

first century decided purely according to "his knowledge and his conscience",¹²⁴ Qatāda now always referred to the prophet and the religious tradition. In this way he turned the function of adviser into a science; consequently the *muftî's* importance increased steadily until the Ottoman era.¹²⁵ In 307/919 the prefect of Baghdad decreed that the police would in future have to comply with the *fatwās* pronounced by the *fuqahā'* of the respective quarters.¹²⁶ Law was never codified in a unified form; it would forever remain the reflection of a segmented society. One generation after Qatāda there were at least two competing *muftîs* in Basra, whose religious views probably differed as well: one Qadarite, Ismā'īl b. Muslim al-Makkī, about whose juristic views we know hardly anything – for that reason?¹²⁷ – and the one with whom Abū Ḥanīfa entered into correspondence:

Abū 'Amr 'Uthmān b. Sulaymān b. Jurmūz al-Battī,

d. 143/760.¹²⁸ There is some confusion regarding the names of his father and grandfather. The oldest sources confirm the above form: Ibn Sa'd,¹²⁹ Khalīfa b. Khayyāt,¹³⁰ Ibn Qutayba¹³¹ and Shīrāzī.¹³² Later, however, we find 'Uthmān b. Muslim b. Hurmuz,¹³³ Dhahabī claimed to have seen him referred to as *Aslam* as well as *Muslim*.¹³⁴ However, he appears to have mistaken him for a certain 'Uthmān b. Muslim b. Hurmuz al-Makkī, whom Ibn Ḥajar mentioned shortly before.¹³⁵ Al-Battī was not a native of Basra; he had had a business in Kufa, but

124 See p. 220 below.

125 For general information see G. Makdisi, *The Rise of Colleges* 197ff., and in: *La notion de liberté* 79ff.; H. Krüger, *Fetwa und Siyar* 42ff.; L. Schatkowski-Schilcher, *Families in Politics* 118.

126 Sabari, *Mouvements populaires* 10.

127 Regarding him see p. 75f. above.

128 Regarding the date cf. Shīrāzī, *Ṭabaqāt* 91, 1f.; also GAS 1/410. Khalīfa b. Khayyāt has: "before 148/765" (*Ta'rikh* 654, 14).

129 VII₂ 21, 14ff.

130 *Ṭab.* 526, 1

131 *Ma'ārif* 596, 16.

132 *Ṭabaqāt al-fuqahā'* 91, 1f. (without the grandfather's name). The *kunya* is noted explicitly in Ibn Ḥanbal, *Tlal* 55, 1.

133 Ibn Mākūlā, *Ikmāl* I 378, 2 > Sam'ānī, *Ansāb* II 82, 7; Ibn Ḥajar, *Lisān al-Mizān* VI 303 no. 4022.

134 *Mizān* no. 5580; *Siyar* VI 148, ult.

135 *Lisān* no. 4014; also *Mizān* no. 5561, but without the *nisba*. Another mistake happened in Mas'ūdī, *Tanbih* 342, 11, where 'Uthmān b. 'Amr al-Battī should be read, following one of

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2.1.1.7.3.1 The Letter to ʿUthmān al-Battî

As a jurist Abū Ḥanīfa only had influence through his teaching. We possess no books by him in this area; nor is it likely that he wrote any such works. On the other hand, there are several doctrinal writings which were traced back to him. Most of these have been preserved, and at least in the case of one of them there is a high probability that it is authentic: a letter that he sent to ʿUthmān al-Battî in Baṣra. The *praescriptio* of the letter still exists; in it both Abū Ḥanīfa (as the sender) as well as ʿUthmān al-Battî (as the addressee) are mentioned. It is preceded by a *riwāya* which from the middle of the 3rd century remains in Khorāsān (above all in Balkh) and in Transoxania. Most of the transmitters can be identified; they all appear to have belonged to the Ḥanafite school of jurisprudence. The chain of transmission starts from Kūfa and Baghdād: the first informant is Abū Yūsuf.¹ This is somewhat surprising in that the original of the letter was presumably sent to Baṣra; one can only assume that Abū Yūsuf kept a duplicate. At any rate, the letter was probably intended as an open epistle; Ibn al-Nadīm lists it among the writings of Abū Ḥanīfa.

Fihrist 256, l. 2 (where *Battî* is to be read instead of *Bustî*). But one should bear in mind that individual manuscripts at times diverge greatly and at times only slightly from one another; a critical edition of the text does not yet exist (cf. the commentary to Text II 5). An additional *riwāya* also turns up which goes back to Abū Yūsuf with a completely different chain of transmission (Ms. Selim Ağa 587, folio 174 a). According to LAW I, 148, l. 10, Abū Ḥanīfa's grandson, Ismāʿīl b. Ḥammād, is meant to have compiled the work; but he does not turn up in either of the *riwāyāt*. On the relationship between ʿUthmān al-Battî and Abū Ḥanīfa cf. also TB XIII, 399, ll. 17 f., and Muwaffaq b. Aḥmad, *Manāqib Abi Ḥanīfa* II, 102. The authenticity of the work is accepted, among others, by Schacht (in: *Oriens* 17/1964/100, fn. 4) and apparently also by Cook (*Dogma* 30).

With regard to the same subject, the *K. al-ʿĀlim wa'l-muta'allim* and the *K. al-Fiqh al-absaṭ* can be consulted for comparison. But in the first work we are dealing with a didactic dialogue composed by Abū Muqātil al-Samarqandî (d. 208/823) following the ideas of Abū Ḥanīfa,² whereas the second work in its basic core goes back to Abū Muṭīʿ al-Balkhî (d. 199/814).³ Both authors

1 Text II 5, beginning.

2 On him see below Chpt. B 3.1.2.4.

3 On him see below Chpt. B 3.1.2.1.3; on this GAS 1/414. The *riwāya* coincides with that of the epistle to ʿUthmān al-Battî in the person of the *faqīh*, Nuṣayr b. Yahyā from Balkh (d. 268/882), who took over the text from Abū Muṭīʿ.