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Law Syllabi and Text Production among Šāfi'ite Ethiopian Muslims: A Short Note on Some Manuscripts of al-Nawawī's *Minhāğ al-ṭālibīn*

Abstract: One of the most powerful factors triggering the production and diffusion of manuscripts among the Ethiopian Muslim communities is the necessity of providing teachers and students with texts to be studied at the traditional learning institutions. In the present paper I will exemplify this connection by analysing the way the *Minhāğ al-ṭālibīn* by Nawawī (d. 1277), a renowned handbook used in the Ethiopian syllabus for advanced students of Islamic law, is copied and circulated. Differently from what happens in other areas of the Muslim world, in Ethiopia the text is mostly distributed into four codices, each of which corresponds to a branch of the law, which is studied at different stages of the local curriculum.

1 Preliminary remarks: the school of al-Šāfi'ī and the Horn of Africa

The legal school of al-Šāfi'ī (Ar. *al-maḏhab al-šāfi'ī/al-šāfi'iyya*) is one of four legal schools (*maḏhab*) unanimously regarded by all Sunni Muslims as giving an equally acceptable interpretation of Islamic law.¹ Initiated by Muḥammad b. Idrīs al-Šāfi'ī (d. 820), a former disciple of Mālik b. Anas (the founder of the eponymous Mālikite school) and of Muḥammad b. Ḥasan al-Šaybanī (a student of Abū

¹ I have tried to avoid the word 'orthodox' here as it is extremely problematic to define an Islamic interpretative 'orthodoxy'. Despite their being at variance on many important issues, Šāfi'ism and the three other schools (the Ḥanafī, the Mālikī and the Ḥanbalī) all recognise each other as fully legitimate ways of expounding the sources of law and make up the bulk of traditional Islamic Sunnite jurisprudence. For a general description of Islamic law and its four Sunni schools, see the handbook by Hallaq published in 2009.

Ḥanifa's, the founder of the Ḥanafī school), it is considered to be the third most widespread school of law in the Sunni world; it is well established in Egypt, Palestine, Lebanon, Syria, the Kurdish regions of the Middle East, Dagestan, Chechenia and Ingushetia, Hijaz, Yemen, the Horn of Africa, the whole Swahili coast, the Maldives, coastal areas of India and Sri Lanka, Myanmar, Thailand, Singapore, Malaysia, Indonesia, Brunei and the Philippines.

As for the Ethiopian region, it can be reasonably hypothesised that since at least the second half of the eighteenth century, the law school of al-Šāfi'ī has been overwhelmingly strong in the hinterland of central, eastern and southern Ethiopia. Nowadays it is possibly the most widespread *madhhab* in the country, representing the absolute majority in the southern and eastern regions and sharing Islamic law instruction and practice with the Ḥanafite school in the central and northern areas.

The history of the arrival and diffusion of Šāfi'ism in the Horn of Africa is still practically unknown. The overall picture that has been gleaned so far from the few scattered sources that are available is that the Šāfi'ites eventually managed to impose themselves at the expense of the school named after Abū Ḥanifa, which was originally the most popular *madhhab* in the whole area.

In the 1330s, the classical Arabic geographer and historian Šihāb al-Dīn Aḥmad ibn Faḍlallāh al-'Umārī (d. 1349) compiled a vivid description of the living conditions of Ethiopian Muslims, collecting information in Cairo from the renowned Ḥanafī law scholar (*faqīh*) of Zayla'² Ġamāl al-Dīn 'Abdallāh b. Yūsuf b. Muḥammad al-Zayla'ī (d. 1360)³ and a group of other jurists from the same geographical area,⁴ from 'Abd al-Mu'min,⁵ an otherwise unknown *šayḥ*, and from

² Zayla' is an ancient port city on the coast of the present-day republic of Somaliland. In classical Arabic sources, the relation adjective (Ar. *nisba*) al-Zayla'ī is commonly used to refer to people who not only come from the city itself, but from its hinterland as well (see the introductory article in Gori 2014).

³ Ġamāl al-Dīn 'Abdallāh al-Zayla'ī became extremely famous in the Islamic world as the author of two huge collections of prophetic sayings, one extracted from the handbook of law according to the Ḥanafī school, *al-Hidāya* by al-Marġinānī, and the second from the commentary on the Qur'an by al-Zamaḥšarī.

⁴ It is interesting to note that *faqīh* Ġamāl al-Dīn was a Ḥanafite and a disciple of another renowned Ḥanafī law expert originating from the city of Zayla' and living in Cairo, Faḥr al-Dīn Uṭmān b. 'Alī al-Zayla'ī (d. 1342; the author of the *Tabyīn al-ḥaqā'iq*, a commentary on the handbook of law according to the Ḥanafī school, *Kanz al-daqa'iq* by al-Nasafī). The presence of several learned Ḥanafī men from the Horn of Africa in Cairo is in itself proof of the strength of that law school in the north-east African region in the middle of the fourteenth century.

⁵ In the last edition of the Arabic text of al-'Umārī's *Masālik* (2010), this personage is identified by the editor as Šafi al-Dīn 'Abd al-Mu'min b. 'Abd al-Ḥaqq al-Ḥanbalī al-Baġdādī (d. 1338), a

a merchant called *al-ḥāğğ* Farağ al-Fuwwī (or al-Fawwī). The data was used by the author to write the eighth chapter of his encyclopaedic work *Masālik al-abṣār fī mamālik al-amṣār*, which was intended as a handbook for educating the officials of the Mamlūk chancellery.⁶ According to the data provided by al-'Umarī, Ethiopian Muslims were under the administration of seven different kingdoms (*mamālik*): the inhabitants of the kingdom of Ifat, the biggest and strongest of them, were mostly Šāfi'is. In the six remaining kingdoms, Ḥanafites were in the majority.

It is possible to compare this data with what the legal expert of the Ḥanafī school Ḥāmid b. Šiddīq of Harar (one of the main Islamic centres of education in the Horn of Africa) wrote in the middle of the eighteenth century.⁷ Apparently, in the course of four centuries, the situation described by al-'Umarī had changed radically (and dramatically): the Ethiopian jurist lamented that his school was disappearing from the cultural and social landscape of his city and Šāfi'ites had become the strongest group.⁸ In fact, he said, Harar was almost entirely Šāfi'ite at the time of writing and Ḥanafism had practically disappeared.⁹

Combining these two sources, we can therefore surmise that Šāfi'ism slowly established itself as the leading school of law in eastern and southern Ethiopia between the fourteenth and the eighteenth century while Ḥanafism slowly lost its influence and eventually only survived as a tiny minority stream.¹⁰

On the shores of the Red Sea and the Indian Ocean, this process of change was made more complicated by the arrival of the Ottomans in the middle of the sixteenth century. Ḥanafism was always the law school officially supported by the Sublime Porte and wherever the Ottomans managed to extend their influence, they fostered its expansion.¹¹ The Horn of Africa was no exception here: starting from the shores of contemporary Eritrea and Djibouti, Ḥanafism spread into the

representative of the Ḥanbalī school of law and author of an abridged version of the geographical dictionary of Yāqūt. No reference or source is provided to justify the identification, though, which thus remains a tentative one.

6 A French translation of Chapter 8 of al-'Umarī's *Masālik* was produced by the famous Arabist Maurice Gaudefroy-Demombynes (Gaudefroy-Demombynes 1927).

7 For more on *faqīh* Ḥāmid, see the general article in Wagner 2005.

8 On the position of the Ḥanafite Ḥāmid against the Šāfi'ites, see Brunschvig 1974 (in particular 452–454).

9 See Cerulli 1936, 45 on this point; at the time the book was published, only one area of the city was still following the Ḥanafī school.

10 The chronology and the general picture is different in Somalia, where there is no hint of Ḥanafism's earlier supremacy over Šāfi'ism.

11 Peters 2005, 147–158.

Ethiopian hinterland and highlands thanks to the Ottomans. However, it is still unclear whether the strong presence of Ḥanafism in Eritrea, northern Ethiopia and the Awsa region was caused by this later wave of diffusion facilitated by the Ottomans or it was a well-preserved remnant of the older Ḥanafite establishments mentioned by al-ʿUmarī in the fourteenth century. A third possible explanation (and probably the most plausible one) is that the Ḥanafite majority in those areas is due to a combination of both elements: some well-rooted remnants of an older presence resisted the expansion of Šāfiʿism and were subsequently revived by the Ottoman influence, enabling them to survive and flourish to this day.

The reasons why Ḥanafism lost ground in favour of Šāfiʿism in most of the Ethiopian Muslim communities are impossible to discover in any detail. There are, however, a number of sources that provide us with a vivid account of how the shift of schools generally took place.

A tale preserved in one of the hagiographies of the renowned holy man *šayḥ* Ḥusayn of Bale, a southern region of Ethiopia, who possibly lived in the thirteenth century,¹² shows a Ḥanafite legal expert disputing with the *šayḥ*, who was a Šāfiʿite, on the legal status of sorghum/*tef* beer (Arabic *maḍar*; Oromo *farso*, Amharic *ṭälla*). The Ḥanafite *faqīh* considers the beverage licit, whereas *šayḥ* Ḥusayn strongly forbids its usage and in the end manages to prove that his legal opinion is the best.¹³

Moreover, the same text recounts how *faqīh* Mūsā al-Muqriʿ, a devotee of *šayḥ* Ḥusayn, eventually came back to Ethiopia from Yemen, where he had completed his education under the guidance of the famous law experts Ismāʿīl b. Muḥammad al-Ḥaḍramī (d. 1298) and Aḥmad b. Mūsā b. ʿUḡayl (d. 1291). The learned Ethiopian man took with him knowledge of the *Tanbīh* and the *Muḥaḍḍab*, two fundamental books of the Šāfiʿite *maḍhab* authored by the renowned Abū Ishāq Ibrāhīm al-Širāzī (d. 1083).¹⁴ Thanks to the strong support he received from *šayḥ* Ḥusayn, *faqīh* Mūsā managed to get these two ‘new’ handbooks to replace the ‘Book of al-Ḍumayrī’, which was previously used in the region as a reference work for legal education.¹⁵

This second hagiographical story confirms that a decisive push for the arrival and the further spread of Šāfiʿism in Ethiopia (as elsewhere in the Horn of Africa)

¹² See Gori 1996 for an introductory description of the texts and the holy man.

¹³ See Cerulli 1938, 8–10 for the full story.

¹⁴ It is not clear from the text whether the Ethiopian student in Yemen also brought manuscript copies of the two books by al-Širāzī with him or simply obtained permission (*iğāza*) to teach them orally after having learnt them from his own teacher.

¹⁵ See Cerulli 1938, 17–19 and Gori 1996, 60–62 for the tale. The ‘Book of al-Ḍumayrī’ remains impossible to identify, unfortunately.

was given by the learning centres of the school in Yemen. Many foreign students went to central Yemen and Ḥaḍramawt in order to study Šāfi'ite legal interpretation, in particular the city of Zabīd in the former region and the town of Bayt al-Faqīh in the case of the above-mentioned tale, where Aḥmad b. Mūsā b. 'Uḡayl was based. The cities of Tarīm and Say'ūn in the latter region were also popular destinations.¹⁶

In terms of the early modern era, it is a well-known fact that Ethiopian and Somali scholars went to study in northern Yemen and Ḥaḍramawt and then proceeded to Mecca to perform the pilgrimage. Coming back to their native regions, they spread or strengthened Šāfi'ism, teaching all the main reference texts of the school the way they had learnt them abroad. Yemeni scholars came to Ethiopia together with traders in order to teach (sometimes it is impossible to distinguish between the two). Harar was a particularly popular goal. Some of them settled in the Muslim areas of the country and definitively anchored Šāfi'ism in the regional culture.¹⁷

Finally, in very general terms, apart from the fact that the legal theory that the Šāfi'ite school developed was possibly more attractive than the one of other schools, the capability to organise and transmit the *maḍhab*'s corpus of knowledge presumably played a role in making the 'new' school more appealing than the older one(s). In addition, teaching and learning methodologies may have facilitated the transfer of students and teachers from one school to the other. This idea needs to be scrutinised further in the light of a comparative analysis of each school's organisational structure and its capability to foster the spread of its syllabus, however.¹⁸

16 See Cerulli 1938, 26 on this point. The Swahili coast and Indonesia are two more regions of the Islamic world that present the same picture as the Horn of Africa: in both those areas, it was the Ḥaḍramī scholarly and commercial diaspora that caused the first introduction and further diffusion of the Šāfi'ite school of law.

17 As for Ethiopia, see the case of *mufī* Dāwūd b. Abī Bakr (1724–1819), for example, as well as that of *šayḥ* 'Umar al-Dabarzitī, Ibrāhīm al-Ifātī and others mentioned in 'Abdallāh Ḥiḍr 2014, 144–145. A learned Yemenite man in Ethiopia in 1249–1255 is discussed in Cerulli 1943, 276–278.

18 A very general description of the possible reasons for Šāfi'ism spreading in Yemen at the expense of Ḥanafism and Mālikism can be found in Bāḍib 2009, 184–187.

2 The transmission of knowledge within the Šāfi'ite school and the *Minhāğ al-ṭālibīn*

Minhāğ al-ṭālibīn wa-'umdat al-muftīn fī fiqh maḏhab al-imām al-Šāfi'ī (referred to in short as *Minhāğ al-ṭālibīn* or even *Minhāğ tout-court*)¹⁹ is a text for the advanced study of Islamic law according to the exegetical principles of the Šāfi'ite school authored by the famous and revered Syrian scholar Abū Zakariyā' Yaḥyā b. Šaraf al-Nawawī (d. 1277) and possibly completed in 669 AH / 1270–1271 CE.²⁰ The importance of the *Minhāğ* in the Šāfi'ite *maḏhab* should not be underestimated.

While masterfully analysing the ways of transmission of the traditional corpus of knowledge in the Šāfi'ite school,²¹ Eduard Sachau pointed out five text constellations that became the pivots around which the school's teaching and learning were structured. The fourth text cluster he described is one formed around the *Minhāğ al-ṭālibīn*.

The 'Minhāğ gruppe', as Sachau called it,²² consists of the text of al-Nawawī's work and some of its commentaries, 'super-commentaries' and glosses. Sachau divided it into two subgroups: firstly, the one composed of (a) *Šarḥ al-minhāğ* by Zakariyā' al-Anṣārī (d. 1520), (b) *Tuḥfat al-Muḥtāğ* by Ibn Ḥağar al-Haytamī (d. 1566) and (c) *Nihāyat al-muḥtāğ* by al-Ramlī (d. 1596),²³ and secondly, the one composed by (a) the *Manḥağ al-ṭullāb*, an abridged version of the *Minhāğ* by Zakariyā' al-Anṣārī, (b) the glosses of Sulaymān al-Bağirmī (d. 1806) on this text (*Ḥāšiyat al-Bağirmī 'alā Manḥağ al-ṭullāb*), (c) the glosses of Nūr al-Din 'Alī al-Šabarāmlisī (d. 1676) on Zakariyā' al-Anṣārī's commentary on the *Minhāğ*

¹⁹ One possible English translation of the title is 'The way for the students and the pillar for the muftis concerning the legal practice of the school of imām al-Šāfi'ī'. Significantly, the word *minhāğ* has come to mean 'course of study' or 'academic programme' in Modern Standard Arabic.

²⁰ On the personality and work of al-Nawawī, see the introductory article by Wilhelm Heffening 1993. The learned man acquired widespread fame throughout the Islamic world thanks to his collection of 'Forty ḥadīṭ' (*al-Arba'in al-nawawiyya*) and his devotional/pietistic *Riyāḍ al-ṣāliḥīn* ('The gardens of the righteous', also a selection of sayings by the Prophet).

²¹ Sachau 1897, XIX–XXIV.

²² Sachau 1897, XXII–XXIV.

²³ Some Arabic sources from Yemen (e.g. al-Saqqāf s.a., 118–119) point to the tendency of the Šāfi'ites of Egypt to prefer the *Nihāya* by al-Ramlī to the *Tuḥfa* by al-Haytamī, which is considered more reliable by the Šāfi'ite scholars of Ḥaḍramawt, Syria, the Kurdish region, Daghestan and most of Yemen and Ḥiğāz.

(*Ḥāšiyat al-Šabarāmlisī 'alā šarḥ al-Minhāğ*) and (d) Zakariyā' al-Anšārī's commentary on his *Manhağ al-ṭullāb* (entitled *Faṭḥ al-Wahhāb bi-šarḥ Manhağ al-ṭullāb*).

In a very detailed and critical review of Sachau's volume on Šāfi'ism he wrote in 1898 (and published a year later), Snouck Hurgronje²⁴ strongly underlined the special position that the '*Minhāğ* group' occupies among the handbooks of the Šāfi'ite school. In particular, al-Nawawī's text gained unchallenged prestige: via the *al-Muḥarrar* by Abū al-Qāsim al-Rāfi'ī (d. 1226), al-Ğazzālī's (d. 1111) *al-Wağiz* and the *Nihāyat al-maṭlab* by Imām al-Ḥaramayn al-Ğuwaynī (1085), the teachings of the *Minhāğ* reach the very source of Šāfi'ite tradition, i.e. the *Muḥtaṣar al-Muzanī*, authored by one the most outstanding direct disciples of al-Šāfi'ī, the eponymous founder of the school.²⁵

The exceptional importance of the *Minhāğ* in the school of al-Šāfi'ī is confirmed by the fact that the title is mentioned as one of the main reference books of the *maḏhab* all over the Islamic world. Practitioners of law and students at higher-level educational institutions have recourse to the *Minhāğ* scholars. The text is used by advanced students who have already gone through simpler or introductory handbooks, for example in Somalia²⁶ and Ethiopia,²⁷ and it is considered one of the fundamental law texts in Indonesia²⁸ and East Africa as well.²⁹

Unfortunately, no comprehensive survey of the manuscript tradition of the *Minhāğ* has been conducted so far and such a study would go well beyond the scope of the present paper. I am therefore obliged to limit myself to making some very general observations on this point.

Carl Brockelmann's *Geschichte der arabischen Litteratur* (GAL¹) and its supplement volumes (GAL S) list a total of 22 manuscripts of al-Nawawī's work scattered over many different countries in the Islamic world and various European

²⁴ Snouck Hurgronje 1899, 144.

²⁵ Earlier references to a direct connection between al-Nawawī's *Minhāğ* and the *Muḥtaṣar* al-Buwayṭī (d. 846; another of al-Šāfi'ī's direct disciples) that were particularly contained in nineteenth-century European sources need to be reassessed in light of the later publication (1998) of the *Muḥtaṣar* that al-Muzanī wrote (d. 877–8).

²⁶ See al-Šümālī 2015, 243–244.

²⁷ Hussein Ahmed 1988, 94–106 (especially 100).

²⁸ Van den Berg 1882, viii. The importance of al-Nawawī's text is the reason why the Dutch colonial administration in Indonesia decided to publish it and have it translated into French; van Bruinessen 1990, 226–269.

²⁹ Becker 1911, 1–48 (particularly 21–22 here); Farsy 1989, *passim*; Loimeier 2009, 179, 182, 208 confirms that the *Minhāğ* is still being taught as a major reference text in twenty-first-century Zanzibar.

libraries as well.³⁰ Obviously, though, this number should only be considered a vague hint of the text's diffusion among Muslim scholars; an updated analysis of all the catalogues and manuscript collections now available could easily multiply this figure a number of times.

A cursory look at the description of some of the known codices of the work shows that the text was normally copied completely, producing a relatively thick manuscript.³¹ This is the case for the following manuscripts, for example:

- Berlin, Staatsbibliothek, Or. 3023 (94 fols);
- Berlin, Staatsbibliothek, Ar. 4522 (210 fols, octavo, 17.75 × 12.5 cm; 15 lines; no date);
- Berlin, Staatsbibliothek, Ar. 4523 (Wc. 1425; 243 fols, octavo, 15 lines, 18.5 × 131.3 cm; 12.5 × 8.5 cm; no date, *terminus ante quem* 1353 CE);³²
- Gotha, Forschungsbibliothek, Ar. 955 (234 fols, 25.5 × 17.5 cm; 17 lines; 18 *rağab* 891 = 20 July 1486);
- Gotha, Forschungsbibliothek, Ar. 956 (281 fols; 17.5 × 13.5 cm, 15 lines; no date);
- Gotha, Forschungsbibliothek, Ar. 957 (196 fols, 20.5 × 15 cm, 18 lines, 21 *dū al-qa'da* 728);³³
- the three codices in the Sammlung Haupt in Berlin (137: 440 'Seiten' [220 fols?] 17.7 × 25.2 cm, 15 lines, dated 'x64' [possibly 864 AH / 1459–1460 CE or 964 AH / 1556–1557 CE according to the catalogue]; 138: 500 'Seiten' [250 fols?], 21.5 × 30.5 cm, 12 lines, no date *terminus ante quem* 1015 AH / 1606–1607 CE; 139: 598 'Seiten' [299 fols?], 15.5 × 21.6 cm, 7–12 lines, dated 915 AH / 1509–1510 CE);³⁴
- Oxford, Bodleian Library, Or. 707 (141 fols; dated 1469);
- Oxford, Bodleian Library, Laud. Or. 217 (234 fols; dated 1440);
- Cambridge, University Library, Or. 479 (251 fols; 20.5 × 15.3 cm; 15 lines; dated 1468);

³⁰ GAL¹, 395–396; GAL S, 680–682.

³¹ Unless otherwise stated, the following list is based on the (sometimes surprisingly scanty) data provided by the available online catalogues of Arabic manuscripts (e.g. <archivesetmanuscripts.bnf.fr>; <fihrist.org.uk>; <searcharchives.bl.uk>; <orient-digital.staatsbibliothek-berlin.de> [all accessed on 10 Dec. 2020]) and aims to give the reader an initial – albeit still rather vague – idea about how the text has been copied and circulated in the Islamic world.

³² Ahlwardt 1892, 97–98.

³³ Pertsch 1880, 223–224.

³⁴ Hartmann 1906, 16. It is unclear if the German term 'Seiten' is used here to refer to pages or folios.

- Cambridge, University Library, Add. 3181 (196 fols, 17.3 × 12.7 cm; 17 lines; possibly dated to 16 *rabīʿ al-awwal* 806 [3 Oct. 1403]);
- Paris, BnF, Ar. 1002 (174 fols; 17 × 13 cm; 19 lines; dated *rabīʿ al-tānī* 860 [March–April 1456]), Ar. 1003 (207 fols; 20.5 × 15 cm; 17 lines; 25 *dū l-ḥiġġa* 997 [4 Nov. 1589]), Ar. 1004 (fols 2^r–154^r; 21 × 16 cm; 20 lines; 7 *šawwāl* 704 [3 May 1305]) and Ar. 4545 (fols 40^r–279^r; 20 × 13 cm; 13/15 lines; dated 1070 [1659–1660]);
- the manuscript in the Khuda Bakhsh Oriental Public Library in Patna Ar. 1840 (340 fols, 12.5 × 8.5–8.5 × 5.5 cm; 9 lines; not dated, possibly tenth century AH);³⁵
- the eight copies mentioned in the catalogue of the manuscripts in the libraries of the *madrāsas* of Mosul.³⁶

Among some of the more recently digitised manuscripts of the work, there is also EAP466/1/13 from the Riyadhha Mosque in Lamu (Kenya; 413 pages [206 fols] 32 × 22 cm; nineteenth century) and EAP144/3/26 from the Surau Lubuk Ipuh Collection (Pariaman, Sumatra, Indonesia; 354 images available; possibly nineteenth century), which contain the whole of al-Nawawī's *Minhāġ* in one volume.

Finally, the four manuscripts on which the critical edition of the *Minhāġ* by Muḥammad Muḥammad Ṭāhir Šaʿbān is based (2005) feature the full work copied in a single codex.³⁷ As they are among the oldest known testimonies of the text, it is possible to infer from them that copying the text as a whole in one manuscript was common practice ever since the *Minhāġ*'s manuscript tradition began.

From the brief survey above, it therefore seems that al-Nawawī's text has been approached in a compact form in different areas of the Islamic world as a

³⁵ See Khuda Bakhsh Oriental Public Library 1980, 96.

³⁶ See al-Ġalabī al-Mawṣilī 1927, 114 (Madrāsāt al-Ḥaġġiyāt, no. 208), 133 (al-Madrāsa al-ḥasaniyya, no. 195), 160 (Madrāsāt ʿAbd al-Raḥmān Ġalabī al-Šaʿīġ, no. 184), 182 (al-Madrāsa al-muḥammadiyya fī ḡāmiʿ al-zaywānī, no. 218), 200 (Madrāsāt al-mullā Zakar – *al-ḥaġġ Zakariyyā*, nos 211 and 212), 220 (Madrāsāt al-nabī Šīʿī, nos 140 and 150).

³⁷ *Minhāġ* 2005; the edition is based on the following manuscripts: al-Ahsāʾ Library (KSA), n.n., 158 fols (19 lines, 12 words per line), dated 26 *ġumādā al-ūlā* 785 (26 Aug. 1383); the above-mentioned Paris, BnF, Ar. 1002 (the editor, oddly enough, does not mention the shelf mark of this codex); Damascus, al-Ẓāhiriyya, n.n., 191 fols (15 lines, 13 words per line), not dated but *terminus ante quem* 879 AH / 1474–1475 CE; Riyadh, al-ʿAbikān [al-Obeikan] Library, n.n., incomplete codex (missing from the subchapter on menstruation to the book of bankruptcy and the whole book on testaments), 162 fols (15 lines per page, 9 words per line), dated 14 *šawwāl* 745 (18 Feb. 1345).

reading/study unit to be copied and gone through from beginning to end.³⁸ A few known *iğāzāt* issued by a teacher to authorise one of his students to teach the *Minhāğ* also treat the text as a whole.³⁹ However, these documents do not contain any details about the way it was taught and studied, but simply attest the student's capability to start teaching.

In terms of its structure, the text is divided into 71 chapters (actually called *kitāb*, literally meaning 'book'⁴⁰). Longer chapters are divided into subchapters (*faṣl*, literally '(sub)chapter', 'section', or *bāb*, 'chapter'); shorter sections devoted to specific aspects of a more general issue are dealt with in subparagraphs (*far'*; lit. 'branch'). No further internal division can be detected: themes and topics discussed in the text flow according to an organising logic that partially recalls that of the collections of sayings of the Prophet, but is apparently based directly on examples from the *Nihāyat al-maṭlab* by al-Ġuwaynī, to which the *Minhāğ* stands in a direct textual relationship, as mentioned above.

No research has been carried out so far to ascertain when the *Minhāğ* is introduced and studied in the schools where it is used as a reference book in a student's education. Generally speaking, the teaching and studying methodology of the different branches of the Šāfi'ite school is only known very vaguely and the students' progression from the simpler books to the more difficult ones is also difficult to follow up.⁴¹

A general teaching practice in Yemen, at least, seems to be that al-Nawawī's *Minhāğ* is only covered after seven to eight basic books have been read.⁴² The text

38 One remarkable exception is Oxford, Bodleian Library, Arab. c. 87 (201 fols; possibly nineteenth century), which contains the second half only, beginning with the section on marriage (*Kitāb al-nikāḥ*).

39 They are published as an appendix to the above-mentioned edition of the *Minhāğ* 2005, 603–607.

40 The terminology is calqued on that in use in the collections of sayings of the Prophet and subsequently in treatises on law.

41 To my knowledge, the best description of the levels through which the Šāfi'ite students go (with direct reference to the books used at each step of the progression) is the one contained in Loimeier 2009, 163–173, where the situation in Zanzibar is analysed. This outstanding contribution, however, does not go into any specific detail on the way the *Minhāğ* is studied in Zanzibar (or any other law book, for that matter).

42 On a website devoted to the study of Islamic law (<ahlalhdeeth.com/vb/showthread.php?t=21333>, accessed on 5 Dec. 2018), which refers explicitly to the practice of the Šāfi'ite students in Yemen (particularly in Ḥaḍramawt), a user called Abū Ḥamza affirmed on 19 July 2004 that study begins with the *al-Ḍaḥira al-Muṣriḥa* by al-Ḥabīb 'Umar b. Muḥammad b. Sālim b. Ḥafīz, then it continues with the *al-Risāla al-ḡal-la* by Aḥmad b. Zayn al-Ḥabaṣī and then the *Safīnat al-nağāḥ* by Sālim b. Samīr. On the same portal (<<https://www.ahlalhdeeth.com/vb/showthread.php?t=299387.html>>, accessed on 29 Sept. 2019), an article by Fahd 'Abdallāh

is thus only considered accessible once a student has acquired a sound knowledge of the basic principles of Islamic law and is already able to cope with fairly complicated juridical issues and disputes.

3 Studying Šāfi'ism in Ethiopia: manuscripts of the *Minhāḡ al-ṭālibīn*

Only very general information is available on the *curriculum studiorum* of the Muslims in Ethiopia. Law is always one of the core subjects of learning and teaching activity in any Islamic society. In Harar and Wällo, the two Islamic areas of the country for which more detailed data is available, the *Minhāḡ* is held in a respected position by scholars of the Šāfi'ite school. In both regions, al-Nawawī's work is used in higher education as a standard text in Islamic law. In Harar, a mosque came to be called *Kabīr Minhāḡ* after a teacher who was given this nickname because he spent every evening lecturing his students on the *Minhāḡ*.

As further undeniable proof of the text's wide circulation, intensive and extensive research carried out as part of the research project 'Islam in the Horn of Africa: A Comparative Literary Approach'⁴³ has enabled researchers to locate forty testimonies of the *Minhāḡ*, including printed books (two copies of the same edition) and fragments (both handwritten [eight] and in print [five]).

Leaving printed books,⁴⁴ fragments, and excerpts aside in the present context,⁴⁵ the information yielded by the aforementioned group of codices can be

al-Ḥubayšī published on 12 December 2012 argues that students start from the *Safīnat al-naḡāh* and then go on reading Abū Šuḡā' and its commentary by Muḥammad Ibn al-Qāsim.

43 The research project (identified by the acronym *IslHornAfr*) is based at the University of Copenhagen and was financed by the European Research Council (Advanced Grant no. 322849 for the period from 2013 to 2018). The Principal Investigator is the present writer; for further details, visit the project's website: <islhornafr.eu> (accessed on 10 Dec. 2020).

44 Aggaro shaykh Kamal, 00041, pp. 1–167; Jimata Muhammad Abba Jamal, 00024, pp. 1–167.

45 Addis Ababa, Institute of Ethiopian Studies, 02660, fols 1^r–2^v, 8^r–8^v; Aggaro shaykh Kamal, 00047, fols 2^r–4^v; Hargeisa Cultural Centre, 00035, pp. 145–160, printed book only; the *Kitāb ummahāt al-awlād* from the edition of Cairo Dār al-kutub al-'arabiyya al-kubrā *ramaḡān* 1328 September–October, 1910 printed on the margin of Zakariyā al-Anṣārī's *Manhaḡ*; Jimata Muhammad Abba Jamal, 00041, pp. 247–514, 00045, pp. 1–208 printed on the margin of the *Muḡnī al-muḡtāḡ ilā ma'rīfat ma'ānī alfāḡ al-Minhāḡ* (second part), Dār al-Kutub al-'arabiyya al-kubrā s.a., 00054, *Minhāḡ al-ṭālibīn* (vol. 2), al-Qāhira: al-Maṭba'a al-'Āmira al-Šarafiyya 1314 AH (1896–1897); Washington, Catholic University, Weiner Collection, 00018, fols 30^v–38^v excerpt from the *Kitāb al-ṭahāra* inserted in a manuscript of the commentary *Tuḡfat al-muḡtāḡ*,

summarised as follows. Only two manuscripts have a colophon: Addis Ababa, Institute of Ethiopian Studies 04570 dated to 1260 AH / 1844–1845 CE and Addis Ababa, Institute of Ethiopian Studies 04582 dated to 29 *ḡumādā al-ūlā* 1260 AH (16 June 1844). All the others are undated, but judging from their palaeographical features, they can be tentatively assigned to a period starting from the last part of the eighteenth and stretching well into the nineteenth century. More precise chronological boundaries are difficult to set, as research on the palaeography and the material aspects of the Ethiopian Islamic manuscript tradition is still in its infancy.⁴⁶

As for the geographical distribution of the testimonies, all the Šāfiʿite areas of Ethiopia are attested: Wällo, central-western Ethiopia, and Harar in eastern Ethiopia.

The overwhelming majority of the codices are thickly annotated and glossed in the margins.⁴⁷ Most of the notes are taken from some famous commentaries or ‘super-commentaries’ on the *Minhāḡ* and are of a lexicographical nature and/or contain legal explanations and observations on more complicated aspects of the text. The content of the marginalia (all in Arabic and not in local languages) and the way they are distributed on the page seem to point to their usage as an aid for teaching and studying. The production process of the codices of the *Minhāḡ* in the Horn of Africa therefore seems to be localisable to the educational environment.

The most striking feature of the Ethiopian testimonies of the *Minhāḡ* is that with the exception of four instances the text is copied in manuscripts containing only a quarter of the work, which is thus spread over four volumes.

The following is a brief list of the 25 codices containing a quarter of the *Minhāḡ* retrievable in the *IslHornAfr* database:

1. Addis Ababa, Institute of Ethiopian Studies, 02655, fols 3^r–95^v: from the beginning of the book (*Kitāb al-ṭaḥāra*) to the end of *Kitāb al-ḥāḡḡ* (1/4)
2. Addis Ababa, Institute of Ethiopian Studies, 02660, fols 11^r–137^v from the end of *Kitāb al-waṣāyā* to the beginning of *Kitāb al-tadbīr*; incomplete at the beginning and end (it corresponds to the second half, 2/2 [2/4, 3/4 and 4/4]);

Washington, Catholic University, Weiner Collection, 00149, fols 87^r–87^v; Washington, Catholic University, Weiner Collection, 00174, fols 1^r–2^v; Washington, Catholic University, Weiner Collection, 00174, fols 130^r–131^v); Wälqite, Zabbi Molla Library, 00007, fols 81^r–83^v; Wälqite, Zabbi Molla Library, 00226, pp. 153–190, printed excerpt from the first part of the work.

⁴⁶ However, see Regourd 2014, 2018a and 2018b.

⁴⁷ See the pioneering article by Hernández López 2017 on the distribution, content and function of marginal notes in some Ethiopian Islamic manuscripts.

3. Addis Ababa, Institute of Ethiopian Studies, 04491, fols 1^v–95^v from *Kitāb al-ġirāḥ* to the end of *Kitāb ummahāt al-awlād* (4/4);
4. Addis Ababa, Institute of Ethiopian Studies, 04498, fols 4^v–84^r from *Kitāb al-ġirāḥ* to the end of *Kitāb ummahāt al-awlād* (4/4);
5. Addis Ababa, Institute of Ethiopian Studies, 04501, fols 1^r–86^v from *Kitāb al-ṭahāra* to the end of *Kitāb al-ḥaġġ* (1/4);
6. Addis Ababa, Institute of Ethiopian Studies, 04516, fols 2^v–80^v from the beginning of *Kitāb al-bay'* to the end of *Kitāb al-ġi'āla* (2/4);
7. Addis Ababa, Institute of Ethiopian Studies, 04517, fols 3^v–73^r from *Kitāb al-ṭahāra* to the end of *Kitāb al-ḥaġġ* (1/4);
8. Addis Ababa, Institute of Ethiopian Studies, 04518, fols 2^v–78^v from the beginning of *Kitāb al-bay'* to the end of *Kitāb al-ġi'āla* (2/4);
9. Addis Ababa, Institute of Ethiopian Studies, 04519, fols 1^v–54^r from *Kitāb al-ġirāḥ* to the end of *Kitāb ummahāt al-awlād* (4/4);
10. Addis Ababa, Institute of Ethiopian Studies, 04560, fols 2^v–76^r from the beginning of *Kitāb al-bay'* to the end of *Kitāb qism al-ṣadaqāt* (2/4);
11. Addis Ababa, Institute of Ethiopian Studies, 04569, fols 1^r–98^r from *Kitāb al-ṭahāra* to the end of *Kitāb al-ḥaġġ* (1/4);
12. Addis Ababa, Institute of Ethiopian Studies, 04570, fols 1^v–130^r from the beginning of *Kitāb al-farā'id* to *Kitāb ummahāt al-awlād* (2/2; colophon 1260 AH = 1844–45 CE);
13. Addis Ababa, Institute of Ethiopian Studies, 04572, fols 1^r–68^v from *Kitāb al-ṭahāra* to the end of *Kitāb al-ḥaġġ* (1/4);
14. Addis Ababa, Institute of Ethiopian Studies, 04573, fols 2^v–77^v from the beginning of *Kitāb al-bay'* to the end of *Kitāb al-ġi'āla* (2/4);
15. Addis Ababa, Institute of Ethiopian Studies, 04582, fols 5^r–179^v from the beginning of *Kitāb al-waṣāyā* to *Kitāb ummahāt al-awlād* (2/2; colophon 29/5/1260 AH = 16 June 1844 CE);
16. Addis Ababa, Institute of Ethiopian Studies, 04666, fols 1^v–80^v from the beginning of *Kitāb al-farā'id* to the end of *Kitāb al-naḥqāt* (3/4);
17. Addis Ababa, Institute of Ethiopian Studies, 04673, fols 1^v–120^v from the beginning of *Kitāb al-waṣāyā* to *Kitāb ummahāt al-awlād* (2/2);
18. Addis Ababa, Institute of Ethiopian Studies, 05507, fols 1^v–85^v from the beginning of *Kitāb al-bay'* to the end of *Kitāb al-ġi'āla* (2/4);
19. Addis Ababa, Institute of Ethiopian Studies, 05518, fols 1^v–81^r from the beginning of *Kitāb al-bay'* to the end of *Kitāb al-ġi'āla* (2/4);
20. Addis Ababa, Institute of Ethiopian Studies, 05519, fols 1^r–116^v from the beginning of *Kitāb al-waṣāyā* to *Kitāb ummahāt al-awlād* (2/2);

21. Washington, Catholic University, Weiner Collection, 00002, fols 1^v–101^v from *Kitāb al-ğirāḥ* to *Kitāb ummahāt al-awlād* (4/4);
22. Washington, Catholic University, Weiner Collection, 00018, fols 43^v–103^r from the *Kitāb al-ṭaḥāra* to the end of *Kitāb al-ḥağğ* (1/4);
23. Washington, Catholic University, Weiner Collection, 00082, fols 2^r–86^r from *Kitāb al-ğirāḥ* to *Kitāb ummahāt al-awlād* (4/4);
24. Washington, Catholic University, Weiner Collection, 00180, fols 1^r–85^v from the *Kitāb al-ṭaḥāra* to the end of *Kitāb al-ḥağğ* (1/4);
25. Wälqite, Zabbi Molla Library, 00021, fols 1^r–71^v from the beginning of *Kitāb al-bayʿ* to the end of *Kitāb al-ğīʿāla* (2/4).

It is easy to see that each of the four quarters corresponds to one of the main branches of Islamic law according to the classification currently applicable in the Šāfiʿite school: 1) *ʿibādāt* ('rules concerning cult and religious practice'); 2) *muʿāmalāt* ('civil law'); 3) *nikāḥ* ('marriage and family law');⁴⁸ 4) *ğināyāt wa-muḥāṣamāt* ('criminal law').

As it appears from the analysis of the representative selection of testimonies of the *Minhāğ* carried out in this paper, the fourfold distribution of the text has not been attested anywhere else in the Muslim world yet. To my knowledge and at least until further research is conducted, it seems to be a very specific feature of the way al-Nawawī's handbook was copied in the manuscripts of the Horn of Africa.

This copying practice can be explained in connection with the usage of handwritten books in the teaching and studying syllabus in Ethiopian Islamic higher educational establishments. The student is supposed to go through the branches of Islamic law step by step, starting with the issues connected with canonical religious practice, which are unanimously considered to be part of the basic knowledge which every believer should possess to be able to perform his (or her) daily religious duties properly. At another stage of his studies, the student can go on to analyse civil law and its many sections (*muʿāmalāt* and *nikāḥ*), but he can only start delving into penal law and all its cases (*ğināyāt* and *muḥāṣamāt*) later on.⁴⁹

⁴⁸ It is interesting to note that in the manuscripts of the Horn discussed here, the quarter of the text dealing with family law (*nikāḥ*) starts with the exception of IES04560 from the *Kitāb al-farāʿid* (the chapter on the rules governing inheritance). According to the general classification in Islamic jurisprudence, inheritance actually falls under *muʿāmalāt* ('civil law').

⁴⁹ An inquiry recently carried out for the *IslHornAfr* project by Dr Andreas Wetter in the Islamic areas of central Wällo (central Ethiopia) revealed that the *Minhāğ* is normally studied in four (or

The connection between the testimonies of the *Minhāḡ* and teaching and studying at the Šāfi'ite schools of the Horn is also backed up by the chronological frame in which the available manuscripts can be situated: during the nineteenth century, many educational institutions were founded in Muslim regions of Ethiopia and blossomed rapidly, giving a strong impulse to the production of codices.

To conclude this article, the peculiar distribution of the text of the *Minhāḡ* in the manuscripts copied in the Horn of Africa can be taken as proof of the close relationship existing between the educational practice of the teaching institutions in the region and manuscript production. Further research will probably nuance the picture further by adding other relevant environments fostering the copying of codices, but so far, it can be affirmed that education was one of the most powerful catalysts of the manuscript tradition in this geographical and cultural landscape.

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even six) years there. No stable connection was confirmed between the subjects and a specific year of study, however.

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