognizes to be a child, whether blood or embryo. In this case, the waiting period is mandatory.<sup>27</sup>

Of these two paragraphs, only the first claims to originate with Malik, and the following parallel is found in Yahya ibn Yahya's edition of the *Muwatta'*:

[As for] any girl who bears her master a child, he must not sell her, give her away, or bequeath her, though he may continue to take pleasure with her. If he dies, she is free.<sup>28</sup>

The second paragraph, however, is not found in other Maliki texts; the ambiguous term "he said (*qāla*)" may refer to Ibn 'Abd al-Hakam, to Malik, or to a third source, or it may merely be a literary device.<sup>29</sup> In a sense *al-Mukhtaṣar al-kabir* can be seen as a commentary on the *Muwatta'*, as it quotes the master's material in paraphrase (paragraph one), and then elaborates on it (paragraph two). This same pattern is found throughout the text. It is worth noting, however, that 'Abd Allah ibn 'Abd

✓  
- Ibn Abdihakem Abdullah 1632  
- Ebn Eb- Behr 1632

## المختصر الكبير

لعبد الله بن عبد الحكم بن أعين المالكي صاحب الإمام مالك المتوفى سنة ٢١٤ هـ .  
(الديباج المذهب : ١٣٤ ، شذرات الذهب : ٢ : ٣٤) .

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٣ : (١٠٨) . — شرح مختصر ابن عبد الحكم خ الجزء الثالث والرابع والسابع والثاني عشرخ سنة ٦٠٤ هـ بالأزهرية (١٦٥٥) صعايدة ٣٩٢٩٠ . محمد بن جعفر البصري (كحالة ٩ : ١٥١) . — شرح مختصر ابن عبد الحكم .	أبو بكر بن محمد بن الجهم السمرى البصرى المالكي المتوفى ٢٧٧ هـ (هدية العارفين ٢ : ١٩) — شرح مختصر ابن عبد الحكيم أبو بكر محمد بن عبد الله بن محمد بن صالح التميمي الأبهري المتوفى سنة ٣٧٥ هـ (تاريخ بغداد ٥ : ٤٦٢ ، طبقات الشيرازي : ١٦٧ ، سير أعلام النبلاء ١٦ : ٣٣٢ ، الوافي بالوفيات
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كتاب الأهوال \* *ABDULHAKEM* *IBN*

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ذكره القاضي عياض (٣) ، وابن فرحون (٤) ، والبغدادى (٥) ، وابن خلكان (٦) .

(٣) ترتيب المدارك ٣/٣٦٦ - ٣٦٧ .

(٤) الديباج المذهب ١/٤٢٠ .

(٥) هدية العارفين ١/٤٣٨ .

(٦) وفيات الأعيان ٣/٣٧ .

-ibn Abdülhakem

202. IBN 'ABD al-ḤAKAM (a. M. 'Al. b. 'Abd al-Ḥakam b. A'yan b. Layth al-Miṣrī al-Mālikī), *al-Khalīfa al-'ādil 'Umar b. 'Abd al-'Azīz khāmis al-khulafā' al-rāshidīn\**, recension de Abū 'Al. M., éd. A. 'Ubayd, revu et annoté par A. 'Abd al-Tawwāb 'Awaḍ, Le Caire, Dār al-Faḍīla, d.l. 1994; 17x23,5 cm., 215 p., *indices*.

Né en 155/772 à Alexandrie, l'A. suivit les leçons de Malik sur le *Muwatta'* à Médine. Il revint ensuite en Égypte et mourut en 214/829; *GAS*, I, 467-8; 474 (son fils) (sur la page de titre, il est indiqué que son fils est mort en 368, *leg.* 268/882). Le titre est une invention de la maison d'édition ou de A. 'Abd al-Tawwāb 'Awaḍ; *v. Dhakhā'ir*, 170. À l'origine l'éd. de A. 'Ubayd avait paru *s. t. Sīrat 'Umar b. 'Abd al-'Azīz 'alā mā rawāhu l-imām Mālik b. Anas wa aṣḥābuhu*, Le Caire, al-Maṭba'a al-Raḥmāniyya, 1927, 198 p.; 2<sup>ème</sup> éd. revue et augmentée, Le Caire, Maktabat Wahba (Wahba Ḥasan Wahba) 1373/1954, 165 p.; réimpr. Beyrouth, Dār al-'Ilm li-l-malāyīn, 1967, 192 p.; Beyrouth, 'Ālam al-kutub, 1404/1984<sup>6</sup> (en fait réimpr. de la 2<sup>ème</sup> éd.), 172 p., etc.

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Claude GILLIOT, " *Textes Arabes Anciens Edites en Egypte au Cours des Annees 1994 a 1996* ", **MIDEO** : *Melanges de l'Institut Dominicain d'Etudes Orientales du Caire*, Vol. 23, 1997 Le Cairo. pp 417 . ISAM Ktp. D 0998.

ابن عبد الحكم  
(الإسكندرية ١٥٠ هـ / ٧٦٧ م)  
(القاهرة ٢١٤ هـ / ٨٢٩ م)

عبد الله بن عبد الحكم بن أعين بن ليث بن رافع ، أبو محمد ، المصري ، الفقيه ،  
الحافظ ، صاحب الإمام مالك .

وهو أعلم أصحاب مالك بأقواله المختلفة ، وأفضت إليه الرياسة بمصر بعد أشهب .  
ولد بالإسكندرية ، وتوفي بالقاهرة ، وقبره إلى جانب قبر الإمام الشافعي ، وكان  
رجلاً ، صالحاً ثقة ، متحققاً بمذهب مالك ، فقيهاً ، صدوقاً ، حليماً كريماً ، وكان صديقاً  
للإمام الشافعي ، نزل عليه عندما جاء إلى مصر ، وروى عنه الشافعي ، وضم ابنه محمداً  
إلى الشافعي ليتعلم منه .

من كتبه «سيرة عمر بن عبدالعزيز» و«القضاء في البنيان» و«المناسك» و«الأهوال»  
و«المختصر الكبير والأوسط والصغير» في أحاديث الموطأ والزوائد والآثار (١) .

(١) الديباج المذهب ص ١٣٤ ، شجرة النور ص ٥٩ ، ترتيب المدارك ٥٢٣/١ ، طبقات الفقهاء ص ١٥١ ،  
وفيات الأعيان ٢٣٩/٢ ، الانتقاء ص ٥٢ ، حسن المحاضرة ٤٤٦/١ ، الأعلام ٢٢٩/٤ .

ذخائر التراث العربية الإسلامية، مج. الأول، ١٩٨١/١٤٠١.  
[y.y : y.y.]، ص. ١٧٥. İSAM 95809.

ابن عبد الحكم - Ibn Abdülhakem Abdullah  
أبو محمد عبدالله ( ٢١٤هـ )

- ١ - سيرة عمر بن عبدالعزيز علي ما رواه الامام مالك بن انس وأصحابه .
- تصحيح وتعليق : احمد عبيد .
- القاهرة ، المطبعة الرحمانية ، ١٩٢٧م ، ١٩٨٠ ص .
- ٥ : بيروت ، دار العلم للملايين ، ١٩٦٧م ، ١٩٦ ص .

MADDE YATIRILAN MEHTAN  
SONRA GELEN DOKÜMAN

2 AGUSTOS 2005

MADDE SAĞLIK BÜBÜLTENİ  
SONRA GÖREN DOKÜMAN

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İbn ʿAbd al-Ḥakam