IN THE SHADE OF THE ṢAḤĪḤ: POLITICS, CULTURE AND INNOVATION IN AN ISLAMIC COMMENTARY TRADITION

Joel Blecher

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Advisor: Muhammad Qasim Zaman

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Abstract

This dissertation shines a light on the changing politics, culture and techniques of Islamic commentaries on a collection of sayings and practices attributed to Muhammad called Ṣaḥīḥ al-Bukhārī in late and post-Umayyad Andalusia, Mamluk Cairo, and modern South Asia. At the height of the commentary tradition in the Mamluk period, the Ṣaḥīḥ was the text most revered by the Sunnī community after the Qur’an, and explications were delivered annually in the setting of the citadel where political patrons, rivals and students were present. Participants developed an ethics of commentary in an attempt to manage oratorical and written challenges from fellow competitors over prestigious judgeships and maintain the intellectual integrity of the tradition. Since the live sessions displayed commentators’ diverse regional identities through marked differences in dress and elocution, the criteria for judging live interpretation could subtly reflect ethnic differences. In modern South Asia, live lessons remained the predominant way commentaries were composed, but the milieu of the colonial and post-colonial madrasa in India oriented commentators differently towards political power and ethnicity. Moreover, new media such as print, television and online video changed when and where audiences could encounter commentary on the Ṣaḥīḥ.

Commentators were also motivated, in part, by exegetical goods, constitutive of but not reducible to instrumental power, wealth and prestige. Case studies that track commentary on Bukhārī’s compilatory goals and on discretionary punishment (taʿzīr) across time show how commentators debated the authenticity of the content and provenance of the Ṣaḥīḥ, the acceptable methods of deriving law and new meanings from the Ṣaḥīḥ, and the role of traditional institutions in Islamic law. The selective
transmission of prior opinions and the introduction of new opinions were conditioned in part by the commentators’ historical context and legal training and in part by the exegetical values that were constitutive of and constituted by the commentary tradition. In this way, this dissertation not only illuminates how commentators constructed their authority to interpret the Ṣaḥīḥ in their own social and political environment but also how commentators exercised their authority within the tradition to extend the normative meaning of the Ṣaḥīḥ within and across time.
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Note on terminology: the terms ḥadīth, isnād, madrasa, have been pluralized as ḥadīths, isnāds, madrasas and so on to facilitate greater accessibility.
Introduction

While I was in Damascus during the summer of 2009, I was invited to al-Īmān mosque to hear Shaykh Naʿīm al-ʿIrqsūsī add to his line-by-line commentary (sharḥ, pl. shurūḥ) on Bukhārī’s Ṣaḥīḥ.¹ I made a careful observation of ʿIrqsūsī’s students. By my count, nearly eight hundred male students had gathered there, and a good fraction of them were from other parts of the Islamic world, particularly Central Asia and Indonesia. Roughly one half brought a personal copy of Bukhārī’s Ṣaḥīḥ with them. Older students pored over faded editions, with margin notes from prior studies. Younger students brandished sparkling new editions that already included a popular medieval commentary in a conveniently shrunken font-size below the base text, adding their own margin notes for the first time. Near the back, some in attendance closed their eyes, counting their prayer beads methodically as they listened to the shaykh explain each hadīth report. Near the front, students clamored for the shaykh’s attention, hoping to prove they could competently answer any question the shaykh might spontaneously pose to them.

While ʿIrqsūsī’s periodic slips into Syrian dialect appeared to create an air of improvisation, his commentary was anything but. In one sitting, by capitalizing on the flexibility of the line-by-line commentary to digress into a wide spectrum of detailed discussions, ʿIrqsūsī carefully stitched together citations from Mamluk hadīth commentaries, Qurʿān commentaries, historical chronicles, scholarly and prophetic

biographies and rhetoric to exhort his audience to pious action, or to elucidate a sectarian, legal, grammatical or historical issue.

A ḥadīth that at first blush may have appeared relatively banal, a report in which Muḥammad is alleged to have authorized more than one procedure for performing the lesser and greater pilgrimages to Mecca and Medina in conjunction,² provided an opportunity for ʿIrqūsī to make a point about Sunnī identity and tolerance, as well as a heavy-handed jab at contemporary Salafī discourses. Pointing to the text, ʿIrqūsī argued that the Prophet authorized multiple correct practices in order to accommodate multiple constituencies of the community, contra those who would narrowly anathematize anyone who fails to follow a singular model for correct Islamic practice. It took ʿIrqūsī from the time of the sunset prayer to the evening prayer, about an hour and a half, to recite and explain just three hadīth reports. It was now the seventh year of his commentary, and he was less than a third of the way through explaining the entire work.

It may seem strange, but there is no written publication of ʿIrqūsī’s commentary on Ṣaḥīḥ al-Bukhārī. Instead, two video cameras set-up on tripods recorded the event for DVD sales in the bookstore attached to mosque, bookstores across the city, as well as for excerpting into youtube posts for on-line followers. The audio from those cameras was separated from the video track, and sold separately as MP3s on unlabeled CDs. One DVD box set available sold all seven years of audio commentary stored on five DVDs (see fig. 1). This begs the question: to what extent can we limit our study of commentary to a tradition of writing?

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Written commentaries are often the only surviving sources available to scholars who study commentary, especially for the pre-modern period. In the absence of memoirs, chronicles or ethnographies of live commentary or the live process of commentarial writing, it should come as no surprise that the prevailing monographs and studies produced in recent conferences and edited volumes on classical and religious commentary traditions inadvertently focus on manuscript and writing practices. But theorists addressing commentary traditions have also tended to restrict their conception of commentary to a phenomenon relegated to the quiet, if cramped, corridors of a written text or manuscripts margins. Even Michel Foucault, in surveying the widest range of what might legitimately be called a commentary on a canonical text like Homer’s

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*Odyssey*, cites a variety of texts, but they are all chirographic: a translation, a textual explication and a novel.⁵

Some Islamicists, especially ethnographers of Islamic societies, have approached the phenomenon of commentary more broadly. The ethnographic work of Brinkley Messick in Yemen and Saba Mahmood in Cairo, which addresses Islamic commentary generally, offers snapshots of the enduring primacy of oral and aural relationships in the modern pedagogy of Islamic texts. Messick, who investigates *sharḥ* as both an “oral lesson” and “a written composition,”⁶ writes, “[t]he ‘dictation’ relationship involved both a dictating teacher and note-taking students, but it was the oral recitation-like activity of the teacher and the listening of the students rather than his reading and their writing that were taken to be of consequence.”⁷ While Messick studied commentary sessions in the school classroom context in Yemen, Saba Mahmood’s case study, which follows Messick’s, takes place at the upper-middle-class ‘Umar Mosque in urban Cairo.⁸ Mahmood gives us an impression of how a contemporary female preacher (*dāʾīyya*) employs rhetorical strategies to maintain her audience’s interest during a commentarial lesson. For example, the *dāʾīyya* appeals to her audience by addressing them in colloquial Arabic, relying on classical Arabic only when quoting and reciting *ḥadīth*.⁹ The *dāʾīyya*

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⁵ Foucault writes: “One and the same literary work can give rise simultaneously to very distinct types of discourse: the ‘*Odyssey*’ as a primary text is repeated, in the same period, in the translation by Bérard, and in the endless ‘*explications de texte,*’ and in Joyce’s *Ulysses.*” Michel Foucault, “The Order of Discourse (1970),” in *Untying the Text: A Post-Structuralist Reader*, ed. Robert Young (London: Routledge, 1981 ), 57.


⁷ Ibid., 90.


⁹ Ibid.
also goes to great lengths to address how *ḥadīths* might be thoughtfully applied in her students’ lives, especially issues of women’s sexual health.¹⁰

In that vein, the chapters that follow will be concerned with both the written and live performances of commentary on the *Ṣahīḥ*, from early Mālikī commentators in late and post-Umayyad Andalusia, to a baroque period of *ḥadīth* commentary in Mamluk Cairo, and lastly to colonial and post-colonial South Asia. By initially highlighting the performative aspects of the commentary tradition, I hope to elucidate the political and social conditions that make a commentary possible without losing sight of what was normatively at stake in the course of their textual arguments. For the pre-modern sections of my study, I draw on *prolegomena*, written commentaries, biographies and chronicles. The Mamluk era sources are particularly rich in this regard, and my investigation is weighted towards them accordingly. In the modern period I also draw on the relevant *prolegomena*, written commentaries and biographies, supplementing them with field interviews, memoirs, and video and audio-recordings when possible.

In chapter one, I use accounts of the composition of Ibn Ḥajar al-ʿAsqalānī’s (d. 852/1449) *Fath al-bārī* as a window into broader Mamluk era practices of commenting on the *Ṣahīḥ* to illustrate how commentators’ written work was embedded in public and intimate oral study sessions, and interactions with students, rivals and patrons. Even the struggles of writing a commentary were put on display, in a sense, with some biographical anecdotes conspicuously narrating commentators’ battles with the physical exhaustion of writing, their frustrations with market realities, and the finality of death. The openness and visibility of the live sessions made commentators vulnerable to oratorical challenges and plagiarism, and commentators honed their debate skills and

¹⁰ Ibid., 83-90.
criticized transgressions of correct commentarial attribution. By comparing a chronicle account of Ibn Ḥajar’s commentary on a *hadīth* in the garden of the sultan on a summer afternoon with a section of *Fath al-bārī* concerning the same *hadīth*, we will see how the commentarial genre placed a *hadīth*’s exegesis in a chronological narrative, not unlike like the genre of the chronicle, but with thoroughly different stakes. In modern South Asia, live study sessions remained the dominant way commentary was delivered for students, but the milieu of the colonial and post-colonial *madrasa* in India oriented commentators differently towards political power. Moreover, new media such as print, television and online video changed the times and spaces of commentary on the *Ṣahīḥ*, and by extension, the relationships formed among commentators and their audiences through the practice of commentary.

I delve deeper into this theme of the live commentary as a site of contestation in chapter two, by examining the relationship between ethnicity, politics and authority in accounts chronicling the struggles of commentators on the *Ṣahīḥ* to win high court judgships in Mamluk Cairo, and a sense of “authenticity” in Modern South Asia. I focus in particular on the affair of Shams al-Dīn al-Harawī (d. 829/1426), a scholar of Persianate origin who, despite accusations of fraudulent credentials, attained the highest ranking judgeship in the Mamluk Sultanate. The Harawī affair tells a story about the subtle and complicated role that transregional migration and ethnicity could play, along with a constellation of other traditionally defined virtues, in the construction of interpretive authority on the *Ṣahīḥ* and the attainment of status and appointments. The Mamluk cases are then compared with case studies in the South Asian context, where displaying a great memory and mastery of Arabic became a way Indian Muslims
demonstrated the authenticity of their Islamic identity to themselves, to their Arab counterparts in the Middle East, and to British officials in colonial India.

The third chapter pivots to address a traditionally defined way that justified commentarial authority over the Ṣaḥīḥ but also helped construct the normative meaning of the text: the analysis of Bukhārī’s chapter headings (tarājim) that promised the disclosure of the “secret of Bukhārī’s essence” (sirr kawn al-Bukhārī). In doing so, this chapter also investigates how the development of canonical culture influenced the commentator’s ability to introduce or discover new meanings in the text. In the 10th and 11th centuries, many Muslim scholars of Andalusia wondered whether the problematic chapter headings in Bukhārī’s Ṣaḥīḥ were inadvertent errors. A marked change occurs among later commentators in Egypt, such as Ibn al-Munayyir (d. 683/1284) and Ibn Ḥajar, who viewed the chapter headings as riddles containing Bukhārī’s hidden intentions. Since the titles’ meanings were often underdetermined, commentators could claim to be faithful to Bukhārī’s compilatory goal while simultaneously deriving novel meanings from the text. This was precisely what attracted South Asian commentators and their audiences to the analysis of the titles during the modern period. In a section near the end of this chapter, I track a case study diachronically through the commentary tradition on the heading under which a ḥadīth on the destruction of the Ka’ba was categorized. Commentators made use of title analysis in order to uncover Bukhārī’s concealed intention in categorizing the ḥadīth in the way he did, while bringing the ḥadīth into line with their own legal, theological and political norms in both subtle and overt ways.

The fourth and final chapter builds on chapter three by tracking a point of intersection on the Ṣaḥīḥ, Bukhārī’s chapter on discretionary punishment (taʿzīr), in the
context of 10th and 11th century Andalusia, 14th and 15th century Egypt, and 19th and early 20th century modern South Asia. As we will see, hadīths in Bukhārī’s chapter on taʿzīr provoked commentators to question the authenticity of their isnāds, the acceptable methods of deriving law from these hadīths, the proper limits of the jurists’ power to issue sentences for certain kinds of offenses, and the need for traditional institutions in Islamic law. The answers to these questions were conditioned in part by the commentators’ historical context and legal training and in part by the exegetical norms that were constitutive of and constituted by the commentary tradition. Moreover, the tools of repetition, abridgement and rearrangement of the history of scholarly opinions on hadīths in Bukhārī’s chapter on taʿzīr allowed some commentators to craft new meanings out of old words.

To be sure, interpreters of the Ṣaḥīḥ derived their authority by showing they were continuously anchored in a cumulative tradition. Yet change and innovation were also valued in the logic of the commentary genre, and allowed the tradition, however subtly, to respond to shifts in legal, theological, regional and political institutions over long periods of time. In this way, my dissertation not only illuminates how commentators constructed their authority to interpret the Ṣaḥīḥ in their own social and political environment, but will also shed light on how commentators exercised their authority within the tradition to extend the normative meaning of the Ṣaḥīḥ over time.
Chapter One:
Live Performance and the Making of a Commentary

The world at the height of the Arabic commentary tradition on Ṣaḥīḥ al-Bukhārī in the Mamluk period was a world where Bukhārī’s compilation was revered as a kind of aural, oral and material scripture.¹ It was a world where public recitations of the Ṣaḥīḥ were thought to help resolve social crises.² Seafarers claimed that packing the collection’s heavy volumes on their ship could protect them from harm.³ At celebrations honoring the completion of reciting the Ṣaḥīḥ, scholars delivered poems reflecting on the unique blessing (baraka) brought about by the act of reading the work.⁴ As Jonathan Brown recently put it, the Ṣaḥīḥ could function apotropaically as a textual relic or talisman because it was “a synecdoche for Muḥammad himself,” a part of the hadīth corpus that was symbolic of the Prophet’s legacy as a whole.⁵

But what claims does a text of canonical status make on those who would interpret it? Where, when and how could the Ṣaḥīḥ be commented upon, and who had the

¹ For a general discussion of oral and aural scripture in the West and in the Islamic context, see William Graham, Beyond the Written Word: Oral Aspects of Scripture in the History of Religion (Cambridge: Cambridge University Press, 1987), 1-30; 81-110.
² One oft-quoted anecdote reports that, during the late seventh/late thirteenth centuries, as the Mongols were advancing upon Syria, a governor ordered the Shāfi‘ī chief justice (qādī al-qudāt) of Mamluk Cairo, Ibn Daqīq al-Īḍ (d. 702/1302), to gather to the ḥadīth scholars to quickly recite each volume of the Ṣaḥīḥ with the expectation of bringing about a miracle. Kamāl al-Dīn al-Uḏfawī, Al-Ṭā‘lī al-sa‘īd : al-jāmī‘ li-asmā‘ al-fuqalā‘ wa ‘l-ruwāḥ bi-‘l-ṣa‘īd, 1st ed. (Egypt: al-Matba‘a al-Jamā‘īyya, 1914), 323-4; Shāh Wali Allāh al-Dīhlawī, Bustūn al-muḥaddithīn, trans. Muḥammad Akram al-Nadwī (Beirut: Dār al-Gharb al-Islāmī, 2002), 252.
⁴ See idem, The Canonization of al-Bukhārī and Muslim, 335-58. Of course, other genres of Islamic literature functioned apotropaically, namely, the Qur‘ān and works containing descriptions (ḥiyya) of Muḥammad’s appearance. The difference is of degree and perhaps that the Ṣaḥīḥ is unusual among multi-volume ḥadīth compilations in functioning regularly in such a way.
⁵ Ibid.
authority to comment on it in the first place? The present chapter seeks to offer a thick description of a rarely observed world of commentary on the capstone of the ādīth curriculum, Ṣaḥīḥ al-Bukhārī, as it was embedded in formal and informal live study sessions and interactions with students, rivals and patrons. While the sources I draw on are themselves contingent on their own social and historical circumstances, I argue that they shine a light onto the diverse and complex spatial, temporal and causal settings that motivated pre-modern commentary on the Ṣaḥīḥ in Mamluk Cairo. Prior to concluding the chapter, I briefly explore the making of commentary on the Ṣaḥīḥ in a broad spectrum of times and spaces in colonial and contemporary South Asia, from the classrooms of a madrasa to fragmentary videos of live television broadcasts. The comparison, while not comprehensive, hopes to illuminate how a tradition of commentary was not only a debate about the text’s meaning that stretched across time, but also reflected lived experiences within a particular time and space.

The chapter begins by reconstructing the social context of Mamluk commentaries on the Ṣaḥīḥ. I first show that commentaries on the Ṣaḥīḥ were often quarter-century undertakings, with commentators explaining two or three ādīth per week in the presence of their students, who then copy-edited written drafts of the commentary. Commentaries were also regularly delivered in the midst of recitation sessions over the course of Ramadan at the citadel in Cairo, in the presence of the sultan and the judicial élite. The public nature of the live sessions left commentators especially vulnerable to challenges from their competitors and to unattributed borrowing. In these clashes among rivals I will be less concerned with determining the victor but rather with how commentators
constructed oral and written strategies to fend off rivals and to protect their intellectual work from theft.

In the latter part of this chapter, I focus on a rare episode in the sultan’s garden over fruit and sweets, a more intimate setting for live hadīth commentary. Ibn Ḥajār al-ʿAsqalānī’s chronicle Inbāʾ al-ghumr tells of an afternoon discussion in the shade of the sultan’s garden, prompted by a Cairene student’s curiosity about the contradictory logic of a hadīth from Sahih al-Bukhārī. Ibn Ḥajār used the impromptu live commentary to embarrass his Persianate rival, Shams al-Dīn al-Harawī, and to impress his Circassian patron, al-Muʿayyad Shaykh (r. 814-824/1412-1421). While Ibn Ḥajār stated that deriving religious benefit (istiṭāda) from knowledge in the live commentary sessions was the ideal, his conspicuous commitment to istifāda in the garden session ironically serves as a key credential in the pursuit of his patron’s favor, and, as a consequence, a judicial and teaching appointment. In a rare crossover, Ibn Ḥajār retells this anecdote of the garden session in his written explication of the same hadīth in his multi-volume written commentary, Fath al-bārī, but engages a tradition of reasoning with radically different stakes. By juxtaposing accounts of the live commentary with the text of the written commentary, I hope to make visible the political and social conditions that make a commentary possible without losing sight of what normative commitments and beliefs were of grave concern in determining the meaning and application of these texts.

A Note on Sources

For the earliest commentaries on the Sahih, such as al-Khaṭṭābī’s (d. 388/998) and Ibn Baṭṭāl’s (d. 444/1052-3 or 449/1057), we have little more than inferences from the
texts themselves and off-hand remarks in biographies with which to reconstruct the process of composing and performing a commentary. The little evidence that exists suggests that authors of commentary on the Ṣaḥīḥ did comment on the compilation publicly for students. As we will see in chapter four of this dissertation, Abū al-Walīd al-Bājī’s (d. 474/1081) live commentary on the Ṣaḥīḥ in Dénia was the setting for a transregional controversy concerning his explication of a ḥadīth from the Ṣaḥīḥ’s Book of Expeditions (Kitāb al-Maghāzī). The Mālikī commentator, Ibn Rushayd al-Sabṭī (d. 761/1321), was also reported to have explained two ḥadīths of the Ṣaḥīḥ per day to his students at a mosque in Granada.

Since the Mamluk period witnessed a popularization of “writerly culture and reading practices,” made possible by the transformative growth of institutions of learning in Damascus and Cairo, we can reconstruct a more detailed account of the place of live study sessions and their students within the Mamluk era commentarial writing process. Because of the fame of Ibn Ḥajar’s Fath al-bārī in particular, later biographers, such as Ibn Ḥajar’s closest student, Shams al-Dīn al-Sakhawī (d. 902/1497), preserved specifics on the process of composing this commentary in greater detail than for previous commentators on the Ṣaḥīḥ.

There is one caveat. Sakhawī relied heavily on Ibn Ḥajar’s autobiographical description of his writing process in the introduction to a work called Intiqād al-iʿtirād,  

which Ibn Ḥajar wrote after he had formally completed writing *Fatḥ al-bārī*. This autobiographical passage was not without an ulterior motive. Ibn Ḥajar had sought to
prove that Badr al-Dīn al-ʿAynī (d. 855/1451), a commentarial rival who was
simultaneously producing a commentary on the Ṣaḥīḥ in Cairo, had “borrowed without attribution” from Ibn Ḥajar’s *Fatḥ al-bārī*. Due to the polemical motivations behind the
introduction to *Intiqāḍ al-iʿtirāḍ*, it may not be possible to extrapolate based on Ibn Ḥajar’s and Sakhāwī’s account alone and I will try, wherever possible, to draw on other
sources. Nevertheless, their accounts shine a light on the culture that produced pre-
modern commentaries on canonical Islamic texts.

*For Students, with Students: Finished and Unfinished Commentaries*

Making a ḥadīth commentary of a major compilation such as the Ṣaḥīḥ was not
the work of a young scholar hoping to prove his virtuosity. Muslim scholars in the
Mamluk period typically undertook a commentary of a major ḥadīth compilation near the
end of their life, after they had studied abroad and accumulated a great number of reading
licenses (*ijāzāt; s. ājaẓa*), written extensively in related areas, had served as high-ranking
judges or advisors, or entertained offers thereof. A prolegomenon to and commentary on
Bukhārī’s Ṣaḥīḥ was one of the last works the Syrian scholar Muḥyī al-Dīn Abū Zakariyyā al-Nawawī composed before his death in 676/1277. Likewise, the Cairene

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their commentaries after two decades of teaching, intermittently serving as the chief justice (qāḍī al-quḍāt) in Cairo for their respective legal schools.\textsuperscript{11} The renowned Shāfīʿī jurist and Ṣūfī paragon, Zakariyya al-Anṣārī (d. 926/1520), composed his commentary of the \textit{Ṣahīḥ} after he had retired from his chief judgeship.\textsuperscript{12}

Problems in the text of the \textit{Ṣahīḥ} could sometimes be clarified by referencing transmissions of the \textit{ḥadīth} in other compilations, lexicons or legal compendia. Often commentators would complete an independent or conjoined work on language or \textit{isnād} criticism before undertaking a commentary. Ibn Ḥajar did so in his earlier work \textit{Ṭaʿlīq al-taghlīq}, an annotated description of the chains of transmission contained in the \textit{Ṣahīḥ}, as did Nawawī, who composed several major works on transmitters, language and law prior to preparing a commentary on a major \textit{ḥadīth} compilation.\textsuperscript{13} Students could then expect these commentators to be competent to draw on a number works both on the \textit{Ṣahīḥ} and beyond to illuminate and elaborate on any given point or aspect of the text. As copyists wrote down recitations of the \textit{Ṣahīḥ} and as students studied them, it was common for them to include interlinear or marginal annotations on variant recitations that made reference to narrations in other \textit{ḥadīth} compilations, commentaries on the \textit{Ṣahīḥ} and commentaries on other related compilations (see figs. 2 and 3).


While students were attracted to the most prolific scholars, students simultaneously reined in scholastic excesses. Nawawī, in the prolegomenon to his commentary on another famous hadith compilation, the Ṣahih of Muslim ibn al-Ḥajjāj, spoke of his longing to write an “expansive work, a work stretching to more than a hundred volumes, without repetition or pointless expansion.”¹⁴ The obstacle to this commentarial indulgence, for Nawawī, was “the weakness of aspirations, the paucity of seekers, and fear that such a book would have no market, students being little inclined towards long

books.” This is our first glimpse into an implicit code of commentarial ethics in which commentators weighed their responsibility of serving the needs of the market with the desire to devote themselves entirely to the never-ending work of interpreting a sacralized text. In this case, Nawawī had his cake and ate it too: he both resigned himself to writing a “mid-size commentary” (sharḥ mutawassīt) but nevertheless produced a ten-volume work.\(^{16}\)

Despite Nawawī’s characterization of them as unmarketable, unfinished or unfinishable commentaries served an important marketing function. As a commentator’s prior publications did, unfinished commentaries were a profound signal of the depth of the commentators’ capacity to comment, and the sincerity of his devotion to hadith study. In 808/1405, Ibn Ḥajar, a close reader of Nawawī’s, and a follower of the Shāfiʿī legal school, began but never finished a commentary of another renowned hadith compilation, Tirmidhī’s Sunan, for the students who attended his hadith lessons at the school attached to the Shaykhūniyya, a Śūfi khanaqāh in Cairo. He left only a mammoth teaching outline of the work, which his biographer Sakhāwī touted as the size of an entire volume.\(^{17}\) Here, Sakhāwī did not view the unfinished commentary as a failure but a signal to audiences about the commentator’s untapped commentarial resources.

Theorist Hans Gumbrecht suggests one shared limit common to commentators: the width of the margin, a most severe and finite limitation on the physical page.\(^{18}\) Gumbrecht’s archetypical commentators are driven to fill them up to the brim, exceeding

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\(^{16}\) Norman Calder translates Nawawī’s description of the process: “[Nawawī’s] commentary [on Muslim’s Ṣaḥīḥ] would be of intermediate size avoiding excessive concision and excessive expansion (neither mukhtasar nor mabsūt).” See idem, Islamic Jurisprudence in the Classical Era, 107.

\(^{17}\) al-Sakhāwī, al-Jawāhir wa’l-durar, 2:675-6.

them only when spilling over into the headers and footers and, sometimes, in between the lines of the base text. Accepting, for the moment, the premise that commentarial layouts are consistent across the cultures of Europe and the Near East in this period, Ibn Ḥajar and his predecessors, dating back at least to the early Cordoban commentator Ibn Baṭṭāl, were not limited by any margin, as was typical of ḥawāshī (glosses or marginal notes). By Ibn Ḥajar’s period, the major line-by-line shurūḥ on the Ṣaḥīḥ were laid out in the center of the page, and I have yet to find evidence that commentators of these works ever included the complete base text in their works of commentary. Commentators would only include the fragmentary lemmata that were relevant for explication. Ibn Ḥajar toyed with the idea of including the base text, but decided against it, reasoning that had he included the base text his own commentary would have been too long (see fig. 4).¹⁹

Untethered from the restrictions of the margins or the added weight of including a base text, Ibn Ḥajar’s true commentarial limit was the span of his life and physical capacity to write. According to Ibn Ḥajar’s own description of composing Fath al-bārē, at first the writing process was overwhelming. Not unlike his previous commentarial effort on at-Tirmidhī’s Sunan, Ibn Ḥajar confessed that he filled an entire volume with commentary on just a short selection of the compilation, to the point where he dreaded the exhaustion of finishing his commentary in such a way.²⁰ Ibn Ḥajar, echoing a previous comment made by Nawawī, claimed to recalibrate his approach and compose a

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²⁰ See idem, Intiqād al-iʿtirād (Riyadh: Maktabat Rushd, n.d.), 1:7. Ibn Ḥajar’s unfinished mega-commentary on the Ṣaḥīḥ may have initially been titled Huda as-Sārī, a voluminous commentary to match a voluminous introduction. See al-Dihlawī, Bustān al-muḥaddithīn, 234.
mid-size commentary (*sharḥ mutawassit*) but nevertheless produced a thirteen-volume work that was written continuously over the course of twenty-nine years.\(^{21}\)

Ibn Ḥajar composed the first quarter of this mid-size commentary on the *Ṣaḥīḥ* by dictating it for approximately five years, from 813/1410 to 818/1415. Following this period, Ibn Ḥajar took greater control over the physical labor of writing the commentary, dropping the dictation sessions.\(^{22}\) Nevertheless, the written document still emerged

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amidst the discussion of the Ṣāḥīḥ in the live presence of his students. Ibn Ḥajar would add to the document little by little during informal meetings with them, as well as once every week, probably on a Thursday, during a larger meeting for the study of the Ṣāḥīḥ. In these larger meetings, the outline or draft of Ibn Ḥajar’s commentary would have been recited out loud by a reading assistant, almost always Ibn Ḥajar’s longtime companion and highly skilled reader Ibrāhīm ibn Khiḍr (d. 852/1448). The precision of Ibn Khiḍr’s pronunciation was highly respected among Muslim scholars in Cairo, no doubt enhancing the Fatḥ al-bārī’s gravitas at this early stage of the commentary process. In fact, Sakhāwī notes that Ibn Khiḍr’s reading performances maintained their superior quality despite the fact that Ibn Ḥajar’s handwritten outlines could be very difficult to read, considering that some had been hastily written by candlelight. Ibn Khiḍr would have paused to allow time for Ibn Ḥajar to intervene with fuller commentary and the larger audience to join in with discussion questions and comments.

How much input his students had in explicitly shaping the commentary is a difficult question to answer with any precision. Of the many voices included in the commentary the one voice conspicuously absent is that of the student. There is no anonymous or rhetorical questioner prompting the commentator, as might be found in

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23 Ibid., 2:675; al-ʿAsqalānī, Intiqāḏ al-i tīrāḏ, 1:7.
24 The commentary was completed on a Thursday, the first of Rajab, 842 / the twelfth of December, 1438 and it would be unusual if the final session of his commentary on the Ṣāḥīḥ had been delivered at any time other than the regularly appointed time. Ibn Ḥajar had a highly regular teaching schedule during this period, instructing ḥadīth at the khānqāh of Baybars each week on Tuesday with little interruption. See al-Sakhāwī, al-Jawāḥīr waʾl-durar, 2:675. For greater description of Ibn Ḥajar’s weekly routine, see Kawash, “Ibn Ḥajar al-Asqalānī”, esp. 126 and 144-6. Hirschler also points out that “Thursday also had strong religious connotations on which fasting was enjoined and the gates of paradise were said to be opened. Accordingly, normative treatises particularly encouraged scholars to study ḥadīth” on Thursday. Hirschler, The Written Word in the Medieval Arabic Lands, 39.
26 Ibid., 1:45. Ibn Ḥajar’s “candlelight” handwriting is evidence that he wrote before dawn or after dusk, but does not indicate whether he wrote at those times in solitude or in the company of students.
influential works of other Islamic scholars, such as Shāfi’ī’s Risāla.\textsuperscript{28} The various instances of the phrases “if you were to say…” (\textit{in qulta}) or “if one said” (\textit{in qāl}) tend to reflect the potential objections of other commentators rather than a transcription of an inquisitive student culture.

Nevertheless, students were heavily involved in the process of copyediting the written copies of \textit{Fath al-bārī}. Ibn Ḥajar reported that in 818/1415, his most proficient students gathered around him and persuaded him to begin the process of writing down the rest of the commentary on quires (\textit{kurrās}) so they could assist him in editing it.\textsuperscript{29} Ibn Ḥajar would write a copy on a quire, and then each student would receive a copy, reciting it out loud to a companion sitting oppositely, scrutinizing the draft with the original and proofreading it for errors.\textsuperscript{30} Each volume became subject to this slow process, which was not pronounced complete until the winter of 842/1438,\textsuperscript{31} at a \textit{khatm} celebrated with a rich feast, costing five hundred dinārs, or nearly 3.8 pounds of gold.\textsuperscript{32} Although the work was declared finished in the winter of 842/1438, Sakhāwī pointed out that Ibn Ḥajar continued to add to the work for the ten years that followed its “completion” (\textit{farāgh} or \textit{khatm}) until he died in 852/1449.\textsuperscript{33} In this sense, Ibn Ḥajar never considered the work of his commentary truly finished.

\textsuperscript{28} For a prominent example of this phenomenon, see Abū `Abd Allāh Muḥammad ibn Idrīs al-Shāfi`ī, \textit{al-Risāla} (Beirut: Dār al-Kitāb al-`Arabī, 2006), 315-18.
\textsuperscript{30} This change in the editing process may explain some stylistic differences between the first quarter of the work and the last three quarters.
Ibn Ḥajar’s feeling of incompletion, despite his having penned some thirteen volumes over twenty-nine years, was not a personal idiosyncrasy, but is in line with what theorist Hans Gumbrecht has argued is the principal drive towards *copia* in the figure of the commentator. For Gumbrecht, commentators write endlessly to anticipate, but never fully anticipating, the questions of students. But we can detect another important audience-oriented motivation at work here: Ibn Ḥajar displayed an encounter with excess to signal his capability as a commentator. Ibn Ḥajar’s account of coming up against his physical limitation to comment, and facing the risk of incompletion, is consistent with a larger *topos* in commentarial prolegomena, signaling to students that the commentator’s intellectual ability to comment exceeded his physical ability to do so.

**The Presence of Patrons**

Ibn Ḥajar would have been accountable to political patrons who requested volumes of the work as it was underway. This would have included the Mamluk sultan, who changed several times over the course of the writing of the commentary, from al-Muʿayyad Shaykh to Barsbāy (r. 825-41/1422-38) to Jaqmaq (r. 843-1438-1453), but also transregional patrons who sought copies of the work more than ten years prior to its completion. Rulers would have heard of Ibn Ḥajar’s *Fath al-bārī* through their domestically appointed judges and *ḥadīth* scholars who had studied the *Ṣaḥīḥ* in Cairo with Ibn Ḥajar or who had heard or encountered sections of the work’s famous

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34 Gumbrecht writes: “[Commentary] appears to be a discourse which, almost by definition, never reaches its end. Whereas an interpreter cannot help extrapolating an author-subject as a point of reference for his or her interpretation (and while he cannot help giving shape to this reference as the interpretation progresses), a commentator is never quite sure of the needs (i.e. of the *lacunae* in knowledge) of those who will use the commentary.” See Gumbrecht, *The Powers of Philology: Dynamics of Textual Scholarship*, 42.

prolegomenon, *Hady al-sârî*.36 This was the case with the ḥadīth scholar Zayn al-Dīn ‘Abd al-Raḥmān al-Birishkī (d. 839/1435-6), a Mālikī judge from Tunis, who was permitted to transcribe a third of the *Fatḥ al-bārî* to present as a gift to the Tunisian ruler Abū Fāris (r. 796-837/1394-1434).37 Likewise, the renowned expert on Qur’ān readings (*qirā‘āt*), Shams al-Dīn Muhammad ibn al-Jazarī (d. 833/1429), a native of Damascus who was captured by Timur and brought to serve as a judge at the Timurid court, copied a part of the work as a gift for Timur’s successor, Shāh Rukh (r. 807-850/1405-1447), a potentate of Transoxania and Persia.38 Shāh Rukh was later given a complete copy.39 This was no minor gift, as *Fatḥ al-bārî* was reported to have been sold for a whopping three hundred dīnārs, or nearly 2.3 pounds of gold.40 To put this number into perspective, this was a period in which distinguished copies of the *Ṣaḥīḥ* itself could fetch high prices from collectors among the political élite. A copy of the *Ṣaḥīḥ* transmitted by Ibn ‘Aṣīkīrī into al-Birishkī (d. 571/1175-6) in Damascus by one of the more prestigious chains of transmission, sold to an emir for fifteen-hundred dīnārs, or nearly 11.25 pounds of gold (see fig. 5).

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Unlike the students in attendance, who were never explicitly identified in the written commentary, political patrons were mentioned by name. They were not named frequently, but any mention is significant since invoking the names of Mamluk sultans would have been unprecedented in the commentary tradition. A search of *Fath al-bārī* reveals that al-Muʿayyad Shaykh is mentioned by name in Ibn Ḥajar’s commentary on four ḥadīths, and Ashraf Barsbāy and Shāh Rukh are mentioned in the commentary on one ḥadīth. It is worth noting that Ibn Ḥajar cultivated a particularly close relationship to al-Muʿayyad Shaykh, attaining a level of trust and influence he was never able to
replicate with al-Mu’ayyad Shaykh’s successors, although he was appointed Shāfi‘ī chief justice under Barsbāy and, intermittently, under Jaqmaq.\textsuperscript{41}

Ibn Ḥajar often invoked al-Mu’ayyad Shaykh’s name when he explained hadīth that reference the repair, maintenance and decoration of the Ka‘ba. The Ka‘ba was a symbolic site of transregional politics, and in the midst of his commentary concerning a hadīth on the cloth draped over the Ka‘ba (kiswat al-Ka‘ba), Ibn Ḥajar took time to narrate how the hadīth was applied by each governor who controlled Mecca throughout Islamic history to Ibn Ḥajar’s own day.\textsuperscript{42} When his description arrives at the Mamluk period, Ibn Ḥajar provided details on the endowment (waqf) of the cloth used to drape the Ka‘ba, and even praised al-Mu’ayyad Shaykh’s appointment of a colleague to oversee the kiswa’s beautification.\textsuperscript{43} When discussing another hadīth on the destruction of the Ka‘ba, Ibn Ḥajar noted that al-Mu’ayyad Shaykh took an interest in repairing the Ka‘ba, and he prayed that God will facilitate al-Mu’ayyad Shaykh in such maintenance.\textsuperscript{44}

Ibn Ḥajar commended al-Mu’ayyad Shaykh when discussing a hadīth that pertained to the politics of pilgrimage and transportation to Mecca. Concerning a hadīth regarding the path the Prophet took when entering and leaving Mecca, Ibn Ḥajar noted that al-Mu’ayyad Shaykh cleared the path to Mecca the Prophet was said to have taken: the higher route descending from the mountain of Kadā‘ in the direction of Mecca’s cemetery.\textsuperscript{45} Al-Mu’ayyad Shaykh was not the first ruler to have undertaken this task, and Ibn Ḥajar compared him favorably with renowned figures from the Umayyad and ‘Abbāsid period who had also cleared the path.

\textsuperscript{41} For a fuller discussion, see R. Kevin Jaques, \textit{Ibn Hajar} (New Delhi: Oxford University Press, 2009), 11-12.
\textsuperscript{43} Ibid., 3:460 (Kitāb al-Ḥajj: Bāb Kiswa al-Ka‘ba).
\textsuperscript{44} Ibid., 3:448-9 (Kitāb al-Ḥajj: Bāb Fadl makkā wa-bunyānihā).
\textsuperscript{45} Ibid., 3:437 (Kitāb al-Ḥajj: Bāb Min ayna yakhruju min makka).
Lastly, Ibn Ḥajar praised al-Muʿayyad Shaykh when discussing a hadīth that pertained to the pulpit (minbar) in Medina. al-Muʿayyad Shaykh had sent a new pulpit to Medina, and Ibn Ḥajar prayed that God might thank him for it.46 ‘Aynī, “borrowing” (istiʿāra) from Ibn Ḥajar’s commentary, a phenomenon that I will address in the next section, repeated Ibn Ḥajar’s mention of al-Muʿayyad Shaykh sending a new minbar to Medina, but, in an intriguing omission, neglected to include Ibn Ḥajar’s prayer asking God to thank the sultan for the donation.47 This omission may indicate the special relationship between Ibn Ḥajar and al-Muʿayyad Shaykh. An alternative explanation is that ‘Aynī completed his commentary of the hadīth long after the reign of al-Muʿayyad Shaykh, and felt such praise was no longer necessary. After all, ‘Aynī directly praised al-Muʿayyad Shaykh elsewhere.48 Considering that this hadīth was explicated in the first quarter of Ibn Ḥajar’s work, a portion that was first dictated rather than drafted on quires for his student-editors, such overt praise of a political patron may have been included when it would have ordinarily been edited out. While it cannot be said for certain what accounts for this particular omission, it nevertheless shows that Ibn Ḥajar overtly thanked al-Muʿayyad Shaykh when it was not a requirement of the period.

Barsbāy did not receive as high marks from Ibn Ḥajar. Near the end of his systematic explication of the hadīth on the kiswat al-Kaʿba, Ibn Ḥajar tells us of a dispute that arose between Shāh Rukh and the sultan Barsbāy over who had the honor of dressing the Kaʿba.49 The biographical sources can help clarify this case, which, as it turns out, was an important incident in which Ibn Ḥajar himself was involved. According to

46 Ibid., 2:399 (Kitāb al-Jumuʿa: Bāb al-Khuṭba ’alā al-minbar).
Sakhāwī, Shāh Rukh pleaded with Barsbāy to allow him to dress the Ka’ba to satisfy a vow (nadhr) he had made. After refusing him several times, Barsbāy sought to halt Shāh Rukh’s requests by acquiring a favorable legal opinion from the leading jurists in Cairo. Ibn Ḥajar ruled in favor of Shāh Rukh, despite the pressure of the other jurists who issued responsa in favor of Barsbāy. That Ibn Ḥajar later gave Shāh Rukh a complete copy of Fatḥ al-bārī over Barsbāy’s objection should thus come as little surprise. The dispute between Barsbāy and Shāh Rukh may explain the pattern of Ibn Ḥajar’s mentioning of political authorities when discussing hadīths on the Ka’ba. These were matters upon which Ibn Ḥajar advised the sultan as legal counsel.

But Ibn Ḥajar’s willingness to mention his patrons in commentaries on certain thematic hadīths makes the omission of their names in his commentaries on other hadīths all the more interesting. Ibn Ḥajar did not mention political figures when he commented on overtly political hadīths, for example, hadīths that mention a “just ruler” or “disobedience to ruler.” Perhaps Ibn Ḥajar would have been too cautious or too indebted to the political élite to measure the reality of the political rulers against the theoretical ideals presented in the hadīth. But Ibn Ḥajar’s commentary on hadīths that concerned Mecca and Medina show there was no generic prohibition against discussing politics or the political application of certain hadīths, even in the pre-modern period. There was a time and a place, and the discussion of politics and patrons was appropriate for some hadīths but not others.

50 al-Sakhāwī, al-Jawāhir wa’l-durar, 2:616-17.
51 Ibid.
52 See Jaques, Ibn Ḥajar, 106.
The Presence of Rivals and the Etiquette of Making a Commentary

Because commentary sessions were performed for live audiences, students could take notes and share them with rival commentators who were working in other parts of the same city. Commentators were thus expected to conform to authorized practices of attribution, which, if transgressed, could amount to intellectual theft, an accusation that could diminish a commentator’s reputation in the eyes of his colleagues. To be clear, this intellectual theft was not related to the more nuanced conceptions of literary borrowing as it was theorized by Arab literary critics in treatises on the “thefts” (sariqāt) of motifs and phrases among littérateurs and poets. Rather, the concern articulated by commentators, including Ibn Ḥajar, was maintaining the integrity of the intellectual tradition. While our own conception and regulation of plagiarism is surely different than that of the Circassian Mamluk period, borrowing without attributing was far from a positive commentarial practice. Unattributed borrowing may not have been an academic violation that could be enforced with some kind of disciplinary action by administrators or patrons, nor was it a copyright violation in which a suit could be brought before a judge’s court. However, unattributed borrowing reflected very poorly on a scholar’s reputation in the eyes of his peers.

The most memorable example is an accusation of plagiarism that developed between Ibn Ḥajar and ʿAynī as they wrote their respective commentaries on the Ṣaḥīḥ. Although Ibn Ḥajar and ʿAynī served as chief justice for their respective legal schools intermittently during the composition of their commentaries, it should be noted that Ibn

54 Vardit Tokaty briefly discusses this accusation near the end of her dissertation. See Vardit Tokaty, “The Early Commentaries on al-Bukhārī's Ṣaḥīḥ” (Dissertation, Hebrew University of Jerusalem, 2003), 242-249.
Ḥajār’s position as the Shāfīʾī chief justice was more powerful than ‘Aynī’s Hanafī chief judgeship in both practical and symbolic ways.\(^{55}\) Noteworthy for our purposes was the fact that the Shāfīʾī chief justice typically had the honor of commenting on the Ṣaḥīḥ during Ramaḍān at the citadel in the presence of the sultan, the emirs and other members of the scholarly and judicial élite. Thus, we should expect that ‘Aynī and Ibn Ḥajār’s commentarial rivalry would be driven in part by this asymmetry of and competition over legal jurisdiction, political influence and symbolic capital.\(^{56}\) Evidently, the acrimony became so unworkable that ‘Aynī and Ibn Ḥajar were summarily dismissed from their respective chief judgeships on the basis of accusations that they “would not cease fighting, or [ever] agree, such that the interests of Muslims were lost between them.”\(^{57}\)

The rivalry between ‘Aynī and Ibn Ḥajar was ripe from the very outset. In the winter of 820/1418, a moment when each scholar’s commentary on Bukhārī was still in note form, the two openly lampooned one another by trading barbs in the form of couplets.\(^{58}\) ‘Aynī had been appointed to teach ḥadīth at the now famous mosque complex built by al-Muʿayyad Shaykh near Bāb Zuwayla in Cairo. al-Muʿayyad Shaykh ordered the construction of new minarets on the complex that were to dominate the cityscape in a

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\(^{57}\) Ibid., 98-99.

\(^{58}\) See al-ʿAsqalānī, *Inbāʾ al-ghumr*, 7:280. Ibn Taghrībīdī recounted this narrative under the events of 821 rather than 820, which is perhaps why Anne Broadbridge overlooked Ibn Ḥajār’s own account of the exchange in her article, cited above. See Yūsuf Ibn Taghrībīdī, *al-Nujūm al-zāhīr fī mīlūk Misr waʾl-Qāhira*, 16 vols. (Beirut: Dār al-Kutub al-ʾIlmiyya, 1992), 13:225. I use Ibn Ḥajār’s date, not only because he was personally involved in the events but also because he included many chronological details that Ibn Taghrībīdī lacks regarding the events, such as the detail that the events unfolded in the last days of the month Dhū al-Ḥijja. The later Syrian historian Ibn Asbāt (d. ca. 926/1520) adds to the confusion by dating the event to 816. See Ibn Asbāt, *Ṣīdq al-akhbār* (Tripoli, Lebanon: Jurūs Burs, 1993), 2:775.
conspicuous display of the sultan’s power and piety. After construction was completed, however, one of the minarets displayed a perilous tilt, an embarrassment for the sultan and a fatal hazard for the neighborhood and the construction workers. Bāb Zuwayla was closed for a month while workers demolished the minaret.59 Meanwhile, the poets of Cairo mocked the fiasco mercilessly, and couplets concerning the leaning minaret proliferated.60 Ibn Ḥajar himself felt prompted to weigh in with a couplet of his own:

The mosque of our protector al-Muʿayyad was splendid
Its minaret radiated grandeur and grace
It says, as it stands aslant, “Be gentle
For there is nothing more detrimental to my beauty
than the [evil] eye (al-ʿayn)”61

The final line was widely received as a pun on ʿAynī’s name on account of the rivalry between the two scholars, and ʿAynī’s clear occupational link to the complex, both as an educator and as the appointed supervisor of pious endowments (nāẓir al-ḥabās) under the sultan.62 In Ibn Ḥajar’s own recounting, however, he disavowed any such ill intentions, asserting that “any person who has a sense of etiquette (al-ādāb) knows that [the lines] were not [composed] for him.”63 However, among those who shared that perception was ʿAynī himself, and we can imagine that ʿAynī would not have viewed Ibn Ḥajar’s pronouncement on ʿAynī’s sense of etiquette warmly. ʿAynī chose to respond in kind, cutting Ibn Ḥajar with an insulting pun of his own at the end of the second couplet:

60 Ibid.
The minaret was unveiled as a magnificent bride
And its demolition was destined by God’s decree
They say it was brought on by the [evil] eye [‘ayn], I say:
“That’s mistaken”
Nothing prompted the destruction except the low-grade stone
(the vile ḥajar)⁶⁴

In our own twitter age, similarly populated by political celebrities obsessed with their reputations, it is not difficult to imagine the potential for two short lines to spark a very public spat. Poetic praise (madīḥ) or poetic insult (ḥijāʾ), from the lips of a distinguished person, could hold great sway in shaping one’s reputation. Moreover, taunting by rhyming couplet made the verbal jab easy to remember and quick to circulate. Decades later, the historian Ibn Asbāṭ (d. ca. 926/1520) would remember the exchange more dramatically, restaging the verbal skirmish in the presence of the sultan.⁶⁵ While Ibn Asbāṭ or his source concocted this new element, there is a sense in which the modified narrative remains faithful to the potentially high political stakes of such a quarrel unfolding in full view of the public eye. Keep in mind that if a scholar like ‘Aynī or Ibn Ḥajar could be credibly linked to the tilt of a minaret, by neglect or by superstition, it would be disastrous for his career. In fact, several decades later, Ibn Ḥajar himself was forced from an appointment as chief justice on the basis that he had neglected to repair a minaret that fell, causing several casualties.⁶⁶

‘Aynī began his own commentary, ‘Umdat al-qārī, in 820/1417, some three years after the initial writing down of Ibn Ḥajar’s work.⁶⁷ Ibn Ḥajar and ‘Aynī shared students, who went back and forth between their lectures. Some of these students made notes in

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⁶⁵ Ibn Asbāṭ, Šidq al-akhbār, 2:775-6.
⁶⁷ The dates in which ‘Aynī’s commentary was completed is documented in a colophon transcribed in Rashīd Ahmad Gangohī and Muḥammad Zakariyyā al-Kāndahlawī, Lāmi‘ al-darārī ʿalā Jāmi‘ al-Bukhārī, 10 vols. (Mecca: al-Maktaba al-Imdādiyya, 1975), 1:404. See also al-ʿAsqalānī, Intiqād al-iʿtirād, 1:10.
Ibn Ḥajar’s commentarial sessions as Ibn Ḥajar was in the process of writing *Fatḥ al-bārī*. Ibn Ḥajar claimed that those students then shared those notes with ‘Aynī, who incorporated them into his work without attribution. Indeed, Ibn Ḥajar documented in an unfinished, two volume work called *Intiqād al-i’tirād* how ‘Aynī often challenged Ibn Ḥajar’s opinions and interpretive approaches while frequently repeating *verbatim* Ibn Ḥajar’s words, phrases and whole sentences on almost every page without proper attribution.68

Of course, in the process of compiling, it is assumed that some basic or agreed upon information will typically be recycled without a source and without summarizing or paraphrasing. The choice of which *lemmata* to comment upon, for example, is so tritalatitious that commentators are expected to duplicate the *lemmata* of their predecessors without conscious consideration. If a commentator includes information and does not attribute the phrase to a particular shaykh or source, this may mean that the commentator did not even regard the item as a unique and arguable opinion (*qawl*) but simply as an agreed upon fact, and therefore permissible to recycle *verbatim*.

When a shaykh wants to attribute an opinion to a shaykh in order to refute or defend it, he states “*qāl* [Shaykh’s name]” (“[the Shaykh] said”). He might also cite a shaykh’s opinion because it is otherwise unique, or has some peculiar benefit. A commentator typically says “*qāl ba’d al-shāriḥīn*” (“one of the commentators said”) when he does not know to whom he should attribute the opinion, the opinion is shared by

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68 Many examples in which ‘Aynī takes Ibn Ḥajar’s original phrasing, not found in earlier commentaries such as al-Kirmānī’s, without acknowledging a citation can be found. For one example in which al-‘Aynī quoted himself (*qulta*) but instead offered Ibn Ḥajar’s opinion without attribution, compare al-‘Aynī, *ʿUmdat al-qārī*, 24:35 (Kitāb al-Muhāribīn min ahl al-kufr wa-ridda: Bāb Kam al-ta’zīr wa’l-adab); al-‘Asqalānī, *Fatḥ al-bārī*, 12:177 (Kitāb al-Ḥudūd: Bāb Kam al-ta’zīr wa’l-adab). As Vardit Tokatly has pointed out, al-‘Aynī incorporated huge swathes of text from Nawawī’s prelogomenon to the *Ṣahīḥ* in the introduction to his *ʿUmdat al-Qārī*; compare al-‘Aynī’s introduction with al-Nawawī, *al-Talkhīs*, 1:183-285; Tokatly, “The Early Commentaries on al-Bukhārī’s *Ṣahīḥ*”, 242-9.
someone who is not well known or not worth mentioning to his students or readers as a source, or the opinion offered is generic. But when ʿAynī advanced or criticized the well-known opinion of his rival, Ibn Ḥajar, he also employed the anonymous phrase “qāl baʿd al-shāriḥīn.” Why?

In their competition for patrons, we might speculate some combination of the following possible explanations: ʿAynī did not care to gift Ibn Ḥajar with any undue attention, he meant his omission to wryly diminish Ibn Ḥajar as an authority worth including by name, or that he sought to conceal his reliance on Ibn Ḥajar’s commentary in the making of his own. A more generous explanation would be that ʿAynī wanted to disparage Ibn Ḥajar’s opinion, but leave his good name intact. Or perhaps ʿAynī was hesitant to appear overly aggressive towards a living colleague. While ʿAynī explicitly addressed a less advanced audience than Ibn Ḥajar’s — his digressions on introductory topics of Arabic language and Islamic law clue us in to this point of fact — the wry critique implied in the omission would not have been lost on Ibn Ḥajar, nor on those students in his audience that would have recognized the anonymous opinions as Ibn Ḥajar’s.

In Ibn Ḥajar’s Intiqāḍ al-iʿtirād, the aforementioned reply to ʿAynī’s extensive criticisms of his work, Ibn Ḥajar stated simply that ʿAynī “did not return to writing [his commentary] until the Fath al-bārī was nearly finished. So [ʿAynī] began borrowing (istiʿāra) from someone who copied down [Fath al-bārī] for himself from the students [who attended my lessons]. [ʿAynī] then transferred [what he borrowed] to his

69 See Rosenthal, The Technique and Approach of Muslim Scholarship, 41-45.
commentary without attributing it to its originator [i.e. Ibn Ḥajar].” The Arabic phrase suggestive of plagiarism is istiʿāra, which can mean borrowing, adopting or taking on, and “yanquluh ilā sharḥih min ghayr an yansubah ilā mukhtarʾih” or “transferring to his commentary without attributing it to its originator.” Ibn Ḥajar stopped short accusing him of theft, or sariqa, a harsher term. But the condemnation is clear, especially with Ibn Ḥajar stressing, by contrast, the creative task of the commentator as a mukhtariʾ (originator), a role that would imply more than borrowing and transferring. Forgoing an elaborated polemic against ʿAynī, Ibn Ḥajar simply highlighted passages in which ʿAynī duplicated Ibn Ḥajar’s Fath al-bārī word for word. It is hard to imagine that Ibn Ḥajar’s unfinished reply would have been effective unless an exposé of ʿAynī’s borrowing was serious cause for embarrassment. Several other chief justices and commentators, contemporary with these two rivals weighed in on the charges of plagiarism, siding with Ibn Ḥajar. Ibn al-Mughulī, with his usual flare, came down particularly harshly against ʿAynī, in addition to criticizing ʿAynī’s grammar.

But these competitions over prestige and status were intertwined with competitions over exegetical norms, for instance, arguments over how best to interpret the Ṣaḥīḥ, and to what degree an ideal commentator ought to be expected to be critical of precedent and prior authorities in his interpretation of the text. Ibn Ḥajar alerted his audience to the fact that he was not afraid to challenge his predecessors, sometimes stridently, such as when he had the temerity to point out Nawawī’s reliance on another scholar’s opinion that had miscalculated the number of ḥadīth reports contained in each

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71 Ibid., 1:12-3.
72 Ibid., 1:9-10.
73 Ibid.
chapter of the Ṣaḥīḥ, and had thus miscalculated the total number of ḥadīth reports contained in the Ṣaḥīḥ altogether.\textsuperscript{74} While the intended target is probably still ʿAynī, who cited al-Nawawī uncritically, Ibn Ḥajar goes on to complain of tralatitious commentarial practices in general:

I wanted to take a count [of the number of ḥadīth reports] in order to show that many of the ḥadīth specialists and other [experts] slack-off by relating (naql) the discussions of their predecessors, adhering to them as followers (muqallidūn). The earliest [commentator] is not perfect nor safe [from error], nevertheless they follow him blissfully supposing [him to be so].\textsuperscript{75}

The appearance of a commentary’s continuity within the tradition through repetition buttressed a commentator’s interpretive privilege, and, as a result, Muslim scholars of this period were often cautious to appear innovative.\textsuperscript{76} It is significant, then, that Ibn Ḥajar’s authority is partly grounded in his explicit valuation of innovation and internal criticism within the tradition.

Ibn Ḥajar’s complaints over failed attribution were not limited to ʿAynī’s unattributed borrowing of his own work, but took aim at many commentators on the Ṣaḥīḥ and on other works who borrowed from others without proper attribution. According to Ibn Ḥajar, Ibn Jamāʿa (d. 733/1333), a Shāfiʿī chief justice, had taken his commentary on Bukhārī’s chapter headings from Ibn al-Munayyir, adding little original material but still alleging that the commentary was his own.\textsuperscript{77} Likewise, Ibn al-Mulaqqin, according to Ibn Ḥajar, had merely compiled a number of commentaries in the first part of his sharḥ, and based the second part of his sharḥ on the commentaries of Ibn Baṭṭāl and Ibn al-Ṭīn al-Ṣafāqī (d. 611/1214), claiming it was his own while adding little

\textsuperscript{74} See idem, \textit{Hady al-sārī}, 489ff.
\textsuperscript{75} Ibid.
original to it.78 Others were less restrained, and accused Ibn al-Mulaqqin of outright theft (sariqa).79 In any event, according to Ibn Ḥajar, Ibn al-Mulaqqin’s commentary was itself borrowed by later scholars without proper attribution.80

There is evidence that plagiarism did not arise only because of the openness of live sessions, but also because scholars were transitioning, in this period, to reading outside the presence of the teacher’s reading session (qirā’a bi-nafsih) with greater frequency.81 A plagiarism dispute that seemingly arose from “reading on one’s own” cropped up among ʿulamāʾ of the latter 9th/15th century. The fiasco began when the renowned commentator al-Qaṣṭallānī (d. 923/1517-8) quoted an opinion that al-Suyūṭī had previously quoted (d. 911/1505). Suyūṭī maintained that Qaṣṭallānī had not read the opinion directly in the primary source, but had found it in Suyūṭī’s work without acknowledging this.82 Suyūṭī was so offended he would not relent with his accusations until he received an apology in person.83 Although he did author a text on plagiarism, Suyūṭī was a notorious egotist,84 and we can imagine that injury to his pride may have been of greater concern than commentarial integrity. After all, Suyūṭī himself was charged with cribbing, perhaps baselessly, by his peers.85 Regardless, this anxiety over conventions of attribution signals a competitive commentarial culture where scholars

78 Ibid.
80 al-Sakhāwī, al-Jawāhir wa'l-durar, 1:390-2.
81 Hirschler notes that there was an explosion in the usage of the phrase qirā’a bi-nafsih between the 14th and 15th centuries. See Hirschler, The Written Word in the Medieval Arabic Lands, 14-5. It is possible that this phenomenon allowed more sources to be read and cited in commentaries such as Ibn Ḥajar’s Fath al-Bārī and ʿAynī’s ʿUmdat al-Qārī.
82 al-Dīhlawī, Bustān al-muhaddithīn, 241.
83 Ibid. Also mentioned in Chase Robinson, Islamic Historiography (Cambridge: Cambridge University Press, 2003), 186. Lest I overlook my own acknowledgment, I thank Jonathan Brown for first mentioning this anecdote to me.
sought to protect the fruits of their intellectual labor from theft both during the live sessions and after, as their written texts made the rounds.

It is not difficult to find examples of textual traditions in which it is acceptable to cite uncritically or to reference without attribution. Indeed, the liberal borrowing of motifs and phrases among classical Arab littérateurs and poets, like the citation standards of contemporary American “recombinant” novelists, are an excellent illustration of a literary culture that celebrates unattributed references. But Ibn Ḥajar’s valuing of critical attribution laid claim to how commentary ought to be practiced. In expanding the temporal, spatial and causal settings in which we narrate a thick history of the commentary, we see how the accusation of uncritical attribution was not only entangled in rivalries over patronage and prestige, but also reflected an argument over the values that were constitutive of the tradition itself.

Debating Ṣaḥīḥ al-Bukhārī at the Citadel, Live

Commentators not only attacked one another from the safety of their written texts but also face to face during commentary sessions on the Ṣaḥīḥ in the presence of the political and judicial élite at the citadel during Ramadan. These were not quarter-century long undertakings that happened only once near the end of a lifetime. Rather, they would appear in shorter recitation sessions in which impromptu debate among high court judges would bubble up over the clarification of a technical term or word. Moreover, the space of the citadel reminds us that commentaries were not relegated to the mosque or the madrasa, but were deeply embedded in political institutions.

Since the Ṣahīḥ in its material, oral and aural form functioned apotropaically as a source of baraka and as an authoritative source for Islamic legal, ethical and theological norms, the ruling élite in the Mamluk period naturally recognized that by patronizing recitation sessions of the Ṣahīḥ they gained prestige as “guardians of the faith.” Hirschler writes, “[t]he most prominent example for Egypt was certainly the ritualized recitation of Bukhārī’s ḥadīth collection during the month of Ramadan that gained in importance from the eighth/fourteenth century onwards.” The Ramadan sessions at the citadel were highly formal events, usually attended by the sultan, the four chief justices of the Sunnī legal schools, the emirs, and the who’s-who of the ʿulamā’. Under al-Mu‘ayyad Shaykh, the recitations doubled in length, beginning in the month Sha‘bān and ending Ramadan. While seating arrangement is important at any formal or political event, it would have been especially important at a commentary session such as this, where the sharpest students and most prestigious scholars would sit nearest to the commentator on the recitation, typically the Shāfi‘ī chief justice, facilitating aural clarity and heightening the potential to interact with the recitation’s commentator through questions or comments.

Since many of the ḥadīths contained in the Ṣahīḥ had important meanings and implications for Islamic law, daily practice, theological commitments, and interpretations

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87 Hirschler, The Written Word in the Medieval Arabic Lands, 27. Or, as R. Kevin Jaques recently put it, “the sponsorship of the reading of the Sahih at court under the gaze and authority of the sultan transferred some of the power of the image of the Prophet to the throne and helped legitimize the sultan as a religious figure…. Reading the text in the presence of the sultan was also thought to sanctify him and his office and to create a ‘sacred centre’ during which phenomenal time and space were interrupted. The reading thus caused a sense of ‘stepping back through time,’ and created a bridge between the sultan and the Prophet, the former functioning as a stand-in for the latter.” See Jaques, Ibn Hajar, 95.
88 Hirschler, The Written Word in the Medieval Arabic Lands, 27.
89 Jaques, Ibn Hajar, 94.
90 For more on the social dimension of seating order at text reading sessions, see Hirschler, The Written Word in the Medieval Arabic Lands, 46-51.
of the Qurʾān, these recitation sessions became sites for clamorous debates among rival interpreters. Ibn al-Mughulī (d. 827/1423), frequently engaged scholars in these recitation environments, and most memorably by publicly critiquing the commentary of the Shāfiʿī chief justice Shams al-Dīn al-Harawī in full view of the sultan.91 Ibn al-Mughulī was, after all, a voracious consumer of ḥadīth commentary, having distinguished himself in Syria by memorizing commentaries, studying at the feet of an esteemed commentator on Bukhārī’s Ṣaḥīḥ from the previous generation of ʿulamāʾ, Ibn Rajab al-Ḥanbalī (d. 795/1392) of Baghdad and Damascus.92 Scholars like Ibn al-Mughulī who had memorized commentaries would be at an advantage to offer impromptu commentary of their own as they locked horns with rivals. While the subject of these discourses was neither recorded nor circulated, nor did Ibn al-Mughulī himself use this material to write any commentaries of the Ṣaḥīḥ, such debates often vetted would-be commentators and interpreters of the Ṣaḥīḥ. Moreover, they serve as a window onto an important part of the culture in which more formalized oral and written commentaries emerged. One such spontaneous commentarial debate involving Ibn al-Mughulī at a Ramadan session is narrated by Ibn Ḥajar below:

During Ramadan [of the year 826/1423] the sultan [Ashraf Barsbāy] ordered the attendance of the ʿulamāʾ to hear Ṣaḥīḥ al-Bukhārī in the citadel, so they hastened to it and the crowd was very numerous. The Shaykh Shams al-Dīn ibn al-Dayrī, the [Ḥanafī] Shaykh of the Muʿayyadiyya, who was formerly a judge, was among those who attended.

A discussion broke out between Ibn al-Dayrī and Ibn al-Mughulī, the Ḥanbalī Judge, which lead to a rift. When the clamor grew, students withdrew from the session in the lower palace, and their reciter was the Shaykh Sirāj al-Dīn, the reciter of the Ḥidāya.

92 Ibid., 6:34-6.
The sultan designated a small number from among the sharpest students to gather in the higher palace. He appeared to them [there], and so his order continued like that for years. Then the clamor grew among those who attended [in the higher palace] and they were scolded many times but they were not restrained.

So the sultan ordered the recitation inside the lower palace, and he began to appear through a solitary window to oversee them. He began to do that in the year [8]34, after having been used to sitting among them quietly, not moving a hand or a leg. And he appointed the Shaykh Badr al-Dīn al-Kulūtāṭī, the Ḥanafī, to recite [Ṣaḥīḥ al-Bukhārī] in the presence of the Shaykh Sirāj al-Dīn, the reciter of the Ḥidāya, every day in the great Barānī palace.93

In this anecdote, Ibn al-Dayrī and Ibn al-Mughulī, two renowned judges from the Ḥanafī and Ḥanbalī legal school respectively, used the spectacle of the Ramadan recitation sessions in the lower palace as a site for adversarial debate in the presence of the sultan, the entire Mamluk court, and a general student audience. While Barsbāy, a Turkish-speaker, may not have had a sufficient mastery of Arabic to understand these debates, he did understand when a commotion had gotten out of hand. He promptly relocated the session to the higher palace, more restricted to the political, judicial and scholarly élite. As Ibn Ḥajar told it, the move failed to quell the ruckus, so the sessions were returned to the lower palace so that the sultan might view them remotely from a balcony, away from the noise.

Ibn Ḥajar’s anecdote suggests that commentarial debates were often difficult to regulate. To the extent that they exposed rifts among the ‘ulamā’, such debates were depicted as subversive to the power of the sultan, who is presented as seeking a spectacle of stability not contestation. It is an open question whether this is an accurate representation of the sultan’s aims in holding these commentary sessions, or a projection of a politically anxious chronicler. It is also an open question how much of the commentary session the sultan could understand. Since ‘Aynī often translated historical

texts from Arabic into Turkish when lecturing sultan Barsbāy, it is possible that live translators were also present to aid him, although our chroniclers do not mention them in their accounts. Instead, the sultan is often portrayed in anecdotes of commentarial sessions on the *Ṣaḥīḥ* as a silent or mostly silent arbiter, letting commentarial feuds heat up, intervening only at a rolling boil. Nevertheless, his power to shape these sessions was undeniable. He could appoint and dismiss reciters, include and exclude students, and choose or alter the site for the recitation. Scholars and students were thus physically aware of their proximity to the sultan and even his slight physical gestures, the stillness and movements of his hands or legs, and any subtle messages they might have conveyed.

In the Sultan’s Garden: Intertextuality, Authority, and a Place of *Istifāda*

Up until this point, the anecdotes I have discussed provide a glimpse into the live competitive environment in which pre-modern commentaries were first made public, and have shed light on commentarial motives, the bases of commentarial authority, and commentators’ relationships with their students, rivals and patrons, all of which shaped the form and function of the commentary in fundamental ways. But did these live environments shape the explanation of a particular *ḥadīth* in an explicit and immediate way?

To answer this question, I will translate and analyze the following account from Ibn Ḥajar’s chronicle *Inbāʾ al-ghumr*, which tells of an impromptu *ḥadīth* commentary session in the intimate setting of the garden of the sultan al-Mu‘ayyad Shaykh. In this impromptu session, which took place well before the completion of *Fath al-bārī*, Ibn Ḥajar offers commentary on a *ḥadīth* found in *Ṣaḥīḥ al-Bukhārī*, in part to discredit a

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rival for the high court and the sultan’s favor, Shams al-Dīn al-Harawī. I will compare the autobiographical narrative of Ibn Ḥajar’s impromptu live commentary with his explication of the same ḥadīth found in his written ḥadīth commentary, Fath al-bārī.

It was the heat of summer, Rabī’ al-Ākhir, 818 / June, 1415. Harawī had just arrived at al-Mu’ayyad Shaykh’s court in Cairo. Aware that al-Mu’ayyad Shaykh was vetting him for the high court judgeship, Harawī claimed that he had memorized the Ṣaḥīḥs of al-Bukhārī and Muslim, in addition to 12,000 ḥadīths. After a morning of raucous scholarly debate, Harawī, Ibn Ḥajar, al-Mu’ayyad Shaykh and others from the scholarly and judicial élite enjoyed sweets and fruit in the afternoon in a secluded part of the sultan’s garden attached to his residence. A reciter incanted a phrase from the Qurʾān, Sūrat al-Ra’d, verse 35: “…the food of paradise is everlasting, as is its shade.” One scholar, Nūr al-Dīn al-Talwānī, wondered how there could be everlasting shade in paradise. “Shade cannot be without light,” he reasoned, “and heaven has no sun or moon!” Some of the scholars in attendance grappled with the puzzle, consulting authenticated ḥadīth that mention otherworldly shade, especially a famous ḥadīth mentioned in the Ṣaḥīḥ: “[There are] seven [kinds of people whom] God will shade in his shade [or, in another recitation, by his throne] on the day when there is no shade but his shade.” The narrative continues:

[Ibn Ḥajar] asked, “Is there anyone among you who remembers [in addition] to the seven, an eighth [type of person]?”

They replied, “No.”

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96 Ibid., 3:62.
97 Death date unknown.
99 Ibid.
[Ibn Ḥajar] said, “Not even this one who claims that he memorized twelve-thousand hadīth?” He gestured to [Shams al-Dīn al-Harawī] who was silent.

One of them said to him, “Have you memorized an eighth?”

Ibn Ḥajar said, “Yes, I know an eighth and a ninth and a tenth. But more amazing than this is that in the Ṣaḥīh of Muslim — which [Harawī] claims to have memorized in its entirety — there is an eighth for the aforementioned seven.”

It was said to him, “Acquaint us with that hadīth, so that we may derive benefit from it.”

[Ibn Ḥajar] replied, “This setting is a testing ground, not a place of seeking benefit (istifāda) [from hadīth]. If you rearranged this to be a place of seeking benefit, then I would acquaint you [with it].”

After that, [Ibn Ḥajar] collected what was mentioned on the subject [of the types of people that God will shade on the Day of Resurrection] and imparted more than ten in addition to the seven [types] mentioned in the hadīth. Abū Shāma versified the seven famous types in two famous lines of poetry. And [Ibn Ḥajar] collected seven — mentioned with good chains of transmission — and versified them in two lines of poetry. Then he collected a third [group of] seven — while saying their chains of transmission — and versified them in two other lines of poetry.

And the session broke for the evening prayer. When [the scholars] wanted to take off, [Ibn Ḥajar] said to the sultan [al-Muʿayyad Shaykh]: “Your eminence (yā khawand), I accuse [al-Harawī] of owing me a debt!”

“What’s that?” the sultan [al-Muʿayyad Shaykh] replied.

“Twelve-thousand hadīths.” The sultan [al-Muʿayyad Shaykh] smiled and left.100

This live session contained not only food but humor. We can glimpse how Ibn Ḥajar might have interacted with his colleagues and students. From a sensual experience of tasting the food and enjoying the shade to the versification of chains of transmission, the conversation meanders through a variety of questions and multiple genres of texts. The ideal hadīth scholar, modeled by Ibn Ḥajar, was expected to be so masterful he could play in the intertextuality of multiple genres of Islamic religious literature, moving from the Qurʿān, to a famous hadīth, to less well-known hadīths, their chains of transmission,

100 Ibid.
and finally to the extemporization of verse which might aid the memory of students and advance the circulation of these ḥadīths.

The movement from technical ḥadīth questions to poetry would not have been unusual for Ibn Ḥajar or the culture from which he emerged. Shāh Walī Allāh recalled a correspondence in which Ibn Ḥajar was asked a question about the trustworthiness of an isnād in verse, and Ibn Ḥajar responded spontaneously in verse, describing the isnād and grading it, in poetic meter. Again, the spontaneity of his response highlighted his memory and facility with language. Ibn Ḥajar was not unprecedented in this activity. Shams al-Dīn al-Mawṣilī (d. 774/1372), a Shāfiʿī ḥadīth scholar of the generation prior to Ibn Ḥajar’s, composed verse on the authenticity of the ḥadīth contained in an abridgment of Qāḍī ʿIyād’s (d. 544/1149) popular compilation Mashāriq al-anwār.

While Ibn Ḥajar’s autobiography is well known for its dry, impersonal and at times self-deprecatory narrative of his study of ḥadīth, this passage in his chronicle is anything but. Ibn Ḥajar’s punch line to the sultan was meant to malign al-Harawī’s trustworthiness. But in the passage that follows, it was al-Muʿayyad Shaykh who ultimately paid the debt. He instructed his private secretary to reinstate Ibn Ḥajar as the Shaykh at the Baybarsiyya after having been ousted by another rival “who wrongly wrested it away from him.” Ibn Ḥajar’s successful live performance was thus linked to his winning of a prestigious judgeship.

101 al-Dihlawī, Bustān al-muḥaddithūn, 235.
103 Dwight F. Reynolds, ed. Interpreting the Self: Autobiography in the Arabic Literary Tradition (Berkeley: University of California Press, 2001), 82-3. This finding ought to encourage future research on autobiographical material in Arabic literature to be sought in chronicles in addition to biographical dictionaries.
That Ibn Ḥajar won an appointment returns us to the commentarial dialectic we observed earlier in this chapter. When Ibn Ḥajar was asked to prove his own memory, he said that he would not recite and transmit hadīths in an examination setting, but only if the setting was one of students seeking benefit (istifāda). For Ibn Ḥajar, one ought not recite hadīths for the sake of showing off or passing a test, even if it may appear he was doing exactly that, but only in the service of explaining the Prophet’s guidance to the community. Just as Ibn Ḥajar was dialectically bound by the need to interpret the Ṣaḥīḥ endlessly with the need to complete his commentary, he was likewise bound to compete for appointments while explicitly refusing to compete for them.

I initially hypothesized there would be no evidence for a direct correlation between the intimate garden session and the content of Fath al-bārī. The genre constraints of a systematic written commentary, I assumed, focused on explicating the biographies of the transmitters, grammatical questions and legal matters. Written commentaries, after all, are supposed to appear to be a timeless encounter with tradition, insulated from mundane local events, even if they are structured by them in fundamental ways. Studying a written commentary might equip one for a live contest in the garden, but not the other way around. To my surprise, however, Ibn Ḥajar retold the story of the garden session in his written commentary on the same hadīth, the text of which is partially translated here:

Yaḥyā narrated to us on the authority of Abū Hurayra… [There are] seven [kinds of people whom] God will shade in his shade on the day when there is no shade but his shade:

[3] A person whose heart is attached to places of prayer.
[4] Two people who love one another for the sake of God, meeting and parting for the sake of that [love].
[6] A person who gives charity (ṣadaqa), concealing it so that his left hand knows not what his right hand spends.
[7] A person who remembers (dhakara) God in seclusion and his eyes overflow [with tears].

Ibn Ḥajar comments:

[al-Bukhārī’s] statement: “Yaḥyā narrated to us”
[A discussion of the narrator] . . .

[al-Bukhārī’s] statement: “On the authority of Abū Hurayra”
[A discussion of the narrator and variants] . . .

[al-Bukhārī’s] statement: “Seven”

Its apparent [meaning] is the singling-out of the aforementioned [seven types of persons] with the aforementioned reward.

Regarding that [reward] which was obtained, [the commentator] al-Kirmānī [(d. 786/1384)] addressed the concept of obedience, either in service to God or in service to [other] human beings (khalq).

The former is [performed] by the tongue through “remembrance (dhikr);” [it can be performed] by the heart through being “attached to the places of worship;” [it can be performed] by the body, and that is the “youth raised (al-nāshi’) in [acts of] worship (‘ibāda).”

The latter is, at a general level, [performed by] the “just [imam]” (al-ʿādil). At an individual level, [it is performed] by the heart, which is “loving [another for God’s sake] (al-taḥābb);” or [performed] through [expenditure of] money, which is “charity (al-ṣadaqa);” or [performed] by the body, which is “chastity (al-ʿiffā).”

The learned Abū Shāma Ṭʿābilil [d. 665/1266]] put the seven [types of people] into verse, according to what Abū Ishāq at-Tanūkhī recited (anshada) to us on the licensed authority (idhnan ‘an) of Abū al-Hudā, Aḥmad ibn Abī Shāma, who heard (samāʾan) on the authority of his father in his phrasing (laftihi), saying:

[meter: al-Ṭawīl]

wa-qāla al-nabiyyu al-muṣṭafā inna sab’atan
yuṣilluhumu allāhu al-karīmu bi-ẓillih

the chosen Prophet said, there are seven
whom the Generous God will shelter in His shade

muḥibbin ‘aṣfīn nāshi‘un mutaṣaddiqun
wa-bākin muṣallīn wa’l-imāmu bi-‘adlih

a loving friend, a chaste man, a youth, a charitable person
a weeper, one who prays, and the imam in his justice

Located in the ḥadīth of Abū al-Yasar in the Ṣaḥīh of Muslim [ibn al-Ḥajjāj] by an elevated (marfū‘) chain of transmission to the Prophet is “Whosoever provides [financial] assistance to the hard up, or writes off a debt, God will shelter him in His shade on the day in which there is no shade but His shade.” And these two attributes are not included in the previous seven. This is evidence that the aforementioned number [seven] is not to be understood in the literal sense (lā maḥhum lahu).

And I tossed this issue to the scholar Shams al-Dīn ibn ‘Aṭā’ al-Rāzī, known as al-Harawi, when he came to Cairo and alleged that he had memorized the Ṣaḥīh of Muslim. I asked him in the presence of the sovereign al-Muʿayyad on this [matter] and other [attributes that lead to shading] but he did not recall anything. After that, I sought, one after another, the aforementioned ḥadīths that were similar in [listing other attributes that make a person worthy of being shaded], and it exceeded ten attributes. Among those [ten] I selected seven reported by excellent chains of transmission, and versified them into couplets supplementing Abū Shāma. They are:

[meter: al-Ṭawīl]

wa-zid sab’atan: ṣilmā ḧāzin wa-‘awnahu
wa-inzāra dhī ‘ursin wa-takhfifā ḥimlih

add to the seven: shading a war hero and aiding him
and granting a reprieve to the hard-up and lightening his load

wa-irfāda dhī ḥurmin wa-‘awna mukātibin
wa-tājiri ṣidqīn fī ‘l-maqāli wa-fī ‘lih

and aiding a debtor, and supporting a slave working to free himself
and the merchant who is honest in words and deeds

As for sheltering a warrior, Ibn Ḥibbān and others narrated it from a ḥadīth of ʿUmar. As for the warrior (mujāhid)’s aid, Aḥmad and al-Ḥākim narrated it from a ḥadīth of Sahl ibn Ḥunayf. As for the provider to the hard-up and the one who
writes off his [debt], that is in the Şahih of Muslim, as we mentioned [already]. As for the debtor’s aid and the supporter of a slave (mukāṭib) [who has a contract with his owner in which he pays for his freedom in installments] Ahmad and al-Ḥakīm narrated those from the ḥadīth of the aforementioned Sahl ibn Ḥunayf. As for the honest trader, al-Baghawī narrated it in Sharḥ al-Sunna from the ḥadīth of Salmān and Abū at-Taymī from the ḥadīth of Anas, and God knows best.

And I put it into verse a second time, and I said, concerning the seven [types of people], a second [verse]…

Ibn Ḥajar carried on like this, quipping a second verse, citing a ḥadīth of Abū Hurayra with a weak chain transmission, of which Ṭabarānī listed the full sources (i.e. his takhrīj of the ḥadīth). Ibn Ḥajar found and grouped another set of seven, and versified another couplet, and yet another. The final couplet, Ibn Ḥajar noted, is sourced in weak ḥadīths. Lastly, he wrote that “I mentioned all of these in al-Amālī, and I sectioned it off in a part which I titled, ‘Knowledge of the Attributes Leading to the Shade.’”

Prior to comparing these two versions of the garden ḥadīth session, I would first like to reiterate how rarely a live event in time made its way into the explication of a ḥadīth in Ibn Ḥajar’s Fath al-bārī. The stated impetus for Ibn Ḥajar’s explication of this ḥadīth was the coming of his rival to Cairo and alleging the authority to comment in the presence of the sultan. Ibn Ḥajar not only explicitly mentioned the name of his rival but also his own patron.

A comparison between these two versions of the ḥadīth commentary illuminates some key differences between the chronicle genre and the commentary genre. While Ibn Ḥajar’s chronicle offers drama, humor, and references to food, the commentary is, by comparison, rather dry. Even mention of the space of the garden and the time of the afternoon are omitted. Harawī and al-Mu’ayyad Shaykh are there, but peripherally. Gone


is the sensory, the taste of the food and the relief of the shade that inspired the intellectual curiosity of the students. Gone is the test in which an appointment was at stake and gone is the smile of the sultan who apparently got the joke.

While much is lost in the translation from history to commentary, much is also gained. Ibn Ḥajar offered a summary of al-Kirmānī’s commentary on the ḥadīth, as well as Abū Shāma’s couplet versifying it, by a chain of transmission to the poetry. We also hear the exact couplets he formulated, their chains of transmission, and the grades of the chains’ authenticity, all of which he omitted in the chronicle. While the verse from the Qurʾān has been left out, the emphasis on intertextuality is otherwise heightened, since Ibn Ḥajar drew on commentarial and critical work of al-Kirmānī, al-Baghawī and at-Ṭabarānī.

What this comparison brings into greatest relief, however, is an engagement with a reason-giving practice of a different causal, spatial and temporal order, with thoroughly different stakes. In the written commentary, Ibn Ḥajar critiqued commentators who might read the seven to be saved on the Day of Resurrection as a limit: there were literally no more than the seven kinds stipulated in the ḥadīth. The seven types are intended to be moral exemplars: a chaste man, a just ruler, one who prays, and so on. The fact that Ibn Ḥajar offered an explanation for the ḥadīth that extends the possible number of attributes was not only meant to display the quantitative superiority of his memory in a competitive environment where an appointment was at stake, but opened up the canon — indeed, it opened up heaven! — for present and future students justifiably concerned about what kinds of people will be sheltered on the Day of Resurrection. Drawing on his memory of
the textual tradition, the preferred tool of Shāfī’ī commentators, Ibn Ḥajar showed that many other kinds of people beyond the seven will be sheltered on the Day of Resurrection, including a war hero, an honest merchant, a benevolent lender, and many others. In other words, this hadīth’s interpretation was not only about the power struggles among scholars over who will be appointed the most powerful chief justice in Egypt. It was also entangled in a debate over norms definable only in relation to the commentary tradition that are no less pressing, in this case, on what basis one can determine how many kinds of people will be protected on the Day of Resurrection.

The extent to which this particular explication widened Islamic conceptions of salvation is beyond the scope of this short study. We can say, however, that this explanation greatly influenced other Islamic texts, impacting commentaries on other hadīth collections and spawning its own literary genre. Jalāl al-Dīn al-Suyūṭī would go on to quote Ibn Ḥajar’s Fath al-bārī verbatim regarding al-Harawī in his commentary of the hadīth of attributes leading to God’s shade in his commentary on another famous hadīth compilation, the Muwāṭṭa’ of Mālik. Moreover, Suyūṭī then wrote a book in which he collected one hundred such attributes, and then composed an abridgment of it. Even the 20th-century South Asian commentator and glossator, Muḥammad Zakariyyā (d. 1402/1982), continued to summarize these growing lists of attributes, although he no longer felt required to mention Ibn Ḥajar’s initial interaction with al-Harawī in the presence of the sultan. Through his interpretation of this hadīth, Ibn Ḥajar thus

107 This will be discussed in greater detail in chapter four of this dissertation.
109 Ibid., 2: 236.
110 Muhammad Zakariyyā al-Kāndahlawī, Awjaz al-masāliḥ ilā Muwāṭṭa’ Mālik, 18 vols. (U.A.E.: n.p., 2003), 17:78. For more on Muḥammad Zakariyyā, his background and context, see Muhammad Qasim
provided an avenue for future generations of scholars to overcome the limits set by the
canon.

Does this comparison clarify what Ibn Ḥajar meant when he stated to Harawī and
his colleagues that “[t]his setting is a testing ground, not a place of seeking benefit”? Ibn Ḥajar may have been distinguishing between a discussion of ḥadīth that is oriented
towards an appointment, which could be obtained independently of an excellent
performance within the tradition, and a commentarial practice oriented towards a good
defined by the shared tradition, to extend the applied meaning of a ḥadīth for the benefit
of present and future audiences. Yet the production of this distinction itself is entangled
in the politics of commentary. Ibn Ḥajar can be read as a social critic in so far as he
excoriated the lack of a necessary relationship between right-intending and benefit-
oriented ḥadīth commentators and those commentators who end up being appointed by
the sultan. According to Ibn Ḥajar, this is partly because those individuals who are not
practitioners of ḥadīth commentary heavily influence the decision behind the
appointment of commentators, and could potentially take matters external to the practice
of ḥadīth commentary into consideration when making an appointment.

Even if, or especially if, this anecdote is skewed in favor of Ibn Ḥajar’s own
interests, it tells us that the construction of the ḥadīth expert in this period was far more
complex than we previously understood it to be. It was not only built on the collection of
quantitatively documented credentials such as reading licenses. It was also intertwined
with the cultivation of political networks, and the persuasion of a living and easily

divided inexpert audience who witnessed live debates of the *Ṣaḥīḥ* and read written explications of its meaning.

**Orality and Commentary in Modern South Asia**

In the intervening centuries between the Mamluk period and the early modern period, sources documenting formal and informal live explications of *Ṣaḥīḥ al-Bukhārī* again grow scant. A number of line-by-line ḥadīth commentaries emerged during that period, including Qaṣṭallānī’s (d. 923/1517) *Irshād al-sārī* and a handful of notable Ottoman commentaries,111 but little is currently known about the live circumstances in which these works were written. Even if the spectacles of the Ramadan sessions in the citadel of Mamluk Cairo were a distant memory, in modern South Asian ḥadīth study circles, oral dictation of the shaykh’s commentary to students remained the dominant way a commentary became a printed book. Rashīd Aḥmad Gangohī (d. 1905) delivered lessons regularly on the *Ṣaḥīḥ* in the revivalist madrasa at Deoband he helped to found. These lectures were written down by a close student and were later published as a multi-volume work under the title *Lāmiʿ al-darārī* with a pre-printed ijāza.112

Likewise, Anwar Shāh al-Kashmīrī (d. 1352/1933) mainly dictated his commentary on the *Ṣaḥīḥ* to his students, who published his comments, notes and reflections in both Arabic and Urdu, with differing degrees of systematization and organization.113 In the colonial period, patrons of commentary on the *Ṣaḥīḥ* were no longer the political or military élite, who attended study sessions in order to gain

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111 Molla Lutfi’s (d. 900/1494) *Sharḥ al-Bukhārī* and Yūsuf Zāde’s (d. 1167/1754) *Najāḥ al-Qārī* are two Ottoman commentaries on the *Ṣaḥīḥ* that survive in manuscript form.
legitimacy and prestige.\textsuperscript{114} But the commentary on the \textit{Ṣahih} was still a medium for politics. In fact, Kashmīrī spoke about politics overtly, since the colonial administrators would not have been present or patronizing the commentary sessions. He even brought up politics at moments in which politics do not appear directly relevant to the \textit{ḥadīth.}\textsuperscript{115}

For the contemporary period, the availability of modern and contemporary \textit{ḥadīth} students’ memoirs of their experiences attending \textit{ḥadīth} commentaries,\textsuperscript{116} as well as the growing opportunities for ethnographers to attend modern commentaries and recitations on the \textit{Ṣahih} in person or on-line, show that the process of composing a contemporary commentary on the \textit{Ṣahih} is still very much a performance in front of a live audience of students. The description I offered in the introduction of Shaykh Naʿīm ‘Irqūsī’

\textsuperscript{114} Kashmīrī’s patrons were Gujarātī merchants, in South Asia and the South Asian diaspora, primarily South Africa. Zaman, “Commentaries, Print and Patronage: ‘Ḥadīth’ and the Madrasas in Modern South Asia,” 71.

\textsuperscript{115} Ibid., 73-74.


\textsuperscript{117} See Muhammad Khwājā al-Sharīf, \textit{Tharwat al-qārī min anwār al-Bukhārī} (Hyderabad, India: Markaz Taḥqīqāt Islāmiyya, Jāmiʿa Nizāmiyya, 2000).
India. According to Sharīf, who also serves as the rector for the Niẓāmiyya College Arabic school for middle-school aged students, Bukhārī’s Ṣaḥīḥ can only be approached after students have read and heard commentary on three other hadīth compilations: at the age of fourteen, a year devoted to an expanded version of Baghawī’s (d. 510/1117 or 515-6/1121-2) Maṣābiḥ al-sunna, Muḥammad al-Khaṭīb al-Tabrīzī’s (d. 741/1340-1) Mishkāt al-maṣābiḥ; at fifteen years, a year devoted to the Niẓāmiyya’s own Sayyid ‘Abdullāh Shāh’s (d. 1964) modern and more Ḥanafī leaning compilation Zuğājat al-maṣābiḥ; at ages sixteen and seventeen, Tirmidhī’s (d. 279/892) Sunan, a two year proposition. Only then can a student undertake this two-year course on Bukhārī’s Ṣaḥīḥ. The lessons take place in a classroom, filled with fifty to seventy students. The students in attendance predominantly identify as Ḥanafī, but since there is a minority of students who are Shafi‘ī, Sharīf declared in an interview that his commentary is neutral with respect to legal affiliation. Nevertheless, he writes that the derivation of Ḥanafī rulings from the hadīth is one of the explicit concerns of his commentary. He similarly aims to elucidate Ṣūfī and contemporary concerns if relevant to the hadīth.

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118 Interview with Muḥammad Khānjāje al-Sharīf at the Niẓāmiyya College, July 26th, 2011. I was unable to verify the Shaykh’s claim, it nevertheless indicates that the Niẓāmiyya values students who devote time to studying the Ṣaḥīḥ.
119 Muḥammad Khānjāje al-Sharīf, interview with author at Niẓāmiyya College, July 26th, 2011.
120 Ibid.
121 Ibid.
122 See idem, Tharwat al-qārī, 1:5.
123 Ibid.
In the introduction to his Urdu commentary of the Ṣaḥīḥ, Anwār al-bārī, which describes the various techniques used in the course of a lesson on Bukhārī, speed recitation (sard), is de-emphasized in favor of careful and deep reflection (im’ān wa-ta’ammug).\textsuperscript{124} This does not mean that the emphasis is no longer on the lesson’s oral aspects. In my own participant observation with him, I mistakenly transgressed the implicit commentarial etiquette when I requested that he write down the name of source

\textsuperscript{124} See idem, Muqaddimat Tharwat al-qārī min anwār al-Bukhārī (Hyderabad, India: Markaz Taḥqīqāt Islāmiyya, Jāmi’a Nizāmiyya, 2000), viii-ix.
he cited so that I might consult it myself. The problem, for the Shaykh al-Ḥadīth, was not my question or its aim, but rather the fact that I had asked him to write during the commentarial session.125

Only the day of completion (khatm) resembles the spectacle of the large Mamlūk recitations and ʿIrqūsī’s sharḥ. On that day, some five-hundred students and teachers, regionally and nationally, gather and recite the final hadīth of the Ṣahīḥ, hear its elucidation, and recite original poetry in Arabic (qaṣāʾid) marking the occasion.126 The Arabic qaṣāʾid, which are recited following the khatm, are then published with the commentary.127

Lastly, in yet another confirmation of the importance of the live commentarial performance, Sharīf accepted an invitation to present his commentary on local Hyderabad television in March of 2009. The spaces and times of this televised commentary marked a radical departure from the other pre-modern and modern commentaries discussed in this chapter. Sharīf, on a television set in front of a green screen, broadcasts at a time chosen by the channel 4 executives to a mixed-age and mixed-gendered local audience at home, perhaps sitting in their parlors or bedrooms. In theory, non-Muslims living in Hyderabad could also partake as audiences in the commentary, or at least flip-through, since language would be a barrier for Telegu-speaking television viewers. Questions or live interactions with Sharīf were not entertained in this broadcast, although one could imagine that interaction could now be facilitated through social media applications.

Yet the spaces and times of Sharīf’s television appearance are fragmented further in the virtual world. The broadcast was recorded by an anonymous individual who took a

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125 Participant observation at Nizāmiyya College, July 23rd, 2011.
126 Interview with author at Nizāmiyya College, July 26th, 2011.
127 See al-Sharīf, Tharwat al-qārī, 2:74-5.
digital video of a television set, probably using a cell phone, and then uploaded the recordings to youtube.com (see figure 7). The video clip, in spite of its grainy quality, fragmentation and distorted audio, steadily attracted 4,438 views over the course of three years, and is accessible from any networked computer at any time. The text and argument of the commentary itself is unusable: only the live, moving image of the commentator in the act of commenting is transmitted.

Fig. 7: A youtube video of a television set broadcasting line-by-line lessons on the Ṣaḥīḥ by Muḥammad Khâji al-Sharif on Hyderabad’s local channel 4, in March of 2009.

Towards a Redescription of the Commentary

It has been almost thirty years since Jonathan Z. Smith initially called for a redescription of the canon. “[W]ork remains to be done,” he wrote, on “an examination of the rules that govern the sharp debates between rival exegetes and exegetical systems…. I look forward to the day when courses and monographs exist in both comparative exegesis and comparative theology, comparing not so much conclusions as strategies through

which the exegete seeks to interpret and translate his received tradition to his contemporaries.”

By the end of the 1990s and early 2000s, scholars had produced a bevy of monographs and collected volumes comparing exegetical and commentarial strategies across religious, classical and scholastic traditions. A contemporary scholar of Tibetan Buddhism, José Cabezón, as he reflected on a collected volume he edited on the subject, asked what might be learned by defining the attributes of a decontextualized commentator. In listing what cross-cultural and cross-temporal tendencies, strategies and assumptions scholars have identified in ideal typical scholastic practices, Cabezón recognized the limits of approaching the problem in such a way. Looking towards the future, he articulated the need for what he called a “sociocultural analysis” of the phenomenon of commentary and scholasticism. He described this kind of analysis as the study of “institutions…. the day to day processes of religious education…. the political, economic and material factors that influence and are influenced by scholasticism… the lived lives of scholastics as individuals, their influence on the broader communities in which they are located, and in turn the pressures exerted on, and the rewards offered to them, by those communities.” In other words, Cabezón called for a turn to recontextualize commentary on canonical texts in their local political and historical cultures.

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132 Ibid., 248.
The early part of this chapter, in solidarity with Cabezón’s call for greater political and social context, has made use of sources that might offer a snapshot of the day to day times, spaces, actors and institutions that shaped and were shaped by the process of commentary. Indeed, the site of commentarial authority is not relegated to the quiet surfaces of the written tradition, but was performed by living people in the limits of space and time. The medium of the written commentary, its length, form and rhetorical strategies, reflected and inflected the times and spaces in which commentaries could be performed live for audiences. The competition we observe in commentarial writings, quarrels over unattributed borrowing, can often be linked to the reality that patrons and rivals would be present in the live sessions. As we will see in the next chapter, since live sessions conspicuously displayed these commentators’ diverse regional identities through marked differences in dress, elocution and training, the construction of regional and social identity may also play a larger role in the construction of interpretive authority than previously assumed.

Yet, as the latter part of this chapter suggested, this tradition of commentary was not only a site in which commentators’ bold personalities clashed in competition over patrons, prestigious appointments, and circulation among transregional audiences. If that were so, it would reduce the arguments over the explication of ḥadīths to mere quarrels over power, prestige and material wealth, and diminish our understanding of why ḥadīths were worth commenting on in the first place. After all, ḥadīth commentators’ ability to give more persuasive explications of the Šahīḥ, a text that made normative claims on the audiences who heard them, could, alongside other discursive and non-discursive motivators, influence how audiences chose to act. In other words, certain kinds of norms,
such as deriving benefit from ḥadīth (istifāda) by extending the legal or theological application of the Ṣahīḥ for present and future audiences, while contingent on instrumental kinds of power or social capital, is not reducible to them. These kinds of norms can only be defined and attained by the performance of excellence as it would have been recognized within the living tradition of ḥadīth commentary itself. In this way, commentary on the Ṣahīḥ was not merely a proving ground for the superiority of memory, but a reason-giving practice, a debate about the text’s normative claims on a community that stretched across time, one that was circumscribed by legal and theological institutions but also helped to constitute them. In providing a history of formative moments in this tradition, this chapter and the next set the stage for the long term cross-temporal study of this commentary tradition in chapters three and four that makes visible the force of social institutions and competitions over power and prestige while articulating the norms and commitments at stake in explicating the Ṣahīḥ for diverse audiences and interpreters.
Chapter Two: Politics, Ethnicity and the Authority to Comment

As I argued in chapter one, commentary on Ṣaḥīḥ al-Bukhārī was contingent upon but not reducible to the politics and culture of live reading communities in which they were delivered. Since live sessions would have conspicuously displayed commentators’ and their audiences’ bodies, dress, pronunciation and training, the question arises whether the construction of ethnic identity may have played a role in the construction of interpretive authority. After all, migration of scholars for both the rewards of study, prestige and appointments as well as the protection offered by political asylum often brought scholars from diverse regions of origin to the shared space of the hadīth commentary. Yet documenting the extent of the interplay between ethnicity and the authority to comment on hadīth is not so easily shown. For both the middle and modern periods, the historical and ethnographic work on Islamic commentary has had greater success exploring the interplay between gender and textual interpretation than with ethnicity and interpretation, which has instead remained a desideratum.¹

To explore the possible interplay between ethnicity and the authority to comment on the Ṣaḥīḥ, I will again draw heavily on evidence from biographical dictionaries and chronicles of Mamluk Cairo. During the 8th and 9th/14th and 15th centuries, in what Carl Petry has described as a “mass exodus,”² many scholars of Persianate origin fled from

Timur and the chronic instability brought about by the Timurid invasions. This was the second such wave of migration eastward, after a first wave began with the Seljuqs in the 5\textsuperscript{th}/11\textsuperscript{th} century and continued to swell throughout the tumult of the Mongol invasions in the early 8\textsuperscript{th}/14\textsuperscript{th} century. In the Timurid period, the majority of Persianate scholars fled to Northern India, while a minority sought the refuge with the Mamluk political élite, hoping to earn the security of regular teaching positions and judgeships. In terms of population, the number of expatriates may have been relatively small. According to Petry, they made up five to eight percent of the total immigrants to Cairo’s élite but they were the largest group of immigrants from outside the Mamluk Empire. The Mamluk historical reports that we will review indicate that there was a substantive and influential group of élite Persianate scholarly expatriates, who found careers, permanent residence and political access in urban centers in Egypt and Syria. Once in Cairo, these Persianate scholars were interpellicated by the term ‘ajam or mashāyikh al-‘ajam, a general category for all non-Arabs or non-Arab scholars, a rhetorical practice that solidified new and influential social networks.

Constructions of regional and ethnic identity in this period are rich subjects for a comprehensive study in their own right, and I will not be able to do justice to the matter this chapter. Nevertheless, many of the commentators and chroniclers I will describe traffic in these epithets, and at a time in which Muslim scholars were still adjusting to

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5 Petry, *The civilian élite of Cairo*, 63ff.
6 Ibid., 61. Immigrants from Anatolia (*Bilād al-Rūm*) totaled only three percent. See ibid., 68.
7 These epithets were not limited to individuals of Circassian and Persianate origin but, as Shaun Marmon’s recent examination of Mamluk era historical narratives involving black slaves (šābūd) has shown, élite Mamluk era historians were also invested in a racial discourse that “privileged white over black.” Shaun
rule under the Circassian origin military élite, one question is whether the status and influence of mashāyikh al-ʿajam over the state judiciary was on the minds of ḥadīth scholars of “Arab” origin (awlād al-ʿarab). Indeed, chroniclers yield numerous accounts of displaced scholars from Persia and Persianate Central Asia — Khurasān, Khwārazm and Rayy — who were publically challenged on their competence to teach, recite or explain Ṣaḥīḥ al-Bukhārī by Muslim scholars living Cairo who originated in Egypt, Syria and Iraq. As we will see, speaking Arabic with a heavy or unclear accent was a marker of difference and a subtle obstacle for mashāyikh al-ʿajam who wished to be viewed as authorities in live ḥadīth commentary sessions. In some cases, these tests were intended to threaten or terminate the displaced scholars’ judicial and academic careers. While the narrative descriptions in our sources often posit that these commentarial rivalries arose between individual personalities, or in displaying or debating mastery of traditional knowledge of ḥadīth, some descriptions allude to the importance of larger tensions between displaced scholars of Persianate origin (mashāyikh al-ʿajam) and Arabic-speaking scholars raised in the boundaries of the Mamluk empire, mostly awlād al-ʿarab. As I will show, displaced scholars of Persianate origin were tested on their live performance in the presence of both the political and judicial élite at key moments in the Islamic calendar, as well as at more run-of-the-mill neighborhood ḥadīth lessons. In Ibn Ḥajar’s narratives, the mashāyikh al-ʿajam wield disproportionate

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8 Ulrich Haarmann has explored the “foreignness” with which the Mamluks of Turkish lineage were viewed by the court historians and anxious clients of Arab origin. Haarmann wrote of “ethnic tensions” between these groups, in which the scholarly élite of Arab origin shamelessly expressed their “reservations against the ruling foreign race.” See Ulrich Haarmann, “Rather the Injustice of the Turks than the Righteousness of the Arabs: Changing ‘Ulamā’ Attitudes Towards Mamluk Rule in the Late Fifteenth Century,” Studia Islamica No. 68 (1988): 74 ff.

9 Here I am using the terms Ibn Taghrībīrdī uses in his biographical dictionary, which will be discussed in greater detail below. Ibn Taghrībīrdī, al-Nujūm al-zāhira (1992), 15:136.
influence over the political élite and the general populace. Even if these fears are an expression of Ibn Ḥajar’s own fears and prejudices, they tell us that the construction of the hadīth expert in this period was linked, however subtly, to the cultivation of political and social networks, in addition to memory, oral performance and documented credentials like the ijāza. I will close this chapter with a comparative discussion of the interplay between ethnicity and commentarial authority in Modern South Asia, in which the presumption of the Arabs’ superiority to comment on hadīth was turned on its head.

**Xenophobia and Provincialism among the Mamluk Scholarly Élite**

Although we have some picture of what tensions between ‘Arab and ‘Ājam were like in early Islamic history,¹⁰ it is less clear what this dynamic meant in late Mamluk Cairo. As I will review in greater detail below, élite historians who were born in Cairo, such as Ibn Ḥajar¹¹ and al-Maqrīzī (d. 846/1442), employed the term ‘ājam polemically in their historical writing. The bi-lingual (Arabic and Turkish) ‘Aynī, who was born in ‘Ayntāb in southern Anatolia, before moving to Cairo, was also reported to employ the term. Lastly, a scholar of Anatolian origin, Yūsuf Ibn Taghrībīrdī (d. 874/1470), who wrote more sympathetically of the group, nonetheless used the term to describe scholars of Persianate origin. If I focus disproportionately on Ibn Ḥajar’s accounts, it is because he provides a disproportionate amount of detail on the hadīth commentary sessions of Bukhārī’s Ṣahīh, allowing us to explore whether it was a site of contestation between individuals representing the interests of their regional networks in addition to the interests of their normative commitments.

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¹¹ His family, from ‘Asqalān in Southern Palestine, had resettled in Egypt during the crusades. See EI², s.v. “Ibn Ḥadījār al-‘Askalānī,” (Rosenthal).
The objection may be raised that the ‘ulamā’ of this period were cosmopolitans, student travelers and travelling merchants who could appreciate that knowledge, especially of hadīth, might be found in other parts of the Islamic world, especially Persia, Central Asia and the Western Province of the Arabian Peninsula. It hardly needs to be said that some of the most renowned classical scholars of Arabic grammar and rhetoric, Islamic law, and interpreters of the Qur’ān and hadīth originated from Persia. Bukhārī himself, after all, was born in Transoxania. While Mamluk era hadīth scholars of Egypt and Syria would have studied and transmitted from the great Persianate scholars of the past as part of their scholarly curriculum, they saw little reason to travel to hear hadīth from any Muslim scholars currently living there, especially considering the political risks and physical dangers of travelling within reach of the raiding Timurid armies. The most renowned scholar in the Timurid court, Sa‘d al-Dīn al-Taftāzānī (d. 793/1390), may have been extraordinarily prolific in many fields of the Islamic sciences — especially theology and logic — but was not known to have contributed original works in the field of hadīth. That Taftāzānī was also well known for a Persian commentary on the Qur’ān and a versified translation of Sa‘dī’s Bustān from Persian to Turkish is further evidence that his audience was not predominantly Arabic speakers.

Muslim scholars of Egypt, Syria and Palestine, who sought knowledge abroad, virtually always travelled to urban and educational centers within the security of the

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12 For a theoretically informed monograph on this subject, see Roxanne Euben, Journeys to the Other Shore: Muslim and Western Travelers in Search of Knowledge (Princeton: Princeton University Press, 2008).
15 EI², s.v. “al-Taftāzānī,” (W. Madelung).
Mamluk Sultanate, especially Cairo, Jerusalem and Damascus.\textsuperscript{16} As Carl Petry has impressively demonstrated for Muslim scholars native to Cairo, “scholarly interchange within the network of madrasas in the Delta and Syria-Palestine...” together with administrative trips to Syria “accounted ostensibly for most travel outside of Cairo,” other than the ritual pilgrimage to the Ḥijāz of the Arabian Peninsula.\textsuperscript{17} Only one Egyptian figure in Petry’s study spent significant time in Iran with any certitude, and he went to Persia not for the sake of his own scholarly edification but as an Arabic teacher (\textit{mu’allim ‘arabiyya}).\textsuperscript{18} Likewise, with the exception of a number of Egyptian Mālikī judges, just as few scholars travelled west to North Africa.\textsuperscript{19}

An exceptional Syrian born scholar who died in Shirāz proves the rule. This Damascene native, Shams al-Dīn Muḥammad ibn al-Jazarī (d. 833/1429), did not travel east to Samarqand on his own free will, but was first taken there as a prisoner of Timur.\textsuperscript{20} While Ibn al-Jazarī was a noted expert on recitation traditions of the Qurʾān, prominent Timurid scholars sought to transmit \textit{ḥadīth} on his authority, which his an indication of the prestige his Damascene chains of transmission were accorded by Persianate \textit{ḥadīth} scholars.\textsuperscript{21} In addition to bringing Mamluk chains of transmission, Ibn al-Jazarī was also instrumental in importing Egyptian \textit{ḥadīth} commentary to Persia, copying Ibn Ḥajar’s \textit{Fath al-bārī} as a gift for Timur’s son and political successor, Shāh Rukh.\textsuperscript{22}

It is possible that, seen in its own regional context, as Maria Eva Subtelny and Anas B. Khalidov have argued, \textit{ḥadīth} study in Timurid Iran “evinces intellectual vitality

\begin{footnotes}
\item[17] Ibid.
\item[18] Ibid., 76. The scholar’s name was Abū al-Fayḍ al-Miṣrī (d. 857/1453-54).
\item[19] Ibid.
\item[22] al-ʿAsqalānī, \textit{Intiqād al-i ṭirād}, 1:8. This was discussed this in greater detail in the preceding chapter.
\end{footnotes}
at the end of the fourteenth and beginning of the fifteenth centuries, with new works being added to the standard corpus of authoritative texts by al-Qāyīnī and his teacher, [Shams al-Dīn Muḥammad] Ibn al-Jazarī [(d. 833/1429)]. Subtelny and Khalidov base their revitalization thesis on an analysis of a reading license (ijāza) and a document requesting a reading license (istijāza) from a hadīth teacher in Timurid Herāt, Jalāl al-Dīn al-Qāyīnī (d. 838/1434-35). But Qāyīnī’s and Ibn al-Jazarī’s body of work is extremely thin when compared to the robust contemporaneous activity of élite hadīth scholars of Egypt, Syria and Palestine. A close analysis of the list of hadīth works transmitted by these scholars shows that Qāyīnī’s students heard only a single volume or a portion of major hadīth compilations like Bukhārī’s and Muslim’s Ṣaḥīhs, while more popular summaries of those collections were heard in their entirety, like al-Ṣaghānī’s (d. 650/1252) Mashāriq al-anwār, al-Baghawī’s (d. 516/1122) Maṣābīḥ al-sunna and Ibn al-Jazarī’s own short Ḥiṣn al-ḥaṣīn min kalām sayyīd al-mursalīn. Moreover, as I pointed out above, Damascus native Ibn al-Jazarī’s hadīth works are best viewed as imports of Mamluk hadīth culture rather than as a representative sampling of indigenous Timurid hadīth scholarship.

While there was little Timurid activity in hadīth study to draw scholars of Egypt, Syria and Palestine eastward, Persianate scholars did travel west, and not just for study. Petry offers a number of examples of such Persian expatriates, one of whom was ‘Alā’ al-Dīn al-Sirāmī (b. 790/1388), who, after serving as jurisconsult (mufīṭ) in Khurasān and Khwārazm, travelled to Cairo and attained a controllership or headship (shaykh) at the

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24 Ibid., 228.
25 A prominent Timurid court scholar, Sayyīd-i Sharīf ʿAlī al-Jurjānī (d. 848/1443) went to Cairo but only for study, again affirming the importance that Persian scholars accorded Mamluk cities as educational centers. EF², s.v. “al-Djurdjānī,” (A.S. Tritton). Manz lists al-Jurjānī as one of the three most prestigious Timurid court scholars. Manz, Power, Politics and Religion in Timurid Iran, 10.
*madrasa* Barqūqiyya. 26 Petry writes that Sirāmī later “developed close ties with the deceased Sultan’s family and was buried in the Sultan’s tomb complex.” 27 Sirāmī’s itinerary is typical when compared to biographical accounts of other Persianate scholars who resettled in Cairo, 28 as well as the biographical accounts of Humām al-Dīn al-Khwārzmī (d. 819/1416), Shams al-Dīn al-Harawī, and ʿĪzz al-Dīn al-Rāzī 29 in the narratives of Ibn Ḥajar that we will examine below.

Strangely, Petry writes of the political triumphs and professional successes that the Persianate scholars enjoyed without mentioning the intense struggle and xenophobia they faced from their Arab counter-parts. 30 Harawī, as we will see, faced especially harsh skepticism and humiliation, mostly because of the shortcomings of his scholarly expertise, but partly because of his perceived otherness. The case studies that follow not only contribute to our understanding of how the *ḥadīth* commentary tradition served as a site of contestation among competing social groups, but can also serve as a window onto a subtle and often overlooked relationship between ethnicity and a competitive culture of scholarship in this period.

**A Failed Performance of Bukhārī’s Ṣaḥīḥ**

Since the early history of *ḥadīth* study, possessing an impeccable memory was widely considered an objective standard by which experts on *ḥadīth* were judged. Considering that possessing a good memory is not linked to a particular region or ethnicity, such a quality was, at least in theory, open to anyone anywhere in the world.

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26 Petry, “Travel Patterns of Medieval Notables in the Near East,” 74. His full name is ʿAlāʾ al-Dīn Aḥmad ibn Muḥammad al-Sirāmī al-Ḥanafī. Petry does not provide a death date.
27 Ibid.
29 Death date unknown.
willing to cultivate the art of memory. But it was not the possession of memory alone upon which commentarial authority relied. Commentators needed to be able to transmit and display their memory to an audience of patrons, rivals and students, in contexts in which audiences had specific culturally constructed expectations of how one’s memory ought to be displayed. Hadīth commentators were thus expected to thrive in a live environment in addition to composing written texts.

Since Persianate scholars in Cairo had a much more limited facility with spoken Arabic, they were at a disadvantage in live sessions and intimate social situations in which they were expected to display the superiority of their memory live, through recitation of hadīth and oral argument. As we will observe in the historical narratives that follow, the issue of elocution and pronunciation is a frequent one. Moreover, Persianate scholars would have been exposed to a different curriculum of Islamic texts as well as different chains of transmission of transregionally circulated texts. As we will see, these differences were held to be suspect by competing commentators and judges of Arab origin, sometimes for good reason.

These live tests in the presence of the political élite were not unique to the hadīth culture of Cairo, but were also part of Timurid scholarly culture. In Samarqand, Taftāzānī was said to have suffered a career ending defeat at the hands of ‘Alī ibn Muḥammad al-Jurjānī (d. 816/1413) in the presence of Timur Lane on a point of interpretation regarding Q 2:5.31 Anecdotes of live tests and competition among scholars can also be found regarding a student of Taftāzānī’s in Istanbul.32

32 Mullā Khusrav (885/1480) responded to a rival’s critiques of his commentary on a work of Taftāzānī’s among a live audience of the scholarly élite over a meal, until his rival publically apologized for his
To take a preliminary example, at the level of the neighborhood hadīth-lesson, Ibn Ḥajar and his close student Sakhāwī narrate a failed test at the Maṣūriyya in the early fall of 781/1379. A group of élite hadīth scholars who grew up in Cairo, including Zayn al-Dīn al-ʿIrāqī (d. 806/1403)33 and Burhān al-Dīn al-Abnāṣī (d. 802/1399), began attending the classes of one relatively obscure ʿIzz al-Dīn, who was known as Rāzī, on account of his origin from Rayy.34 It was not long before they began complaining that their hadīth teacher “did not know a thing about hadīth.”35 An exam was devised to test Rāzī’s competency: he was given a portion of Bukhārī’s Šaḥīḥ to sight-read (yaqraʿ fīhi bil-ḥādir). In more élite settings, high court judges who commented on the Šaḥīḥ would have had personal recitation assistants appointed to them.36 Since it is likely that the Maṣūriyya did not provide a recitation assistant for Rāzī’s more modest position, perhaps the ability to sight-read in clear Arabic would have been part of the job description. Yet one wonders whether the sight-reading test was an indirect examination of Rāzī’s knowledge and understanding of the Šaḥīḥ. After all, in order to sight-read a page from the Šaḥīḥ, one would have been required to be well versed in the names of the transmitters and the complexities of Arabic grammar. In any event, when Rāzī was given a portion of Bukhārī’s Šaḥīḥ to sight-read, the book’s pages were clear but Rāzī’s

33 Zayn al-Dīn al-ʿIrāqī was born in Cairo, his father having moved there as a young child from Irbil, a Kurdish town in the northern part of al-ʿIrāq. See Shams al-Dīn al-Sakhawī, al-Tuhfa al-laṭīfatu fī tārikh al-madīna al-sharīf, 3 vols. (Cairo: Asʿad Ṭabarzūnī al-Ḥusaynī, 1979), 2:558.
34 Death date unknown. It is possible but unlikely that this is the same ʿIzz al-Dīn al-Rāzī who was known for instructing Cairene students in law, including the famous reciter of Bukhārī’s Šaḥīḥ, Aḥmad b. ʿUthmān al-Kulūtātī (d. 830/1427), since knowledge of law would require a level of competency in ḥadīth study. Perhaps the qualifications for a local ḥadīth teacher were more rigorous than for a local teacher of law at this time. See al-Taqi al-Dīn al-Ghazzī, al-Taqwāt al-saniyya fī tarājīm al-ḥanafyya (Cairo: Majlis al-Aʿlā lil-Shuʿūn al-Islāmiyya, 1970), 1:145ff.
recitation was not. He was promptly sacked. Until a qualified replacement could be found, the Manṣūriyya’s own supervisor (*muḥtasib*) had to fill in. The post switched hands several times, and Ibn Ḥajar himself eventually took the job.37 Thus, failing to display the ability to recite the *Ṣaḥīḥ* clearly with the visual aid of the manuscript in front of a competitive audience cost a relatively small-time *ḥadīth* teacher from Rayy the lessons appointed to him.

Rare instances in which tests of ʿ*ajamī* scholars reciting *Bukhārī* ended in partial success again prove the rule. Renowned historian, *ḥadīth* expert and exegete Ismāʿīl ibn ʿUmar ibn Kathīr (d. 774/1373) relates an anecdote from this period in which an unnamed ʿ*ajamī* youth from Tabrīz and Khurasān, was tested on his claim that he had memorized the *Ṣaḥīḥ*, among other major works, on the fourth of Rajab 763 / the seventh of April 1362 at the Umayyad Mosque in Mamluk Damascus.38 In this case, the youth was asked to recite the *Ṣaḥīḥ* from memory, and Ibn Kathīr compared the recitation with the written text in front of him. On the first day of the test, in which the youth recited well into the third book of the *Ṣaḥīḥ*, Ibn Kathīr took care to register his surprise at the novelty of an ʿ*ajamī* youth who did not mispronounce any words, and only betrayed a slight accent. On day two, when the pressure grew, and a number of other high court judges and townspeople attended the session, the boy mistakenly omitted a few *ḥadīth*, mispronounced a number of words, and betrayed a heavier accent. Despite this, he had proved his memory to Ibn Kathīr and his Damascene colleagues to the extent to which they granted the boy an *ijāza* and nearly one thousand silver dirhams as he made his way

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to Cairo. What became of the boy’s career after this event is unknown but the fact that he gained renown and material reward for his partial success underlines the difficulty of accomplishing such a feat for a scholar of Persianate origin, and the extent to which their pronunciation and was routinely scrutinized and measured. While this scrutiny was a defense against the introduction of potential errors and variants into the text’s transmission, it was also measured by audiences and judges whose expectations of pronunciation and elocution were, in part, socially and regionally constructed.

*Isnād-gate: Forged Credentials on the Mamluk High Court?*

Our study now moves to examine a more detailed account of a challenge to a displaced Persianate scholar’s knowledge of the *Ṣaḥīḥ* that took place in public view, with higher stakes. The subject of the test was a scholar I introduced in chapter one, Shams al-Dīn al-Harawī, born in Herāt in Khurasān.39 He went on to serve two terms as Shāfi‘i chief justice (*qāḍī al-quḍāt*) in Cairo, the most powerful judge on the high court, and as the sultan’s confidential secretary (*kātib al-sīr`). Harawī was ultimately imprisoned on charges of embezzlement and corruption, and only narrowly avoided calls for his execution.40 We know very little about his biography before he arrived in the Mamluk Sultanate. No sources in Arabic mention any of Harawī’s teachers, with the exception of Sakhāwī, who, in a late and uncorroborated account, claimed that Harawī

40 For an extended account of Harawī’s dramatic corruption scandal see Jaques, *Ibn Hajar*, 77-83. Jaques argues that Harawī served as “a scapegoat to blame for the punishment that God was exacting on the Mamluk state” by way of the plague.
heard *hadith* from the renowned legal commentator, exegete, theologian and grammarian, Saʿd al-Dīn al-Taftāzānī.\(^{41}\)

For some of Harawī’s biographers, such as Maqrīzī, neither Harawī’s appearance nor his facility with language was harmonious with Cairene society. According to Maqrīzī, Harawī used to ride and walk the streets of Cairo with “the look of an ʿajam, wearing an open fur mantle (*farjiyya*) on his breast, and his turban had tassels drooping to his left. And he conducted himself in his coverings in a way improper for judges, with little knowledge of the parlance of the country (*muṣṭalāh al-balad*) or the customs of the people in Egypt (ʾādāt al-nās bi-Miṣr).”\(^{42}\) Maqrīzī took a personal fascination with Harawī’s apparel, tracking the evolution of his costume over the course of his career: as chief justice, “he wore a *jubba* [(a large gown or *thawb*)], with a large turban with tassels drooping to his shoulders;” as the sultan’s secretary (*kātib al-sirr*), he wore “a little ribbed round turban, losing the tassel and wearing a neckband around his neck,” as was the style of the scribes.\(^{43}\) Worse still was that Harawī began “dressing in gold silk,” two materials that were so luxurious they were unbecoming of a scholar and, according to his own Shafiʿī training, considered unlawful to wear.\(^{44}\) Despite Maqrīzī’s own horror with Harawī’s crimes of fashion, another serious criticism was the fact that Harawī would not address the sultan directly as was customary, but through a spokesperson, because of Harawī’s lack of fluency in his language.\(^{45}\) Maqrīzī wrote: “If he wanted to speak, it was with great difficulty. He began to talk a little, laboring greatly. Then he would speak

\(^{41}\) al-Sakhāwī, *al-Dawʾ al-lāmiʿ*, 8:151. The scholarly relationship is entirely plausible but is not reported in any other accounts.


\(^{43}\) Ibid., 4.2:670-1.

\(^{44}\) Ibid.

\(^{45}\) Ibid., 4.1:448.
incorrectly (yatakkallam bi-’uṣma).”\textsuperscript{46} Maqrīzī also reported that the sultan received an anonymous note that, in addition to criticizing Harawi’s corrupt dealings, his relationship to Timur and his ignorance as a scholar, lampooned his eloquence in Arabic.

For other biographers of Harawi, his looks were not disagreeable, only his accent. Ibn Ḥajar wrote, “[Harawi] was a portly shaykh, tall with a white beard and handsome looking. But his language was halting.”\textsuperscript{47} Ibn Taghrībīrdī, who made remarks identical to Ibn Ḥajar’s on Harawi’s good looks, made similar comments as Maqrīzī regarding Harawi’s linguistic abilities: “[t]o be sure, [Harawi] did not know the Egyptian convention (al-iṣṭīlāḥ al-miṣriyya), and was not fluent in Arabic discourse, as was typical for the non-Arabs (aʾākim).”\textsuperscript{48} But Ibn Taghrībīrdī sympathizes with Harawi, testifying to the hostilities between the two groups at that time. He explained that Harawi was ineffective during his two terms as Shāfiʿī chief justice, “because of the disgust of the awlād al-ʿarab towards him, as was often evident between the awlād al-ʿarab and the aʾākim.”\textsuperscript{49} But we should keep in mind that Ibn Taghrībīrdī was not without his own prejudices. Ibn Taghrībīrdī, of Anatolian origin, was himself ridiculed for being non-Arab, and lacking eloquence in Arabic.\textsuperscript{50} Moreover, Harawi was a friend of his father’s.\textsuperscript{51}

Harawi would later compete with Ibn Ḥajar and Jalāl al-Dīn al-Bulqīnī (d. 824/1421) over the Shāfiʿī chief judgeship, a position that required one to comment on the Şahīḥ of Bukhārī at the citadel of Cairo during Ramadan, in full view of the Mamluk sultan and the other high court chief justices. And, as we will see, the competition reached its apex during Harawi’s Ramadan commentary session on the Şahīḥ at the

\textsuperscript{46} Ibid.
\textsuperscript{47} al-ʿAsqalānī, Inbāʿ al-ghumr, 3:377.
\textsuperscript{49} Ibid.
\textsuperscript{50} Ibid., 14:307-8.
\textsuperscript{51} Ibid., 15:136.
citadel during 821/1418, when Ibn Ḥajar was just beginning to pen his own commentary on the Ṣahih, Fath al-bārî, in earnest. But before we examine that account, we will look at how Harawī’s authority as a ḥadīth commentator was tested in a number of other intimate spaces: the sultan’s court and a crowded enclosed apartment overlooking the sultan’s courtyard.

According to Ibn Ḥajar, Harawī’s expertise in ḥadīth was initially asserted — and then called into question by Arab judges — when Harawī first came to the court late in the month of Rabīʿ al-Awwal, 818 / early June 1415. It was a session held in the presence of the sultan al-Muʿayyad Shaykh presumably at the sultan’s court in Cairo. Ibn Ḥajar narrates the account, which he contextualizes with a polemical account of Harawī’s background. It should be stated upfront that Ibn Ḥajar does not reveal his sources, and one wonders at what points he is credibly preserving biographical information and at what points he is simply polemicizing against Harawī. But even a radically distorted retelling of Harawī’s story can tell us much about what distinguished an authority on ḥadīth from an imposter in the eyes of Ibn Ḥajar and his colleagues and close students:

During the latter part of Rabīʿ al-Awwal [818 / early June 1415], Shams al-Dīn ibn ἴṭāʾ Allāh al-Rāzī, also known as al-Harawī, came to al-Muʿayyad.

[Harawī] had been an aid (aʿwān) to Timur Lank. [Timur Lank] sent him from place to place, so [Harawī] was disloyal to him (khānahu). [Timur Lank] threatened him so he fled to Anatolia (bilād al-rūm).

In Anatolia, [Harawī] implored Ibn Qaramān to facilitate a meeting between him and the great scholar of their land (ʿālim bilādihim), Shams al-Dīn al-Fanārī [(d. 834/1431)], but Ibn Qaramān refused to do that, [fearing Harawī might attempt to displace al-Fanārī]. So [Ibn Qaramān] welcomed [Harawī] with all kinds of hospitality but turned him away from his lands [i.e. Anatolia].

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52 EI2, s.v. “Fenārī-Zāde,” (J.R. Walsh).
53 Ibn Ḥajar writes that Ibn Qaramān stated, “This man [Harawī] claims association (mansūb) to knowledge and Fanārī is our scholar (ālim). It is not easy for us to show-up our scholar and [it is] not easy to deter the will of this stranger (ghartīb).” In other words, according to Ibn Ḥajar, Ibn Qaramān worried that Harawī
So [Harawī] went to Syria (al-Shām) and performed Ḥajj. Then he returned to Jerusalem and wrested away [the madrassa of] al-Ṣalāḥiyya — in the custody of Nawrūz — from al-Qimmanī and continued on as an instructor. Then Qimmanī toiled against [Harawī] during the time of al-Musta’īn, so [Harawī] was removed and Qimmanī continued [to teach there]. So Harawī did not succeed in getting the upper hand over Syria (al-Shām) by getting the upper hand over Nawrūz.

When al-Mu’ayyad ordered the execution of Nawrūz, he safeguarded Harawī, and established him in the Ṣalāḥiyya. And when [Harawī] returned to Cairo, [the sultan] safeguarded him as well. So [Harawī] asked [the sultan’s] permission to come [to the court]. He gave his permission and [Harawī] came. A group of non-Arab shaykhs (mashāyikh al-ʿajam) left the meeting very enthusiastic about him. They spread the word that he had memorized twelve thousand hadīth, Šāḥīḥ Muslim with its chains of transmission, and the base texts (mutūn) of Šāḥīḥ al-Bukhārī. The public (al-nās) was awed by that. ⁵⁴

Qimmanī made the rounds among the emirs and pleaded that they ask al-Mu’ayyad to fetch Harawī and to hold a session with the ‘ulamāʾ in order to show [the sultan] that [Harawī] was ‘mixed-up goods’ in matters of knowledge. And [Qimmanī] continued to make every effort in that regard until the sultan gave an answer while Harawī was meeting with him. A special council came to him, and he summoned the two judges [Jalāl al-Dīn] al-Bulqīnī [(824/1421)] and [ʿAlī ibn Maḥmūd] Ibn al-Mughulī and they conversed in [the sultan’s] presence, no-holds-barred.

To sum-up what Harawī was asked is as follows:

“Is it stated in a proof-text [i.e., an authenticated hadīth] that the evening prayers (maghrīb) are shortened during travel?”

Harawī replied, “Yes. That came in the hadīth of Jābir in the book Al-Firdaws (the Paradise) by Abū al-Layth al-Samarqandī [(d. 373/983)].”

When they left to consult al-Firdaws of Abū al-Layth, they did not find such a [proof-text]. ⁵⁵ This was said to Harawī.

So Harawī stated, “This book of Samarqandī’s had three versions: unabridged (kubra), mid-size (wusta) and abridged (sughra). This hadīth is in the unabridged, and the unabridged version is not in circulation in these lands.”

⁵⁴ In Sakhāwī’s account, this claim was being spread about Harawī while he was still in Jerusalem. al-Sakhāwī, al-Dawʿ’ al-lāmi’, 8:151.

⁵⁵ As far as I am aware, no copy of Abū al-Layth’s al-Firdaws is extant.
From that day onward [Bulqīnī and Ibn al-Mughulī] sensed his falseness.

The sultan put [Harawī] up in a beautiful residence and arranged a handsome stipend for him. And the state officials (*Ahl al-Dawla*) gave him gifts, and many fancy clothes and other [fine] things.⁵⁶

Ibn Ḥajar began by telling us that Harawī was connected politically with Timur, who was *persona non grata* for scholars in Cairo.⁵⁷ Ibn Taghrībīrdī pointed out that Harawī’s association with Timur was particularly damaging to his reputation for scholars of Arab origin (*awlād al-ʿarb*).⁵⁸ The fact that Harawī fled from Timur does not win him any favor or sympathy. On the contrary, Ibn Ḥajar described Harawī as having been disloyal to his patron (*khānahu*). But Ibn Ḥajar was making another point about what makes a scholar authoritative: Harawī went from place to place not for the sake of study, but for the sake of an administrative position. Harawī received his appointment due to his political connections, not because of his scholarly accomplishments. This pattern was repeated in Harawī’s dealings with Nawrūz and again with al-Mu’ayyad Shaykh. Ibn Ḥajar was thus describing a world in which he saw others appointed as religious authorities, regardless of merit, by those in political power. The fact that Ibn Ḥajar viewed Harawī as disloyal in his political dealings, foreshadowed a later allegations of corruption against Harawī, but more specifically Ibn Ḥajar’s charge that Harawī fabricated his chain of transmission to the *Ṣaḥīḥ* of Bukhārī, and lied about his ability to memorize *ḥadīth*. Thus, Ibn Ḥajar highlighted how Harawī’s opportunistic cultivation of relationships with political patrons creates distrust among the scholars he meets,

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⁵⁸ Ibid.
including Ibn Qaramān in Anatolia, Qimmanī in Jerusalem, and Bulqīnī and Ibn al-Mughulī in Cairo.

Why the political élite continued to reward him with appointments and riches is not made explicit in Ibn Ḥajar’s account. If we believe that Harawī’s deficiencies were as apparent as Ibn Ḥajar said they were, the material and political rewards are nearly unintelligible. In Maqrīzī’s telling, Harawī’s awards are even grander: “a stipend of two hundred dirhams, around three hundred pounds of meat, a horse saddled with a golden chamber.”⁵⁹ Why was Harawī rewarded, despite his clear incompetence? Why did the sultan bother consulting Bulqīnī and Ibn al-Mughulī if he intended to reward Harawī anyway?

Perhaps the Circassian Mamluk élite, who were also foreigners to Egypt, considered the non-Arab judges to be more manipulable as political allies than the judges of Arab origin. But Ibn Ḥajar hinted in the other direction: it was the mashāyikh al-ʿajam who manipulate the political élite and the local populace. The general populace and the Persianate shaykhs were supposedly awed by Harawī’s claim to have memorized twelve thousand hadīth, the text of Bukhārī Ṣaḥīḥ, and Muslim’s Ṣaḥīḥ with the chains of transmission. The implication was that the mashāyikh al-ʿajam supported Harawī without scrutinizing his claims of memory because of their shared heritage. Likewise, since the general populace was unable to distinguish authentic claims from false ones, such feats of memory easily impressed them.

Ibn Ḥajar, moreover, subtly drew attention to Harawī’s place of origin in his account of Harawī’s response to Ibn al-Mughulī and Bulqīnī’s doubts. Harawī claimed that the edition of the book from which he heard the hadīth of Jābir only available in the

⁵⁹ al-Maqrīzī, Kitāb al-sulūk, 4.1:312.
libraries of Persia and Central Asia. While Bulqīnī and Ibn al-Mughulī are primarily concerned with testing Harawī’s ability to transmit reliably according to their shared standards, Ibn Ṣajar’s narrative casts further doubt on Harawī’s knowledge by subtly calling attention to his place of origin and training. As far as I know, we ourselves do not have access to *al-Firdaws*, and cannot corroborate either Harawī’s or Ibn Ṣajar’s claim. But my interest here is not in arbitrating this dispute at long last. Rather I am interested in the problem posed to Ibn Ṣajar, Bulqīnī and Ibn al-Mughulī: when an expert’s knowledge and competence was conferred in a political and social context foreign from one’s own, how does one verify the authenticity of his credentials? Especially when that expert is being informally considered for a judgeship on the highest court? Contemporary nominees to the U.S. Supreme Court are subject to lengthy and rigorous questioning. Was there such a formal mechanism for regulating the appointment of credible high court judges?

The short answer appears to be no. But scholars’ credentials were perpetually peer reviewed in a spectrum of sessions in impromptu occasions such as the one Ibn Ṣajar describes between Ibn al-Mughulī, Bulqīnī and Harawī, and at public events (as we will see in Harawī’s live commentary on *Ṣaḥīḥ al-Bukhārī*). One such vetting session occurred in the belvedere (*al-manẓara*) in the sultan’s enclosed court (*al-ḥawsh*).

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60 According to Nasser O. Rabbat, the *manẓara* was a lightweight structure made of wood, “primarily a pavilion in a pleasance garden with numerous openings. The word is derived from the verb *naẓara*, ‘to look, to watch,’ which refers to the structure’s basic function as a place from which one looks out, perhaps the equivalent of a belvedere.” Nasser O. Rabbat, *The Citadel of Cairo: A New Interpretation of Royal Mamluk Architecture* (Leiden: Brill, 1995), 165. In the 13th and 14th centuries the manẓara on the second floor of the Dār al-Niyāba built by Qalāwūn was “considered a separate unit which could be assigned functions different from the rest of the structure, such as the ceremonial reading of the ḥadīth collection of *Ṣaḥīḥ al-Bukhārī*.” See ibid., 140.

61 For a description of how the *ḥawsh* had become a focus of palace life in this period, including the playing of polo, see ibid., 27ff.
morning in the month that followed Harawī’s arrival, in the presence of the judicial and scholarly élite:

On Thursday, the 18th of Rabī’ al-Ākhir [818 / June 27, 1415], al-Muʿayyad went to the aforementioned Harawī and ordered the four [chief] justices and the masters of the [Islamic] arts among the ‘ulamāʾ to gather. And the session (al-majlis) was crowded in the belvedere (al-manṣara) in the sultan’s courtyard (al-hawsh).

The first thing that Harawī was asked was: “Upon whose [authority] did you hear Ṣaḥīḥ al-Bukhārī?”

So [Harawī] deceptively fabricated (ikhtalaqa fī al-ḥāl) a chain of transmission to Abū al-Waqt, alleging that his father narrated (ḥaddatha) it to him on the authority of a Shaykh who is said to have been called “Ahmad ibn ʿAbd al-Karīm al-Būshanjī,” who lived one hundred and twenty years, on the authority of another who was said to have been called “Abū al-Fath al-Harawī,” who also lived one hundred and twenty years, on the authority of Abū al-Waqt.

So the author [Ibn Ḥajar] said to him, “Our children (awlāduna) narrate the Ṣaḥīḥ [by an isnād] to Abū al-Waqt by a similar number of transmitters more famous (ashhar) than those [you just mentioned].”

The earliest travelers who went to Jerusalem (Bayt al-Maṣdis) — among those [travelers] was our companion, al-Ḥāfiz Jamāl al-Dīn Muḥammad ibn Mūsā al-Marrākushī, later known as al-Makkī — verified that the aforementioned [Harawī] used to recite the Ṣaḥīḥ on the authority of ʿAlī ibn Yūsuf ibn ʿAbd al-Karīm on the authority of Nāṣir al-Dīn Muḥammad ibn Ismāʿīl al-Fāriqī on the authority of Ibn Abū al-Dhikr al-Ṣiqillī on the authority of al-Zabīdī on the authority of Abū al-Waqt.62

I suspect someone fabricated (ikhtalaqa) this isnād as well. [I suspect] that since Kirmānī, the one who commented on Bukhārī’s Ṣaḥīḥ, is [also called] Muḥammad ibn Yūsuf ibn ʿAbd al-Karīm,63 and he mentioned in his introduction that he heard Bukhariʿiʾs Ṣaḥīḥ from all of those [same] transmitters, [including the] aforementioned Fāriqī by the aforementioned chain of transmission. If Harawī was being truthful then he must have taken [the chain of transmission] (akhadha) on the authority of [the commentator Kirmānīʾs] brother, since Kirmānī had a brother named ʿAlī.64

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62 Sakhāwī verifies that Harawī wrote this chain of transmission in his own handwriting (bi-khaṭṭīḥi). al-Sakhāwī, al-Dawʾ al-lāmiʿ, 8:152.
64 Ibid., 3:57-8.
Considering that, as Shāfīʿi chief justice, Harawī would later be required to comment on a ritual recitation of Bukhārī’s *Ṣaḥīḥ* during Ramadan at the citadel, the question regarding Harawī’s chain of transmission for the recitation of the *Ṣaḥīḥ* of Bukhārī was not insignificant. This was around the time Ibn Ḥajar began committing his own commentary on the *Ṣaḥīḥ* to writing, detailing his own chain of transmission to the recitation of the text prior to beginning his commentary in unprecedented detail.\(^65\) In this case, as with the case of the citing Samarqandi’s unabridged *Firdaws*, Ibn Ḥajar was primarily suspicious about Harawī’s reliability as a ḥadīth transmitter, yet he did so while very subtly calling attention to Harawī’s region of origin. Harawī’s recitation may have raised suspicion primarily because of the implausibility of back-to-back super-centenarians, but Ibn Ḥajar briefly alluded to the ‘*arab-ʿajam* tension, unfavorably comparing Harawī’s chain of transmission to the better-known chains of transmission circulating in Egypt and Syria. As Ibn Ḥajar pointed out — and as I will address in greater detail later — chains of transmission on the authority of Abū al-Waqt were circulating in the Mamluk empire prior to Harawī. In fact, Naṣir al-Dīn al-Dimashqī (d. 838/1434) widely circulated an even shorter chain of transmission (three links instead of Harawī’s four) “on the authority Umm Muḥammad Wazīrat Bint ʿUmar ibn Asʿad ibn al-Munjī al-Tanūkhiyya,” on the authority of Zabīdī on the authority of Abū al-Waqt.\(^66\) Even though Ibn Ḥajar himself was not authorized to transmit a recitation of the *Ṣaḥīḥ* on Abū al-Waqt’s authority,\(^67\) he had studied it in great detail, often signaling to the readers of his *Fatḥ al-bārī* when Abū al-Waqt’s recitation deviated from other famous recitations of the *Ṣaḥīḥ*.

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Harawī’s second chain of transmission, which was not presented in the *manzara* but by a colleague of Ibn Ḥajar’s from Jerusalem, was even fishier for Ibn Ḥajar. Ibn Ḥajar made the accusation that Harawī may have fabricated (*ikhtalaqa*) or plagiarized (*akhadha, lit. “took,”*) the chain of transmission from Kirmānī’s well known commentary, *Kawākib al-darārī*. The only way Harawī could be telling the truth is if he somehow heard the recitation from Kirmānī’s brother, ‘Alī. According to Ḥasan Ḥabashi, the editor of the manuscript of Ibn Ḥajar’s chronicle, Biqāʾī noted in the margins that Ibn Ḥajar omitted one name, ‘Alī, in Kirmānī’s full genealogical name (*nisba*): Kirmānī was Muḥammad ibn Yūsuf *ibn ‘Alī ibn ‘Abd al-Karīm*, not as Ibn Ḥajar writes, Muḥammad ibn Yūsuf *ibn ‘Abd al-Karīm*.68 Perhaps both Harawī and Ibn Ḥajar were omitting full genealogies out of convention. Nevertheless, it is an important omission, considering the fact Ibn Ḥajar was basing his speculation on the resemblance between Harawī’s chain of transmission and Kirmānī’s, and that the omitted name, ‘Alī, is the same name Ibn Ḥajar concludes must have been Kirmānī’s brother. In any event, Ibn Ḥajar’s own omission is ironic considering he was taking Harawī to task for his lack of precision when reciting the names of transmitters. This irony raises the question: should we take Ibn Ḥajar’s word for it that Harawī’s chains of transmission were actually forged?

On the one hand, that Ibn Ḥajar was willing to identify his colleague Jamāl al-Dīn al-Makkī by name in a detailed account of the event in his widely circulating chronicle suggests that there is at least a nugget of truth to Ibn Ḥajar’s accusations. We will examine another report of Ibn Ḥajar’s below in which he reported that another colleague, Shams al-Dīn al-Jibṭī (d. 825/1422), a Ḥanbalī whose specialty was recitation of *ḥadīth*,

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acted on his own conclusion that Harawī’s chain of transmission was fabricated.\textsuperscript{69} Ibn Ḥajar would have been risking his own reputation as a historian if he were found to be spreading baseless rumors on the authority of his own peers. Moreover, copies of chains of transmission of hadīth experts documenting isnāds to Bukhārī’s Ṣaḥīḥ, like Naṣir al-Dīn al-Dimashqī’s above, circulated in connection with and independently of written hadīth commentaries, so it would have been typical for peers to review and compare one another’s isnāds.\textsuperscript{70} It is difficult to imagine Ibn Ḥajar would have even been able to repeat this account had Harawī or Harawī’s students taken the necessary steps to circulate his isnād to Bukhārī’s Ṣaḥīḥ among gatekeepers of hadīth criticism of Cairo, other than Ibn Ḥajar.

On the other hand, no documentation of Harawī’s isnād, other than in this account of Ibn Ḥajar and his reverent student Sakhāwī, survives. There is Jibṭī’s reported opinion that Harawī’s isnād was forged, but that report also cannot be corroborated in any chronicle other than Ibn Ḥajar’s. Considering that Ibn Ḥajar would have understood the power of such a story to undermine Harawī’s interpretive authority, we should not immediately discount the possibility that Ibn Ḥajar himself altered or magnified the flaws of the isnād in order to cast doubt on Harawī’s scholarly genealogy.

Variations between Ibn Ḥajar’s account of Harawī’s isnād and Sakhāwī’s account of it betray slight inconsistencies, and indications of exaggeration. Readers be forewarned: the following comparison of Sakhāwī’s and Ibn Ḥajar’s accounts of Harawī’s isnād will wade into technical waters. The main point of Sakhāwī’s account is

\footnotesize{\textsuperscript{69} Ibid., 7:309.  
to show that there was ample documentation of Harawi’s untrustworthiness in transmitting hadith above and beyond what Ibn Ḥajar had already found.

In Sakhawi’s account, Harawi responds to the question on his isnād to Bukhari’s Sahih thus:

al-Shams ‘Alī ibn Yūsuf reported [it] to us (ḥaddatanā) on the authority of a Shaykh who is called Abū al-Fatḥ aged one hundred and twenty years, on the authority of al-Būshanjī, a Shaykh who lived one hundred and thirty years, on the authority of Abū al-Waqt. Then he contradicted that when he held the [chief] judgeship in Cairo in [8]21 when he narrated [Sahih al-Bukhari] on the authority of his father on the authority of Abū al-Barakāt ’Atā’ Allāh — in doing so he was mimicking the narration of [Chief] Judge Jalāl al-Dīn [al-Qazwīnī?] on the authority of his father — and that his [(referent unclear)] father Abū al-Barakāt heard it from a shaykh who was called ‘Abd al-Karīm al-Harawi by audition [(bil-samāʾ)] from Abū al-Fatḥ al-Būshanjī on the authority of Abū al-Waqt.  

Sakhawi went on to collect and list four further chains of transmission, three of which were written by Harawi the year of Harawi’s death, that detail chains of transmission between Harawi and Bukhari’s Sahih that Sakhawi claims disagree with or contradict (nāqid dhālika) his previous chains of transmission. Only the first and the fourth chains of transmission resemble the chains mentioned in Ibn Ḥajar’s narrative above, indicating that Sakhawi sought further documentation to cast doubt on Harawi’s isnād to the Sahih. Sakhawi corroborated the second isnād mentioned in Ibn Ḥajar’s narrative by claiming to have seen in it Harawi’s own handwriting. Sakhawi moreover recorded four of Harawi’s isnāds beyond what Ibn Ḥajar reported, although he tells us that Ibn Ḥajar evaluated them and graded them unfavorably. Sakhawi read three of those isnāds from

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71 See al-Sakhawi, al-Daw’ al-lāmi’, 8:152.
72 Ibid.
73 Ibid.
74 Ibid.
75 Ibid., 8:155.
a document written during the last year of Harawī’s life. According to Sakhāwī, each of the six chains of transmission to the Ṣaḥīḥ that were attributed to Harawī disagreed (nāqid) with one another, and none were in agreement with Harawī’s initial isnād.

But ḥadīth scholars, including Ibn Ḥajar, often collected multiple chains of transmission for the same text. Sakhāwī was shifting the goalposts if merely having multiple chains of transmission for the same text should be taken as a sign of inconsistency and unreliability. Sakhāwī went on to review Harawī’s chain of transmission for other major ḥadīth compilations, like the Ṣaḥīḥ of Muslim ibn Ḥajjāj, and came to a similar pronouncement on its unreliability. In other words, if Sakhāwī could not prove for certain that Harawī’s isnāds to Bukhārī’s Ṣaḥīḥ were fabricated, he can at least demonstrate that Harawī was often inconsistent in the general area of collecting and transmitting reliable and prestigious isnāds.

But even this last point ought to be taken with a grain of salt, since Sakhāwī’s own account of Harawī’s initial answer manifests its own obvious inconsistencies with Ibn Ḥajar’s. Abū al-Faṭḥ and al-Būshanjī are placed in reverse order in Sakhāwī’s account, and Abū al-Faṭḥ lived one hundred and thirty years according to Sakhāwī, and only one hundred and twenty according to Ibn Ḥajar. If one hundred and twenty seemed like a far-fetched age for a transmitter, one hundred and thirty is in the realm of pure fiction. Moreover, it appears as if Sakhāwī reverses and conflates the names of Harawī’s transmitters. Ibn Ḥajar’s account, Harawī’s transmitters are “Abū al-Faṭḥ al-Harawī” and “ʿAbd al-Karīm al-Būshanjī.” In Sakhāwī’s, Harawī’s transmitters are, bizarrely, “Abū al-Faṭḥ al-Būshanjī” and “ʿAbd al-Karīm al-Harawī.”

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76 Ibid., 8:152.
In any event, even if — or especially if — we were able to determine that Ibn Ḥajar’s anecdote was no better than gossip, it reflects a competitive commentarial culture in which possessing, displaying and reciting a chain of transmission was a pre-requisite for those who wished to be regarded as contemporary and enduring authorities on the Šaḥīḥ’s meaning. But the authority of an isnād was contingent on its being judged to be genuine among the élite ḥadīth critics and commentators in live venues open to the political and judicial élite. Since Arab ḥadīth experts struggled to verify the authenticity of an isnād conferred in a cultural, political and social context foreign to their own, Persianate scholars were at a subtle disadvantage in claiming expertise in the transmission and interpretation of Šaḥīḥ al-Bukhārī.

**Tensions Boil, Surrogates, and More Testing**

What follows in Ibn Ḥajar’s narrative is a number of other confrontations between Harawī and the Egyptian scholars that are meant to test, expose or ridicule Harawī’s shortcomings as a scholar in his or his surrogates’ understanding of the Qurʾān, other ḥadīth compilations, and individual ḥadīth in general. I will omit a word-for-word translation, since these anecdotes are only indirectly related to Harawī’s authority to comment on Bukhārī’s Šaḥīḥ. Nevertheless, the contents are worth summarizing since they further testify to the tensions between urban networks of expatriate Persianate scholarly élite and the Arab scholarly élite.

First, one of the sultan’s notables proposed, as another test, that the sultan randomly open a manuscript of the Qurʾān (al-muṣḥaf) and ask Harawī to discuss the first thing to which the page opened. The sultan opened the Qurʾān to verse forty-five of Sūrat
al-Fāṭir, “And if God were to take the people to task…” and Harawī was asked to discuss the meaning of “if” ("law").

Although this may seem like an overly pedantic question, Qurʾān commentators since at least the time of al-Jāḥīz (d. 255/869) were expected to explain the underlying significance of seemingly minute rhetorical and grammatical features of the Qurʾān.

A nasty debate ensued between a surrogate of Harawī’s, Shaykh Humām al-Dīn, and the Shafiʿi chief justice Jalāl al-Dīn al-Bulqīnī.

In what is reported to be ‘Aynī’s account of this narrative, they argue to a point at which Bulqīnī accused Harawī of unbelief (kufr), which upset the sultan who heard of the accusation afterwards and demanded that his private secretary reconcile the two influential Shafiʿi judges. In Ibn Ḥajar’s own account, he stated that he himself waded into the debate, prompting Harawī to accuse Ibn Ḥajar of unbelief.

The sultan, in Ibn Ḥajar’s account, was sitting next to Harawī and heard the accusation for himself, and felt

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78 See idem, Inbāʾ al-ghumr, 3:59. My emphasis in bold.
80 See al-ʿAsqalānī, Inbāʾ al-ghumr, 3:57-8, n. 2. According to Ḥasan Ḥabashi, the editor of this edition, Sakhawi states in the margins, in his own handwriting: “The Chief Judge ‘Aynī, in his history, presents the story of Harawi differently than how the Shaykh al-ʿIslām [Ibn Ḥajar al-ʿAsqalānī] mentions it here. We transcribe it fully here: After ['Aynī] mentioned [Harawī’s] coming to Cairo, ’Aynī said, ‘the sultan distinguished Harawi and expressly elevated him] and what the sultan did with Harawi did not please the will of the private secretary (kāṭib al-sirr) Nāṣir al-Dīn ibn al-Bārizī and those that followed him. So the secretary harbored bad feelings against [Harawī] out of fear that [Harawī] would obtain a [judicial and teaching] appointment (mansūb). As a result of this, tumult ensued and they wanted to force [Harawī] out. They spread a rumor about [Harawī] to the sultan that [Harawī] claimed to have memorized twelve thousand hadith and Ṣahih Muslim with its isnāds. And they requested of the sultan that [Harawī] work in [the court] for a time. So all the Shaykhs of Cairo came and discussed the science of ḥadith and other matters with [Harawī]. So when the time came [Harawī] came and the Shaykh Humām al-Dīn al-ʿAjamī, the Shaykh of al-Jamāliyya, came with him. A great deal of debate ensued, and a lot of talk continued until the Shaykh Humām al-Dīn made a fool of himself at the hands of Jalāl al-Dīn al-Bulqīnī. A chaotic conversation occurred between them until it was heard from one among them that [Bulqīnī] associated the Shaykh Humām al-Dīn with unbelief (kufr). So the session (al-majlis) was to no avail, and this was the occasion that cemented animosity between them. Once they left, [the ‘ulamā’] wrote the proceedings and they mentioned what happened between them regarding the association of unbelief (al-takfīr) with Humām al-Dīn and the disparagement regarding Harawi. News of this reached the sultan and he became beside himself with rage. [The sultan] ordered the private secretary Nāṣir al-Dīn al-Bārizī to make peace between them. So Bārizī left and went to Humām al-Dīn and took Harawī with him and went with both of them to the house of the Judge Jalāl al-Dīn al-Bulqīnī and reconciled them until the wickedness was brought to an end and the strife was mitigated.’’
81 Ibid., 3:60.
indirectly accused of unbelief since he disagreed with Harawi’s position. The sultan, who is usually portrayed as passively or silently observing these live sessions, spoke, perhaps implausibly, in perfect Arabic: “I call upon God for a person who heard what I heard. If not, testify by it.” Ibn Ḥajar described an embarrassed Harawi backpedaling, specifying to the sultan that his accusation was only meant for the attendees, not the eminent ruler. Whether we are to rely on ‘Aynī’s account or Ibn Ḥajar’s, it is clear that the tension and polarization had reached a fevered pitch between these two scholarly networks.

What could have incensed these two groups of scholars about the meaning of the term “if”? Unlike the disputes over chains of transmission, Ibn Ḥajar did not wade into the particulars of the argumentation. Instead, he provided biographical details regarding Harawi’s Persianate surrogate: Shaykh Humām al-Dīn was called al-Khwārazmī, an indication that his family originated from a region south of the Aral Sea, marking him as a displaced Persian scholar. And in fact, ‘Aynī, in another account of the confrontation, was less subtle than Ibn Ḥajar, titling Humām al-Dīn the ‘Ajamī. If anyone were to doubt that any such regional identity would have created an enduring loyalty between Harawi (from Khurasān) and Humām al-Dīn (from al-Khwārazm), Ibn Ḥajar was quick to point out that their relationship was cemented through study as well as through marriage, by way of the daughter of Humām al-Dīn. Ibn Ḥajar was of the view that Humām al-Dīn was defending Harawi’s position out of concern for the interests of his household or his ethnic or regional social group, rather than supporting the position that best explained the meaning of the Qur’ānic verse.

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82 Ibid.
83 Ibid., 3:57-8, n. 2. The note is translated above.
Continuing with Ibn Ḥajar’s narrative, Shaykh Sharaf al-Dīn al-Tabbānī asked Harawī about a ḥadīth on ritual ablution (wuḍūʾ) with an alcoholic intoxicant (nabīḍh). Now, to Harawī’s credit, he did remember that the ḥadīth was found in a famous ḥadīth compilation, Tirmidhī’s Sunan. He even recalled the chain of transmission accurately. So Harawī could not have as incompetent as Ibn Ḥajar presented him elsewhere in the narrative. Moreover, if Subtelny and Khalidov’s documentation of Timurid scholarly reading lists can be taken to be representative of the curriculum in Timurid madrasas, Timurid students of ḥadīth may have come up short in comparison with their Mamluk counter-parts, but were still authorized to transmit the staples of the ḥadīth corpus.

Nevertheless, according to Ibn Ḥajar, Harawī misattributed the same ḥadīth by a different chain of transmission to Ibn Mājah. This is what raised a red flag for Ibn Ḥajar. Harawī came up with a name “Qāsim ibn ‘Abd al-Karīm” which, according to Ibn Ḥajar — and my own research confirms this — was not present in any of the six canonical books of ḥadīth. Moreover, while the two other narrators that Harawī named Ibn ‘Abbās and ‘ Abd Allāh ibn Mas‘ūd, were well known and trustworthy narrators, they had never been known to narrate on the authority of one another. The majlis is rife with tension as the two scholars face off, and ultimately Ibn Ḥajar as proven right. Harawī not only forgot to mention one name, but also confused Qays ibn al-Ḥajjāj with the made-up transmitter Qāsim ibn ‘Abd al-Karīm.

At this point, the sultan emboldened Ibn Ḥajar to press Harawī further. Ibn Ḥajar went for the jugular, challenging Harawī to prove his claim that he memorized twelve thousand ḥadīth. Ibn Ḥajar challenged Harawī to recite them quickly (sard) or dictate

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84 Ibid., 3:60.
86 al-ʿAsqālānī, Ḥibb al-ghumr, 3:60.
them (*imlā*). Harawī refused to do it, responding that he would prefer to write them down. Ibn Ḥajar provided him with paper and directed him to write the *ḥadīth*, but “he could not complete a letter past the *basmala* (the formulaic “in the name of God”)” before refusing, claiming he needed to be alone by himself in order to be able to write the *ḥadīth*. Harawī suggested they “let the sultan order each of us to go home and write, and who ever writes more has the greater memory.” Ibn Ḥajar replied that he did not “want to take a test of who could write faster,” although he immodestly conceded that he was surely the faster writer of the two, explaining that he wanted to expose Harawī’s inferior memory in full view of the sultan. So Ibn Ḥajar implored Harawī to write, in front of the *majlis*, just one single *ḥadīth*. Harawī refused, and the argument went on like this, and each scholar present was partial to one side or the other. The argument broke only with the afternoon prayers.

**The Spoils of Battle: Appointments, Gifts and Tax Benefits**

The vetting and jockeying moved to a more intimate space, when the scholars retired to an adjacent garden, where they took in an afternoon meal. I will repeat the translation of the garden scene offered in the previous chapter here in order reiterate and expand on some key points of my prior analysis, and to highlight the social and cultural subtext underlying the narrative. If you recall, the commentators’ discussion meanders to the *ḥadīth* “[There are] seven [kinds of people whom] God will shade in his shade”:

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87 Ibid., 3:61.
88 Ibid.
89 Ibid.
90 Ibid.
91 Ibid. Sadly we have no accounts written by Persianate scholars to compare with Ibn Ḥajar’s.
[Ibn Ḥajar] asked, “Is there anyone among you who remembers [in addition] to the seven, an eighth [type of person]?”

They replied, “No.”

[Ibn Ḥajar] said, “Not even this one who claims that he memorized twelve-thousand hadīths?” He gestured to [Shams al-Dīn al-Harawī] who was silent.

One of them said to him, “Have you memorized an eighth?”

Ibn Ḥajar said, “Yes, I know an eighth and a ninth and a tenth. But more amazing than this is that in the Ṣaḥīh of Muslim — which [Harawī] claims to have memorized in its entirety — there is an eighth for the aforementioned seven.”

It was said to him, “Acquaint us with that [hadīth], so that we may derive benefit from it.”

[Ibn Ḥajar] replied, “This setting is a testing ground, not a place of seeking benefit (istifāda) [from hadīth]. If you rearranged this to be a place of seeking benefit, then I would acquaint you [with it].”

After that, [Ibn Ḥajar] collected what was mentioned on the subject [of the types of people that God will shade on the Day of Resurrection] and imparted more than ten in addition to the seven [types] mentioned in the hadīth. Abū Shāma versified the seven famous types in two famous lines of poetry. And [Ibn Ḥajar] collected seven — mentioned with good chains of transmission — and versified them in two lines of poetry. Then he collected a third [group of] seven — while saying their chains of transmission — and versified them in two other lines of poetry.

And the session broke for the evening prayer. When [the scholars] wanted to take off, [Ibn Ḥajar] said to the sultan [al-Muʿayyad Shaykh]: “Your eminence (yā khawand), I accuse [al-Harawī] of owing me a debt!”

“What’s that?” the sultan [al-Muʿayyad Shaykh] replied.

“Twelve-thousand hadīths.” The sultan [al-Muʿayyad Shaykh] smiled and left.92

In this part of Ibn Ḥajar’s account, he contrasted his own scholarly authority with his Persianate rival. He maneuvered, subtly, in the freedom and constraints of the garden, for a judicial appointment of his own. Ibn Ḥajar’s deftness at formulating Arabic couplets based on ḥadīth, in stark contrast to Harawī’s silence, is yet another heavy handed signal

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92 Ibid., 3:62.
of Ibn Ḥajar’s mastery of Arabic, and Harawī’s shortcoming. As I pointed out in the
previous chapter, Ibn Ḥajar was reported to have received questions on matters of the
trustworthiness of isnāds in verse, and was known for his adeptness at responding in
kind.\(^{93}\) Again, while adeptness at poetry is not an explicit qualification to be an authority
on hadīth, such a skill was an implicit marker of élite status, and handling such literary
requests could have been understood to be an implicit part of the job of a muḥaddith.
Most remarkably, this discussion in the garden directly influenced Ibn Ḥajar’s written
commentary on the Ṣaḥīḥ, as well as the commentary tradition on another major hadīth
compilation, the Muwaṭṭa’ of Anas Ibn Mālik. The competition between Ibn Ḥajar and
Harawī, in the presence of the sultan in Cairo, thus explicitly and directly changed the
way this hadīth was explicated for students over time. The sultan took notice that Ibn
Ḥajar addressed the majlis in the garden without receiving any remuneration and
instructed his private secretary to reinstate Ibn Ḥajar as the Shaykh at the Baybarsiyya.\(^ {94}\)
Again, Ibn Ḥajar’s successful live performance was linked to winning of a prestigious
judgeship.

But one must vociferously compete in the arena of the live session, as Ibn Ḥajar
did, to receive such a judgeship. Qimmanī, who had arranged the session in the first place
in order to remove Harawī from the Ṣalāhiyya in Jerusalem, did not speak up loudly in
the session to present himself as an alternative authority to Harawī. In the absence of an
alternative, and the presence of a group of mashāyikh al-ʿajam politically pushing for
Harawī, Ibn Ḥajar wrote that Qimmanī was ultimately defeated:

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\(^{93}\) al-Dihlawī, Bustān al-muḥaddithīn, 235.
\(^{94}\) al-ʿAsqalānī, Inbāʾ al-ghumr, 3:63.
As for Harawī, a group of ‘ajam and others made every effort [to pull strings] with the emirs and asked the sultan to endow him with what he and his father-in-law might desire.

[The emirs] came to him on Monday, the 12th of Rabī’ al-Ākhīr and bestowed upon him a black jubba, and they mounted him on a saddled horse. [Harawī] returned to his residence with a number of emirs and others. News spread that he had been appointed to a continuing teaching position at the Ṣalāḥiyya, which had fallen from Qimmanī’s possession.

[Qimmanī] was enraged because of that. He had been the principal cause of what happened to Harawī. He had sought in [arranging the session] to wrest the Ṣalāḥiyya away from Harawī, as he had held it previously. So [Qimmanī] went to the emirs and others and they would not give him any other response.

When [Qimmanī] gave up hope [that he could retake the Ṣalāḥiyya], he asked that he be recompensed by allowing him to trade by sea without being charged a tax, on account of what happened to him. [A tax benefit] was decreed for him and he was put at ease.\(^{95}\)

One begins to get the sense that spoils were sometimes distributed arbitrarily in order to keep the peace rather than to reward a deserving commentator’s excellent performance. While Harawī may have had his political allies among non-Arabs, Qimmanī, a scholar of Arab origin, was also politically savvy. While Qimmanī fell short of regaining his position at the Ṣalāḥiyya, he managed to persuade the emirs to console him with a tax benefit. Ibn Ḥajar pointed out that Qimmanī continued to profit mightily from this tax benefit by charging high rates on his commodities as if he were being taxed.\(^{96}\) This is also a reminder that many scholars, including but not limited to Qimmanī, Ibn Ḥajar and Ibn Mughulī, were, in addition to seeking judicial and teaching appointments, also sought to advance their commercial power, since many were wealthy traders and merchants, including Ibn Ḥajar.\(^ {97}\)

\(^{95}\) Ibid., 3:63-4.
\(^{96}\) Ibid., 3:64.
therefore complicated by the cultivation of political networks which, as I have suggested, were partially consolidated through interpolations of ethnic identity.

**A Meltdown During the Recitation and Commentary of Bukhārī’s Ṣaḥīḥ**

Three years later, Harawī was serving a term as the Shāfiʿī chief justice. As I noted in chapter one, among the ritual and interpretive responsibilities of the Shāfiʿī chief justice was commenting on a reading of Bukhārī’s Ṣaḥīḥ in the presence of the sultan, the chief justices representing the other legal schools and many of Cairo’s ‘ulamā’ during Ramadan. In Ramadan of 821/1418, in preparing for his recitation and commentary of the Ṣaḥīḥ at the citadel, Harawī gave his reading assistant, Shams al-Dīn al-Jibtī (d. 825/1422), a Ḥanbālī whose specialty was the recitation of hadīth, a copy of his reading license to recite to the audience, from beginning to end, documenting each link in the chain of transmission of the recitation of the Ṣaḥīḥ from Bukhārī to Harawī. Jibtī was expected to recite it after the introductory supplicatory phrases and prayers had been said, prior to beginning the recitation and commentary proper. As I suggested earlier, this was a key way commentators justified their authority to interpret the Ṣaḥīḥ in the first place, and possessing an ijāʿa was not merely a formality but could put one at a clear interpretive advantage over other commentators. According to Ibn Ḥajar, Jibtī noticed right away that Harawī had fabricated (ikhtalaqa) his own reading license.

This presented Jibtī with a dilemma. On the one hand, reciting Harawī’s fraudulent isnād would have devalued Jibtī’s reputation as well as the currency of genuine ijāʿat for a community that viewed it as a guarantor of scholarly authority. On the other hand, Jibtī was hesitant to overstep the boundaries of his status as a reading
assistant to expose Harawī outright in plain view of the sultan. To resolve the issue, Jibtī feigned to have forgotten to bring Harawī’s ijāزا to the commentary session, and stated simply to the audience that he would be reciting “by an isnād to the Ṣaḥīḥ,” leaving it ambiguous whose isnād, and whether the isnād was genuine or not.98

In theory, the sultan and his chief justices would have been expected to attend each of Harawī’s sessions at the citadel. In practice, however, al-Mu’ayyad Shaykh was absent often enough that the Ḥanbalī chief justice, Ibn al-Mughulī, broke with etiquette as well, playing hooky.99 As with any ceremonial affair, absences do not go unnoticed, and the sultan’s private secretary, Naṣir al-Dīn al-Bārizī (d. 823/1420), inquired into the judge’s truancy. The Ḥanbalī judge confessed to Bārizī that he despised Harawī, and had nothing but contempt for Harawī’s knowledge of ḥadīth.100 Ibn al-Mughulī was a trusted servant of the Mamluk state, serving in both Egypt and Syria, and he was known for an impeccable memory in ḥadīth. And, as I pointed out in chapter one, he had the privilege of studying at the feet of an esteemed commentator on Ṣaḥīḥ from the previous generation of ʿulamāʾ, Ibn Rajab al-Ḥanbalī of Baghdad and Damascus.101 Recognizing, perhaps, that Harawī’s perceived incompetence was trying the patience of such influential members of the audience, the Kātib al-Sīr urged the sultan to allow Harawī’s main rival, the former Shāfiʿī chief justice whom the sultan had recently displaced from power, Jalāl al-Dīn al-Bulqīmī, to attend Harawī’s commentary sessions in the citadel. This action persuaded Ibn al-Mughulī to return to the commentary session, but it also set the stage for

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99 Ibid.
100 Ibid.
the elderly and prolific Bulqīnī to plot a late-in-life comeback to retake the chief judgeship of the Shāfiʿī madhhab.\textsuperscript{102}

In contrast to Harawī, Bulqīnī was perceived by his Arab colleagues as a genuine authority on the \textit{Ṣahīh}. He had authored various works on hadīth criticism, including a commentary on Ibn al-Ṣalāḥ al-Shahrazūrī’s (d. 643/1245) classic and comprehensive textbook \textit{al-Muqaddima fī ‘ulūm al-hadīth} (Prolegomenon to the Sciences of Ḥadīth). Bulqīnī was also praised for conserving, in a commentary of his own, helpful notes from Ibn al-Mulaqqin’s commentary at the citadel during the latter half of the 8\textsuperscript{th}/14\textsuperscript{th} century, especially on the narrators of the hadīth reports, as well as for adding many insights that had not previously been included in works of commentary on the \textit{Ṣahīh}.\textsuperscript{103} In addition to this, Bulqīnī produced a widely read commentary on the chapter titles of the \textit{Ṣahīh}, an innovative genre that will be addressed in greater detail in chapter three of this dissertation.

Bulqīnī was unhappy to learn of his dismissal from the judgeship but he was livid when he found out that his replacement was Harawī.\textsuperscript{104} By accepting Bārizī’s invitation to attend the recitation and explanation of the \textit{Ṣahīh} during Ramadan, a momentous time in the Islamic calendar, in such a politically important space, the citadel, in plain view of Cairo’s political and judicial élite, Bulqīnī had recognized the commentary on the \textit{Ṣahīh} as the perfect arena in which to challenge Harawī’s authority for the most prestigious judgeship in the land.

\textsuperscript{102} al-ʿAsqalānī, \textit{Inbāʾ al-ghumr}, 7:309.
\textsuperscript{103} al-Sakhwī, \textit{al-Dawʾ al-lāmiʿ}, 4:108ff. To my knowledge, al-Bulqīnī’s commentary \textit{al-Istām bi-mā fi al-Bukhārī min al-Ashām} is not extant save for its partial preservation in later commentaries.
\textsuperscript{104} Ibid.
According to Ibn Ḵajar’s account, Bulqānī sat right between Harawī and the Mālikī chief justice. The sultan and the other chief justices would have been seated nearby. Ibn Ḵajar began by telling us that it was Bulqānī’s ally, Ibn al-Mughulī, a Ḥanbalī judge on the high court, who struck first, challenging Harawī in vigorous debate (yujāriḥī) on technical points of law and ḥadīth criticism, leaving Harawī stuttering and speechless. Filling the silence, he then defied Harawī by teaching the session concerning each ḥadīth as it was read, all the while reciting commentarial opinions from memory in a competitive fashion (yataḥaddā bi-dhālika).

As a matador’s sword follows the lance of the picador, Bulqānī’s interrogation followed his Ḥanbalī ally’s. Bulqānī pressed Harawī on problems and controversies raised by the ḥadīth, drilling him on technical points, and the responses and complexities raised by scholars on those points. Harawī was enraged, and responded by shouting uproariously. In Ibn Ḵajar’s narrative, Bulqānī had effectively exposed Harawī in full view of the sultan, who was sitting directly in front of them. Keep in mind that Ibn Ḵajar did not record the content of their argument, only the manner and style in which the ḥadīth commentators debated. In Ibn Ḵajar’s narration of the Harawī affair, the display of a well-known and prestigious isnād, a vast and precise memory and swift oratory in Arabic, differentiated an excellent performance from a fraudulent one.

Following Harawī’s defeat, Ibn Ḵajar reported that the sultan had seen enough. His leg had grown numb from sitting, so he withdrew to an upstairs area overlooking the

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106 Ibn al-Mughulī became known for these inter-madhhab debates at live recitation and commentary sessions of Bukhārī. He had drawn out a long debate with al-Tafahnī, the Ḥanafī chief justice, during the completion (khatm) of Ramadan in 823/1420 and initiated clamorous debates during the recitation of Bukhārī during Ramadan of 826/1423. See al-ʿAsqalānī, Inbāʾ al-ghumr, 3:224 and 3:306.
108 Ibid.
commentary session, leaving no opportunity for Harawī to salvage his damaged reputation. While no practical matter appeared to be at stake in the argument, the most practical matter was at stake in the arguments’ outcome: who would prevail as the most powerful judge in Mamluk Egypt. Yet even this outcome would elude the scholars for another six months, when Harawī was finally tossed out and Bulqīnī was reinstated as the Shāfiʿī chief justice.109

Harawī’s authority as a hadīth expert was contested even in his obituaries, recorded in the year that he died 829/1426. While Ibn Taghrībīrdī mentioned that “[Harawī] held sessions on literature and history and recalled many hadīths from memory,”110 Maqrīzī had a slightly more restrained take: “[Harawī] held sessions on literature and history and recalled many hadīths… and I hope that what I mentioned is correct.”111 Ibn Ḥajar was even stingier than Maqrīzī, omitting any mention of Harawī’s expertise in hadīth: “[Harawī] held sessions on literature and history and recalled many of the [Islamic] arts…”112 Sakhāwī, speaking of Harawī’s written hadīth commentaries, the most well known of which were a commentary on Muslim’s Ṣaḥīḥ and a commentary on Baghawī’s popular Maṣāḥīḥ al-sunna, offered the following limited assessment in light of the foregoing suspicion of Harawī’s dubious knowledge of Bukhārī and his dubious chains of transmission: “it is related that not one of them is disdained.”113

109 Ibid. Harawī’s performance was so inadequate for Ibn Ḥajar that Ibn Ḥajar was surprised it took as long as six months for al-Harawī to be replaced. Ibn Ḥajar chronicled the other scholarly transgressions of al-Harawī during this six month period: he was again exposed by the other chief justices in the presence of the sultan for citing an invalid opinion and falsely attributing it to al-Tha’labī’s tafsīr; he was also attacked for committing gross errors in his legal responsa. See al-ʿAsqalānī, Inbāʿ al-ghumr, 7:310-11.
111 al-Maqrīzī, Kitāb al-sulāk, 4.2:732.
113 al-Sakhāwī, al-Ḍawʿ al-lāmiʿ , 8:154-5.
Ibn Taghrībīḍī, as was noted earlier, explained that Harawī failed in part “because of the disgust of the awlād al-`arab towards him, as was often evident between the awlād al-`arab and the a`ājīm.” Likewise, Ibn Ḥajar could only explain the material success of Harawī by suggesting that the mashāyikh al-`ajam were a tight-knit network, a cabal that had disproportionate influence over the Mamluk military élite as well as the general population. But neither Harawī’s successes nor his failures can be accounted for on the basis of his ethnicity alone. Harawī not only failed to meet the qualifications for expertise in ḥadīth that had been defined and redefined by his contemporaries within the tradition, but had been accused of fabricating his credentials. That he nevertheless attained positions in which he was responsible for the instruction of knowledge is evidence that successful or underwhelming performances in oral competitions as they were regulated by the standards of the commentary tradition did not necessarily correlate with material rewards or sanctions. However, his interpolation as an `ajam, and the scholarly networks that were consolidated through that interpolation, while not the only factor in his promotion or his downfall, did offer small advantages and disadvantages over the course of his scholarly career. He was not unique in this regard. Qimmanī, a scholar of Arab origin, also used his own political connections to wrangle the consolation prize of a lucrative tax benefit, despite his own shortcomings in the competitive scholarly scene. The Harawī affair thus conveys a complicated story about the relationship between traditionally defined standards of performance and the cultivation of political connections and social networks in the attainment of teaching and judicial appointments.

Arabness and Authority in Modern South Asia

Although the unique equation of patrons, awlād al-ʿarab and mashāyikh al-ʿajam in late Mamluk Cairo would not endure, Ibn Ḥajar’s and his colleagues’ expectation that ḥadīth experts ought to display great memory and virtuosity in Arabic was ironically emulated in the 19th and early 20th centuries by non-Arab ḥadīth scholars in Northern India, especially the scholars influenced by the madrasa at the Dār al-ʿUlūm in Deoband.115 As it had been for the Mamluk scholars, eloquence in classical Arabic came to serve as “a mark of religious authority and cultural authenticity” for Deobandi ḥadīth experts and religious authorities in general.116 These modern Muslim scholars were no longer teachers, judges and wealthy merchants vying for the state’s supreme court, or competitively performing their commentaries in the presence of the political and judicial élite. They were not wealthy merchants or traders as Ibn Ḥajar and many of his colleagues were. They were typically local and regional religious authorities, often rectors in educational institutions. Even if they delivered and penned more overtly political addresses and speeches, they had far less direct access to the political and judicial power of the state. Nevertheless, performances of Arabic virtuosity and memory undergirded the privilege of these modern South Asian ḥadīth commentators, as it had for the Mamluk period ḥadīth commentators of Arab origin.

Kashmīrī had extraordinary admiration for Ibn Ḥajar’s commentary on the Ṣaḥīḥ,117 and biographers typically lauded him in ways that eerily echo the praises of Ibn Ḥajar. Often he was directly compared to Ibn Ḥajar and other Mamluk era scholars in

115 Zaman, “Commentaries, Print and Patronage: ‘Ḥadīth’ and the Madrasas in Modern South Asia,” 64.
116 Ibid., 63.
terms of memory and precision.\textsuperscript{118} The caliber and quantity of his reading licenses for Bukhārī’s \textit{Ṣaḥīḥ} were praised and reprinted in full in the introduction to his commentary on the \textit{Ṣaḥīḥ}.\textsuperscript{119} Moreover, there was a sense that Indian Muslims, and Anwar Shāh himself, had inherited the mantel of the Arab \textit{ḥadīth} experts. Muḥammad Yūsuf al-Banūrī (d. 1397/1977), a student of Kashmīrī’s, prior to listing a genealogy of \textit{muḥaddith}s of South Asia after the Mamluk period ending with Kashmīrī, wrote:

[W]hen, from the middle of the tenth century of the Hijra [sixteenth century A.D.], the sciences of \textit{ḥadīth} were overtaken by weakness in the Arab lands, and the eternal sunna of Allah — as expressed in His statement, “and if you turn away, [He] would replace you with a people other than you ...”\textsuperscript{120} — came true, this privilege [of attending to \textit{ḥadīth}] passed from the people of these [Arab] lands to its [new] carriers and trustees in the lands of India...”\textsuperscript{121}

Here Banūrī affirmed that Indian scholars and Arabs are distinct groups, and that Indian scholars, at this point in history, were entitled to some interpretive privilege over the Arabs. But the boundary between the groups were blurred by the fact or myth that Kashmīrī’s ancestors were remembered to have hailed from Baghdad before moving to India.\textsuperscript{122} To be sure, there were historical links between the \textit{ḥadīth} commentators of Modern South Asia and Mamluk Cairo. Mamluk era commentators such as Abū ʿAbd Allāh al-Makhzūmī, an Alexandrian commentator on Bukhārī’s chapter titles, entered Yemen then Gujarat.\textsuperscript{123} But South Asian scholars chose to emphasize that the link

\textsuperscript{119} See idem, \textit{Fayḍ al-bārī}, 26-30.
\textsuperscript{120} Qur’ān, 47:38.
\textsuperscript{121} Translated in Muhammad Qasim Zaman, “Commentaries, Print and Patronage: ‘Ḥadīth’ and the Madrasas in Modern South Asia,” 71. For the original Arabic in the edition of \textit{Fayḍ al-Bārī} referenced in my study, see al-Kashmīrī, \textit{Fayḍ al-bārī}, 15-16.
\textsuperscript{122} See idem, \textit{Fayḍ al-bārī}, 1:17. For a discussion on other modern and pre-modern Indian “[m]emories or myths of origin of somewhere” in “the Arab Middle East,” see Muhammad Qasim Zaman, “Arabic, the Arab Middle East, and the Definition of Muslim Identity in Twentieth Century India,” \textit{Journal of the Royal Asiatic Society} 8, no. 1 (1998): 59-60.
\textsuperscript{123} al-Dihlawī, \textit{Bustān al-muḥaddithīn}, 238.
between these two reading communities was articulated as one of shared blood genealogy, not merely scholarly travel.

In the Mamluk context, high court judges displayed, in addition to many other credentials, their virtuosity in memorization, elocution in Arabic recitation and eloquence in Arabic argument to ward off competitors who migrated there from other regions. In the South Asian context, displaying a great memory and mastery of Arabic also became a way Indian Muslims demonstrated the authenticity of their own Islamic identity. Despite the fact that most Indian Muslims descended from local converts, constructing an Islamic “Arabness” appealed both to their own imagination and the imagination of the British colonial officials. Members of the reform movement of the late 19th century, called Nadwat al-ʿUlamāʾ, were known to have complained of their students that “if an Arab comes their way they would not be able to converse with him in Arabic for five or ten minutes.” They moreover pressed their students to become proficient in writing and speaking Arabic, and even dressing and dining “in the manner of Arabs,” and consuming Arab news media. As Muhammad Qasim Zaman has shown, even though Persian and Urdu were the dominant languages of North Indian Muslims in the 19th century, “the Arabic commentaries [were] among the most ambitious and erudite of all commentaries written in India during the nineteenth and early twentieth centuries [...]” While it

124 Zaman writes: “Those to whom such a demonstration [of a mastery of Arabic] needed to be made included British colonial officials themselves, who saw Arabic as one of the ‘classical languages of India’; and W. D. Arnold, who in 1856 was appointed as the first Director of Public Instruction in the Punjab, thought that ‘Urdu is as offensive to a learned Arabic scholar as vernacular English in connection with English subjects would have been to a scholar of the age of Erasmus.’ Yet English officials also complained that most Indian Muslim scholars lacked the ability to converse or write properly in the Arabic language.” Zaman, “Arabic, the Arab Middle East, and the Definition of Muslim Identity in Twentieth Century India,” 65.
125 Ibid., 64-5.
126 Ibid.
127 See idem, “Commentaries, Print and Patronage: ‘Ḥadīth’ and the Madrasas in Modern South Asia,” 63.
would be natural for Muslim scholars of North India to publish Arabic texts in Arabic, it is not immediately apparent why they would publish their own commentaries, in theory, functional explanations of the text for an audience of local students, in Arabic. Kashmīrī’s oral lectures were delivered in a mixture of Arabic and Urdu, but students like Banūrī and Gīlānī (d. 1956) would write them down and publish them solely in Arabic.  

While the display of eloquence in Arabic would have been a basic expectation for the continued employment of Mamluk era hadīth commentators, the modern Indian commentarial display of virtuosity in Arabic is somewhat startling, since it came at the expense of book sales among the mostly Urdu-speaking and Urdu-reading audiences. The desire to reach these non-Arabic speaking audiences weighed on Kashmīrī, to the point that he also encouraged his students to write and speak in Urdu and English in addition to Arabic.

Rethinking the Role of Social Capital and Competition in Scholarly Scene

Michael Chamberlain has argued that ‘ulamā’ of the Mamluk period gained and traded in social capital in order to compete for academic appointments and the favor of the Mamluk military elite. Anne Broadbridge has built on Chamberlain’s observations to show how ‘Aynī and Ibn Ḥajar “maneuvered for proximity to patrons and favorable material and financial rewards.” Adam Sabra’s recent study on the rise of Muḥammad al-Ḥanafī (d. 847/1443) is also illustrative of a Ṣūfī notable’s maneuvering for patrons in

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129 See idem, “Commentaries, Print and Patronage: ‘Ḥadīth’ and the Madrasas in Modern South Asia,” 63.
15th-century Egypt. In this chapter, I have built on the work of these scholars and others to explore how the spectrum of live hadîth commentary sessions and written hadîth commentaries were sites of intense contestation over patrons, and, indirectly, teaching and court appointments, political influence and circulation among a transregional audience students. Yet the perceived winners and losers of the live debate, according to traditionally constructed standards, were not always correlated with the winners and losers of material and symbolic capital. The sultan’s seemingly arbitrary power to appoint and dismiss judges, and the power of special relationships cultivated by certain scholars and social networks, would complicate any historically reductive explanation of the debates over the Ṣaḥīḥ as merely sites for the exchange of social and symbolic capital. Even the limited role played by regional displacement and ethnic identities conditioned the reception of certain interpreters in the live spaces in which their voices were heard and their bodies seen. In many cases, no amount of knowledge displayed in these sessions could be exchanged for material rewards or for mobility within a social structure.

As we will see in the following two chapters, other kinds of rewards and commitments, defined within an intellectual and religious tradition over long periods of time, were also at stake. By providing a persuasive explanation of Ṣaḥīḥ in the eyes of ones’ present and future audiences, one might influence the potential for the compilation, and by extension, Muḥammad’s normative example, to be applied within the Muslim community. While ultimately contingent on local social and political economies, the persuasiveness of a hadîth’s explanation came to be argued for within a tradition by those

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133 Adam Sabra, “From Artisan To Courtier: Sufism And Social Mobility In Fifteenth-Century Egypt,” in Histories of the Middle East: Studies in Middle Eastern Society; Economy and Law in Honor of A.I. Udovitch, ed. M. Eleni Roxani; A. Sabra; P. M. Sijpsteijn (Leiden: Brill, 2011).
who inherited, maintained, contested and improved upon shared interpretive techniques. In this way, my larger project is twofold: to uncover the changing social and political conditions under which commentators persuaded one another and their audiences, and, at the same time, to historicize the acquisition, legitimization and on-going construction of a reason-giving practice that undergirded the persuasiveness of one interpretation over another. Insofar as I hold the social conditions to be inextricably linked to the rationality of the tradition and vice versa, the two parts of my project cannot and should not be abstracted from one another. Nevertheless, the following two chapters will pivot in emphasis to the latter, while keeping the former in view.
Chapter Three:
Disclosing the “Secret of Bukhārī’s Essence”

Whereas previous scholarship on Ṣaḥīḥ has examined how the development of a canonical culture, in the face of much contestation, imbued the Ṣaḥīḥ and its compiler with an authoritative status, this chapter examines one way this influenced the text’s interpretation for a community of professional readers. How did commentators’ techniques for explaining problems in the Ṣaḥīḥ change as the work began to be treated as a revered source for legal, theological, political and ritual norms? To what extent did the compilation and its compiler’s enhanced reputation constrain how commentators interpreted the text and clarified its applicability, and to what extent were they still at liberty to reshape aspects of the work in light of their own and their community’s considerations? In order to address these questions, it will not be sufficient to examine the reception of the Ṣaḥīḥ at a single historical moment. Instead, it will be necessary to trace the development of interpretive techniques over long periods of time and to examine a case study that displays what was normatively at stake in the continuity or innovation of a hadīth’s explication.

The technique of primary concern in this chapter is the analysis of the Ṣaḥīḥ’s chapter headings (sharḥ abwāb al-tarājim).134 For some commentators, this technique promised the disclosure of the “secret of [the Ṣaḥīḥ] al-Bukhārī’s essence” (sirr kawn [Ṣaḥīḥ] al-Bukhārī). I will track the development of this device from the earliest

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134 The Ṣaḥīḥ’s abwāb al-tarājim have been translated as “rubrics” (Goldziher), “chapter headings” (Tokatlı), and sometimes simply as “titles” (Lucas). One might add to this list the term “thresholds” on account of its literal resonance with abwāb (doors) and since interpreters often included analyses of many of the Ṣaḥīḥ’s paratextual seams and boundaries in works of this genre.
commentators in Central Asia, Southern Spain and North Africa, to the commentators of Egypt and Syria in the Mamluk period, and lastly to modern South Asia. Commentators came to access the compiler’s intentions by parsing the relationship of the headings to one another, to the hadīth categorized under them, to the abbreviation of certain hadīth (ikhtisār), and to the repetition (tikrār) and placement of certain hadīths under them. Since the meanings of these compilatory artifacts were often underdetermined, some early commentators viewed them as an example of deficiencies in need of correction. Later commentators found in them an opportunity to claim to be faithful to Bukhārī’s compilatory goal (qaṣd) while simultaneously deriving new meanings from the text. As this chapter will show, the commentarial inclusion of Bukhārī’s tarājim limited, on the one hand, the number of people qualified to interpret the meaning of the text as well as the freedom with which commentators had in physically revising it. On the other hand, even as commentators outwardly emphasized their continuity with a cumulative tradition through repetition, including Bukhārī’s tarājim as objects of analysis created new ways in which commentators could affirm their own prestige, expand their authority over the compilation, and bring the text’s meaning and symbolism closer into line with their communities’ legal and theological commitments.

Mentioning them briefly in two passages of longer monographic treatments of Islamic studies, Ignaz Goldziher offered one of the earliest and most enduring accounts of Bukhārī’s tarājim.\footnote{Goldziher, Muslim studies, 2:217-18; idem, Zāhirīs : Their Doctrine and their History : A Contribution to the History of Islamic Theology (Boston: Brill, 2007), 97-101.} He briefly evaluated the specific function of the Ṣahīḥ’s titles, inferring that the titles’ were relevant to interpretation from the outset, and functioned to...
serve Bukhārī’s own editorial interests.\textsuperscript{136} Goldziher, as the traditional commentator Qaṣṭallānī did, inferred from the presence of chapter headings without \textit{ḥadīth} incorporated under them, that Bukhārī composed his chapter headings first, and then filled in the relevant \textit{ḥadīths} later.\textsuperscript{137} For Goldziher, the \textit{tārājim} “afford Bukhārī ample opportunity to mold the opinion of the reader towards his view on the practical application of the particular tradition.”\textsuperscript{138} This resonates with a dominant voice in contemporary reflections on titles, Girard Genette, who likewise assumes that titles, under the rubric of paratexts, are always the conveyor of a commentary that is... more or less legitimated by the author... a privileged place of... an influence on the public [that]... is at the service of a better reception for the text and a more pertinent reading of it... in the eyes of the author and his allies.\textsuperscript{139}

While traditional commentators, pre-figuring Goldziher and Genette, came to view the \textit{tārājim} as representative of Bukhārī’s intentions, it was also their task to subtly marshal Bukhārī’s intentions in the service of their own commitments and their audiences’. To this end, rather than attending to what Bukhārī himself may have meant by his headings, this chapter will focus on what interpretive value later commentators and their audiences accorded them over time.


The Early Reception History of the Ṣaḥīḥ’s Titles

The early reception history of the Ṣaḥīḥ indicates that many Muslim scholars were initially ambivalent with respect to the significance of the *tarājim*. Some went so far as to edit them as they saw fit, still others diminished their authenticity altogether. Very early commentators from Central Asia like Abū Sulaymān al-Khaṭṭābī (d. 388/996) of Bust or *ḥadīth* critics like Abū Bakr Aḥmad al-Islāmī (d. 371/981-2) of Jurjān, expressed confusion concerning the link between the *ḥadīth* and the chapter headings under which Bukhārī had organized them, and took the liberty of physically altering the arrangement of Bukhārī’s text.\(^{140}\) For example, failing to understand the connection between the first *ḥadīth*, “actions are by intentions” (“*innamā al-‘āmāl bi’l-nīyyāt*”) and its title, “How Revelation Began” (“*Kayf kāna bad’ al-wahy*”), both scholars declared that Bukhārī had intended it to be a preface. This opinion allowed them to re-situate the *ḥadīth* on “intention” prior to its title rather than as the first *ḥadīth* under the title. A lack of textual uniformity among recitations and codices in this early period may partly explain the extent to which these scholars were free to exercise such editorial discretion.\(^{141}\) It is important to note, however, that they were not choosing between multiple variants of the text, but adding one of their own, and in a conspicuous place.

This is not say that Khaṭṭābī and Islāmī discounted Bukhārī’s compilatory aims. Rather, the text of the Ṣaḥīḥ, as they inherited it, was simply not a complete expression of the compiler’s aim. Thus an expert was required to make the necessary modifications.

These modifications served to clarify the text to its earliest students, as well as to

\(^{140}\) See al-ʿAsqalānī, *Fath al-bārī*, 1:10-1. al-Islāmī’s opinion is found in his mustakhraj (a text concerned with displaying chains of transmission for a collection of *ḥadīth*), rather than a *sharḥ* proper.

strengthen the consistency of the text in the face of attacks from sectarian opponents.\footnote{142} With respect to Khaṭṭābī, Vardit Tokatly has recently gone further to argue that his commentary “shows a fundamental lack of interest in the renowned framework [i.e. the tarājīm] of al-Bukhārī’s work,”\footnote{143} primarily because Khaṭṭābī presented the commentary as an apologetic treatise in defense of the ahl al-ḥadīth, and secondarily because the Ṣaḥīḥ “did not yet occupy the exceptional place which it later attained.”\footnote{144} Yet, as we saw in the example above, and as we will see in an analysis of a case study later in this chapter, Khaṭṭābī exhibited a subtle interpretive reliance and concern with the Ṣaḥīḥ’s framework, as well as with other issues unrelated to sectarian disputes. Since, as Tokatly notes, Khaṭṭābī was writing during a time in which it was not necessary to expound on the tarājīm to the same degree of detail as later commentators, it may be significant that Khaṭṭābī bothered referencing or relying on the titles at all.

There were some jurists, however, that did seek to discount and actively suppress Bukhārī’s intentions, at least by the 5th/11th century in Andalusia. A later commentator recalled that the Mālikī jurist Abū al-Walīd al-Bājī (d. 474/1081) used to say that Bukhārī could be deferred to in matters of ḥadīth but not in matters of fiqh. Moreover, Bājī was held to been of the opinion that Bukhārī’s chapter headings manifested deficiencies in his thought and excessive prejudices, not hidden or implied meanings.\footnote{145} Likewise, a

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\item \footnote{142} Al-Khaṭṭābī, for instance, sought to defend the compiler of the Ṣaḥīḥ from the objection that he was proponent of anthropomorphizing God (tasbīḥ). See Tokatly, “The A’lām al-ḥadīth of al-Khaṭṭābī: A Commentary on al-Bukhārī’s Ṣaḥīḥ or a Polemical Treatise?,” 53-91.
\item \footnote{143} Ibid., 57.
\item \footnote{144} Ibid., 57-8. Instead, Khaṭṭābī preferred Abū Dāwūd’s Sunan to both Ṣaḥīḥ al-Bukhārī and Ṣaḥīḥ Muslim. Many shared favored Abū Dāwūd’s Sunan during this time, as is discussed in Goldziher, Muslim studies, 2:235-6. The authoritative station of Abū Dāwūd’s Sunan is also reflected in the fact that it was Abū Bakr al-Jassāṣ’s (d. 370/981) preferred source for hadīth in his Ahkām al-Qurʾān. See Abū Bakr Ahmad ibn ‘Alī al-Rāzī al-Jassāṣ, Kitāb Ahkām al-Qurʾān, 3 vols. (Beirut: Dār al-Kitāb al-ʿArabī, 1978). My thanks to Michael Cook for this reference.
\item \footnote{145} Ibn al-Munayyir, al-Mutawwārī ʿalā abwāb al-Bukhārī (Beirut: Maktab al-İslāmī, 1990), 36. I have not, however, been able to locate a passage in any of Bājī’s extant written works where he states as much.
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contemporary of al-Bāji’s in Andalusia, the iconoclastic Zāhirī scholar Ibn Ḥazm (d. 456/1064), was reported to have preferred Muslim’s Ṣaḥīḥ over Bukhārī’s on account of the Ṣaḥīḥ’s problematic chapter headings.146

Not all in the Iberian peninsula during this period agreed with their approach. It is reported that Aḥmad ibn Rashīq (d. post-440/1048) of Cordoba believed that the problems of Bukhārī’s tarājīm merited discussion but his work did not survive long enough to circulate in the layers of later commentaries.147 A Mālikī jurist of Cordoba with greater influence on the tradition, Ibn Baṭṭāl, also began offering some notes and reflections on the relationship between the titles and the meaning of the ḥadīth.148 As we will see in the next chapter, Ibn Baṭṭāl’s teacher, Muhallab ibn Abī Ṣufra of Almeria (d. circa 435/1044),149 subtly relied on the organization of ḥadīth under the headings in order to devise new justifications for the Mālikī position. But Muhallab, in other parts of his commentary, openly took Bukhārī to task for placing a ḥadīth under a heading that did not provide any evidence for that heading.150 Like Khaṭṭābī, however, neither Ibn Baṭṭāl nor his teachers offered a systematic method for analyzing the tarājīm, which would earn him the rebuke of later commentators.151 Moreover, Ibn Baṭṭāl, when encountering an empty title — a heading that lacked any ḥadīth under it — would gloss over the lacuna

146 al-ʿAsqalānī, Ḥady al-sārī, 13. Ibn Ḥajar attributes this opinion to Ibn Ḥazm but I have not been able to locate it in any of Ibn Ḥazm’s surviving written works.
by attaching it to the following title, altering the received transmission of the Ṣaḥīḥ by treating the two as if they were one.\textsuperscript{152}

While documentary evidence is slim, the record in the first two centuries following the Ṣaḥīḥ’s compilation suggests that the value of interpreting the Ṣaḥīḥ’s tarājim was, at the most, a contested one. Even for those who thought it was a valuable interpretive technique, the question of whether Bukhārī’s goal (qaṣd) was fully expressed in the tarājim or required the alterations of an expert remained an open debate.

\textbf{An Appeal for Esoteric Readings of the Tarājim}

As the Ṣaḥīḥ was accorded a canonical status, readers’ reception of the Ṣaḥīḥ’s headings began to change. By the 7\textsuperscript{th}/13\textsuperscript{th} century, Nawawī legitimated the tarājim as an analyzable feature of the Ṣaḥīḥ by presenting an overview of them in the prolegomenon to his unfinished commentary on the Ṣaḥīḥ. Nawawī’s interest in the titles of ḥadīth compilations may be traced to his earlier commentary on Muslim’s Ṣaḥīḥ. In that commentary, Nawawī spoke on occasion of how his titling of Muslim’s compilation—which, unlike Bukhārī’s, did not initially include detailed titles—illuminated the meaning or legal importance of a particular ḥadīth.\textsuperscript{153} As an indication of their popularity, many of Nawawī’s added titles were later circulated in copies of Muslim’s Ṣaḥīḥ without explicit attribution to Nawawī’s commentary. Likewise, Nawawī divided his popular ḥadīth compilation, Riyāḍ al-ṣāliḥīn, into strategically titled chapters as a shorthand for a ḥadīth’s interpretation. With respect to the Ṣaḥīḥ, Nawawī emphasized their reflection of the compiler’s goal (qaṣd) to guide readers in the use of the Ṣaḥīḥ as a legal reference,


\textsuperscript{153} See Goldziher, \textit{Ẓāhirīs}, 97-8; idem, \textit{Muslim studies}, 2:227.
and neglected to include opinions that might contradict or show that analyzing the tarājim was ever a disputed issue. Considering the abundance of contradictory opinions on this issue, this omission was surely deliberate. Marshaling Bukhārī’s tarājim as evidence, Nawawī states that “no one can come close to matching [Bukhārī] in precision of hadīth and his derivation of subtleties of law.”

The Alexandrian Nāṣir al-Dīn Ibn al-Munayyir, a Mālikī jurist, goes one step further than Nawawī, a contemporary of his. Ibn al-Munayyir was among the first to recognize that the ambiguities and disputes over Bukhārī’s titles were not a problem to be edited out or glossed over, but rather an opportunity to justify and expand the role of the contemporary interpreter as mediator between the text and the community. In the introduction to his commentary, al-Mutawārī ʿalā Abwāb al-Bukhārī (The Concealed [Meaning] through Bukhārī’s Chapters), the earliest surviving work devoted specifically to explaining Bukhārī’s tarājim, Ibn al-Munayyir laid out an argument for his interpretive authority for several pages, prior to making even one mention of Bukhārī or his compilation. Ibn al-Munayyir narrated, in a highly stylized prose, a history of Islamic revelation that necessitated that the door of further elaboration on the shariʿa be

open to our era... thus God makes [those] worthy to [the shariʿa] in each age, as upholding in its affair, as a treasurer to its secrets. They disseminate its jewels and they clarify its inner and outer meanings. They treat the disorders of each division (faṣl) [of law] with the precise wisdom connected with that division [of law].

Pushing against the allegation that only the early generations following Muḥammad could discover new benefit from the sources of Islamic law, Ibn al-Munayyir argued that

155 Ibid., 230. Nawawī similarly burnished Bukhārī’s biography, leading readers “to believe that Bukhārī’s decision to compile a collection authentic hadīths was no longer a radical departure from tradition,” according to Brown, The Canonization of al-Bukhārī and Muslim, 276-8.
in each age there is an enduring task to fulfill. Moreover, while modern readers might consider preservation, clarification and distinction as a barrier to intellectual innovation, Ibn al-Munayyir presented them as the key to the fortunes of Islamic law.

To address the concerns of those in his legal school that may disagree with him, he pointed to an oft quoted (if misattributed) opinion of the eponym, Mālik ibn Anas, which states that judges ought to adapt rulings in light of changing circumstances. This can be found with slightly different wording in Mālik’s Muwatta’: “[f]atwas (legal responsa) have to be brought about for people according to what immoralities they invented” (“tuḥdathu lil-nās fatāwā bi-qadr mā aḥdathū min al-fujūr”). Ibn al-Munayyir then related his lengthy preamble to the task of explaining the Ṣaḥīḥ:

The goal of this introduction is [to say] that when Imām Abū ʿAbd Allāh Muḥammad ibn Ismāʿīl al-Bukhārī placed in his book the fiqh which the chapter headings contained, and he adorned the necklaces in those chapters with jewels of meaning… [some] useful points from those goals rose to the surface. [Some] useful points remained concealed, and confusion [arose] concerning what was concealed, so [there are] those who circle around [without understanding] or flee [from difficulty].

In the context of the introduction and the quote from Mālik, it is clear that Ibn al-Munayyir thought that contemporary interpretive authorities still had an active role to play in negotiating between Bukhārī’s text and its meaning for the community in two ways. Firstly, scholars discerned between the apparent and the esoteric meanings of the text. Secondly, scholars made sense of the esoteric meanings for their own era. In fact,

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157 Ibid. I translate aḥdathū as “they invented” since Ibn al-Munayyir seems to suggest that the quote can be used as a prooftext to encourage new rulings and is an indication of the principle of al-maṣāliḥ al-mursala. Even though it is not phrased as a command to students, Ibn al-Munayyir reads the quote as if it were a command-less proverb with jussive force, such as “the early bird catches the first worm.” For a description of Ibn Ḥajar al-Ḥaytami’s (d. 974/1567) reception of this same quote, see Marion Holmes Katz, “The ‘Corruption of the Times’ and the Mutability of the Shari’a,” Cardozo Law Review 28, no. 1 (October 2006): 179. Katz writes that although “the maxim is generally attributed to the Umayyad caliph ‘Umar ibn ‘Abd al-‘Aziz (reigned 99-101 A.H. / 717-720 C.E.), it was endorsed by Malik.”
according to Ibn al-Munayyir, some of the justifications for Bukhārī’s titles could not be fully understood until the arrival of a new era.

For Ibn al-Munayyir, the case of the palm pith (*jummār*) is but one illustrative example of this disclosure of Bukhārī’s titles over time. Ibn al-Munayyir argued that even though a title legislating the permissibility of eating and selling *jummār* would have been obvious to the point of redundancy in Bukhārī’s own era, he speculated that Bukhārī had foreseen that a debate about its permissibility could have arisen in a later era, so he included the title for future readers. Sure enough, Ibn al-Munayyir observed that a debate among his contemporaries had emerged concerning the permissibility of *jummār*’s sale and consumption.\(^{159}\) He wrote, “when I pored over a chapter heading of Bukhārī, its miracle (*karāma*) appeared to me after three-hundred some odd years, may God have mercy on him.”\(^{160}\)

Another function of the *tarājim*, which he listed later in his introduction, further exemplifies this idiosyncratic commitment to new rulings: if a heading and a *ḥadīth* appear to blatantly contradict each other, Bukhārī is merely highlighting that the issue is open to *ijtihād*, the exertion of jurists’ independent reasoning with reference to the foundational sources.\(^{161}\)

Like Nawawī, he assumed that Bukhārī’s chapter headings were laden with intentional meanings. Unlike Nawawī, and a step further into esotericism, he assumed that Bukhārī intended some of his titles’ meanings to be kept secret from a lay reader, and even from some misguided experts. While Nawawī edited out any words of doubt raised


\(^{161}\) *Ibid.*, 38. Ibn al-Munayyir’s introduction also represents the earliest extant attempt to list the functions of the titles systematically. Many of the basic functions will be repeated by later commentators, as we will observe below.
by his predecessors, Ibn al-Munayyir acknowledged that, historically, scholars have not always proceeded from these premises. Summarizing the reception history of the titles up to his time, he wrote:

Some say [Bukhārī] passed away and did not polish the book, and did not organize the chapters. Some say deficiencies [in the chapters] were introduced by the copyists and their hastiness and [by] the transmitters and their corruption. Some say [Bukhārī] missed the mark in legal derivation (istidlāl)…  

Ibn al-Munayyir’s impressions of the early commentators are consistent with our earlier observations. The first two opinions conclude that the titles are arbitrary. The third acknowledges that the titles may have been intentional but nevertheless do not merit interpretation. After rehearsing fellow Mālikī jurist Abū al-Walīd al-Bājī’s disparagement of the interpretation of titles at length, which I discussed above, Ibn al-Munayyir only adduced one citation to counter the long history of opposition to interpretation of the tarājim: a short quote from his grandfather, Manṣūr ibn Abī al-Qāsim, who held that “two books whose fiqh are in their tarājim are Bukhārī’s book on hadīth, and Sībawayh’s book on grammar.” Thus the opposing view is dismissed.

Whether this line of reasoning was persuasive or not is difficult to tell. In the context of a canonical culture that revered Bukhārī and his hadīth collection, a short quip may have been more than adequate to vanquish the opinions of early commentators on the Šaḥīḥ. Alternatively, Ibn al-Munayyir’s scholarly reputation may have been enough to legitimize his method, since he was described by a contemporary as one of the two scholars of whom Egypt could be proud.  

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162 Ibid., 36.
163 Ibid., 36-7.
164 The other scholar is Ibn Daqīq al-Īd (d. 702/1302), who served as Shāfi‘i chief justice in Cairo. This opinion is according to another contemporary of his, ‘Izz al-Dīn ibn ‘Abd al-Salām al-Sulamī (d. 660/1262), another much revered scholar of Egypt. Ibid., 12.
which he decorated his introduction and his dexterity with puns, we may also comfortably view him as a skilled belletrist among the jurists of his period.

One possible attraction for students of Ibn al-Munayyir’s approach was access to esoteric knowledge. At the close of his introduction, he described Bukhārī’s titles as the “secret of [the Ṣaḥīḥ of] Bukhārī’s essence” ([ṣirr kawn Ṣaḥīḥ] al-Bukhārī). In the midst of commenting he often reminded readers of his promise to instruct them in the titles’ “hidden meaning” ([al-ramz al-khaṭīb]). The possibility of commentary to disclose concealed knowledge, as we will see, becomes a recurring theme in commentary tradition of the Ṣaḥīḥ. Commentators did not, however, use the commentaries to promise esoteric knowledge of God or esoteric knowledge of the Prophet’s inspiration. Instead, they offered backstage access to the ḥadīth compiler’s craft. With expertise in ḥadīth and law, Ibn al-Munayyir must have appeared perfectly positioned to grant students access to this kind of hidden knowledge.

Beyond justifying his authority to explain the Ṣaḥīḥ, Ibn al-Munayyir exercised this technique, the disclosure of the titles’ secrets, to advance an Ashʿarī theological reading of the Ṣaḥīḥ, refuting Ibn Baṭṭāl. The titles, in their ambiguity, are particularly well suited for such an end. For instance, his Ashʿarī position on the divine attributes becomes apparent in his reading of titles from Bukhārī’s Kitāb al-Tawḥīd (The Book of Unity) that contain Qurʾānic verses that reference the divine attributes, such as the titles that contain Q:51:58, Q:20:39, and Q:54:14.

Another example is his discussion of the relationship between the first ḥadīth, “actions are by intentions,” and its title, “How

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Ibid., 39.
166 Ibid., 51.
167 Ibid., 17.
168 Ibid., 421.
169 Ibid., 426.
170 Ibid.
Revelation Began.” Ibn al-Munayyir linked the two by implying that Bukhārī was suggesting that the Prophet’s revelation was contingent on God having endowed him with sincere intention. According to Ibn al-Munayyir, this is in refutation of the position that Muhammad earned his own prophethood, a position attributed to some Muslim philosophers and Ṣūfī orders informed by Aristotle, and one that stands in particular opposition to the Ashʿarī school’s conception of the divine will and determinism.\(^1\) In a later section of this chapter, we will examine yet another example in which Ashʿarism informed Ibn al-Munayyir’s interpretation of the ambiguous link between a title that quotes a Qurʾānic verse (Q:2:125) that states that God had made the Kaʿba a place of safety, and a prophetic ḥadīth that forecasts its destruction.\(^2\) While Ibn al-Munayyir honored the Ṣaḥīḥ as a complete work in which the compiler’s intentions were worthy of contemplation, he was not restricted by his reverence. On the contrary, the very technique that he developed in order to explain the compiler’s original intentions opened new possibilities for interpretation.

Ibn Jamāʿa (d. 733/1333), the successor to Ibn Daqīq al-Īd (d. 702/1302) as Shāfiʿī chief justice in Cairo, in the introduction to his work on the tarājim of the Ṣaḥīḥ, followed Ibn al-Munayyir in refuting some anonymous opinions that, according to him, ignorantly dismiss the meaning of the ambiguous chapter headings as a result of textual corruption. Like Ibn al-Munayyir, he went on to outline a number of legal functions that the tarājim fulfill.\(^3\)

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\(^{1}\) Ibid., 51.

\(^{2}\) Ibid., 142-3.

The Moroccan scholar Ibn Rushayd (d. 721/1321) of Sabt, likewise devoted a work solely to Bukhārī’s chapter headings but remained slightly more cautious with respect to what interpretive authority the genre granted him. He wrote, concerning the first ḥadīth on “intention,” that “too much has been made of the relationship between the title and the ḥadīth, and every [commentator] offers an opinion based on his own perspective.”174 At the same time, while he may have agreed with the explanations of earlier commentators like al-Ismāʿīlī and al-Khaṭṭābī, he did not follow them in taking the liberty of physically altering the text of the Ṣaḥīḥ in order to make it appear more coherent. 175 A shift in the canonical culture surrounding the text had closed it off to such radical modifications.

**Ibn Khaldūn and Doing “Justice to the Commentary”**

Exemplifying the broad appeal of Bukhārī’s tarājim across the legal schools by the latter part of the 8th/14th-centuries, at least in the Islamic east, Ibn ʿUrwa al-Zaknūn (d. 837/1434), a Damascene Ḥanbalī, in his eighty-five volume commentary on the *Musnad* of Ibn Ḥanbal, explicitly re-arranged the *Musnad* in accordance with the tarājim of Bukhārī’s Ṣaḥīḥ.176 Without a large comparative study, it is not possible to describe what kind of interpretation of Bukhārī’s titles al-Zaknūn’s titular reorganization represents. Nevertheless, it indicates a determined effort to standardize other ḥadīth compilations not only by Bukhārī’s criteria of authenticity, as Jonathan Brown has demonstrated, but also by his titles.

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175 Ibid., 23-34.
176 An incomplete manuscript of this work is available at Firestone’s Rare Books collection. Ibn ʿUrwa al-Zaknūn, *al-Kawākib al-darārī fī ṣaḥīḥ Musnad al-Imām Ahmad alā abwāb al-Bukhārī*, Garrett Yehuda MS. 2604 (Princeton Rare Books Library). My thanks to Jonathan Brown for drawing my attention to this work.
The rocketing importance of the *tarājin* is attested in another anecdote from the latter part of the 8th/14th century. The renowned North African historian Ibn Khaldūn (d. 808/1406) crystallized the demand for expertise on the matter of Bukhārī’s titles in a rare description of the necessary qualifications of a commentator on the *Ṣaḥīh*:

Regarding Bukhārī’s *Ṣaḥīḥ*, the highest ranked [among *ḥadīth* compilations], people found it difficult to explain and [they found] its manner ambiguous, since they lacked [the requisite] knowledge of its numerous chains (*ṭuruq*) and its transmitters (*rijāl*) from the people of the Ḥijāz, Syria, ʿIrāq and knowledge of their statuses and the differences of scholarly opinion about them. Moreover they needed the utmost comprehension in his chapter headings (*tarājin*)... and whosoever comments on Bukhārī and has not done justice (*lam yūfi haqqa*) to these [duties] has not done justice to the commentary. This is the way of Ibn Baṭṭāl, Ibn Muhallab, Ibn al-Ṭīn and the like. I have heard from many shaykhs, may God have mercy on them, who say, “commenting on Bukhārī’s text remains an outstanding debt (*dayn*) over the community (*umma*),” meaning that a scholar (*ālim*) of the community has not [yet] fully taken on the requirements of commentary in this [full] sense.177

Ibn Khaldūn singled out one prerequisite unique to the interpretation of the *Ṣaḥīḥ*: a mastery of a privileged scholarly technique, namely, the analysis of Bukhārī’s chapter headings. This was not a simple requirement, and, as Ibn Khaldūn indicated, the pressure of the community’s need for a commentary outweighed the number of qualified individuals. Nevertheless, Ibn Khaldūn censured those who addressed this outstanding debt (*dayn*) by commenting on the *Ṣaḥīḥ* without fully understanding his titles, a telling rebuke that underscores the necessity of understanding the *tarājin* for those who wished to be recognized as enduring interpretive authorities.178 Ibn Khaldūn devoted more time


178 One may draw the conclusion that this indicates the prominence accorded to now obscure commentators such as Ibn Abī Ṣufra and Ibn al-Ṭīn at the time Ibn Khaldūn wrote his *Muqaddima*, although perhaps he omitted mention of more popular works out of respect for their authors. In the century prior, al-Kirmānī produced a similar list of three prior commentaries that, in his estimation, were inadequate: Ibn Baṭṭāl’s, al-Khaṭṭābi’s, and Mughaltātī’s. See Muḥammad b. Yūsuf al-Kirmānī, *Ṣaḥīḥ Abī ‘Abd Allāh al-Bukhārī bi-Sharḥ*, 2nd ed., 25 vols. (Beirut: Dār Iḥyiā’ al-Turāth al-ʿArabī, 1981), 1:3.
and space to this qualification than to any other, detailing at length the purpose and method of such an interpretation, as well as the source of his own instruction in this method.\textsuperscript{179} One could not, according to him, do “justice to the commentary” without it.\textsuperscript{180} Again, this view represents a marked change since the early reception history of the Ṣaḥīḥ, when Muslim scholars such as Ismā‘īlī, Khaṭṭābī, and Ibn Ḥazm were unsure what to make of al-Bukhārī’s chapter headings. Nearly five centuries after the text’s compilation, interpretation of Bukhārī’s tarājim had come to serve as the sine qua non of authoritative commentaries on the Ṣaḥīḥ.

Ibn Khaldūn’s description is particularly revealing because he was not writing as a practicing commentator on the Ṣaḥīḥ but as a student of commentaries on the Ṣaḥīḥ several times removed. While he was familiar with commentarial methods, having commented on poetry in his early life and having delivered lectures on Mālik’s Muwatṭa’ in later life, Ibn Khaldūn knew of the issue of Bukhārī’s headings through his teacher in Fez, Abū Barakāt al-Ballafīqī (d. 771/1370).\textsuperscript{181} Ballafīqī may have been a learned poet and a transmitter of Mālik’s Muwatṭa’, but he is never identified as a shāriḥ. Ballafīqī had studied the Ṣaḥīḥ with the Andalusian judge Abū ‘Abd Allāh Ibn Bakr (d. 741/1340)\textsuperscript{182} who, like Ballafīqī, may have considered himself a local authority on the

\textsuperscript{179} While Ibn Khaldūn mentions the titles and elaborates on them briefly in the printed edition I have cited above, I have not found any edition in Arabic that makes use of additional material located in the manuscript 1936 of the Atif Efendi library in Istanbul (identified as “C” in Franz Rosenthal’s translation of the work), which I have not been able to access. According to Rosenthal, the text of C is “superior... [it] contains many of the additions and corrections that constitute the later stages of the text of the Muqaddimah,” in Ibn Khaldūn, The Muqaddimah, 1:xci-xcvii. I have resigned myself to using Rosenthal’s translation for those passages yet to be edited in Arabic. While it is difficult to draw any broader conclusions from the fact that Ibn Khaldūn added more information about Bukhārī’s tarājim in later versions, it is not insignificant that he felt the point required elaboration.

\textsuperscript{180} See ibid., 2:457-8; idem, Muqaddima, 560.

\textsuperscript{181} See idem, The Muqaddimah, 1:xlii.

\textsuperscript{182} Ibid., 2:458.
interpretation of the *Ṣaḥīḥ*, but there is no evidence that he or his students ever committed
his lessons on the *Ṣaḥīḥ* to pen and paper as a systematic work in the *sharḥ* genre.

While Ibn Khaldūn, Ballafīqī and Ibn Bakr were removed from the discussions of
their contemporaries Ibn al-Munayyir, Ibn Rushayd and Ibn Jamāʿa, their lessons, if Ibn
Khaldūn relayed them accurately, still attest to the rise of scholarly interest in Bukhārī’s
tarājim. The importance of the *tarājim* had been impressed upon Ibn Khaldūn to the
extent that he was still able to specify two problems commentators ought to tackle: first,
Bukhārī’s inclusion of chapter headings without *ḥadīths* and, second, apparent
contradictions between the chapter heading and the chapter’s contents. I will review a
case study involving these issues and Ibn Khaldūn and his teachers’ opinions on it near
the end of this chapter.

**Interpreting the Compiler’s Intentions: The Backbone of Ibn Ḥajar’s *Fatḥ al-Bārī***

Ibn Ḥajar, as a student of Ibn Khaldūn, came closest to addressing his teacher’s
demand that scholars need to more fully explain Bukhārī’s chapter headings. In fact, for
Ibn Ḥajar’s *Fatḥ al-bārī*, Bukhārī’s collection was not only the most authoritative *ḥadīth*
compilation but was also the most authoritative commentary on itself: the book titles, the
chapter titles, the arrangement, the abbreviation, the repetition, all frame, critique and
comment on the *ḥadīth* reports that are the focus of the *Ṣaḥīḥ*. While Ibn Ḥazm preferred
the *Ṣaḥīḥ* of Muslim ibn Ḥajjāj’s (d. 261/875) over Bukhārī’s in part because Bukhārī’s
chapter headings created interpretive problems, Ibn Ḥajar preferred Bukhārī’s over
Muslims in part because of the intellectual challenge posed by the headings.183 Ibn

Ḥajar’s task, perhaps unspoken, was to address the commentarial need Ibn Khaldūn had articulated half a century earlier.

According to Ibn Ḥajar, the first major function of an ambiguous chapter title was that it served to sharpen the intellect — and here he echoed Ibn al-Munayyir — by stimulating one to uncover hidden meanings in the text. The other functions of an ambiguous title that Ibn Ḥajar listed largely treat issues of legal interpretation. For Ibn Ḥajar, an ambiguous title allowed Bukhārī to suspend judgment and leave a ruling as an open question; it may explain an ambiguous hadīth in a profitable way; it may be explained by an ambiguous hadīth in a profitable way. Additionally, Ibn Ḥajar observed several functions of an unambiguous chapter title: a title on the surface may seem unambiguous, but may bear a subtle meaning when one reflects on its relationship to the hadīth under its heading; it may refute an opponent’s position; it may break a reader’s assumptions; it may provide a judicial ruling.

Again, let us consider the relationship between the title and the isnād of the first hadīth on “actions are by intention,” which is placed under a heading concerning “How Revelation Began.” Ibn Ḥajar inferred that Bukhārī chose to begin his compilation with an isnād that began with al-Ḥumaydī (d. 219/834) because al-Ḥumaydī was from Mecca, and the revelation began in Mecca, hence the title, “How Revelation Began.” Moreover, al-Ḥumaydī was Qurashī, and Ibn Ḥajar speculated that Bukhārī, by placing a Qurashī at


185 al-ʿAsqalānī, Ḥady al-sārī, 13-14.

186 Ibid.

187 Ibid. For example, according to Ibn Ḥajar, the title “An Imām’s use of a sīwāk [a teeth cleaning twig] in front of his attendants” may break a reader’s assumption that such behavior is poor etiquette.

188 Ibid. For example, the titles “Quraysh are commanders” and “a group is two or more” betray Bukhārī’s legal positions on those issues, even when the ḥadīth reports included below the titles do not necessarily or directly provide evidence for those positions.
the head of his compilation, was applying a principle grounded in another hadīth, which stated that the tribe of Quraysh ought to lead. Of this opinion, Ibn Ḥajar’s rival ʿAynī demurred that this hadīth only applies to leadership in prayer and perhaps governance (al-imāma al-kubrā) but not to hadīth compilations. He furthermore belittled the speculation, without explicitly attributing it to Ibn Ḥajar, stating, “this question is worthless [hādha as-sāqi]”.189 While it may be tempting to attribute ʿAynī’s disagreement with Ibn Ḥajar to personal or political reasons, it is important to consider that ʿAynī would have been in good company in viewing Ibn Ḥajar’s analysis of the title’s relationship to the isnād as a strain for the interpretive technique.

For Ibn Ḥajar, re-arranging the title or altering the title, as early commentators did, significantly altered Bukhārī’s intended meaning. This is why Ibn Ḥajar, following Ibn al-Munayyir, expressed frustration at commentators who hypothesize that Bukhārī did not finish his Sahīḥ. Conceiving of the Sahīḥ as an unfinished text would not allow interpreters like Ibn Ḥajar and Ibn al-Munayyir as great a claim in explaining the intent of the compiler and the meaning of the work. And if one accepts Ibn Ḥajar’s and others’ premise that the traces of Bukhārī’s tarājim bear hidden and subtle meanings, the position of the layperson becomes precarious. How could one hope to approach the Sahīḥ without an astute guide?

Another example is Ibn Ḥajar’s treatment of Bukhārī’s slightly longer chapter title in the book of īmān (faith or belief), preceding one of the most well known hadīths on the fundamental duties of islām:

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The Chapter of Jibril’s Question to the Prophet concerning īmān, islām, iḥsān, knowledge of the [final] hour, and the explanation of the Prophet [concerning those subjects] to him, then saying, “Jibril came to teach your religion (dīn), so he made all of that a dīn, and what the Prophet explained regarding īmān to the delegation of ‘Abd al-Qays, and his saying, may he be exalted: ‘Whosoever follows a dīn other thanislām it will not be accepted from him.’\textsuperscript{190}

To a lay-reader Bukhārī’s titles may not appear controversial, but it is not so simple for Ibn Ḥajar. Ibn Ḥajar suspected, on the basis of this and earlier hadīths included in the book of īmān, that Bukhārī held islām and īmān to be synonymous, and, through Bukhārī’s own way of reasoning (bi‘l-tā’wil ilā ṭarīqatihi), he employed the title to refute those who hold there to be a distinction between islām and īmān. One might conclude that Ibn Ḥajar himself had taken his own interpretation quite far concerning something Bukhārī did not explicitly claim, nevertheless, “this is the gist of [Bukhārī’s] language” (muḥaṣṣal kalāmihi) for Ibn Ḥajar.\textsuperscript{191} As Ibn Ḥajar continued, he pointed out that the compiler’s reasoning (ta‘wil) not only places Bukhārī in direct contradiction to a slew of scholastic authorities, including the eponyms of the Shāfi‘i and the Ḥanbalī legal schools, but also in direct contradiction to the text of the hadīth itself, which Ibn Ḥajar claimed is a prooftext for differentiating between the two terms. While earlier examples showed how Ibn Ḥajar and other commentators extended maximum charity to Bukhārī,\textsuperscript{192} Ibn Ḥajar had also done the opposite: he constructed Bukhārī’s intentions from the titles in order to recalibrate Bukhārī’s position, and bring the meaning of a hadīth concerning the very definition of Islam into line with the mainstream opinion of Mamluk era jurists.

\textsuperscript{190} Ṣaḥīḥ al-Bukhārī, 1:15 (Kitāb al-Īmān: Bāb Su‘āl Jibrīl lil-nabī...); al-‘Asqalānī, Fath al-bārī, 1:114 (Kitāb al-Īmān: Bāb Su‘āl Jibrīl lil-nabī...).

\textsuperscript{191} See idem, Fath al-bārī, 1:114 (Kitāb al-Īmān: Bāb Su‘āl Jibrīl lil-nabī...).

\textsuperscript{192} For more on the principle of charity with respect to the canonization of Ṣaḥīḥ al-Bukhārī, see Brown, The Canonization of al-Bukhārī and Muslim, 42-46, 262-299. On theories of the principle of charity and the process of canonization more broadly, Brown consults Moshe Halbertal, People of the Book: Canon, Meaning and Authority (Cambridge: Harvard University Press, 1997), 28-9.
Commenting on Missing Words: Ikhtiṣār

Commentators likewise used the *sharḥ abwāb al-tarājim* genre to point to other moments at which Bukhārī’s compilatory intentions become manifest, namely, his truncation, abbreviation and summary when quoting a *ḥadīth*. Typically, scholarly characterizations of the culture of *ḥadīth* transmitters in which the Ṣaḥīḥ emerged emphasize the precision and fidelity with which *ḥadīth* reports were memorized and transmitted by rote. Some *ḥadīth* transmitters were so insistent on this fidelity that they would even transmit a *ḥadīth* report that had blatant grammatical errors, lest some hidden meaning be lost for later interpreters.193 Goldziher wrote of Bukhārī as one of the exemplars of this tradition, describing his scholarly practice’s “slavish exactness.”194 It is surprising, then, to learn that Bukhārī frequently abbreviated or truncated some of the *ḥadīth* reports he compiled, often without providing any indication he had done so. Again, as the canonical culture developed around the Ṣaḥīḥ, so likewise does the understanding of the significance of these editorial choices.

A noisy debate over Bukhārī’s abbreviating of *ḥadīths* arose in the commentary tradition on the first *ḥadīth*. Why is “to God and to his prophet” missing from the middle of the *matn* of the first *ḥadīth*? The commentators consider a number of options to unlock “the secret (*sirr*)” of this omission: was it a typographical error in need of correction, as early commentators supposed? Or was it that Bukhārī narrated exactly what he heard from Ḥumaydī, and that narration did not include “to God and his prophet”? Was it that ʿUmar himself made the omission on the pulpit for his own purposes? Al-Dāʿūdī (d.

193 See Goldziher, *Muslim studies*, 2:223. Goldziher discusses how *lacunae*, words missing in the *matn*, were left as a blank space (*bayāḍ*) or sometimes filled or recited with the word “*bayāḍ*.” See ibid., 2:219.
194 Ibid.
402/1011) noted that in the *Musnad* of al-Ḥumaydī, compiled by transmitters other than Bukhārī, the full text is there, which means that the omission could have only come from Bukhārī himself. But was it an arbitrary or intentional omission? Ibn Ḥajar claimed that Bukhārī deliberately removed “to God and his prophet” in order to make a point about the meaning of the hadīth. He argued that the hijra “for the sake of God and his prophet” was not the focus of the chapter — an argument, by the way, that blatantly contradicted what Ibn Ḥajar stated earlier about the importance of the hijra from Mecca to Medina with respect to the inclusion of Ḥumaydī as a Meccan in the isnād — and that, instead, Bukhārī did not want to appear arrogant in his piety by invoking the prophet and God in the first hadīth.

This debate is related to commentators’ conception of the Ṣaḥīḥ as complete or incomplete, and what the range of legitimate justifications there could be for purposefully truncating a *matn* without indicating that you have done so to your audience. Both Dāʾūdī and Ibn Ḥajar were thus arguing, across time, over how to maintain the same value — fidelity to Bukhārī’s intention, and by extension, fidelity to the normative content of Muhammad’s sayings and practices — but came to radically different conclusions. To be sure, a singular and unified version of the Ṣaḥīḥ would always elude hadīth scholars, since, as I will address in the next chapter, there were a number of authoritative recitations of the Ṣaḥīḥ that contained meaningful textual variants. By Ibn Ḥajar’s time, however, commentators assumed the Ṣaḥīḥ, taken as a composite of its authoritative

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196 Ibid. Dr. Issam Eido suggested to me, in the course of our discussion of this issue, that if a test were devised and students seeking religious knowledge were asked which part of the *matn* Bukhārī omitted in order to make the meaning of the hadīth ‘less arrogant,’ surely none would choose ‘to god and his prophet’ — maybe ‘to the world or for a woman’ but not ‘to God and his prophet.’
textual variants, to be virtually complete and intentional, and it was no longer possible to maintain fidelity to Bukhārī’s intentions by correcting or revising the original text without providing evidence for that correction in an authoritative recitation. As a consequence, Ibn Ḥajar chose to frame Bukhārī’s omission as a commentary on the meaning of the ḥadīth than as a mistake or a scribal tampering. As Ibn Ḥajar had it, Bukhārī’s compilation was not merely a mustakhraj\(^{197}\) of famous ḥadīths, but was itself an interpretation of those ḥadīth reports. Yet Ibn Ḥajar took inference far in glossing over the fact that Bukhārī never explicitly indicated that the omission was intentional, or, if it was, what meaning he intended by it.

With regard to the function of Bukhārī’s choice of abbreviation, Ibn Ḥajar suggested two benefits: 1) to show multiple chains of transmission (isnāds) of the same ḥadīths without repeating them in full, which would lengthen an already lengthy book, and 2) to focus on one particular meaning over others.\(^{198}\) Again, Ibn Ḥajar’s hermeneutic requires that the Sahīh include meaningful abbreviations, just as it did ambiguous titles, ensuring the readers will require the expertise of intermediaries such as Ibn Ḥajar.

Ibn Ḥajar’s solution to the secret of Bukhārī’s omission was repeated by later commentators, but this repetition does not necessarily indicate continuity. Just as the same matn produces a diversity of responses in different social and historical contexts, the same interpretation of that matn produces various responses in different contexts. When Ibn Ḥajar presented his solution to the ‘secret’ of Bukhārī’s radical abbreviation in the matn of the first ḥadīth, it represented an imaginative solution to a difficult and long debated problem, to the applause or disgust of his contemporaries. When contemporary

\(^{197}\) A text that displays the chains of transmissions for a collection of ḥadīth.

\(^{198}\) al-ʿAsqalānī, Hady al-sārī, 15-6.
shaykh Naʿīm al-ʿIrqsūsī repeated Ibn Hajar’s solution in his 21st century live commentary on the Ṣaḥīḥ, it was simply stated as a well-known fact, not to be scrutinized or re-opened, not even worth attributing to a source, to the applause or disgust of his contemporaries.

The Destruction of the Kaʿba: A Case Study in Title Analysis

In the modern period, some Muslim scholars have turned to ʿilm al-rijāl (knowledge of transmitters) to question the authenticity of ḥadīth in collections such as the Ṣaḥīḥ if their contents (mutūn) posed legal, theological, political or ethical problems. Yet in a canonical culture, this tool was not always available or deemed inappropriate for many pre-modern commentators even when encountering ḥadīth that posed serious challenges for their community and identity. Rather than question the ḥadīth’s authenticity, the pre-modern commentators we will examine devised creative interpretive strategies and devices that maintained the authority of the Ṣaḥīḥ while simultaneously bringing the meaning of the text into line with their own normative commitments. In the commentary tradition on the Ṣaḥīḥ, reconciling an underdetermined chapter heading with a ḥadīth report was one such tool.

As we glimpsed earlier in this chapter, commentators’ legal and theological commitments often came into play during the explication of a disjuncture between the apparent meaning of a ḥadīth, and the apparent classification of that ḥadīth in the Ṣaḥīḥ’s

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199 ʿIrqsūsī, Sharḥ Ṣaḥīḥ al-Bukhārī, audio recording on DVD #1.

200 Brown translates the following warning issued by Ibn Hajar to scholars like Ibn al-Jawzī who sought to discount ḥadīths on the basis of their content: “For if people open that door to rejecting ḥadīths it would be claimed that many ḥadīths from the Ṣaḥīḥayn [Bukhārī and Muslim’s Ṣaḥīḥ] were false, but God most high and the believers have refused to let this happen.” Ibn Hajar, according to Brown, suggested that scholars must instead “try to reconcile this material and not dismiss it.” See The Canonization of al-Bukhārī and Muslim, 333.
The trick, for commentators, was to solve the riddle of this disjuncture by claiming to have most conservatively maintained Bukhārī’s intention while simultaneously discovering new meaning for the hadīth. The case of the hadīth on the destruction of the Ka’ba is a useful illustration, partly because of the powerful theological and legal symbolism implied by a Prophetic vision of the Ka’ba’s destruction, and partly because it drew the attention of Ibn Khaldūn, who was not an expert practitioner of commentary on the Šāhīh, but merely recording the debate on this hadīth as a student on the periphery.

Ibn Khaldūn drew his audience’s attention to a chapter heading from the Book of Trails (fitan) that “the Ka’ba will be destroyed by the one who has little stick-legs from Ethiopia” followed by the Qur’ānic verse 2:125 that contradictorily states that God made the Ka’ba a place of safety. Here the commentators Ibn Khaldūn recorded were not interested in reconstructing who or what Muḥammad might have meant by “the one with little stick-legs from Ethiopia” but what Bukhārī could have meant by including such a heading on the Ka’ba’s destruction followed by a Qur’ānic verse on the Ka’ba’s protection. Ibn Bakr’s explanation of this puzzle, according to Ibn Khaldūn, was that Bukhārī intended verse 2:125 to mean that God made the Ka’ba a place of safety by law rather than by divine decree. The latter is fixed, but the former is a command that can be transgressed, including by an Ethiopian. Thus the chapter heading was included to instruct the student on this distinction, and, presumably, the obligation of Muslims to keep the Ka’ba safe.²⁰¹

Ibn Khaldūn’s account highlights an apt example of an interpretive relationship between heading and hadīth but, as Rosenthal points out, he misremembered some basic

details of the text. No such chapter heading exists in the Book of *fitan*, nor anywhere else in the *Ṣaḥīḥ*.

Barring the unlikelihood that Ibn Khaldūn or his teachers possessed a radically different recitation or codex of the *Ṣaḥīḥ*, Rosenthal suggests that what Ibn Khaldūn was trying to recall was a chapter heading in the Book of Pilgrimage (*Ḥajj*) that contained a Qur’ānic verse nearly identical to 2:125 (verse 5:97) followed by the *ḥadīth* on the prophecy of the stick-legged Ethiopian. Here we find a number of scholars in the commentarial tradition prior to Ibn Bakr who have taken up the potential problem of Bukhārī’s juxtaposition of the Ka‘ba’s destruction and protection, but none quite in the way the judge Ibn Bakr did.

The earliest known commentator on this *ḥadīth*, Khaṭṭābī, delayed a discussion of the *ḥadīth* until after narrating a *ḥadīth* under the following chapter heading, “The Destruction of the Ka‘ba,” that is even less clear:

Abū ‘Abd Allāh said [that] ‘Amr ibn ‘Alī said [that] Yahyā ibn Sa‘īd reported to us, saying, ‘Ubayd Allāh ibn al-Akhas reported to me [that] Ibn Abū Mulayka, on the authority of Ibn ‘Abbās, on the authority of the Prophet, stated:

“As though I were with it/him [bi-hi], a bow-legged Black, tearing her apart, stone by stone.”

[Al-Khaṭṭābī comments:] The meaning of “by it/him” (bi-hi) is the Ka‘ba, as in the last report, “The one who has little stick-legs from Ethiopia will destroy” her [the Ka‘ba]. And [the word] bow-legged (*al-afhaj*): the wideness between the legs, and that is among the characteristics of the Ethiopians. And it is said, “the one who has little stick-legs” (*dhū al-suwayqatayn*) because the legs of the Ethiopian are gangly, so he made it a diminutive form [i.e. from stick-legs (*sāqatayn*) to little stick-legs (*suwayqatayn*)], on account of their scrawniness and weakness.

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202 It would have been many years since his study in Fez with al-Ballaqī. *Ibid.*, 1:xlii.
Khaṭṭābī’s commentary is quite short, but can teach us about the concerns and interpretive strategies of this early commentary on the ḥadīth. Three items deserve clarification for Khaṭṭābī: the unclear referents of the ḥadīth (by it, her), an arcane term (bow-legged [al-afhaj]), and an indication of diminution (little stick legs [al-suwayqatayn] rather than stick-legs [sāqatayn]). In order to clarify the first of these three points, Khaṭṭābī followed Bukhārī’s heavy handed compilatory suggestion, taking for granted the notion that the phrase “bi-hi” (by it/him) ought not be read in isolation but in the context of other authenticated ḥadīths that the compiler has already categorized under the same subject, the destruction of the Ka’ba. Even though, as later commentators observed, the second unclear referent is, like the Ka’ba, gendered female (“tearing her apart”), the first unclear referent is gendered male, and could thus refer to the “bow-legged Black,” or some gender-neutral name of the Ka’ba, such as al-bayt (the house). Khaṭṭābī did not bother dwelling on this confusion. For Khaṭṭābī, the intended meaning of the unclear referent, clarified by the previous ḥadīth in the compilation, was the Ka’ba. The two reports, whose meanings are thus understood to be mutually dependent, were then segmented and discussed in tandem, as if they were the same ḥadīth. Khaṭṭābī’s method of interpretation thus relied, if ever so subtly, on the Ṣaḥīḥ’s organization.

Khaṭṭābī then defined the term afhaj (bandy or bowlegged), without citing any lexicon. He then linked afhaj to a statement generalizing the adjective as one of the Ethiopians’ essential physical characteristics, as if it were commonly known fact that Ethiopians had “wideness between the legs.” The diminutive form signals “scrawniness,” a second, if related, generalized physical characteristic of Ethiopians. One wonders where Khaṭṭābī, writing in Ghaznavid Bust, in the furthest reaches of eastern Persia, had learned
of Ethiopian physical characteristics.\textsuperscript{205} But the commentary, written at the request of his students, clearly addressed this provincial curiosity regarding Ethiopian body types.

Just as significant is what Khaṭṭābī overlooks. While Khaṭṭābī subtly relied on Bukhārī’s compilatory choices in order to explain the \textit{ḥadīth}, he neither consulted the chapter heading or Bukhārī’s categorization explicitly, nor did he claim to disclose the secrets of Bukhārī’s compilatory intentions. He did not offer commentary on the \textit{ḥadīth}’s \textit{isnād}. Moreover, while Khaṭṭābī weaved commentary on both \textit{ḥadīths} as if he were commenting on a single report, he did not consider important differences. The “bow-legged Black” \textit{ḥadīth} describes the Prophet in the midst of a vision, “as if I were with him,” seeing the Ka‘ba at the moment when it is being gradually torn down in the present, brick by brick. This leaves open the possibility that the Prophet merely envisioned the Ka‘ba being threatened by someone with bow legs, and that there might be a time for someone, some group or a deity, to intervene. The “little stick-legs from Ethiopia” \textit{ḥadīth}, by contrast, describes knowledge of a future event that will be carried out to completion. Each \textit{ḥadīth} employs time differently, but for Khaṭṭābī the two are conflated. When or why such a thing would befall the Ka‘ba, or whether it might be averted, is an issue left untouched altogether.

The timing of the Ka‘ba’s destruction is a key question for later commentators, beginning with the Andalusian commentator Ibn Baṭṭāl, who mentioned the issue as a way of instructing his audience about the schedule of Islamic eschatology:

\textsuperscript{205} Khaṭṭābī also penned a treatise on medicine of Islamic Andalusia, a region much further than Ethiopia. See idem, \textit{al-Ṭibb wa’l-ṭibbā’ fī al-Andalus al-islāmiyya} (Beirut: Dār al-Gharb al-Islāmī, 1988). Drawn to my attention by Jonathan Brown.
The Chapter of God’s saying, “When Abraham said, ‘Lord, make this city *(balad)* secure and keep me and my descendents from idol-worship…” *(Q:14:35)* and his saying, “God made the Ka’ba a sacred house, as a support for humankind *(qiyyām*<sup>an</sup> *lil-nās)*” *(Q:5:97)*.

Under this [chapter]: Abū Hurayra said, the Prophet said: “One who has little stick-legs from Ethiopia will destroy the Ka’ba.”

Under this chapter: [Ibn Baṭṭāl lists two other *ḥadīths* under the chapter….]

[Ibn Baṭṭāl comments:] People disagree on the interpretation of God’s saying, “*qiyyām*<sup>an</sup> *lil-nās*.” Sa’īd ibn Jubayr is of the opinion that it supports their religion and safeguards them. ‘Aṭā’ said “as a support for humankind *(qiyyām*<sup>an</sup> *lil-nās)*” if they entirely abandoned [the Ka’ba] to what was contemplating to destroy… As for Abū Hurayra’s *ḥadīth* that one with little stick-legs will destroy the Ka’ba, it is a clarification of God’s saying, “Lord, make this city secure” *(Q:14:35)*. Its specific meaning is that God made [Mecca] sacred and secure for all time except [at the time] of the one with little-stick legs.<sup>206</sup>

Ibn Baṭṭāl stated that the verse had implied but not explicitly stated that the Ka’ba was made a place of safety until the day of Judgment, prior to which the prophecy of the Ka’ba’s destruction would come to pass.<sup>207</sup>

Ibn al-Munayyir restated the opinion of Ibn Baṭṭāl by placing the *ḥadīth* in an eschatological chronology, but he couched it in the determinist language of a committed Ashʿarī theologian, in which God wills what he wills. Ibn al-Munayyir claimed that God had made the Ka’ba a place of safety “during the time which he willed,” and if God willed, he could remove the Ka’ba from safety during the time of the little stick legs, and then return it to safety again.<sup>208</sup>

Ibn Ḥajar critiqued Ibn Baṭṭāl’s commentary on the grounds that Ibn Baṭṭāl placed the two Qur’ānic verses (14:35 and 5:97) in a single title when, in Ibn Ḥajar’s opinion,

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<sup>207</sup> See ibid.

based on his vast knowledge of the Ṣaḥīḥ’s transmission, the verses ought to be placed in two separate titles. In other words, the title that references 14:35 ought to be transmitted without a ḥadīth categorized under it. The absence of a ḥadīth upon which to comment did not prevent Ibn Ḥajar from speculating what ḥadīth Bukhārī may have been considering to place in the gap, and points the reader to a later section in which he will comment on that ḥadīth.209

This important correction to Ibn Baṭṭāl notwithstanding, the contradiction between 5:97 and the ḥadīth under it still awaited clarification. For Ibn Ḥajar, the ḥadīth not only contradicted 5:97, it contradicted the unfolding of history. After all, he asked, how does one reconcile the verse with the historical fact that the Qarmaṭīs defiled and ransacked the Ka’ba circa 317/930, sixty years after Bukhārī died?210 Nevertheless, he stated that that there is nothing in the verse that served as evidence for the persistence of the Ka’ba’s safety (istamrār al-amn), only that the Ka’ba was safe as long as it remained under Muslim control. The subversive potential of an authentic ḥadīth foretelling the destruction of a sacred space vital to a shared Muslim identity, by an outsider no less, was repurposed by Ibn Ḥajar to enjoin the maintenance of contemporary mainstream Muslim political control over that space.

By explicating the relationship of the title to the ḥadīth, each commentator, in his own way, strived to offer a stronger and more comprehensive account of the ḥadīth for his own audience than his predecessors had done. This was not only about advancing one’s own power or the power of one’s legal or theological affiliation, but to marshal one’s intellectual resources in a way in which one could claim to have discovered

209 See Ibn Baṭṭāl, Sharḥ Sahīḥ al-Bukhārī, 4:274-8 (Kitāb al-Ḥajj: Bāb Qawl Allāh "ja’ala Allāh al-Ka’bata..."); al-‘Asqalānī, Fatḥ al-bārī, 3:454 (Kitāb al-Ḥajj: Bāb Qawl Allāh "ja’ala Allāh al-Ka’bata...").
210 See idem, Fatḥ al-bārī, 3:454-60 (Kitāb al-Ḥajj: Bāb Qawl Allāh "ja’ala Allāh al-Ka’bata...").
Bukhārī’s concealed intention in categorizing the *ḥadīth* in the way he did. In Khaṭṭābī’s case, the compiler’s organization provided a subtle support for his own reading. In Ibn al-Munayyir’s and Ibn Ḥajar’s case, the title was a site upon which to bring the *ḥadīth* into line with their own legal, theological and political norms.

**The Secret Consonance of the Ṣaḥīḥ in Modern India**

Ibn Ḥajar’s interest in titles later inspired the super-commentary of Shāh Walī Allāh al-Dihlawī (d. 1175/1762), called *Sharḥ Tarājim abwāb al-Bukhārī*. The one-volume text was devoted exclusively to Ibn Ḥajar’s analyses of the titles, and included some original opinions of Walī Allāh as well. The appeal of this kind of analysis took on an even greater role in the commentary tradition in India thereafter, since the puzzle of Bukhārī’s titles remained one of the central sites upon which South Asian commentators held the Arabs had failed to clarify fully. A number of Modern South Asian ‘ulamā’ took up the challenge of explaining Bukhārī’s titles but an anecdote from a recently translated memoir of a *ḥadīth* student of Shaykh al-Hind Maḥmūd Ḥasan (d. 1338/1920) will suffice for the discussion at hand.²¹¹ Maḥmūd Ḥasan was the author of a work on Bukhārī’s titles called *Abvab al-Tarājim*, and his student, Manāzir Aḥsan Gīlānī (d. 1956), described that the appeal of studying with him was accessing knowledge of “the secret consonance” of Bukhārī’s *tarājim*. Gīlānī writes:

Just as the question of how particular Qur’anic verses relate to one another is a matter of the Qur’ân’s great [but elusive] wisdom, so too is the case with how the titles of Bukhari’s chapters relate to the chapters’ contents: the secret of their consonance lies in the very appearance of their dissonance.... Perhaps from the day Bukhari’s work was introduced into scholarly circles, people have been busy trying to solve this puzzle. What they have thought about over the course of a thousand years is preserved in their books, though the more discerning have always recognized that the scholarly community owes it to Bukhari to provide a better solution to this problem than has been offered so far. For all the other achievements of Ibn Ḥajar’s comprehensive commentary on Bukhari, this aspect has remained in need of further discussion... [Shah] Wali Allah opened new avenues towards the understanding of this problem. And the Shaykh al-Hind was the legatee of the new approach.²¹²

Three points are worth highlighting in the passage above. First, Bukhârî’s text is likened to the Qur’ân, and the reverence for the mysterious power it contains, which justifies the need for the exertion of scholarly interpretive authorities. Secondly, Gîlânî echoes Ibn Khaldûn’s earlier statement regarding the obligation of the scholarly community to explain the text, to “do justice.” While Ibn Khaldûn understood the obligation to be for the sake of the community, Gîlânî saw the obligation as to Bukhârî himself, the revered compiler of the text. Moreover, while the tarâjim served as the backbone of Ibn Ḥajar’s hermeneutic, here Gîlânî depicts that feature of Ibn Ḥajar’s commentary as unfinished. The haunting shadow of Ibn Ḥajar’s Fatḥ al-bârî over Maḥmûd Ḥasan’s predecessors is diminished. For Gîlânî, Fatḥ al-bârî is not nor cannot be the final word in the commentary tradition. Claiming to follow the tradition of Shâh Walî Allâh, who himself would have hesitated to describe his approach as “new” insofar as he followed Ibn Ḥajar’s commentary on Bukhârî’s chapter headings, Maḥmûd Ḥasan’s students view him to be approaching the text in explicitly new ways. Gîlânî goes on to describe the effect of studying Bukhârî’s titles on the bodies of the students in the live commentary sessions:

Once a discussion of Bukhari’s chapters began in the Shaykh al-Hind’s circle, a particular state would overcome him. The listeners, too, seemed to be in awe. It was as if the entire group was in ecstasy... New information, new knowledge — things that had not been heard or read elsewhere — seemed to be in the process of being unveiled... Once the study of Bukhari had begun... both the heart and mind thrived on this nourishment — one not found in any work of logic, philosophy, belles-lettres, or any other discipline. I can’t speak for others but, so far as I am concerned, I felt that I was being transformed both outwardly and inwardly.”

For students of the Deobandī Shaykh, the titles offered commentators the ability to appear to generate unique explanations not contained in earlier works or other disciplines, leaving students with an impression of awe, ecstasy, and the experience of unveiling, nourishment and transformation.

**Canonization and Meaning**

The history of a text's canonization cannot only be a narrative about the eventual recognition of a text’s elevated status, but must say something about how the process affects the text’s interpretation and meaning. With respect to the Jewish commentary tradition on Talmud, the Israeli philosopher Moshe Halbertal writes:

Canonizing a text results in increased flexibility in its interpretation, such as the use of complex hermeneutical devices of accommodation to yield the best possible reading. This phenomenon conflicts with the restrictive impulse of canonization itself, an act which creates boundaries and in many cases censors other texts and prevents them from becoming canonical.

Indeed, extraordinary reverence for the Ṣahīḥ limited the freedom that commentators had in revising Bukhārī’s text. While Ismā‘īlī and Ibn Baṭṭāl had the freedom to rearrange and fuse Bukhārī’s titles when encountering textual problems, those tools were out of reach for later commentators. Likewise, such reverence limited the number of people qualified to interpret the meaning of the text. However, including the tarājim as objects of analysis

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213 Ibid.
also created new spheres in which commentators could exercise their interpretive authority on the *Ṣahīḥ*. While the *Ṣahīḥ*’s authoritative status may have been initially guaranteed by the fact that it included chains of transmission authorized by *ḥadīth* critics, the compiler’s goal itself became a way for later commentators to maintain the work’s authority as well as their own. After all, since Bukhārī was a *ḥadīth* scholar, commentators were still affirming the role of the expert as a gatekeeper of knowledge rather than articulating the need for a prophet to provide religious knowledge. Moreover, by the end the of the 7th/13th century, it was not enough that commentators were licensed transmitters that made them authoritative — although that was also essential — but that they alone had the expertise to discern the secret of the essence of Bukhārī through his chapter titles and to relate them to contemporary legal and theological discourses.

They were not, however, strict intentionalists. When explicating problems they encountered in the *Ṣahīḥ*, commentators drew on Bukhārī’s compilatory intentions techniques alongside many other interpretive sources, including but not limited to *isnād* criticism, linguistics and legal tools. It is to a case study that illustrates how these larger and more complex interpretive operations interacted within and across time that we will now turn.
Chapter Four:  
From Andalusia to India:  
Legal Debate Within and Across Time and Space

Introduction

We have seen how live and written commentary on the Ṣaḥīḥ was a medium through which scholars could prove themselves in order to attain appointments or prestige. But commentaries on the Ṣaḥīḥ simultaneously served, along with commentaries on other key hadīth compilations, as an important arena in which commitments over the proper interpretation and application of the Prophet’s example were evaluated, challenged and perpetuated within the constraints of historically contingent discursive rules and expectations. Modeled in part on prior studies of Qurʾān commentary (tafsīr), the following chapter takes a hadīth from a subsection in the Ṣaḥīḥ as a point of intersection for commentary that refracted synchronic and diachronic debates over interpretive authority and authenticity.

The point of intersection I have chosen is a subsection in the Ṣaḥīḥ that Bukhārī titled “How much discretionary punishment (taʿzīr) and discipline (adab) [is authorized]?” I will compare commentary on the hadīths under this heading in three

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2 The word adab is typically translated as refined manners or polite literature, what might be thought of as a goal of discretionary punishment. But adab shares a root with taʿdīb, which, like taʿzīr, conveys chastisement. This latter sense is what later commentators including Ibn Ḥajar believe Bukhārī is signaling here, as I will discuss below. I have chosen to translate adab as “discipline” since it conveys both senses: excellent training and punishment.
disparate regions at three key moments in the formation of the cumulative tradition: 10th and 11th century Andalusia and North Africa, 14th and 15th century Egypt and Syria, and 19th and early 20th century modern South Asia. As we will see, the hadīths in this subsection generated a range of synchronic and diachronic arguments concerning the authenticity of their isnāds, the acceptable methods of deriving law from hadīths, the proper limits of and grounds for the jurists’ power to sentence, and the need for or obsolescence of traditional institutions in Islamic law. As we tour each moment in the commentarial debate, I will provide a preliminary section sketching the background on the legal and curricular context of each region and era. While these will be historical vignettes rather than comprehensive studies, even some basic context would help illuminate the contemporary regional dynamics at work as commentators explained these hadīths.

This case study has been chosen in part because the first hadīth in this subsection of the Sahih sparked wide disagreement among scholars within and across time, despite or perhaps because of the clarity of its apparent meaning. For this reason, it should not necessarily be taken to be widely representative of other discussions of Islamic legal cases in the commentary tradition. While such disagreement was not uncommon, in many cases commentators came to consensus on the meaning of a hadīth, either adding an opinion only to indicate a subtle departure in method or reasoning, or to contribute commentary on a lemma or aspect of the text upon which there had been little commentary prior.

3 A more comprehensive study of taʿẓīr in the larger context of punishment in Islamic thought and practice during the Seljuq dynasty (6th/11th-7th/13th centuries) has been undertaken by Christian Lange, Justice, Punishment and the Medieval Muslim Imagination (Cambridge: Cambridge University Press, 2008), 215-243.
The ḥadīths in this chapter can also be found in many commentary-generating hadīth compilations, and future research would likely reveal similar trends in the evolving commentaries on those collections as well. Limiting this section of my study to commentaries on the Ṣaḥīḥ is in part due to practical concerns. I hope, however, that focusing my case study on how these ḥadīths were debated within the commentary tradition on the Ṣaḥīḥ will be instructive in three ways that a more comprehensive treatment of discretionary punishment in hadīth collections or in Islamic law might overlook.

Firstly, as the Ṣaḥīḥ became a common measure and reference for authenticated hadīth, it attracted audiences of many legal, theological and political commitments to listen to and consult its texts and commentaries. It thus may be described as a more visible forum for debate than a commentary on a school’s legal handbook or credal text. While it shares this quality with other major commentary-generating hadīth compilations, the Ṣaḥīḥ is the preeminent example. Commentators on the Ṣaḥīḥ, as we will see, attempted to engage these broader audiences in their interpretations even if they also subtly sought to advance narrower agendas.

Secondly, certain commentators or commentarial opinions only gained renown within the commentary tradition on the Ṣaḥīḥ, and so this study will inevitably attend to voices that would be obscured in a more comprehensive treatment. It will be part of the task of this chapter to understand how commentators weighed, elevated or suppressed these lesser-known opinions unique to the commentary tradition on the Ṣaḥīḥ against or alongside the standard opinions of their school authorities.
Finally, as we saw in the preceding chapter, certain interpretive techniques that created hermeneutical flexibility were uniquely developed and deployed within the commentary tradition on the Ṣaḥīḥ. These techniques tied the meaning of the hadīth to the Ṣaḥīḥ’s novel organization. Thus, some commentators devised arguments for the interpretation of these hadīths that would not necessarily be found in commentary on other hadīth compilations or genres of legal writing.

Commentaries on the Ṣaḥīḥ would not have regulated their audiences’ behavior in the more immediate way a caliph’s decree might have, or even a verdict from a state appointed judge. Indeed, commentaries on the Ṣaḥīḥ were never intended to directly rule on a particular case. Nevertheless, as audiences began to take the Ṣaḥīḥ as the most authentic reference for Muḥammad’s normative example, commentary on the Ṣaḥīḥ could, along with a constellation of other Islamic discursive traditions, indirectly inform its audience’s behavior. Commentators often indicated, in both subtle and overt ways, which explanations of Muḥammad’s sayings and practices among the cumulative layers of commentary they favored, and indeed, the range of explanations that merited consideration in the first place. Moreover, commentary on the Ṣaḥīḥ could polemicize or influence other textual discourses that claimed to regulate behavior in more direct ways.

I. The Ṣaḥīḥ in the Andalusian Legal Context

The Early Reception of the Ṣaḥīḥ in the Islamic West

In 1698, the sultan Mawlay Ismāʿīl in Marrakesh conscripted some three thousand black soldiers to join a formidable army he had been amassing. He gave each of his chief officers a copy of the Ṣaḥīḥ, stating, “you and I are now slaves of the Sunna of the
Prophet Muḥammad and his law contained in this book [of al-Bukhārī]. We practice what he prescribed and we abstain from all that he forbade and upon that we fight.⁴ The army, which was reported to have carried those copies of the Šāhīḥ into battle with them, came to be called ‘abīd al-Bukhārī, the slaves of Bukhārī.⁵ While the Šāhīḥ may have served as a heavy-handed symbol of Islamic law in the Islamic West by the late 17th or early 18th centuries, the reception of the Šāhīḥ among the early Mālikī jurists of Andalusia and North Africa at the turn of the 5th/11th century was comparatively more subdued. In terms of authenticity, Mālik’s Muwaṭṭa’ held a higher station, and it was Bukhārī’s methods of authentication rather than the text of his compilation that was valued.⁶ Nevertheless, these early jurists and some of their opponents played a formative role in debating the Šāhīḥ’s normative meaning and application, a legacy that would endure into the modern period.

Three related intellectual trends in the study of ḥadīth in this region during this period can be said to have influenced and been influenced by commentary on the Šāhīḥ: 1) the growth of the study of authentic isnāds abroad, followed by the establishment of license-granting ḥadīth specialists in Andalusia, 2) the dominance of the Mālikī school, maintained in part by bolstering its legal positions with authenticated Prophetic-ḥadīth rather than companion or successor reports and 3) the rise of Žāhirism and the challenges posed by interpreting ḥadīth by their apparent rather than implied meaning. Prior to touring the commentary tradition on “How much discretionary punishment and discipline [is authorized]?” in the Šāhīḥ, I will endeavor to sketch the development of these three

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⁵ É. Lévi-Provençal, “La recension maghrībine du Šāhīḥ d’al-Bukhārī,” Journal Asiatique (1923): 212-13. While it is difficult to imagine they brought the collection in multi-volume form, perhaps they brought a part or a selection of it.
trends in detail below. Again, these trends would have influenced more than just of the interpretation of the ِṣහِHip, but the approach to other ḥadīth compilations and Islamic legal texts as well.

While ḥadīth had been circulating in the Iberian Peninsula by the 3rd/9th century,7 the introduction of Bukhārī’s ِṣහِHip to the Islamic West has been dated to the late 4th/10th century, some time after the introduction of other legal compendia and ḥadīth compilations such as Mālik’s Muwattā’ and Abū Dāwūd’s Sunan.8 The North African Mālikī Jurist Abū Ja’far al-Dāwūd (d. 402/1011-2) from Tripoli is credited with the earliest commentary on the ِṣහِHip in the West, and represents, along with Khaṭṭābī’s, the earliest such work worldwide.9 At that time, a number of Andalusian scholars who travelled eastward for business, study or hajj returned home having received recitations of the ِṣහِHip on high authority.10 Among them was Ibn Bartāl (d. 394/1003-4) and ‘Abd Allāh al-Juhanī (d. 395/1004-5) who, after travelling east, propagated recitations of the ِṣහِHip on the authority of Ibn al-Sakan (353/964), a student of renowned ḥadīth transmitter al-Firabrī (320/932), considered and later revered as one of Bukhārī’s most reliable students.11

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9 Ḥasanī, Iḥāf al-qārī, 98. Tokatly suggests that al-Dāwūd’s was the second earliest, following Khaṭṭābī’s, but we do not have precise enough information to order these works chronologically. Tokatly, “The Early Commentaries on al-Bukhārī’s ِṣහِHip”, xvii. Jonathan Brown credits al-Muhallab ibn Abī Ṣufra of Almería (d. circa 435/1044) as the earliest commentator in the West. See Brown, The Canonization of al-Bukhārī and Muslim, 376.


Also among those who studied *ḥadīth* abroad was Abū Muḥammad al-ʿAṣīlī (d. 392/1002), a Cordoban trained judge of Zaragoza whose family originated on the southern side of the Strait of Gibraltar. ʿAṣīlī encountered a well-known *ḥadīth* reciter from Central Asia, Abū Zayd al-Marwazī (d. 371/982), during an extended pilgrimage to Mecca.\(^\text{12}\) When ʿAṣīlī returned to Andalusia in his later years, he propagated, in the presence of scholars and general audiences, Marwazī’s recitation of the *Ṣaḥīh* that also traced back through Firabī.\(^\text{13}\) ʿAṣīlī offered technical opinions on the correct transmission of certain *ḥadīth*, and as we will see, he is often cited in Andalusian commentary as an authority on the *Ṣaḥīh*’s correct transmission. Copyists well into the Mamluk era and beyond checked their versions against ʿAṣīlī’s (see fig. 8 below), and Mamluk era commentators cited his opinions as well.

Fuller explications of the texts (*mutūn*) of the *Ṣaḥīh* first flowered among a number of Mālikī jurists in Andalusia at the turn of the 5\(^{\text{th}}\)/11\(^{\text{th}}\) century. While diversity of opinion can be found even within the small group of early commentators of which we are aware,\(^\text{14}\) all were affiliated with the Mālikī school of law. While there was at least one prominent Ẓāhirī in the judiciary of Cordoba in the mid-fourth/tenth century, even he implemented Mālikī law in his legal practice.\(^\text{15}\) In some cases, this Mālikī supremacy was

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14 For an example of a disagreement between Abū Zinād ibn Sirāj of Cordoba (d. 422/1030-1) and al-Muhallab ibn Abī Ṣufrā of Almería (d. circa 435/1044) see Ibn Baṭṭāl, *Sharḥ Ṣaḥīḥ al-Bukhārī*, 88; Rustam, “al-Madrasa al-Andalusiyya,” 21.
made so by force rather than persuasion. Nevertheless, by the time of Ibn Baṭṭāl and his teachers in the 5th/11th century, commentary on hadīths in the Sahīh that had bearing on legal matters clarified the Mālikī view against the backdrop of opinions representing the Ḥanafī, Shāfi’ī and Ḥanbalī schools of law. By comparison, they displayed subdued interest in the study of hadīth transmitters (ʿilm al-rijāl) and Bukhārī’s framework or tarājim.

The Zāhirī positions did not merit inclusion into the cumulative tradition until the Mamluk era, and it is worth considering why they are noticeably absent in these early commentaries. After all, the three earliest Andalusian commentators we know of — Abū Zinād ibn Sirāj of Cordoba (d. 422/1030-1), al-Muhallab ibn Abī Ṣufra of Almería and Ibn Baṭṭāl of Cordoba — lived contemporaneously with Ibn Ḥazm (b. 384/994, d. 456/1064) for around three and a half, five and six decades respectively. One hypothesis, albeit unlikely, is that the early Mālikī commentators on the Sahīh were haunted by Zāhirism during their scholarly careers but were reluctant to explicitly address such subversive ideas in a way that later Mamlūk era commentators were not.

A more plausible conjecture, however, is that Ibn Ḥazm and other representatives of the Zāhirī school did not gain sufficient notice in Andalusia to warrant inclusion or refutation in a commentary until the second part of the 5th/11th century. On this view, the

17 Many of our impressions of the earlier commentators come from Ibn Baṭṭāl and as they were read and preserved by later Mamluk commentators such as Ibn Ḥajar and Ibn al-Mulaqqin. Sadly, this is an incomplete picture. Abū Zinād’s comments, already fragmentary, do not go past the Sahīh’s Book of Ablutions Kitāb al-Wuḍūʾ, which suggests that either Abū Zinād did not finish his commentary, or Ibn Baṭṭāl only heard part of it.
20 Ḥasanī, Ḥaḍāf al-qārī, 197; Tokatly, “The Early Commentaries on al-Bukhārī’s Sahīh”, 182-222.
earliest Mālikī commentaries were delivered live and put to paper long before the first book dedicated to systematically refuting Ibn Ḥazm’s legal positions was composed. This would have been no earlier than Abū al-Walīd al-Bajī’s (d. 474/1081) return to al-Andalus in 439/1047-8, after which he refuted Ibn Ḥazm in *Firāq al-fuqahā*.'

Other evidence, such as the burning of Ibn Ḥazm’s books sometime between 445/1053 and his death in 456/1064, likewise suggests that the polemical disputes over Zāhirism reach a fever pitch with a later wave of scholars, after Abū Zinād and Muhallab’s death, and probably after Ibn Baṭṭāl’s as well.

The earliest possible date for Ibn Ḥazm’s ascendance would be 418/1027 when he began to teach the Zāhirī approach publically in the great mosque of Cordoba and when his first live adversarial debates were recorded.

It is possible that Ibn Baṭṭāl’s commentary was completed by that earlier date.

Yet, even if the interpretive approach of the early Mālikī commentators on the Ṣaḥīḥ in Andalusia was not directly responding to Zāhirism, such commentary can be read as ripe for critique from within and from without by the next wave of scholars who took a greater interest in the authenticity of the Prophetic reports they transmitted, and as consequence, their apparent, rather than intended meaning.

The Mālikī legal school’s virtual monopoly on Islamic legal thought and application in Andalusia would endure the radical economic and political changes of the coming decades, in part by adapting to challenges posed by the rising authority of Prophetic *ḥadīth* from within and from without.

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23 Ibid., 13; Kaddouri, “Refutations of Ibn Hazm,” 549.
24 This next wave of Andalusian commentators was transmitted, in part, by Ibn Rushayd al-Sabṭī (d. 761/1321) and was later quoted by Mamlūk commentators such as Ibn Ḥajar and Ibn al-Mulaqqin.
After the Fall: Post-Umayyad Hadīth Study in Andalusia and the Rise of 'Ilm al-Rijāl

The period that followed this early wave of Western scholars of the Ṣaḥīḥ was one of intense political turmoil in which the Umayyad Caliphate in Cordoba lost power, giving way to an era of party kings (mulūk al-tawā'if). It is often pointed out that travel eastward declined in frequency during this period. Bājī, however, a major voice in the new wave of Mālikī hadīth scholars, spent a great deal of time abroad, immersed in study. Despite the radical political and economic changes, Cordoba endured as a leading center of Islamic education in the peninsula, even after the fall of the Caliphate, typically dated 422/1031. While ‘ulamā’ are known to have studied, taught, and worked in some twelve cities across the Iberian Peninsula, by this period almost a third of ‘ulamā’ documented had settled in Cordoba, since it offered relatively greater stability during the unrest.

Andalusian commentators on the Ṣaḥīḥ of the late Umayyad period showed some interest in incorporating analysis of isnāds into their commentary, and certainly more than Khaṭṭābī. Muhallab, after all, had heard the Ṣaḥīḥ from Aṣīlī and briefly conveyed some of Aṣīlī’s technical comments. There was, however, far greater interest in the study of hadīth transmitters (ilm al-rijāl) among the post-Umayyad scholars of...

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28 The accuracy of this date has been called into question by Wasserstein since, according to contemporary sources, the Umayyad Caliph Hishām III al-Mu’add in Cordoba never technically abdicated. See Wasserstein, *The Caliphate in the West: An Islamic Political Institution in the Iberian Peninsula*, 146-161.
Andalusia. Among the earliest to typify this trend was the hadith scholar Abū 'Amr al-Ṣafāqisi (d. 440/1048-9) who returned to Cordoba in 436/1044-5 after acquiring some of the highest chains of transmission in circulation abroad. He was known not only for his prodigious memory, but also his ability to discern, critique and explicate hadith and their transmitters. This expertise may have bordered on obsession. The Muslim scholars of Toledo remembered that Ṣafāqisi once recalled that Bukhārī had appeared to him in a dream in order to settle a technical question on the reliability of a hadith transmitter who had fallen short of the compiler’s standards.

The movement towards the preservation, evaluation and application of Prophetic hadith was also, in part, linked to the promotion of scholars such as Ibn 'Abd al-Barr (463/1071) and Abū al-Walīd al-Bāji. Bāji had heard and memorized a recitation of the Ṣaḥīḥ from the Mālikī Abū Dharr al-Harawī (d. 434/1043-4) during his three year stay in Mecca and Medina. Abū Dharr had, in turn, been taught the Ṣaḥīḥ by three prominent students of Firabrī, later esteemed as Bukhārī’s closest student. Abū Dharr’s recitation on the authority of his three shaykhs would later be judged by Mamlūk era commentators as the most reliable, and those who knew it by heart would be at an interpretive advantage over their competitors.

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31 Fierro, “Local and Global in Ḥadīth Literature,” 76.
33 Ibid., 2:597.
34 Ḥasanī, Ḥikāf al-qārī, 375.
35 For a discussion of Ibn 'Abd al-Barr and al-Bāji’s use or failure to use Bukhārī and Muslim’s compilations in verifying ḥadīth in the Muwatṭa and during the course of polemics, see Brown, The Canonization of al-Bukhārī and Muslim, 225-231.
36 Lévi-Provençal, “La recension maghribine du Ṣaḥīḥ d'al-Bukhārī,” 218, 221ff.
37 Brown, The Canonization of al-Bukhārī and Muslim, 120-1.
38 al-'Asqalānī, Fath al-bārī, 1:9. Abū Dharr’s recitation was so distinguished among Mamluk era scholars that scribes were still copying and circulating the prayer which al-Kushmihānī (d. 389/998), dictated to Abū Dharr on the occasion of a ḥatm of Bukhārī’s Ṣaḥīḥ. See Kushmihānī, Arabic MSS No. 152 (Khuda Bakhsh Library, 711/1311).
A student of Bājī’s, Abū ʿAlī Ibn Sukkara al-Ṣadafī (d. 514/1120) likewise traced his isnād through Bājī back to Firabrī by way of Abū Dharr’s three shaykhs in one of the earliest known manuscripts of the Ṣaḥīh in 493/1100. Ibn Sukkara’s transmission, which was copied by Ibn Saʿāda (d. 565/1170), was then used as the basis for later manuscripts for Muslim scholars in the West for the centuries that followed.

A signal that ḥadīth study had developed sufficiently in Andalusia by the latter half of the 5th/11th century was that one could gain credentials in ḥadīth criticism in Andalusia without having to travel eastward. Abū ʿAlī al-Jayyānī (d. 498/1105) became a master of isnād criticism through his studies with Ibn ʿAbd al-Barr and Bājī in Andalusia. Jayyānī, as we will see in the case study below, is often quoted as an authority on isnād criticism by Mamlūk era commentators on the Ṣaḥīḥ. That he could have spoken and written authoritatively on the Ṣaḥīh’s isnāds despite never having studied in the east would have been unthinkable for his teachers’ generation.

Another influential Mālikī scholar who claimed authority over the Ṣaḥīh through Andalusian chains of transmission was Abū Aṣbagh Ibn Sahl (d. 486/1093) of Jaén. He delivered a commentary clarifying matters of difficulty (iskhāl) in the Ṣaḥīḥ at the request of his colleagues in the year 456/1063-4, the same year he rose to prominence as a judge in Cordoba. Ibn Sahl’s commentary was based on a recitation of the Ṣaḥīḥ he had

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39 The renowned Mālikī scholar and commentator on Ṣaḥīh Muslim, Qādir ʿĪyād, was among Ibn Sukkara’s students, EI2, s.v. “al-Ṣadafī,” (M. Fierro).
memorized on the authority of ʿAṣīlī. Later, Ibn Sahl was known for writing a systematic refutation of Ibn Ḥazm, dated between 476/1074-480/1087-8, the second earliest following Bājī’s *Fīrāq al-fuqahā*.

Some Ẓāhirīs also took great interest in the *Ṣaḥīḥ* and the study of hadīth transmitters. Abū ʿAbd Allāh al-Anṣārī of Almeria (d. 532/1137-8), a Ẓāhirī expert on ʿilm al-rijāl, was one of the earliest to produce an abridged compilation combining select hadīth from Bukhārī and Muslim’s compilations. Ibn Ḥazm, as we will see in the case study below, also turned to the *Ṣaḥīḥ* in polemical arguments to bolster support for his position.

Lastly, typifying the growth of interest in hadīth transmitters in post-Umayyad Andalusia, Ibn Warad of Almeria (d. 540/1145-6) also produced a lengthy commentary that included detailed biographical descriptions of the transmitters of the *Ṣaḥīḥ*.

These later scholars’ expertise in the study of hadīth transmitters is a far cry from what we can observe in Khaṭṭābī’s and Ibn Baṭṭāl’s commentaries on the *Ṣaḥīḥ*, which included discussions of isnāds sporadically, but only if an issue arose. For Khaṭṭābī and Ibn Baṭṭāl, demonstrating knowledge of the chains of transmission of the hadīth reports was not a necessary prerequisite for their commentary. Of course, it was known that Muhallab, Ibn Baṭṭāl’s teacher, had studied with ʿAṣīlī. Nevertheless, commentators were not expected to append their own scholarly genealogy to the *Ṣaḥīḥ*, a practice that was first incorporated into the commentarial genre in the 7th/13th century by Nawawī.

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44 See idem, “Refutations of Ibn Ḥazm,” 576.
46 Rustam, “al-Madrasa al-Andalusiyya,” 29 and n. 239.
Did Bukhārī say the Prophet Wrote? Bājī’s Double Movement

A growth in the study and criticism of the isnād and displaying prestigious isnāds did not only bolster one’s authority in the newly competitive arena of Andalusian hadīth scholars, but it also brought new expectations for the way interpreters ought to understand the mutūn of those hadīth. The new expectations were welcomed by some, but rejected by others. Ibn Ḥazm, as we will see in the case study that follows, took seriously the idea that a hadīth, if found to be authentic, ought to be read and applied in accordance with the text’s apparent meaning (bi-zāhirīhi) whenever possible, even if such a reading were to ignore precedent or limit the scope and jurisdiction of the jurists’ ability to analogize or to assert their own discretion. This approach has been described as “textualist,” often opposed to the “intentionalist” approach, which aims to identify the hadīth’s intended meaning rather than its apparent meaning.47 While Bājī famously battled Ibn Ḥazm in order to defend the use of juristic devices such as legal analogy (qiyyās), he did so by making reference to the fact that the hadīth reports he had marshaled as evidence were authenticated by Bukhārī and Muslim.48 In other words, Bājī defended Mālikī judicial authority against Zāhirī polemics while simultaneously bringing the Mālikīs closer to a Prophetic hadīth-oriented approach that the Zāhirīs demanded.

A detailed anecdote concerning a live commentary session on the Ṣaḥīḥ can shed light on Bājī’s double movement.49 The live session took place in Dénia, some time after Bājī returned to Andalusia in 439/1047-8 following his studies abroad, most likely during

48 Brown, The Canonization of al-Bukhārī and Muslim, 225.
49 Passing mention of this anecdote in academic scholarship can be found in Fierro, “Local and Global in Ḥadīth Literature,” 82. See also EJQ, s.v. “Ummī,” (Sebastian Günther).
the reign of ʿAlī ibn Mujāhid, Iqbāl al-Dawla (r. 436/1044-5 to 468/1075-6).\textsuperscript{50} Evidently, midway through the recitation of the Ṣaḥīḥ, audiences encountered a ḥadīth from the Book of Expeditions (Kitāb al-Maghāzī), which, on the face of it, suggested that Muḥammad wrote a pact with the Quraysh outside of Mecca at Ḥudaybiyya.

According to this ḥadīth, the early believers, having migrated to Medina, had been seeking a pact that would permit them to return safely to Mecca to perform the pilgrimage in the coming year. Prior to putting the treaty to writing, the two parties quibbled over whether Muḥammad would be referred to as God’s Messenger in the text of the treaty or simply as Muḥammad, the son of ʿAbd Allāh. The ḥadīth in the Ṣaḥīḥ states that the Prophet, no doubt growing impatient as the debate wore on, “took the document, and while he did not know how to write well, \textit{he wrote}, ‘this is what Muḥammad, son of ʿAbd Allāh agreed upon: [and listed the conditions of the pact].’”\textsuperscript{51}

Textual evidence, found in the Ṣaḥīḥ no less, for Muḥammad’s ability to write would have been shocking to these Andalusian audiences. Since at least the time of Ṭabarī, the dominant interpretation of the verse 29:47-8 of the Qurʾān — “We have sent down to you the Book (al-kitāb) ... and you did not read/recite (tatlū) any Book (kitāb) prior to it, and you did not inscribe it (takhuṭṭuḥu) with your right hand, for then those who falsify would have had cause for doubt...” — had evolved to support the claim that Muḥammad could neither read nor write. The Prophet’s inability to read or write was not held to be derogatory. Rather, it was a miraculous proof of Muḥammad’s sincerity to his opponents, since an unlettered Prophet (nabī ummī) could not have been capable of

\textsuperscript{50} The other possibilities would be al-Muqtadir Ibīn Hūd of Zaragoza, who annexed Dēnīa in 468/1075-6 — and who grew very close to al-Bājī — and Muḥāhid al-ʿAmīrī (r. 403/1012-3 to 436/1044-5). Since Bājī died in 474/1081, an earlier date is far more likely. See Wasserstein, \textit{The Rise and Fall of the Party-Kings}, 87.

composing the Qurʾān. The suggestion that Muḥammad wrote could raise doubts, for opponents at least, concerning the authenticity of the Qurʾān.

It is not arbitrary that a controversy over this hadith arose during Bājī’s live explication of a recitation of Bukhārī’s Ṣaḥīh in Dénia. There were other hadith collections that contained variant accounts of the truce at Ḫudaybiyya, but none in 11th-century Andalusia that held the stature or public attention that Bukhārī’s did were also as suggestive of Muḥammad’s chirographic capability. As I will detail below, there are variant accounts authenticated in Muslim’s Ṣaḥīh, but these suggest, implicitly or explicitly, that someone other than Muḥammad could have or did write the pact. In historian Ibn al-Ḥasan al-Bunnāḥī’s (d. 798/1389-90) later retelling, when Bājī explicated this hadith by relying on its apparent meaning, a debate ensued:

It was said [to Bājī]: “To whom does the pronoun “he” refer to in the phrase, ‘he wrote’”?

[Bājī] replied: “To the Prophet.”

So it was said to [Bājī]: “He wrote by hand?”

[Bājī] said: “Yes. Do you not see it stated in the hadith, ‘The Prophet took the document and while he did not know how to write well, he wrote, ‘This is what Muḥammad, son of ‘Abd Allāh agreed upon’?”

For many in his audience, the only possible way to maintain the Prophet’s status as ummī would have required Bājī to look beyond the apparent meaning of the hadith to the

52 Norman Calder has argued that the “philological-historical examination of the three Qur’anic terms ummī, ummiyyan, and umma does not confirm the popular interpretation of ummī, which focuses exclusively on illiteracy. Rather, this interpretation seems to reflect a post-Qur’anic approach that evolved in circles of Muslim learning (possibly not before the first half of the 2nd/8th century).” This much longer debate is summarized and analyzed in Norman Calder, “The ummī in early Islamic juristic literature,” Der Islam 67 (1990): 111-23, esp. 15-16; Els s.v. “Ummī,” (Günther).

53 The particular variant that suggests a “lettered Prophet” can be found in the Sunan of Dārimī and the Musnad of Ahmad ibn Ḣanbal. These collections, to my knowledge, did not receive the kind of public attention that Bukhārī’s Ṣaḥīh had in 11th-century Andalusia.

54 Mālik’s Muwatta’ is silent on the matter.

meaning implied (taqdir): Muḥammad ordered another person, possibly ʿAlī, to write down the pact by hand. Indeed, there were a number of authenticated variations in the textual sources themselves that would have supported such a reading. A variant of this hadīth found in Bukhārī’s Sahīh as well as Muslim’s reported that Muḥammad merely scrubbed out the designation “God’s Messenger” in a treaty that had already been written by ʿAlī. In another narration, also found in Bukhārī’s Sahīh, Muḥammad scrubbed out the designation in question but the report left it ambiguous who physically wrote the treaty. In a narration in Muslim’s Sahīh, not found in Bukhārī’s Sahīh, Muḥammad ordered someone else to write and then to emend the treaty, but it was ambiguous who satisfied the order. Lastly, in another account from Muslim’s Sahīh, not found in Bukhārī’s Sahīh, Muḥammad, incapable of reading or writing, was directed to the line of text in which to scrub his own name, and ʿAlī made the emendation “son of ʿAbd Allāh” after having refused. Despite the availability of these textual resources, Bājī chose to rely on the apparent meaning of the variant that suggested Muḥammad physically wrote the pact of Ḫudaybiyya himself. Again, while Bukhārī was not the only compiler to have included this particular variant of the hadīth, the stature and public attention his collection had begun to receive during this period in Andalusia demanded that interpreters and audiences in that region wrestle with the text’s meaning in ways they may not have prior.

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56 Ibid., 127-8.
58 al-ʿAsqalānī, Fath al-bārī, 5:303 (Kitāb al-Sulḥ: Bāb Kayf yuktabu hāḍha mā sālaḥ . . .).
While a swell of love for the Prophet and the preservation of his example had brought early commentators and their diverse audiences to the Șahîh, a plain reading of the text had ironically called the Prophet’s extraordinary status into question. An ascetic, Abū Bakr ibn al-Șâ‘îgh, who, either having been present or having heard about the controversial explication afterwards, anathematized Bājī on the grounds that Bājī held the unlettered Prophet to be capable of writing. This, for Șâ‘îgh, was tantamount to a denial of the Qur’an. As the news spread, so did public denunciations, condemnations and curses of Bājī in Friday sermons. Preachers and poets alike asked that they and their communities be safeguarded from Bājī. In that vein, the poet ‘Abd Allâh ibn Hind prayed, in verse:

I am kept safe from he who acquires the world, [paying] with the hereafter

Who says that the Messenger of God wrote

Ultimately, the amîr of Dénia, probably ʿAlî ibn Mujâhid, appealed for outside help to settle the controversy. He sent out letters to scholarly authorities in Sicily, North Africa and parts of the Near East in order to corroborate or deny Bâjî’s reading and commentary. Abū Dharr al-Harawî was invoked as having been supportive of Bâjî’s position. Just as many, if not more, wrote systematic refutations of him and his position.

Ultimately, Bâjî was forced to compose a lengthy volume in defense of his interpretation of this ḥadîth. Once his argument was fully articulated, it became clear that Bâjî’s position was somewhat more nuanced than the one attributed to him by the poets.

61 Death date unknown but surely not the better known philosopher and wazîr Abû Bakr ibn al-Șâ‘îgh Ibn Bâhya who died young in 533/1139.
62 al-Bâjî, Tahqîq al-madhhab, 115.
63 Ibid., 116.
64 Death date unknown.
65 al-Bâjî, Tahqîq al-madhhab, 116.
66 See note 47 above.
67 Abû Dharr al-Harawî died in 434/1042-3 so he would not have been alive to be consulted.
and popular preachers. Bājī strove to maintain both the plain meaning of the *ḥadīth* and the doctrine of the Prophet’s illiteracy by stating that Muḥammad’s ability to write at Ḥudaybiyya was just as miraculous as his ability to recite the Qur’ān. In other words, the *ḥadīth* proved that Muḥammad did write but not in a way that undermined his status as *nabī ummī*, which, for Bājī, was still proved by the Qur’ān (29:47-8).

Bājī’s double move was not able to persuade all of his contemporary opponents and those who followed them. It did, however, convince later commentators that Bājī ought not to be anathematized, since he still maintained Muḥammad’s sincerity as an unlettered Prophet. Ibn Ḥajar, for instance, found Bājī’s position highly speculative, but did not anathematize him. Likewise, modern South Asian commentator Anwar Shāh al-Kashmīrī was persuaded that Bājī’s position, while misguided, had been sorely misunderstood in his own time. Kashmīrī told of Mālikī jurists who were strict (*mutashaddidūn*) in their position on this matter, and if it were not for a senior scholar who intervened, Bājī would have been executed for reviling the Prophet (*sabb al-nabī*).

Bājī’s fiasco thus became a lesson for Kashmīrī’s audiences about the need for qualified scholarly intervention in an age of extremes, a lesson he would impress upon his students in his commentary on *taʿzīr*, as we will see.

This is the earliest such detailed anecdote concerning a live commentary session of the *Ṣaḥīḥ* in Andalusia and in the wider Islamic world. Before the late 4th/10th century, there is no evidence that the *Ṣaḥīḥ* had been introduced to Andalusia. By the mid to late 5th/10th century, a Mālikī jurist’s live commentary on the *Ṣaḥīḥ* seized the attention of the general populace in addition to the judicial and political élite across the Islamic world.

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This episode thus marks but one small data point in a larger shift in the status of the Ṣaḥīḥ as a forum for debate that mediated the challenge posed by authenticated ḥadīths to commonly held commitments.\textsuperscript{70} It was not the only such forum, but it was an influential one. That the controversy erupted as Bājī interpreted a ḥadīth from the Ṣaḥīḥ as it appeared (bi-ẓāhirīḥ) also indicates that the deference an interpreter yielded to the apparent meaning of the Ṣaḥīḥ was not always welcome, especially in 5\textsuperscript{th}/11\textsuperscript{th} century Andalusia in which the Zāhirīs were in ascendance.

These shifts can be correlated with greater emphasis on the study and status of authenticated ḥadīths in the scholarly culture of the Islamic West during this era.\textsuperscript{71} Without proper interpreters, this growing intellectual and cultural trend that placed greater emphasis on the authority of collections like Bukhārī’s Ṣaḥīḥ had the perceived potential of challenging the stability of certain theological commitments and even the epistemological status of the Qur’ān.

**Early Andalusian Commentators on the “Ten Lashes” Ḥadīth**

*Introduction*

Turning to our point of intersection, a ḥadīth in the Ṣaḥīḥ with indirect influence on the implementation of Islamic criminal law can be found by three isnāds concerning the limits of discretionary punishment, or \( ta{'}zīr: \)

**Chapter:** How Much Discretionary Punishment (\( ta{'}zīr \)) and Discipline (\( adab \)) [is authorized]?


\textsuperscript{71} Fierro, “Local and Global in Ḥadīth Literature,” 82.
1) 'Abd Allāh ibn Yūsuf narrated to us, stating: Layth narrated to us, stating: Yazīd ibn Abī Ḥabīb narrated to me on the authority of Bukayr ibn 'Abd Allāh on the authority of Sulaymān ibn Yasār on the authority of 'Abd al-Raḥmān ibn Jābir ibn 'Abd Allāh on the authority of Abū Burda, stating: “The Prophet used to say:

‘One ought not be lashed (lā yujīlādū) in excess of ten lashes (jalādāt) except in the case of a sanction (ḥadd) among the [criminal] sanctions (ḥudūd) of God.’”

2) 'Amr ibn 'Alī narrated to us, stating: Fuḍayl ibn Sulaymān narrated to us, stating: Muslim ibn Abī Maryam narrated to us, stating: it was narrated to me that 'Abd al-Raḥmān ibn Jābir, on the authority of someone who heard the Prophet say:

‘There is no punishment (lā 'uqūba) in excess of ten strokes (darabāt) except in the case of a sanction (ḥadd) among the [criminal] sanctions (ḥudūd) of God.’”

3) Yahyā ibn Sulaymān narrated to us, stating: Ibn Wahb narrated to me, stating: 'Amr reported to me that Bukayr narrated to him, stating: I was sitting with Sulaymān ibn Yasār when 'Abd al-Raḥmān ibn Jābir came over and spoke to Sulaymān ibn Yasār, then Sulaymān ibn Yasār turned to us and said that 'Abd al-Raḥmān ibn Jābir ibn 'Abd Allāh had narrated that his father [Jābir] had narrated to him that he heard Abū Burda al-Anṣārī say: “I heard the Prophet say:

‘Do not lash (lā tajīlīdū) in excess of ten whips (aswāt) except in the case of a sanction (ḥadd) among the [criminal] sanctions (ḥudūd) of God.’”

At first glance, the three hadīths appear to be more or less consistent and unambiguous: ten lashes for non-ḥadd crimes and no more. A second glance suggests a number of ways the text might bring a Mālikī commentator of the Šahīḥ in the 5th/11th-century Andalusia up short. What if this hadīth conflicts with the position of Mālik? Is the Šahīḥ so authoritative that judges would still be limited to sentencing no more than ten lashes? What if there is compelling textual evidence that Muḥammad’s companions and successors sentenced more than ten lashings for non-ḥadd crimes? What if someone were to commit a non-ḥadd crime and is not effectively deterred by ten lashes? And what counts and what doesn’t count as a ḥadd in the first place? A Mālikī jurist with access to

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72 The term ḥudūd — limits or boundaries — has a technical meaning in Islamic law that refers to criminal sanctions stipulated in foundational textual sources. This will be discussed in detail below.

73 al-'Asqalānī, Fath al-bārī, 12:175 (Kitāb al-Ḥudūd:Bāb Kam al-Ta’zīr wa‘l-Adab).
a local ḥadīth critic might also have questions about the isnād’s authenticity. Could a judge disregard this ḥadīth’s injunction if inconsistencies in the isnād were found? Or is its authenticity guaranteed simply because Bukhārī included it in his Ṣaḥīḥ? While these questions are by no means unique to 5th-/11th-century Andalusia, the answers to them were partly shaped, as I will show, by curricular and intellectual trends of the moment in Andalusia: a burgeoning interest in isnāds, the dominance of the Mālikī school, and a trend towards maintaining that dominance by ingenious techniques grounding Mālikī positions on Prophetic ḥadīth rather than companion or successor reports.

While we do not have detailed anecdotal accounts of live commentary on these ḥadīth and its reception in this early period, we can learn much about how these ḥadīths were interpreted and debated by the earliest ḥadīth scholars of Andalusia and North Africa. To do so, we will first investigate the opinions of the early commentators, including Aṣīlī and Muhallab, as they were represented and transmitted by Ibn Baṭṭāl. This will be followed by a close-reading of the opinions of the second wave of Andalusian commentators, including Ibn Ḥazm and Jayyānī, as they were preserved in Ibn al-Mulaqqin and Ibn Ḥajar’s Mamlūk era commentaries. At each juncture, I will provide historical and local context when relevant and available. Again, the following case study is not intended to be a comprehensive study of the juristic reception or application of these ḥadīths, and the Ṣaḥīḥ was not the only or even the most important place where taʿzīr would have been debated. Rather, the following offers a window into what norms were at stake in the debates among those select 5th-/11th-century Andalusian jurists who participated in the commentary tradition on the Ṣaḥīḥ and the dynamic role of current legal, intellectual and curricular tends in shaping their approach.
In Ibn Baṭṭāl’s commentary on the Sahīh, the explication of these hadīths was framed by a much older debate among the eponyms of the legal schools. According to Ibn Baṭṭāl, some of the most respected hadīth transmitters and jurists from the classical period read the hadīth as an unambiguous command not to exceed ten lashes except in case of a hadd.74 This list included Aḥmad ibn Ḥanbal (d. 241/855), Ishāq ibn Rāhawayh (d. 238/853)75 and al-Layth ibn Sa’d (d. 175/791-2). To corroborate the aforementioned opinions, Ibn Baṭṭāl pointed to a report that the second caliph ʿUmar once ordered the prominent scribe and judge Zayd ibn Thābit, who oversaw the very collection of the Qurʾān, to penalize a man by striking him ten times.76

The consensus concerning the number “ten” began to unravel when Ibn Baṭṭāl quoted another hadīth to report that ʿUmar wrote to Abū Mūsa al-Ashʿarī that “twenty” was the number of lashes not be exceeded.77 A quote from Shāfiʿī seconded that the number not to be exceeded is “twenty,” on account that twenty was the fewest number of lashes prescribed for slaves who drank wine (khamr).78 Representing the Ḥanafī opinion, Abū Ḥanīfa (d. 150/767) and Muḥammad al-Shaybānī (d. 189/805) offered even higher numbers, instructing their students not to reach “forty” lashes, since forty was the least amount of lashes stipulated for a free person who transgressed a hadd such as drinking wine.79 At the outermost limits are Ibn Abī Layla (d. 148/765) and Abū Yūṣuf (d. 182/798) who claimed, at the most, one was permitted up to seventy-five lashes, although Ibn Baṭṭāl did not bother to explain how they arrived at their position.

74 Ibn Baṭṭāl, Sharh Sahīh al-Bukhārī, 8:485.
75 In addition to being one of Aḥmad ibn Ḥanbāl’s students, Ibn Rāhawayh was one of Bukhārī’s teachers.
76 Ibn Baṭṭāl, Sharh Sahīh al-Bukhārī, 8:485.
77 Ibid.
78 Ibid.
79 Ibid.
Finally, Ibn Baṭṭāl arrived at the opinion of his legal school, articulated by Mālik: “Discretionary punishment (taʿzīr) may be greater than the ḥudūd if the exertion of juristic reasoning brings the Imam to that [effect] (idhā addā al-īmāmʾ ʿijtihāduhʾ ilā dhālika).” By placing Mālik’s opinion last among the classical authorities, Ibn Baṭṭāl thus indicated which opinion he thought was favorable on the matter, even though Mālik’s opinion is a far cry from the apparent meaning of the ḥadīth. As we will see, later Mālikī jurists claimed Mālik formed this opinion unaware of this ḥadīth. Ibn Baṭṭāl thus invoked Mālik’s opinion not as a direct commentary on this ḥadīth but as an opinion on the general topic of taʿzīr.

Aṣīlī and the Debate on the Authenticity of the “Ten Lashes” Ḥadīth

Following the classical authorities, Ibn Baṭṭāl then turned to evaluating the isnād of ʿAbd al-Raḥmān ibn Jābir’s ḥadīth. The Shāfīʿī jurist Ibn al-Mundhir (d. 318/930-1) from Nishapur found a chain that included Jābir unreliable (maqāl) although we are left to speculate exactly which and why. Enter Aṣīlī, the earliest Andalusian hadīth specialist to be introduced into the discussion:

The ḥadīth of ʿAbd Allāh ibn Jābir’s chain of transmission was problematic (iḍṭaraba). Its abandonment (tarkuḥu) is obligatory on account of its disruption, and because the companions and the generation that followed are found to have acted in opposition to it.

80 Ibid.
81 Ibid., 8:485-6.
82 Eerick Dickinson’s translation of muḍṭarib min al-ḥadīth is a “disrupted” ḥadīth, but a “disrupted” isnād is a more precise characterization than Aṣīlī’s iḍṭaraba implies. See Ibn al-Ṣalāḥ al-Shahrazūrī, An Introduction to the Science of Ḥadīth: Kitāb Maʿrīfat anwāʾ ilm al-ḥadīth, trans. Eerik Dickinson (Reading: Garnet, 2006), 71-2.
83 Ibn Baṭṭāl, Sharḥ Sahīḥ al-Bukhārī, 8:485-6. A later critic, Jayyānī, stated that Aṣīlī was commenting on the third chain of transmission: ʿAbd al-Raḥmān ibn Jābir on the authority of his father. See below for greater discussion.
The problem with the isnād lay in the possibility that the transmitter from whom 'Abd al-Raḥmān ibn Jābir heard the hadīth was inaccurately preserved. Did he hear it from his father or directly from Abū Burda? Or did he hear it from someone else altogether? While Ibn Sakan and others recalled that the first hadīth’s chain of transmission included Bukyar ← Ibn Yasār ← Ibn Jābir ← Abū Burda, Aṣīlī heard that same hadīth on the authority of Abū Aḥmad that included an extra transmitter: Bukyar ← Ibn Yasār ← Ibn Jābir ← Jābir ← Abū Burda. This confusion is also reflected at the tail end of the three isnāds Bukhārī records as authentic: 1) Ibn Jābir ← Abū Burda; 2) Ibn Jābir ← One who heard the Prophet; and 3) Ibn Jābir ← Jābir ← Abū Burda. When isnāds of the same hadīth depart from one another in this fashion, and there is no clear reason to favor one chain over another, the hadīth may be determined to be weak. Later critics, such as Jayyānī, would favor Ibn Sakan’s recitation over Aṣīlī’s, but would nevertheless find other inconsistencies in this isnād and the others, which Aṣīlī may have been referring to as well.

Aṣīlī based his evaluation not only on the reliability of the hadīth’s chain of transmission but its content (matn) as well. Explicit content criticism was not unusual in this period, strange as it may sound to modern readers who expect post-Bukhārī hadīth critics to be strictly focused on evaluating the reliability of the isnād. Yet Aṣīlī’s dismissal discloses much about his approach: according to him, the hadīth ought to be abandoned not because there was evidence that it contradicted the Qur’ān or other authenticated Prophetic traditions, but because there was evidence that it contradicted the

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actions of Muḥammad’s companions and those that followed him. In other words, a 
ḥadīth that Bukhārī considered to be the authentic words of the Prophet was discounted, at least in part, because of the reported actions of the Prophet’s companions and successors. That the ḥadīth was authenticated by Bukhārī and included in his compilation was not even considered as a reason for Aṣ̄īlī to accept its authenticity.

**Bolstering the Mālikī Opinion: From Companion Reports to Prophetic Reports**

Once Ibn Baṭṭāl had planted doubt concerning the ḥadīth’s reliability, he next deployed Ṭaḥāwī (d. 321/935), a well-known Ḥanafī jurist, in order to further build a case for Aṣ̄īlī’s claim that the ḥadīth contradicts companion reports. Ṭaḥāwī drew on a companion report on Ibn Shihāb al-Zuhrī’s (d. 124/741-2) authority that ‘Umar once ordered one hundred lashes for a non-ḥadd crime. This supported Ṭaḥāwī’s opinion that “there is no disagreement that taʿẓīr is entrusted to the Imam’s exertion of juristic reasoning (ijtihād), so he can be lenient sometimes and harsh sometimes.” By quoting Ṭaḥāwī’s position, Ibn Baṭṭāl had, by extension, drawn Mālik’s nearly identical ruling into a place of greater overlapping consensus between schools. Ibn Baṭṭāl had, moreover, begun to shift the conversation to leniency and severity rather than to determining the precise number of lashes that would satisfy the law.

Ibn Baṭṭāl then turned to an authority of the Mālikī school of the previous generation in the East: Ibn al-Qaṣṣār (d. 397-8/1006-8) of Baghdad. Ibn al-Qaṣṣār proffered another companion report, in which a scribe was convicted of forging ‘Umar’s

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87 Ibn Baṭṭāl did not list which title of Ṭaḥāwī’s he quoted, but Ṭaḥāwī’s opinion on this matter can be found in a number of works, including his Sharḥ maʿānī al-āḥār.

88 Ibn Baṭṭāl, Sharḥ Sahīḥ al-Bukhārī, 8:486.
Forging a seal was a serious crime, but not stipulated as a hadd. Ibn al-Qaṣṣār reported, however, that in the presence of Muḥammad’s companions the scribe was lashed a hundred times, followed by another hundred, followed by another hundred. For Ibn al-Qaṣṣār, the fact that not one of the companions objected to the excessive lashings proved that there was consensus that taʿzīr depended on the judge’s ijtihād. Moreover, the rationale behind this consensus, for Ibn al-Qaṣṣār, is that judges are in the best position to speculate what would be an appropriate deterrence. For some, Ibn al-Qaṣṣār suggested, a verbal deterrence (kalām) was all that was required. For others, even a hundred lashes would not deter them. In this way, Ibn al-Qaṣṣār not only expanded the judge’s power to choose how many lashings but also intimated that other kinds of penalties, verbal rather than corporal, could be appropriate.

Having established the current position of a Mālikī judge in the East, Ibn Baṭṭāl concluded by turning to a contemporary voice in the Islamic West: his teacher, Muhallab of Almería. Muhallab arrived at a virtually identical opinion but he strived to justify it on the basis of the Prophet’s example rather than on reports about the early companions, as Ibn al-Qaṣṣār, Ṭaḥawī and Aṣīlī did. Muhallab was uniquely positioned to do so by reading the ḥadīth on “ten lashes” in relation to the three ḥadīths categorized under the same chapter heading in the Ṣaḥīḥ.

The first of the three ḥadīths that follow in the chapter states that a group of early believers refused to give up a continuous fast (sawm al-wiṣāl) despite the fact that the Prophet forbade fasting day and night. After the fast came to an end, the ḥadīth states that

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89 Ibid., 8:486-7. Ibn Mulaqqin later casted doubt on whether this was ʿUmar ibn al-Khaṭṭāb, the second Caliph, or another ʿUmar.
90 Ibid., 8:487.
91 Ibid.
the Prophet disclosed that he had considered making them fast an extra day, as if to punish them for their disobedience. The next hadīth in the chapter states that during the time of the Prophet those who would purchase unmeasured food only to speculatively sell it prior to taking it home with them were punished with beatings. A final hadīth in the chapter states that, when a matter was presented to him, the Prophet did not seek reprisal for his own sake. Rather, he would only seek reprisal for God’s sake when what God had forbidden (ḥurumāt) was violated. The connection between the ten lashes hadīth and the three hadīths that follow in the same chapter is not readily apparent. Yet Muhallab makes the connection and its benefit for jurists explicit:

Do you not see that the Prophet extended the fast of wiṣāl to make an example of them? In just the same way, the Imām is permitted to increase [a punishment] according to his own exertion of legal reasoning (ijtihād). In just the same way, the successors were beaten for food [speculation], and the Prophet’s reprisal (intiqām) for that which God forbade (ḥurumāt) was unlimited.

Therefore, it is necessary (fa-yajib‘) to discipline each person according to his or her disobedience of the Prophet’s example (sunna) and the willfully disobedient ought to be disciplined more than the ignorantly disobedient. And if there is anything regarding this matter that is a hadd, disputing it is not allowed.

Reading all six hadīth in the chapter side by side, Muhallab argues that the Prophet’s own example rather than companion reports, justified why a judge ought to punish each criminal according to his or her particular non-hadd offense without limits. This disciplinary approach was not only permissible but necessary (fa-yajib‘). Moreover, in pressing a connection between the hadīth on the ten lashes with the hadīth on sawm al-wiṣāl, Muhallab not only justified the jurists’ power to choose the number of lashings by

92 Ibid., 8:484.
93 Presumably, the offenders re-sold the food for a profit without ever taking possession of it, making the activity resemble an unjustified accumulation of capital through the investment of capital, or ribā, held to be forbidden. Ibid., 8:484-5.
94 Ibid., 8:485.
95 Ibid., 8:487.
Prophetic example, but also the very kind of punishment that would best fit the crime. While Ibn al-Qaṣṣār suggested, without textual evidence, that verbal warnings, in addition to floggings, could function to deter offenses, Muhallab found evidence in the case of sawm al-wiṣāl that the Prophet himself considered the penalty of denying the disobedient food and water, rather than flogging. Ibn Ḥajjār would later build on this opinion to affirm that the ḥadīth demonstrated the permissibility of taʿzīr by starvation.96

While Muhallab did not make explicit reference to Bukhārī’s authority as the compiler of this chapter, he nevertheless yielded a meaning from the ḥadīth on ten lashes that earlier jurists commenting on the ḥadīth in other legal genres could not. In reading all the ḥadīths in the chapter as mutually illuminating the issue of “how much taʿzīr [is authorized]?,“ Muhallab simultaneously subscribed to the idea that the Ṣaḥīḥ was an authoritative reference on the Prophet’s practice while contradicting the apparent meaning of the ḥadīth on “ten lashes” that Bukhārī authenticated. In doing so, he used the Ṣaḥīḥ to affirm a long held Mālikī legal opinion.

While the companion reports comfortably demonstrated the Mālikī position, the Prophetic reports in the Ṣaḥīḥ required a greater interpretive stretch or strain to arrive at the same point. In the ḥadīth on sawm al-wiṣāl, Muhallab did not address the fact that the Prophet never actually implemented the punishment but was reported to have merely considered it. Muhallab also glossed over the fact that the beatings of the food speculators and the Prophet’s reprisal for violations of that which God forbade (ḥurumāt) were not necessarily unlimited, only unstipulated. Lastly, while Muhallab introduced the idea that judges ought to punish the willfully disobedient with a greater severity than one

96 al-ʿAsqalānī, Fath al-bārī, 12:179 (Kitāb al-Ḥudūd: Kam al-taʿzīr waʿl-adab).
 ignorant of his or her disobedience, it is not entirely clear from where in the above hadīth he drew this conclusion.

The intellectual environment in Andalusia had shifted towards authenticated Prophetic hadīths in a way that left the Mālikī school vulnerable to charges of unreliability from Zāhirīs, proto-Zāhirīs and a burgeoning generation of Andalusians trained as hadīth critics. This polemical environment would be refracted in many Islamic textual discourses of the era, including our point of intersection. While Aṣīlī, Muhallab’s teacher, and other prominent Mālikī voices did not think it was necessary to base the Mālikī opinion on the authority of the Prophet, Muhallab did. That Muhallab strained to link the Mālikī position to prophetic hadīths indicates the urgency and difficulty of the task. Furthermore, that Muhallab appropriated Bukhārī’s organization to bolster the Mālikī position suggests the Ṣaḥīḥ functioned for Mālikīs as a unique legal tool in addition to being a measure of authenticity. But once one accepted the “ten lashes” hadīth as a source of law, as Muhallab did, why not forgo the laborious exegetical rationales and apply the hadīth’s apparent meaning? This was the challenge raised by Ibn Ḥazm in the next generation of Andalusian scholars.

_Ibn Ḥazm and the Limits of Judicial Authority_

A vocal if often dissenting commentator in the post-Umayyad wave of scholarship in Andalusia was Ibn Ḥazm. While Ibn Baṭṭāl and Muhallab used the Ṣaḥīḥ to justify greater jurisdiction for Mālikī judges in discretionary punishment, Ibn Ḥazm marshaled the hadīth on ten lashes authenticated by Bukhārī to narrow judicial power in his Ṭawq al-hamāma. This was not a systematic commentary on the Ṣaḥīḥ, but a treatise
outside the genre of *shurūh* altogether. It is nevertheless instructive for us to read for at least three reasons. First, Ibn Ḥazm’s opinions on the issue of *taʿzīr* were later incorporated as a part of the commentary tradition on the *Ṣaḥīḥ*, probably by Ibn al-Tīn al-Ṣafāqî, and rose to prominence during the Mamlûk era commentators. Second, Ibn Ḥazm’s discussion in *Ṭawq al-ḥamāma* illustrates how the *Ṣaḥīḥ* was deployed and received in other legal and textual discourses during this period in Andalusia. Moreover, the fate of the evolving discussion of *taʿzīr*, as I have stressed throughout this chapter, was not limited to or solely contingent upon commentary on the *Ṣaḥīḥ* alone, nor even commentary on this *ḥadīth* alone, and a brief stroll into Ibn Ḥazm’s *Ṭawq al-ḥamāma* helps remind us of this fact. Third, Ibn Ḥazm’s textualist approach illustrates the grounds upon which a scholar in 5th/11th-century Andalusia could read the *Ṣaḥīḥ*’s *ḥadīth* on “ten lashes” to object to rather than to bolster the Mâlikî position. This contrast helps us better appreciate why Mâlikî jurists in the commentary tradition on the *Ṣaḥīḥ* either relied on companion reports or hermeneutical ingenuity in order to bolster the Mâlikî position.

One problem with the Mâlikî position, according to Ibn Ḥazm, was that they have a broader definition of *ḥadd*, and by extension, considered a larger number of offenses as capital cases. In his opinion, the community had only reached consensus on four crimes that can warrant the death penalty: apostasy, adultery, intentional murder, and creating disorder on earth.97 Otherwise, the death penalty is not to be imposed upon anyone (*lā yajibu al-qatl ʿalā aḥad*).98 Ibn Ḥazm acknowledged, however, that the dominant approach of other scholars was to categorize a number of other crimes as capital crimes, an expansion of judicial power of which he disapproved.

98 Ibid.
Among the list of kinds of “capitalized” crimes that Ibn Ḥazm discussed explicitly was sodomy. Ibn Ḥazm discussed two companion reports in which the first caliph, Abū Bakr, sentenced one man convicted of sodomy to be beaten to death, and another to be burned at the stake. More to the point, he was stunned that Mālik was reported to have approved of an emir sentencing a man to be beaten to death for merely kissing another man. It may be tempting to suggest, as some have intimated, that Ibn Ḥazm was partly motivated by his own experience with homoerotic desire, an experience documented by Ibn Ḥazm himself in his work Ṭawq al-ḥamāma. Far more likely is that Ibn Ḥazm was motivated by a Ŭāhirī legal approach that advanced a more limited definition of ḥadd. While Ibn Ḥazm viewed sodomy as an abomination, in the absence of a definitive proof text (naṣṣ) Ibn Ḥazm preferred to categorize it as a non-ḥadd offense that merits taʿẓīr.

Since Mālikī judges had wide discretion in deliberating the leniency or severity of taʿẓīr, merely categorizing sodomy as a non-ḥadd offense would not have restricted them from applying the death penalty for sodomy. Thus Ibn Ḥazm goes further by limiting taʿẓīr to “ten lashes” on the authority of the hadīth whose chain of transmission included ʿAbd Raḥmān ibn Jābir on the authority of his father, and later Firabrī on the authority of Bukhārī. That Ibn Ḥazm’s proffering of a hadīth authenticated by Bukhārī was sufficient evidence in this matter was, perhaps, an indication of Bukhārī’s greater cache

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100 Ibn Ḥazm, Ṭawq al-ḥamāma, 138-9. This, despite the fact that “[a]ccording to a well known Prophetic saying, fire was a punishment reserved uniquely for the hereafter,” Lange, Justice, Punishment and the Medieval Muslim Imagination, 67-9.
104 This is the third hadīth mentioned above.
among Ibn Ḥazm’s interlocutors. Ibn Ḥazm further remarked that this also happened to be among the opinions expressed by Shāfiʿī, the eponym of a school with which Ibn Ḥazm briefly aligned himself.\(^{105}\)

Yet the isnād Ibn Ḥazm traces to Bukhārī would have still been subject to Ibn al-Mundhir and Aṣāliʿ’s critique that it was unreliable or problematic. Jayyānī, a contemporary of Ibn Ḥazm’s, provided more detail on this debate but he still judged the first chain of transmission to be discordant (mukhtalif).\(^{106}\) While Jayyānī drew on Ibn Sakan to correct Aṣāliʿ for mistakenly adding Ibn Jābir’s father to the isnād of the first ḥadīth,\(^{107}\) he underscored the other problem with that ḥadīth: the confusion over whether Abū Burda heard it or an anonymous man from among Muḥammad’s helpers (ansār) in Medina.\(^{108}\)

*Preliminary Conclusion*

The early debate over the “ten lashes” ḥadīth found in Andalusia and North Africa, as it is found in Ibn Baṭṭāl’s and Ibn al-Mulaqqin’s commentaries, reflects a number of trends among the early Andalusian commentators. First, Ibn Baṭṭāl devoted the greatest proportion of the commentary to discussion of legal opinions on the ḥadīth. He ordered prior opinions from earliest to the most recent, and from those opposed to the Mālikīs to those in support of the Mālikīs. In this way, the narrative arc of history that he had constructed bent towards the eventual affirmation of his legal school.

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\(^{108}\) According to Ibn Ḥajar, both Jābir and Abū Burda were from the ansār, so either of them could be the anonymous man from the ansār.
He addressed peripherally, if at all, the biographical information on the transmitters, the greater historical context of the ḥadīth, lexicography, grammar and rhetoric. He did not sub-divide his commentary by discipline (transmitters, rhetoric, grammar, legal benefits, etc.) as did the later Mamlūk commentators. While there was no explicit or systematic discussion of Bukhārī’s framework, Muhallab subtly relied on Bukhārī’s organization.109

While the isnād’s reliability was not systematically discussed upfront, there was, from the time of Aṣīlī to the time of Jayyānī, a burgeoning interest in the isnād as an element in the interpretation and implementation of ḥadīth. Likewise, from the time of Ibn al-Qaṣṣār to Muhallab, there was a shift that pressed jurists to locate Prophetic ḥadīth rather than companion reports as the basis for Mālikī legal positions. This shift correlated with a greater interest in the acquisition and study of isnāds that continued to grow exponentially, even after the fall of the Umayyad Caliphate in West.

Yet, in both Muhallab’s ingenious interpretation of the “ten lashes” ḥadīth and the fiasco concerning Bājī’s interpretation that “the Prophet wrote,” Mālikī scholars ultimately developed ingenious if sometimes unpersuasive ways of justifying the status quo amidst the elevation of the authority of ḥadīth authenticated by Bukhārī. The very ḥadīth in the Şaḥīḥ that, as Ibn Ḥazm averred, radically narrowed the scope of judicial sentencing power, was thus flexed to justify unlimited jurisdiction for judges in discretionary punishment by a regnant Mālikī judiciary. Again, the evolving discussion of taʿzīr, or even the questions over authenticity and interpretive authority raised by the jurists of this period were not tied to commentary on the Şaḥīḥ alone. They were refracted

109 This is consistent with the findings in Tokatly, “The Early Commentaries on al-Bukhārī’s Şaḥīḥ”, 219-222.
in the commentary and deployment of the Ṣahih’s subsection on taʿzīr but future research would likely show how these debates were articulated in commentaries on other hadīth compilations as well. Nevertheless, commentary on the Ṣahih’s subsection on taʿzīr served as one particularly visible forum for such a debate, and one where historically contingent conceptions of authenticity and interpretive authority could not help but come to a head.

II: Diversity in the Legal Context of the Early and Late Mamluk period

Introduction

When the commentary tradition blossomed again under the Mamluks in Egypt and Syria, it emerged in a far more diverse legal context. As I described in chapter one, the Mamluk ruling élite’s Turkic origins associated them with the Ḥanafī school but they recognized the Shāfiʿīs as the dominant legal school among the four. The appointment of four chief justices not only in Cairo but in other cites in the empire permitted each school to remain internally consistent and predictable in their legal rulings while allowing for flexibility in practice. The case of taʿzīr illustrates this point: the Mamluk political élite were reported to have “frequently referred cases requiring discretionary punishment (taʿzīr) to Mālikī” judges. Moreover, the Shāfiʿī jurist Tāj al-Dīn al-Subkī (d. 771/1370) was reported to have approved of such a practice, even though his own school placed greater restrictions on sentencing.

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111 Rapoport, “Legal Diversity in the Age of Taqlīd,” 221.
112 Ibid.
While some have shown that affiliation with the Ḥanbalī school in 7th/-13th-century Damascus was an important part of one’s social identity, legal historian Yossef Rapoport has argued that for the Mamluk era, “[t]here is practically no evidence of factional partisanship along school lines outside the community of legal practitioners…. [Judges] were not community leaders nor were they appointed as representatives of social groups; their main obligation was to apply their school’s doctrine.”\textsuperscript{113} It was, moreover, not uncommon for judges to change their legal affiliation.\textsuperscript{114}

As the Ṣaḥīḥ came to be revered symbolically and recognized as a reference for hadīth across the legal schools, so came the need for commentary that addressed the concerns of multiple schools. While I would not go so far as to speak of a “prejudice against prejudice” such as that which ascended in Enlightenment Europe,\textsuperscript{115} a commentary could be discredited if it was perceived to be too partial to a single legal school, not least because it alienated opponents in competing schools. Ibn Baṭṭāl’s commentary was perceived to be inadequate in this regard, and Kirmānī took him to task for overly asserting the Mālikī position.\textsuperscript{116} Likewise, Ibn Ḥajar critiqued Ibn Rajab al-Ḥanbalī for expressing excessive zeal (al-ta‘ṣṣub) for the Ḥanbalī position.\textsuperscript{117} And yet, as Norman Calder has pointed out in the case of Nawawī, even commentators who pitched their explications toward broader audiences subtly bent a hadīth’s interpretation.

\textsuperscript{113} Ibid., 227; Daniella Talmon-Heller, \textit{Islamic piety in medieval Syria: mosques, cemeteries and sermons under the Zangids and Ayyūbids} (1146-1260) (Leiden: Brill, 2007).
\textsuperscript{115} “[T]here is one prejudice of the enlightenment that defines its essence: the fundamental prejudice of the enlightenment is the prejudice against prejudice itself, which denies tradition of its power.” See Hans-Georg Gadamer, \textit{Truth and Method}, Second, Revised ed. (New York: Continuum, 2004), 272-3.
\textsuperscript{116} al-Kirmānī, \textit{al-Kawākīb al-darārī}, 3.
\textsuperscript{117} al-Sakhāwī, \textit{al-Jawāhir wa l-durar}, 1:381.
in a way favorable to their legal school.\textsuperscript{118} Engaging in traditional legal debates over the meaning of a particular hadīth or practice was thus inescapable even as audiences for commentary on the Sahīh broadened. Polemical debates in the commentaries reared their heads at certain flash points, including taʿzīr, but also the pronouncement of the bismillah, the permission of usury, the permissibility of certain loopholes (ḥiyal) and others.\textsuperscript{119}

*Departures in Training: Weighing of Evidence when “Finding the Implied”*

Yet differences between the legal schools could also be found in the subtleties of organization, the weight accorded to certain kinds of evidence and sources, and the display of credentials. Commentators’ fluency with privileged interpretive techniques of their respective schools signaled the authority of their opinions not only through the prestige they derived by their affiliation with a legal school but because their legal school offered unique strengths in explicating hadīths relative to their rivals.

For example, in attempting to pin down the implied meaning (ithbāt al-muqtadā) in a hadīth, both the Shāfīʿīs and the Ḥanafīs drew on relevant hadīth or Qurʿānic verses, ʿurf (customs, practices of the people of Medina), and the relationship between the pronunciation or wording (lafẓ) and the meaning (maʿnā) using the rhetorical sciences (balāghah), which consisted of eloquence (bayān), ‘notions’ or ‘motifs’ (maʿānī), and embellishment of style (badr). However, both schools tended to weigh some sources over others. In general, the Ḥanafīs of the Mamluk period claimed expertise in rhetoric and language, applying those tools when “finding the implied” meaning of a hadīth while


the Shāfīʿīs preferred to research how a similar phrase or term was employed in other hadīth reports to clarify the implied.\textsuperscript{120} While ‘Aynī, a Ḥanafī jurist, attempted to address beginning students in his commentary, including those outside the Ḥanafī legal school, he nevertheless reserved sections of his commentary for the three major sub-fields of rhetorical sciences (bayān, maʿānī and bādī). Ibn Ḥajar, a Shāfīʿī jurist, did no such thing, instead emphasizing his deep knowledge of isnāds and the reliability of transmitters.

In part because the Ḥanafīs believed they could use linguistic evidence to interpret the implied (taqdīr) in a general statement, they considered both a general statement (ʿāmm) and a specific statement (khāṣṣ) to be certain (qaṭī).\textsuperscript{121} Shāfīʿīs, by contrast, considered a general statement (ʿāmm) to be probable (ẓannī) in need of clarification from other specific prooftexts (from other hadīth or the Qurʿān). For them, only a specific statement could be certain (qaṭī).

This does not mean that the Ḥanafīs always applied the ʿāmm and Shāfīʿīs the khāṣṣ. Consider, for example, ‘Aynī’s discussion of “finding the implied” (ithbāt al-muqtaḍā) in the phrasing of the first hadīth in the Șaḥīḥ: “truly deeds are by intentions,” a general statement if ever there was one.\textsuperscript{122} In the case of whether valid ritual ablution (wuḍūʿ) required intention or not, the Shāfīʿīs replied in the affirmative by applying the ʿāmm, since the general statement declared that every deed is by intention. The Ḥanafīs

\textsuperscript{120} While this topic has generated a great deal of scholarly debate, a general overview can be found in Ḥ. al-Wahhāb Khallāf, Ḥ. Ilm uṣūl al-fiqh (Damascus: n.p., 1992), 140-91. A more detailed discussion can be found in Wael Hallaq, A History of Islamic legal theories (Cambridge: Cambridge University Press, 1997), 40-58.


\textsuperscript{122} al-ʿAynī, ʿUmdāt al-qārī, 1:63-71 (Kitāb Badʾ al-waḥy: Bāb Kayf kāna badʾ al-waḥy).
replied in the negative by applying the *khāṣṣ*: some deeds do not require intention. This was partly because of the results of their interpretive processes. The Shāfi‘īs found other prooftexts that supported the general statement to be *qaṭī*, while the Ḥanafīs found linguistic reasons to discard the apparent meaning in favor of an interpretation that maintained that while some deeds are by intention, others are not.

*Departures in Training: Displaying Knowledge of the Isnād*

As a consequence of and because of the different weight each school accorded to linguistic and textual evidence, Ḥanafīs and Shāfi‘īs of the Mamlūk period also differed with respect to their contribution to the study of *isnāds* in general but more specifically, for the purposes of our case study on the *Ṣaḥīḥ*, their ability to document a scholarly genealogy to Bukhārī himself. While the Shāfi‘īs, had made significant accomplishments in this arena, the Ḥanafīs were latecomers to the *Ṣaḥīḥ* by comparison, in part due to “a contempt for transmission-based scholars.” While the Mālikīs and Shāfi‘īs played a formative role in commenting on the text in the 11th-century to the 13th-centuries, Ḥanafīs began studying and commenting on the *Ṣaḥīḥ* in earnest in the 14th century with Quṭb al-Dīn al-Ḥalabī (d. 735/1335) and ‘Alā’ al-Dīn ‘Abd Allāh al-Mughulīyy (d. 762/1361). For Shāfi‘īs, the failed commentator Harawī notwithstanding, the emphasis they placed on displaying their knowledge of the *isnād* was not merely to attain prestige or appointments. It also offered a stronger explication of the *Ṣaḥīḥ* relative to one’s predecessors and rivals within the tradition.

123 Ibid.
Nawawī was the first to begin to emphasize the importance of the isnād as both a technique in explaining the hadith compilation and as a license to explain that compilation in the first place. This mode of authentication was paralleled with the rising general interest among Sunnī scholars in the science of authenticating hadiths. Nawawī appended a lengthy preface surveying the sciences of hadith criticism in order to cultivate in his students and readers an appreciation for the chains of transmission. This was a step unprecedented in the commentary tradition to that point. He then rigorously included complete chains of transmission for each hadith report of the Ṣaḥīḥ, as well as the chain of transmission between himself and, in his opinion, the most reliable transmission of the Ṣaḥīḥ, Firabrī’s. Nawawī described Firabrī’s transmission as the most well-known in Syria, and goes on to quote Firabrī, who boasted, “among the ninety-thousand men who had heard the Ṣaḥīḥ, there were none that could match me in narrating it.” For Nawawī, explaining the chain of transmission did not merely enhance his prestige as a commentator, but provided him with an interpretive tool that could explain the normative authority of the hadith in ways Ibn Baṭṭāl and Khaṭṭābī could not. If Nawawī could help students understand how Bukhārī had guaranteed the authenticity the hadith, the normative power of the Ṣaḥīḥ would be elevated.

While Ibn Ḥajar affirmed his predecessors’ opinion that Abū Dharr’s transmission on the authority of three students of Firabrī was the most reliable, he found the boast

128 al-Nawawī, al-Talkhīṣ, 1:190ff.
129 Ibid.
that Firabrī was peerless among “the ninety-thousand men” to be baseless. Rather than base his genealogy solely on Firabrī, Ibn Ḥajar claimed to invent something new in the presentation of his genealogy ("an asūqahā ʿalā namaṭ mukhtari"). prior to beginning his sharḥ, he presented every single chain of transmission, by license (ijāza) or audition (samāʾ), between himself and Bukhārī. This included Abū Dharr’s transmission as well as less reputable transmissions. The result is a mammoth genealogical tree, naming over one hundred and fifty Muslim scholars involved in four major branches and many smaller branches of transmitters between Bukhārī and himself.

While Ibn Ḥajar claimed to have invented something new with respect to the Ṣaḥīḥ, there were precedents in the scholarship on other ḥadīth compilations. For example, Ibn Khaldūn’s own lectures on Mālik’s Muwatta’ included a highly detailed description of his numerous links to what had been considered, by his contemporary’s consensus, the most reliable chain of the Muwatta”s transmission. It is not known whether Ibn Ḥajar, Ibn Khaldūn’s student, had attended this lesson or others like it. Regardless of whether he had modeled his genealogical display directly on Ibn Khaldūn’s, Ibn Ḥajar was still unique in treating the Ṣaḥīḥ in this way, as well as the fact that he cites chains that were not considered the most reliable transmission by his peers. That Ibn Ḥajar departed from the tradition in favor of a more meticulous way of preserving the multiple chains of transmission to the Ṣaḥīḥ demonstrates that innovations and challenges to the commentary tradition could be justified during this period as long as they persuasively served the greater good of preserving the Ṣaḥīḥ.

131 See idem, Hady al-sārī, 516.
133 Ibid., 1:7-11. A partial diagram of Ibn Ḥajar’s chain of transmission to the Ṣaḥīḥ can be found in Fück, “Beiträge zur Überlieferungsgeschichte von Bukhārī’s Traditionssammlung,” 97.
134 See the translator’s introduction to Ibn Khaldūn, The Muqaddimah, 1:1:xlii.
Departures in Training: Marshaling Knowledge of the Isnād

Ibn Ḥajar’s having heard the complete text from so many scholars did not merely lend his commentary, *Fath al-bārī*, authority because he had documented a prestigious genealogy to Bukhārī. While Nawawī, Kirmānī and the Andalusian commentators had detailed their connection only to Firabrī’s transmission, Ibn Ḥajar’s greater knowledge of other transmissions placed him in a better position to recognize a number of textual variations or corruptions that emerged as scholars transmitted Bukhārī’s text. Variations among transmissions of the *Ṣaḥīḥ* were so common that copyists employed standardized abbreviations to mark disagreements among the well-known recitations in the margins as they copied the text by hand (see fig. 8).135 Still, audiences would have been left wondering which reading was preferred. Ibn Ḥajar’s scholarly genealogy enhanced his ability to derive benefit from the *ḥadīth* in a way his predecessors and rivals were not able.

For example, in Ibn Ḥajar’s commentarial discussion of the *isnād* of the first *ḥadīth* on “intention,” he relied on Abū Dharr’s recitation in spite of the fact that Abū Dharr’s represented the outlier of all the other reports with respect to the line “from (ʿan) Yaḥyā ibn Saʿīd” rather than the consensus of the other recitations, “it was narrated to us by (ḥaddathanā) Yaḥyā ibn Saʿīd.”136 This is a technical difference, but an important one: most *ḥadīth* specialists consider ʿan to be less authoritative than ḥaddathanā. Some of the commentators Ibn Ḥajar cited argue that Bukhārī intentionally chose to begin his collection with this particular *isnād* because of the absence of “ʿan,” while others argue

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135 A list of some common abbreviations can be found in Fück, “Beiträge zur Überlieferungsgeschichte von Bukhārī’s Traditionssammlung,” 80; Adam Gacek, *Arabic manuscripts: a vademecum for readers* (Leiden: Brill, 2009), 272.
that Bukhārī had wanted an isnād that included every mode of transmission (‘an, ḥaddathanā, “reported to us” [akhbaranā] and “heard” [samā‘]) to instruct students that all modes were authoritative. A strict reliance on the recitation of Abū Dharr would appear to settle the point.

Moreover, Ibn Ḥajar’s inclusion of the recitation of Abū Dharr limited the explaining power of those among his contemporaries who did not have as direct access to it.

![Image](image.jpg)

Fig. 8. A folio from a copy of Ṣaḥīḥ al-Bukhārī completed in 782/1380. The copyist has included five standard abbreviations above variant readings in the margins: Abū Dharr al-Harawī (+); Aṣīlī (ص); Sarakhsi (س); Abū al-Waqt (ط); Kushmihânī (‡). Princeton University Library.

While ‘Aynī followed Ibn Ḥajar’s lead by including a scholarly genealogy of the transmission of the Ṣaḥīḥ between himself and Bukhārī in the prolegomenon to his commentarial work, students of Ibn Ḥajar would have noticed right away that ‘Aynī had

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137 For another discussion of ‘an as it relates to Ṣaḥīḥ al-Bukhārī, see Brown, The Canonization of al-Bukhārī and Muslim, 283-5.
heard far fewer narrations of the work.\textsuperscript{138} Moreover, ʿAynī was missing the recitation that Ibn Ḥajar set apart from the rest, the recitation from Abū Dharr on the authority of his three shaykhs.\textsuperscript{139} The fact that ʿAynī was compelled to “borrow” Nawawī’s introduction wholesale indicated that Ḥanafī sources on the Ṣaḥīḥ and isnād criticism were lacking.\textsuperscript{140} This did not prevent ʿAynī from ruling against his own school on certain occasions because of his knowledge of a hadīth’s isnād.\textsuperscript{141}

A final instance in which ʿAynī’s Ḥanafism comes to the fore in the study of isnāds is his baffling opinion that Shāfīʿīs and the hadīth folk (ahl al-ḥadīth) do not believe that the Qurʾān can be abrogated by an isolated tradition (khabar wāḥid).\textsuperscript{142} This is simply not true. Although there were some Shāfīʿīs and hadīth folk who expressed the opinion that the Qurʾān could not be abrogated by a khabar wāḥid, the dominant opinion associated with Shāfīʿīs and the hadīth folk is that the Qurʾān can be abrogated (or specified [takhṣīṣ]) with a khabar wāḥid.\textsuperscript{143} ʿAynī’s mistaken characterization of the dominant Shāfīʿī opinion bespeaks his Ḥanafī training.

Keeping these departures in training in mind, which not only influenced how scholar’s established their authority but how they exercised it when interpreting hadīth, we will now return to the case study on the “ten lashes” hadīth. One question before us is

\textsuperscript{138} A complete diagram of ʿAynī’s scholarly genealogy to the Ṣaḥīḥ can be found in Fück, “Beiträge zur Überlieferungsgeschichte von Bukhārī’s Traditionssammlung,” 95.
\textsuperscript{139} al-ʿAynī, ʿUmūd al-qārī, 1:23-4 (Kitāb Badʾ al-wahy: Bāb Kayf kāna badʾ al-wahy).
\textsuperscript{140} Tokatly, “The Early Commentaries on al-Bukhārī’s Ṣaḥīḥ”, 242-9.
\textsuperscript{142} al-ʿAynī, ʿUmūd al-qārī, 1:65 (Kitāb Badʾ al-wahy: Bāb Kayf kāna badʾ al-wahy).
how and whether the legal and scholarly milieu of the Mamluk period interacted with the tradition commentary on the Ṣahīh.

Mamluk era Commentary on the “Ten Lashes” Ḥadīth

*Ibn Ḥajar on Bukhārī’s Chapter Heading and the Authenticity Debate*

Returning to our case study on the “ten lashes” ḥadīth, the choice of organization is among the first major differences between Ibn Ḥajar’s commentary and Ibn Baṭṭāl’s. While Ibn Baṭṭāl began with a discussion of the legal benefits, Ibn Ḥajar began with a discussion of Bukhārī’s heading (*tarjama*), followed by an extremely detailed discussion of the reliability of the *isnāds* and their transmitters. Only then did Ibn Ḥajar address the differences among jurists over the meaning of *lemmata* excerpted from the base text. In part, this reflects Ibn Ḥajar’s greater deference to Bukhārī’s choices both in authenticating and compiling the ḥadīth under headings. It likewise mirrors the format of Nawawī’s 7th-/13th-century unfinished commentary on Bukhārī’s Ṣahīh.

Ibn Ḥajar’s discussion of the heading, which previous commentators’ had not explicated, linked *ta‘zīr* to its root ‘A-Z-R. He then addressed its lexical definition and usage in the Qur’an 2:12.144 More importantly, he suggested that Bukhārī titled the chapter with the interrogative “How much discretionary punishment (*kam al-ta‘zīr*) [is authorized]?” in order to indicate that there was a difference of opinion on this matter. In other words, for Ibn Ḥajar, Bukhārī did not pose the question rhetorically, assuming that

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the *ḥadīth* categorized under the chapter provided the agreed upon answer. Rather, Bukhārī, for Ibn Ḥajar, acknowledged a level of disagreement on the issue.\(^{145}\)

Prior to addressing the legal disagreement head on, Ibn Ḥajar identified the chains of transmission, and recorded a number of debates concerning their authenticity. While Ibn al-Mulaqqin, a Shāfiʿī jurist in Cairo who preceded Ibn Ḥajar with a commentary on the *Ṣaḥīḥ* of his own, recorded an overview of the “ten lashes” *ḥadīth*’s *isnād*, he mainly compiled a list of other collections in which the same *ḥadīth* appears and by what chains of transmission the same *ḥadīth* appears in those collections.\(^{146}\) But Ibn al-Mulaqqin provided no final analysis of his own on the reliability of the *ḥadīth*, as Ibn Ḥajar later would.

After Ibn Ḥajar compared the chains of transmission in the *Ṣaḥīḥ* to six other chains of transmission from Abū Bakr al-İsmāʿīlī’s (d. 371/981-2) *Mustakhraj*,\(^{147}\) he summarized the gist of the debate,\(^{148}\) which is clear from the differences among the three *isnāds* Bukhārī authenticated as sound (*ṣaḥīḥ*): Did Abū Burda hear the *ḥadīth* from Muḥammad, or did an anonymous source? If the latter, did Ibn Jābir hear the *ḥadīth* directly from Abū Burda, or by way of his father? The *ḥadīth* critic known for criticizing the *isnāds* in Bukhārī’s *Ṣaḥīḥ* and Muslim’s, ‘Alī ibn ʿUmar al-Dāraqūṭnī (d. 385/995), favored the first chain of transmission over the other narrations: Ibn Jābir ← Abū Burda.

\(^{145}\) Ibid.

\(^{146}\) The activity of sourcing the ḥadīth in this way is called *takhrīj*, and it is a common practice of ḥadīth scholars. Ibn al-Mulaqqin remarked that the “ten lashes” ḥadīth was found in Muslim’s *Ṣaḥīḥ* and “the four” (*al-ʿarba’*), meaning the four *Sunans* of Abū Dāwūd, Tirmidhī, Naṣārī and Ibn Mājah.\(^{146}\) He then adduced Ṭabarānī, Dāraqūṭnī and Bayhaqī as authorities in evaluating the veracity of the “ten lashes” ḥadīth’s chain of transmission. He preserved the dissent of Aṣīlī by way of Jayyānī, but this dissent’s force is diminished when placed next to the opinions aforementioned and better known ḥadīth scholars. Ibn al-Mulaqqin, *al-Tawdīḥ*, 31: 273-4 (Kitāb al-Rajm: Bāb Kam al-taʿẓīr wa’l-adab).


Nevertheless, many other ḥadīth critics continued to favor the third chain: Ibn Jābir ← Jābir ← Abū Burda.\(^{149}\)

Ibn Ḥajjār was not at luxury to assess the ḥadīth’s chain of transmission as too inconsistent to be used as a source of law, as Aṣīlī did some four centuries earlier. Instead, Ibn Ḥajjār critiqued Aṣīlī by appealing to the status of Bukhārī and Muslim as guarantors of authenticity: “the two shaykhs [i.e. Bukhārī and Muslim] agreed on its soundness, and they are the pillar of soundness (al-ʿumdā fī al-taṣḥīḥ).”\(^{150}\) Partly the uncertainty hinged on whether ʿAbd al-Raḥmān ibn Jābir was trustworthy (thiqa), and since both Bukhārī and Muslim agreed that he was, the ḥadīth was declared sound in spite of the quibbles of ḥadīth critics. Since it was possible, according to Ibn Ḥajjār, that Ibn Jābir could have heard the ḥadīth directly from Abū Burda and then corroborated that same ḥadīth on the authority of his father, he may have genuinely recited it in both ways. In this way, both chains could be accurate, and the disagreements among the ḥadīth critics would in no way undermine the soundness of the ḥadīth, and, by extension, of Bukhārī’s Ṣaḥīḥ and Muslim’s.\(^{151}\)

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\(^{149}\) Ibid.

\(^{150}\) Ibid.

\(^{151}\) Another Shafi’ī commentator of the period, Muḥammad ibn ʿAbd al-Dāʾīm al-Birmawī (d. 831/1428) chose to limit his discussion to the isnād, and urged the reader to consult a work of law (fiqh) if curious about the legal technicalities of taʿzīr. He stated that the fact that there was a companion who was unknown (ibhām) does not detract from the authenticity of the ḥadīth, since a) the companions are assumed to be trustworthy, and b) it is likely that Abū Burda is the identity of the unknown companion. The reason that Bukhārī has two chains of transmission, one linking Abū Burda directly to ʿAbd Raḥmān and one linking him to ʿAbd Raḥmān via Jābir (ʿAbd Raḥmān’s father), was because both ʿAbd Raḥmān genuinely heard it from his father and directly from Abū Burda. Birmāwī cited no authorities to ground his opinions and he acknowledged no debate over the isnād’s authenticity. Muḥammad ibn ʿAbd al-Dāʾīm al-Birmawī, al-Lāmiʿ al-saḥīḥ bi-sharḥ al-Jāmiʿ al-saḥīḥ, Garrett Collection 2372Yq (Princeton Rare Books Library, 1559), no fol. (Kitāb al-Muhāribīn min ahl al-kufr wa-ridda: Bāb Kam al-taʿzīr waʿl-adab).
Ibn Ḥajar and the Legal Debate over the “Ten Lashes” Ḥadīth

Having dispensed with any concerns his audiences may have had regarding the ḥadīth’s reliability, Ibn Ḥajar then turned to addressing any ambiguities in the matn’s meaning. Rather than treat the issue of the precise number of lashes, as Ibn Baṭṭāl did, Ibn Ḥajar instead addressed the definition of “sanction (ḥadd)” in the ḥadīth. According to Ibn Ḥajar, its apparent meaning (ẓāhiruh”) was the technical one employed by jurists to describe penalties for offenses against God specified in the Qurʾān. This technical meaning was itself the subject of debate, and Ibn Ḥajar enumerates Ibn Ḥazm’s dissent on the status of certain crimes without explicitly naming him.  

Yet a larger debate over the meaning of the term ḥadd in this ḥadīth had erupted between one of Ibn Ḥajar’s predecessors as chief justice of the Shāfīʿī school, Ibn Daqīq al-ʿĪd (d. 702/1302) and an opponent, which Ibn Ḥajar speculated was the iconoclastic Ḥanbalī scholar Taqī al-Dīn Aḥmad Ibn Taymiyya (d. 728/1328). Ibn Daqīq al-ʿĪd argued in favor of what he defined as the ḥadīth’s apparent meaning: the only offenses that a judge could punish in excess of ten lashes were those stipulated by a foundational text that stated as much. Ibn Taymiyya’s view, on the other hand, as represented by his student Ibn Qayyim al-Jawziyya (d. 751/1350), held that this “apparent meaning” of ḥadd was not apparent at all, but a technical one constructed by jurists (fuqahāʾ). The original meaning of ḥadd, Ibn Qayyim al-Jawziyya contended, referred to anything forbidden by God (ḥurumāt) or any disobedience (maʿṣiya) regarding the law, great or small. What had appeared as a continuity over time for Ibn Daqīq al-ʿĪd and his predecessors was represented as a discontinuity by Ibn Qayyim al-Jawziyya and his shaykh. On this

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originalist position, only those acts that are not associated with maṣiya or ḥurumāt are limited by the ten lashes ḥadīth, such as a father’s disciplining of his child. In this way, even a judge who saw taʿzīr as being restricted by the “ten lashes” tradition could, like the Mālikīs, sentence the offender in excess of ten lashes, as long as the act fell broadly in the category of ḥurumāt.

When clarifying an ambiguity in a ḥadīth, Ḥanbalīs, like the Shāfīʿīs, preferred to cite prooftexts from the Qurʾān and ḥadīth and Ibn Qayyim al-Jawziyya chose to draw on four prooftexts from the Qurʾān (2:229, 65:1, 2:187 and 4:14) in order to bolster his broader definition of hadd. In order to defend Ibn Daqīq al-ʿĪd, and by extension, the Shāfīʿī school, Ibn Ḥajar curiously took the grammatical approach to the implied (taqdīr) rather than return with another volley of prooftexts. Supporting Ibn Daqīq al-ʿĪd, Ibn Ḥajar pointed out that the ḥadīth’s meaning rests on an implied understanding (taqdīr) that it is possible to distinguish between different kinds of disobedience (maṣiya), greater and lesser (kabīra and ṣaghīra respectively). The greater, for Ibn Ḥajar, was the exception that can exceed ten as stipulated by Qurʾānic prooftexts. If the definition of ḥadd were extended to include all manner of offenses against God, both greater and lesser, it would obviate the need for the exception in the “ten lashes” ḥadīth in the first place, since, in the two Shāfīʿīs’ opinion, there are no criminal offenses outside of those two categories. Although Ibn Daqīq al-ʿĪd and Ibn Ḥajar did not respond to it directly, they would have presumably placed Ibn Qayyim al-Jawziyya’s example of a father

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155 Ibid.
chastising a child for some small reason into the lesser category of *maʿṣiya*, along with other non-*hadd* offenses.

The disagreement between the two Shāfiʿīs and the two Ḥanbalīs demonstrates that even for scholars who took the “ten lashes” *ḥadīth* to be an authentic source of law, a number of interpretive resources were available to expand the power of the jurists to implement severe or even lethal sentences for a broad number of crimes. Nevertheless, Ibn Daqīq al-ʿĪd and Ibn Ḥajar, whose rulings as Shāfiʿī chief justices could be said to be of greater practical impact than the two marginalized Ḥanbalīs, chose a more restricted reading of the text.

Lastly, Ibn Ḥajar then proceeded to summarize Ibn Baṭṭāl’s discussion of the classical jurists concerning the limits and application of *taʿzīr*, directing the discussion to debates over the consensus opinions of the companions (*al-ṣahāba*). As a foil, Ibn Ḥajar cites a Mālikī judge, *muhaddith* and exegete Abū ʿAbd Allāh Muḥammad al-Qurṭubī (d. 671/1273) who claimed that the majority (*al-jumhūr*) of the companions (*al-ṣahāba*) gave legal opinions on the basis of the “ten lashes” *ḥadīth*. By contrast, Nawawī’s opinion, which is “relied upon” (*al-muʿtamad*), stated that the majority (*al-jumhūr*) of the companions (*al-ṣahāba*) and the generations that followed believed that one could exceed the number ten. At this juncture, Ibn Ḥajar’s Shāfiʿī tilt is visible, as it had been earlier with his support of Ibn Daqīq al-ʿĪd.

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156 Ibid., 12:179 (Kitāb al-Ḥudūd: Bāb Kam al-taʿzīr waʾl-adab).
157 Ibid. Fuller discussion can be found in al-Qushayrī and al-Nawawī, *Ṣaḥīh Muslim bi-sharḥ Nawawī*, 11:221-2 (Kitāb al-Ḥudūd: Bāb Qadar aṣwāt al-taʿzīr).
Yet Ibn Ḥajar followed up Nawawī’s statement with a curious citation from a Mālikī judge named Abū Jaʿfar al-Dāwūdī (d. ca. 6th/12th century). In the earliest instance of the citation, Dāwūdī was simply reported to have held that the hadīth never reached Mālik and, as a consequence, viewed taʿzīr to be at the judge’s discretion. Ibn Ḥajar, however, expanded Dāwūdī’s statement to suggest that if the hadīth of “ten lashes” had reached Mālik, Mālik would turned away from his initial opinion and be required to act on its basis. Perhaps Ibn Ḥajar’s extension of Dāwūdī’s opinion was simply meant to track a change in the Mālikī school. But since Ibn Ḥajar deployed the quote as a concluding statement following Nawawī’s, it represented a subtle affirmation to anyone who would legislate on the basis of Prophetic hadīth even when it bucks the early opinions of one’s legal school. More, it retroactively attributed an opinion to Mālik had he lived in a time in which the hadīth circulated widely. As we will see, this brief exchange would be amplified by 18th- and 19th-century reformists such as the Yemeni iconoclastic scholar Muḥammad al-Shawkānī (d. 1250/1834) and Ṣiddīq Ḥasan Khān al-Qannawjī (d. 1307/1890) of Bhopal, who boldly attacked adherence to the majority opinion of one’s legal school (taqālid) when those opinions appeared to contradict Prophetic hadīth or the Qur’ān.

158 This Dāwūdī was likely not the earliest North African commentator Dāwūdī, since Ibn Baṭṭāl does not quote him. Most likely, it the Abū Jaʿfar al-Dāwūdī, the Mālikī judge of North Africa who was transmitted by Ibn Rushayd in Ibn al-Ṭīn al-Ṣafāqīsī’s (d. 612/1214-5) commentary, as preserved by Ibn al-Mulaqqin and Ibn Ḥajar. See Ḥasanī, Ithāf al-qārī, 63 and 191; al-ʿAsqalānī, Fath al-bārī, 12:179 (Kitāb al-Ḥudūd: Bāb Kam al-taʿzīr waʾl-adab).
While ‘Aynī may have used other moments in his commentary to attack Ibn Ḥajar and polemicize against the Shāfī‘ī position, the discussion of taʿzīr does not appear to be one of them. Although one can certainly find opinions of some Shāfī‘īs siding with Ḥanbalīs by favoring a limit of ten, and some Ḥanafīs siding with Mālikīs by favoring an unlimited number, most of the Shāfī‘īs and Ḥanafīs can be found somewhere in the middle: the number can exceed ten in some instances, but should not exceed the lowest number stipulated for a hadd offense. Nevertheless, ‘Aynī’s discussion of the ḥadīth’s legal benefits closes with the Ḥanafī opinion articulated by Ṭahāwī, that the Imām has the power to deliver severe or more lenient sentences according to his ijtihād.\footnote{161} While ‘Aynī had ruled expressly against taqlīd in favor of the apparent meaning of a ḥadīth in other forums,\footnote{162} in this case, he sided with his school.

Otherwise, ‘Aynī’s commentary was largely in agreement with Ibn Ḥajar’s on the issue of the tarjama, the definition of hadd, and the problems of the isnād. ‘Aynī did not delve into the sciences of rhetoric as he did earlier in his commentary on the first ḥadīth. In fact, he did not contribute any analysis or opinion uniquely or genuinely his own. When ‘Aynī states “my opinion is (qultu)…” he simply delivers an unattributed summary of Ibn Ḥajar’s opinion, even preserving much of Ibn Ḥajar’s phrasing: “‘Abd al-Rahmān is trustworthy (thiqa)… the two shaykhs [i.e. Bukhārī and Muslim] agreed on its soundness, and they are the pillar concerning the sound (al-‘umdā fī al-ṣaḥīḥ).”\footnote{163} Likewise, regarding the debate over the definition of the hadd, ‘Aynī offered an...
unattributed summary of Ibn Ḥajar’s discussion of Ibn Daqīq al-Ḥīd and Ibn Qayyim al-Jawziyya, omitting any of their names, framing their opinions under the speculative “it is said” (qīl). One notable difference is that the second wave of early Andalusian commentators had a larger voice in the layers of ‘Aynī’s ‘Umdat al-qārī than they did in Ibn Ḥajar’s Fatḥ al-bārī. ‘Aynī deployed Dāwūdī as earlier commentators deployed him: simply to state that the ḥadīth under discussion never reached Mālik and nothing more.

These choices are more likely an accidental product of ‘Aynī’s compositional process than a deliberate emphasis on early Mālikī scholarship on the Ṣaḥīḥ. ‘Aynī likely abridged Ibn Ḥajar’s Fatḥ al-bārī and fused it with another commentary on the Ṣaḥīḥ that had been influenced by Mālikī sources, probably Mughulṭāy’s. Since the “ten lashes” ḥadīth is located in the final third of the Ṣaḥīḥ, which many commentators left unfinished, contributing new material would have required great ingenuity on the part of anyone who aspired to do so. Yet, as we will see below, ‘Aynī’s ‘Umdat al-qārī did not need to be ingenious to be revived as the reference of choice among certain circles of Deobandi ḥadīth scholars in early modern and modern South Asia. Many of these students sought the comfort of a commentator who identified as Ḥanafi over one who identified as Shāfiʿī.

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165 Ibid., 24:36 (Kitāb al-Muḥāribīn min ahl al-kufr wa-ridda: Bāb Kam al-taʾzīr wa’l-adab).
166 Ibid., 24:35 (Kitāb al-Muḥāribīn min ahl al-kufr wa-ridda: Bāb Kam al-taʾzīr wa’l-adab).
Preliminary Conclusion

In chapter one, I undertook a thick history of the live commentary sessions on the *ṣaḥīḥ* in order to show how the Mamluk period was a time in which the *ṣaḥīḥ* came to be revered as a symbol that functioned far beyond the boundaries of juristic discourse. Nevertheless, the work was deployed as the guarantor of a *ḥadīth*’s authenticity across the legal schools, an indispensable tool during an era of legal diversity. While Aṣīlī could counsel his readers to disregard the *ḥadīth* on the basis of its *isnād*’s unreliability and its content’s incompatibility with companion reports used in bolstering his school’s position, Bukhārī’s stature in the Mamlūk period left representatives of multiple schools unable to deny, in the final analysis, the *ḥadīth*’s reliability.

Commentary on the *ṣaḥīḥ* thus aspired to address the concerns of multiple schools, even as subtle departures in legal training continued to tilt the emphases and outcomes of commentarial approaches. At the same time, there were early indications of discontent with those who accorded too much authority to prior juristic opinions. Ibn Taymiyya and Ibn Qayyim al-Jawziyya sought to bypass the traditional interpretation of the “ten lashes” *ḥadīth* in favor of what they claimed was an original meaning prior to the development of technical juristic discourse. Ironically, these originalist approaches to the “ten lashes” limit yielded an expansion of juristic power to call for severe and even lethal punishments for a broader range of crimes. While the argument attributed to Ibn Taymiyya may have been quickly dispensed within the lines of Ibn Ḥajar’s commentary, the overall challenge to the place of the traditional legal schools in shaping the interpretation of *ḥadīth* would resurface among vocal reformers during the early modern period in the Middle East and South Asia.
III: The Legal and Scholarly Context of Ḫadīth Commentary in South Asia

Pre-modern Interest in the Ṣaḥīḥ in South Asia

As early as the 8th/15th century Egyptian Ḫadīth commentators had found their way to Gujarat, typically by way of the Arabian Peninsula, where they found generous patronage for their scholarship. A contemporary of Ibn Ḥajar’s, the Alexandrian Mālikī Badr al-Dīn al-Damāmīnī (d. 827/1424), had migrated to Gujarat to study and teach with the support of the sultan Aḥmad ibn Muẓaffār Shāh (r. 814-43/1411-43) after producing a partial commentary on the Ṣaḥīḥ at a college in Zabīd, Yemen.167 Another Mālikī jurist, Wajīh al-Dīn Muḥammad (d. 919/1513), after travelling to Mecca to study with Ibn Ḥajar’s student Sakhāwī, found no dearth of patronage for his Ḫadīth scholarship in Gujarat, in addition to a prestigious appointment in the treasury of the sultan Maḥmūd I (r. 863-917/1458-1511).168 In fact, when the sultan Muẓaffār Shāh (r. 917-38/1511-25) of Gujarat was gifted a copy of Ibn Ḥajar’s Fath al-bārī that had belonged to Wajīh al-Dīn, the sultan reportedly returned the favor by granting his supplicant the district of Bharuch.169 While Sakhāwī’s lessons in Mecca were most influential in training students in Ḫadīth who were on their way to or from India, others scholars such as Ibn Ḥajar al-Haytamī (d.974/1566-7) and Zakariyyā al-Anṣārī played an important role in this regard.170 In fact, ‘Abd al-Mu’tī ibn al-Ḥasan al-Ḥaḍramī (d. 989/1581), who was born in Mecca and later migrated to Gujarat, studied the Ṣaḥīḥ with Anṣārī in Cairo while his father served as Anṣārī’s recitation assistant. When Ḥaḍramī resettled in Gujarat in the

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167 Damāmīnī’s commentary has been printed. See Muḥammad ibn Abī Bakr al-Damāmīnī, Mašābīḥ al-Jāmī (Beirut: Dār al-Nawādir, 2010). For more biographical information see Ḥasanī, Ithāf al-qārī, 245-6; Muhammad Ishaq, India’s Contribution to the Study of Hadith Literature (Dhakha: University of Dhakha (Dacca) Press, 1955), 87-8.

168 See idem, India’s Contribution to the Study of Hadith Literature, 93-4.

169 The gift was presented by Mukhāṭīb ‘Alī Khān (d. ca. 10th/16th cent.) who had received it from Wajīh al-Dīn. See ibid.

170 Ibid., 80-6.
middle of the 10th/16th century, he was largely responsible for teaching *ḥadīth*, and became distinguished for his live commentary on the *Ṣahīḥ*.

A rich culture around Bukhārī’s *Ṣahīḥ* began to flourish beyond the coastal districts of Gujarat in the 10th/16th and 11th/17th centuries, in part because of the robust patronage of Nawras Ibrāhīm ʿĀdil Shāh II (r. 988-1037/1580-1627) in Bijapūr. Nawras had a copy of the *Ṣahīḥ* and as well as *Fath al-bārī* in his library, stamped with his seal. When his predecessor, ʿAlī ʿĀdil Shāh (r. 965-988/1558-1580) began the construction of the Jāmiʿ mosque in Bijapūr, he imagined a grand but austere structure in the style of other Shīʿī mosques of the Deccan during the period. When Nawras finished the construction, he was reported to have inscribed *ḥadīth* from the *Ṣahīḥ* on the excellences of the rightly guided caliphs and other close companions of the Prophet. Nawras’ patronage of scholarship on and deployment of the *Ṣahīḥ* would have been a loaded symbol, marking a brief turn to Sunnism for the ʿĀdil Shāhīs.

It was also during the 10th/16th century that the first commentary on the *Ṣahīḥ* was composed by a Ḥanafī commentator native to India: ʿAbd al-Awwal al-Ḥusaynī al-

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171 Ibid., 97.
175 Nawras’ identity, like that of many figures, is more complicated than can be captured in passing mention. A more sensitive portrait can be glimpsed in Deborah Hutton, *Art of the Court of Bijapur* (Bloomington: Indiana University Press, 2006), 14-5; Overton, “A Collector and His Portrait”, esp. 37ff. and 48ff.
Zaydpūrī’s (d. 968/1560) *Fayḍ al-bārī*. Zaydpūrī studied *ḥadīth* in Mecca and Medina, after which he returned to Ahmadābād in Gujarat before 941/1524 as a specialist in *ḥadīth*. Although no manuscript or text survived, the commentary nevertheless influenced ʿUthmān ibn ʿĪsā ibn Ibrāhīm al-Ḥanafi al-Sindī (d. 1008/1600). ʿUthmān al-Sindī trained in Gujarat and compiled his own commentary using Zaydpūrī’s *Fayḍ al-bārī*, in addition to Ibn Ḥajar’s, Kirmānī’s, and Qasṭallānī’s. Another student of Zaydpūrī’s born near Gujarat, Ibn Yūṣuf al-Sindī al-Burhānpūrī (d. 1004/1595), wrote a super-commentary on Qasṭallānī’s *Irshād al-sārī*.

We know of at least five other large commentaries that were produced in the period up to the early 12th/late 18th century. Jaʿfar Badr-i-ʿĀlam’s (d. 1085/1675) *Fayḍ al-ṭārī*, Abū Yūṣuf al-Bayānī of Lahore’s (d. 1098/1687) *Khayr al-jārī*, Ibn Sayf al-Dīn al-Sirhindī’s (d. 1114/1702) *Fayḍ al-bārī*, Nūr al-Dīn ibn Ṣāliḥ al-Ḥmadābādī (d. 1155/1742)’s *Nūr al-qārī*, and Mir Azād Bilgrāmī’s (d.1200/1785) *Ḍaw’ al-dārī*. Bilgrāmī’s drew heavily on Qasṭallānī’s commentary, and the other works were likely based on one or more late Mamluk era commentaries as well. Meanwhile, students readily gleaned insights from slimmer works of commentary on the *Ṣaḥīḥ* produced by 12th/18th-century South Asian *ḥadīth* luminaries such as Shāh Walī Allāh’s (d. 1175/1762) single volume *Sharḥ Tarājim al-abwāb al-Bukhārī* and Muḥammad Ḥayāt al-Sindī’s (d. 1165/1751) skinny but influential gloss on the *Ṣaḥīḥ.*

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181 Ibid., 1:463-4.
182 Ibid., 1:464. The son of the influential Ḥmad al-Sirhindī (d. 1034/1624).
184 Ibid., 1:454-5.
Early Modern South Asian Commentary on the Ṣaḥīḥ

In the 19th century, in the midst of British colonialism, a diverse landscape of traditional and modernist Islamic reform movements emerged. The Ahl-i Ḥadīth movement and the Ḥanafī scholars at the Dār al-ʿUlam in Deoband, facilitated by the printing press, led the charge in circulating and composing commentary on the Ṣaḥīḥ in Arabic. While Ṣiddīq Ḥasan Khān, the principal figure behind the Ahl-i Ḥadīth, enjoyed, through his marriage to Shāh Jahān Begum (r. 1847-1868), the rich patronage of the princely state of Bhopal, the Deobandī scholars were, by comparison, of more modest means. As was pointed out in chapter one, Anwar Shāh al-Kashmīrī, a leading figure in the Deobandī school, found patrons for his commentary on the Ṣaḥīḥ among the merchants of Gujarat in South Asia and the South Asian diaspora in South Africa.185 Both of these figures and their movements have a rich and complicated history worthy of monographic treatments in their own right.186 While a more detailed treatment is not possible here, I will aim to provide key elements of their background vital to understanding the context in which their respective commentaries were written. That both claimed to trace their scholarly genealogies to the luminary hadīth scholar Shāh Walī

Allāh did not prevent stark disagreements in their approach to Islamic law and its derivation from emerging.\textsuperscript{187}

The Ahl-i Ḥadīth, inspired in part by the iconoclastic Ḥadīth scholar Muḥammad al-Shawkānī of Yemen, sought to diminish the authority of the traditional legal schools. Not only did Shawkānī seek to dissuade jurists from following the opinions of a single legal school (\textit{taqlīd}), he condemned those who adhered to them as committing an unlawful innovation (\textit{bidʿa}).\textsuperscript{188} For Shawkānī, a capable jurist’s full exertion to discover the law in the foundational textual sources (\textit{ijtihād}) was the only legitimate basis on which to form a legal opinion. ‘Abd al-Ḥaq Banārasī (d. 1870), a student of Shawkānī’s in Ṣanʿā, brought Shawkānī’s bold approach back to India, influencing many Ḥadīth scholars there. Among Banārasī’s students was Ṣiddīq Ḥasan Khān, who would later make the Ahl-i Ḥadīth the predominant Islamic reformist movement in the state of Bhopal.\textsuperscript{189}

The authority of Ibn Ḥajar and his commentary on the \textit{Ṣaḥīḥ} loomed largest for Shawkānī. In fact, Shawkānī refused to honor the request of his students to comment on the \textit{Ṣaḥīḥ}, quipping, “there is no migration (\textit{hijra}) after the \textit{Fath [al-bārī]},” a pun on a well-known Ḥadīth from the \textit{Ṣaḥīḥ}, “there is no migration (\textit{hijra}) after the conquest (\textit{fath}) [of Mecca].”\textsuperscript{190} Ṣiddīq Ḥasan Khān recounted Shawkānī’s refusal in the introduction to his commentary on an abridgement of the \textit{Ṣaḥīḥ}, adding, “if this is the reply from a

\textsuperscript{187} For outline of some of these disagreements, \textit{EI}³, s.v. “Ahl-i Ḥadīth,” (Claudia Preckel).


\textsuperscript{189} For a basic overview of Ḥasan Khān’s life, \textit{EI}², s.v. “Ahl-i Ḥadīth,” (Preckel), and Gangohī and al-Kāndahlawī, \textit{Lāmī’ al-darārī}, 1:466-7. Zaman suggests a number of other biographical sources in Zaman, “Commentaries, Print and Patronage: ‘Ḥadīth’ and the Madrasas in Modern South Asia,” 63 n. 12.

distinguished master, and one who reached the rank of *ijtihād* (independent legal interpretation), then how would someone like me [who is] helpless, [and of] lowly aptitude” undertake the challenge of commenting on the *Ṣaḥīḥ*? Out of respect for the comprehensiveness of Ibn Ḥajar’s *Fath al-bārī*, Ḥasan Khān resigned himself to circulating, for the first time, an edition of *Fath al-bārī* in print, and commenting on an abridgement of the *Ṣaḥīḥ* rather than the work in its entirety. These printed editions made a significant impact in terms of broadening accessibility. One anecdote from the 19th century suggests that prior to print, *Fath al-bārī* was virtually inaccessible in Delhi, with sections of a hand written copy scattered in three places.

Ḥasan Khān’s commentary, titled *ʿAwn al-bārī*, was itself clearly a strategic abridgment of Ibn Ḥajar’s *Fath al-bārī*. The 1880 edition, however, was originally published in the margins of Shawkānī’s famous *Nayl al-awtār*, itself a commentary on *Muntaqā al-akhbār*, a completely different *ḥadīth* compilation assembled by the Ḥanbalī jurist Majd al-Dīn Ibn Taymiyya (d. 653/1255), the grandfather of the more well known and controversial Taqī al-Dīn Aḥmad Ibn Taymiyya. Hand written margin commentaries produced in a traditional madrasa setting would always have responded to the base text itself, but a base-text with a super-commentary on a completely separate, albeit related, text could only have been imagined in an era of print (see fig. 9). One function of coupling these commentaries together was that a purchaser of the text would have acquired two works in a single transaction, and the reader could easily cross-reference between them. But the credibility of Bukhārī and Ḥasan Khān’s comparatively

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even-tempered explications must have bolstered the authority of Shawkānī’s audacious work. While Shawkānī boldly condemned adherence to any single legal school’s opinions in the center of the page of the 1880 edition, Ḥasan Khān subtly purged *Fath al-bārī* of any overt Shāfiʿī recommendations in the narrow corridors of Shawkānī’s margins.¹⁹⁵

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¹⁹⁵ Hasan Khān may have been harsher and more argumentative in other venues. See Metcalf, *Islamic revival in British India: Deoband, 1860-1900*, 278-80.
The Deobandīs, for their part, and Kashmīrī in particular, during his commentary of the *Ṣaḥīḥ*, also sought to prune what he perceived to be Ibn Ḥajar’s bias towards the Shāfiʿī legal school, but for a radically different reason. Commentary on the *Ṣaḥīḥ* was incorporated as a “capstone” course into the Deobandi madrasa curriculum in part to show “against Ahl-i Ḥadīth critiques, that the Ḥanafī legal norms were clearly in consonance with the foundational texts.” For this reason, Kashmīrī could not simply abridge Ibn Ḥajar’s *Fatḥ al-Bārī* but had to contribute new interpretations that could marshal the *Ṣaḥīḥ* in the service of the Ḥanafī legal positions. In this sense, while Kashmīrī was far more concerned with maintaining his legal tradition than Ḥasan Khān, he also saw an important place for a qualified jurists’ exertion upon the foundational sources (*ijtihād*) to achieve that goal.

Even though Kashmīrī and his students greatly admired Ibn Ḥajar’s commentary on the *Ṣaḥīḥ*, ‘Aynī’s commentary also prospered under the Ḥanafīs in modern South Asia. Kashmīrī’s student Muḥammad Yūsuf Banūrī’s elevation of ‘Aynī as a reference was highly visible in the introduction of the work. Banūrī mentioned the Ḥanafī commentaries first, prior to mentioning Ibn Ḥajar’s *Fatḥ al-Bārī*. Likewise, *Intiqād al-iʿtirāḍ*, the text that Ibn Ḥajar had hoped would expose ‘Aynī as a plagiarist, was redescribed by Banūrī as Ibn Ḥajar’s sectarian refutation of ‘Aynī’s Ḥanafī refutations of

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200 Ibid., 1:38. Muḥammad Zakariyyā (d. 1982), in his introduction to Rashīd ʿAḥmad Gangvāhī’s (d. 1905) commentary on Bukhārī’s *Ṣaḥīḥ, Lāmiʿ al-dārārī*, notes the current Ḥanafī preference of ‘Aynī’s *‘Umdat al-qaʿārī*, a preference still noted by contemporary commentators in South Asia. See Gangvāhī and al-Kāndahlawī, *Lāmiʿ al-dārārī*, 1:401. This was also reported to me in an interview with Muḥammad Khāʾīje al-Sharīf at the Nizamiyya College, July 26th, 2011.
201 Banūrī did not consider patronage, clashing egos or scholarly integrity to be at stake in their conflict, only the advancement and defense of their respective legal schools.

Lastly, it is worth reflecting on what direct impact either Ḥasan Khān or Kashmīrī had in implementing or shaping the state judiciary’s position on corporal punishment. Ḥasan Khān perhaps had more influence on executive power through his wife Shāh Jahān, although this was blunted by the resistance and suspicion of the British authorities, who marginalized his views by likening them unfavorably to those of the Wahhābīs.202 That Kashmīrī felt free to speak out more explicitly on matters of politics is partly a reflection of his diminished power as a Muslim scholar under colonial rule.203 He was not a chief justice as Ibn Daqīq al-Īd, Ibn Ḥajar and ʿAynī had been, but principally an educator in the madrasa setting. His views on corporal punishment, in this case, should be read in a context in which the primary goal was not necessarily to regulate a current practice.

“Ten Lashes” in the Early Modern South Asian Context

Ṣiddīq Ḥasan Khān: An Unbound Reader, Bound by Ibn Ḥajar’s Words

A discussion of the “ten lashes” hadīth appears in Ṣiddīq Ḥasan Khān’s commentary on an abridgement of the Ṣaḥīḥ. Since Ḥasan Khān’s own commentary consists of an abridgement of Ibn Ḥajar’s discussion of the hadīth in Fath al-bārī, we do

201 al-Kashmīrī, Fayḍ al-bārī, 1:38. Banūrī claims he read the work in manuscript form.
202 Despite the similarities, Hasan Khān objected to this characterization. Metcalf, Islamic revival in British India : Deoband, 1860-1900, 278-80, 293.
not have any views unique to Ḥasan Khān to analyze. Rather, we will have to analyze what he chose to include and what he chose to omit in his abridgment of Ibn Ḥajār.

First, there is no discussion of Bukhārī’s chapter heading.²⁰⁴ If you recall, Ibn Ḥajār read Bukhārī’s question “how much taʿzīr [is authorized]?” as an indication that the compiler recognized the issue of taʿzīr was open to ijtihād. Despite Ḥasan Khān’s support, in principle, for Shawkānī’s more radical articulations of ijtihād, Ḥasan Khān’s omission ironically functioned to close the text in this regard. While Ḥasan Khān acknowledged that there was disagreement among the legal schools concerning taʿzīr, the final section in his commentary, as we will see, obviated the need for such disagreement. Likewise, there is no immediate discussion of the authenticity of the isnād, which is postponed until the end of the commentary, and the disagreements over the isnād are not addressed. This omission would lead the reader to assume there is no argument over the reliability of the isnād.

Ḥasan Khān did include a discussion of the difference between Ibn Daqīq al-ʻĪd and Ibn Taymiyya’s positions concerning the original meaning of hadd. He presumably chose to include this discussion because his readership would have been particularly curious to hear of Ibn Taymiyya’s position on this hadīth, since he was greatly admired as a Mamluk era proponent of the kinds of reforms Shawkānī and the Ahl-i Ḥadīth thought were badly needed in their eras. While Ibn Ḥajar referred to him in his commentary as “Ibn Taymiyya,” Ḥasan Khān inserts into Ibn Ḥajar’s quote the reverential title “Shaykh al-Islām Ibn Taymiyya.”²⁰⁵

Yet it was not simply the prestige of quoting Ibn Taymiyya that made this discussion relevant for the Ahl-i Ḥadīth. Part of what was at stake in the debate between Ibn Daqīq al-Īd and Ibn Taymiyya, as was pointed out earlier, was the status of the Qurʾān versus the status of later juristic discourse in clarifying the meaning of a ḥadīth, and more specifically, the meaning of God’s sanctions (hudūd). This was precisely the debate that had been revived by Ḥasan Khān and the Ahl-i Ḥadīth in opposing taqlīd within the traditional legal schools in modern South Asia. Nevertheless, Ḥasan Khān was not so bold as to state so explicitly. Instead, he remained deferential to Ibn Ḥajar, quoting his opinion in support of Ibn Daqīq al-Īd against the view attributed to Ibn Taymiyya. Perhaps this is because Ibn Ḥajar persuasively dispelled any hint of taqlīd by arguing on terms acceptable to Ḥasan Khān: the grammar of the ḥadīth presupposed the idea that there are greater and lesser kinds of disobedience (maʿṣiya) and the Qurʾānic prooftexts still had a proper role in stipulating the hudūd.

Ḥasan Khān proceeded to summarize Ibn Ḥajar’s summary of the classical jurists’ opinions. What is most significant in this aspect of Ḥasan Khān’s abridgement, however, is that he did not tilt toward one particular school’s position. In fact, the argument was made somewhat moot by the concluding paragraph, in which Ḥasan Khān finally included a treatment of the reliability of the isnād. Ḥasan Khān need not state more than the fact that both Bukhārī and Muslim authenticated the ḥadīth, as well as the four Sunans of Abū Dāwūd, Tirmidhī, Nasāʾī and Ibn Mājah.206 The time in which the debate over the authenticity of this ḥadīth was relevant must have, for Ḥasan Khān, long passed. After establishing the unimpeachable authenticity of the “ten lashes” ḥadīth, Ḥasan Khān then closed with a pair of quotations that were highly suggestive of the point that the

classical jurists ought to have ruled using the hadīth. First, he quoted Qurṭubī’s opinion that the majority of scholars ruled on the basis of the hadīth. Second, he quoted Dāwūd’s opinion as it has been elaborated by Ibn Ḥajar: had the hadīth of “ten lashes” reached Mālik, Mālik would have been required to rule on its basis.²⁰⁷ What Ḥasan Khān excluded in his abridgement of Fatḥ al-bārī was Nawawī’s dissent that the majority did not rule on its basis, the very opinion Ibn Ḥajar thought ought to be “relied upon” (al-mu’tamad). In excluding Nawawī’s opinion and Ibn Ḥajar’s reliance on it, Ḥasan Khān strategically assured his readers that there was a consensus that the hadīth ought to be a source of law, even if it bucked the opinion of one’s legal school.

While Ḥasan Khān brought into greater relief aspects of Fatḥ al-bārī’s discussion of taʿzīr that resonated with the legal principles of the Ahl-i Ḥadīth, he was far more restrained than he would have been if he had built his commentary directly on Shawkānī’s discussion of taʿzīr in Nayl al-awtār. While Ḥasan Khān simply omitted Ibn Ḥajar’s reliance on Nawawī’s opinion, Shawkānī included it only to promptly denounce it outright: “a just man must not prop up the opinions of one person against the utterance of the Prophet of God.”²⁰⁸ Ḥasan Khān, as I pointed out earlier, considered himself “helpless, [and of] lowly aptitude” in comparison to Shawkānī, and his more limited rhetoric may be a reflection of that modesty. While some biographers and opponents remember Ḥasan Khān as unskilled, tactless and aggressive,²⁰⁹ his power to persuade laid precisely in his ability to make the commentary tradition speak the conclusions of the Ahl-i Ḥadīth without explicitly saying so or polemicizing rival opinions.

²⁰⁷ “Law balaghah” mā ḍadāla ʿanhu fa-yajibʾ alā man balaghahu an yaʿkhudhī bihi.” Ibid.
Anwār Shāh al-Kashmīrī: Reasserting the Need for Ḥanafī Trained Judges

By contrast, Kashmīrī’s commentary engaged with earlier commentaries in a voice all his own, even if it was predominantly concerned with the needs of the Ḥanafī legal school. He instructed his audience on the Ḥanafī opinions on taʿzīr without delay: “Know that taʿzīr, in our opinion, must not reach the most lenient of the ḥudūd, so do not exceed thirty-nine strokes, while according to Abū Yūsuf, there is no limit, as [it is said] in Ṭaḥāwī’s Sharḥ Maʿānī al-ʾaṭhār.”²¹⁰ If one wanted to execute by taʿzīr, Kashmīrī explained that this too is permitted, according to Imām al-Aʿẓam, the reverential designation for Abū Ḥanīfa.²¹¹ The other classical jurists’ opinions were not even mentioned, left to be included in the footnotes provided by his student.²¹²

But prior to delivering his own opinion on the matter, Kashmīrī digressed on Ibn Daqīq al-ʿĪd’s opposition to the position Ibn Ḥajar attributed to Ibn Taymiyya. Kashmīrī glossed the meaning of ḥadd briefly only to speculate on a seemingly banal point: why Ibn Daqīq al-ʿĪd failed to explicitly mention Ibn Taymiyya by name. Kashmīrī hypothesized that Ibn Daqīq al-ʿĪd was among the great Sufi saints (awliyāʾ Allāh) of his time, and did not want to utter Ibn Taymiyya’s name because he had harsh views concerning matters of Sufi saints.²¹³ This provides a window into a commentarial etiquette that the suppression of an opponent’s name could reveal one’s views on a completely unrelated subject. It also expresses a concern among Kashmīrī and his audience with current polemics over the reverence of Sufi saints. At the time Kashmīrī delivered his commentary, the status of the Sufi saint as an intercessor and the practice of

²¹¹ Ib. 4:457 (Kitāb al-Muḥāṣribīn: Bāb Kam al-taẓīr waʾl-adab).
²¹² Ib. 4:456-8 (Kitāb al-Muḥāṣribīn: Bāb Kam al-taẓīr waʾl-adab).
²¹³ For Ibn Taymiyya’s controversial critique of visitation of Sufi saint shrines, see Christopher S. Taylor, In the vicinity of the righteous: Ziyāra and the Veneration of Muslim Saints in Late Medieval Egypt (Leiden: Brill, 1998), 168-194.
visiting Sufi gravesites or shrines were hotly contested locally by both the Ahl-i Ḥadīth and the Deobandīs, and critiqued abroad by the reform movement inspired by Muḥammad ibn ʿAbd al-Wahhāb (d. 1206/1792) in Central Arabia. Kashmīrī’s digression moreover demonstrated the consequential role played by the invocation of Ibn Taymiyya’s name within those current debates.

Kashmīrī concluded by siding with Abū Yūsuf’s broader opinion from Ṭahāwī that there is no limit on taʾzīr, on the grounds that exceeding ten strokes had been established by another hadīth. This much is identical to ʿAynī’s position. But Kashmīrī added an important stipulation: only the pious who fear God’s limits and who preserve ordinances of the law by heart (yahfaz awāmir al-sharīʿa) — not the general public — can issue legal opinions on its basis. On the one hand, Kashmīrī affirmed that the textual tradition offered unlimited discretion to the interpreter. On the other hand, he restricted its practical application to a privileged few. It echoes, moreover, Kashmīrī’s retelling of the Bājī fiasco, in which a senior scholar intervened to save Bājī from unjustified execution.

But was there a basis to Kashmīrī’s worry that the general public would deliver severe punishments without proper training? Of course, Kashmīrī may have simply been concerned with an overzealous husband or father taking the law into his own hands. That Kashmīrī needed to assert the privilege of a traditionally trained expert in the first place, however, subtly acknowledges a new landscape in which new technologies and new educational institutions allowed general audiences to acquire Islamic literacy outside the

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214 An excellent overview of the roots of this debate can be found in Ingram, “Deobandis Abroad”, 32-64.  
215 For Kashmīrī’s views on Ibn Taymiyya and some of his controversial positions, see Bijnūrī, Anwār al-bārī, 1:318-19.  
217 Ibid.  
218 Ibid., 4:108-09 (Kitāb al-Maghāzī: Bāb ʿUmrat al-Qaḍāʾ).
careful control of traditional institutions and methods of learning, and with potentially hazardous consequences.

At the level of composition, Kashmīrī’s commentary was, in many ways, far more open than Ḥasan Khān’s. While Kashmīrī emphasized the positions of the Ḥanafī school, his thoughts wandered freely in response to the textual tradition, and how they ought to be best applied. In his own unique voice, Kashmīrī addressed the concerns of his contemporary audiences. Ḥasan Khān, by contrast, in spite of his admiration for those who bucked reliance on traditional authorities, limited himself to speaking through the words of a predecessor.

**Conclusion**

In the first two chapters of this dissertation, I emphasized how the commentary tradition on the Ṣaḥīḥ was contingent on the local social and political context in which it emerged without losing sight of what was normatively at stake for participants in the tradition. This chapter, building on the last, has intended to identify the complex and non-linear discursive factors that shaped the contours of the living tradition of commentary on the Ṣaḥīḥ, while keeping the social and political context in view. While I have noted some limited conclusions along the way relevant to each particular period, I will attempt to draw out some highly provisional conclusions that illustrate broader transformations of this commentary tradition. Further research into a wider array of other case studies is undoubtedly required to deepen and revise our current understanding of the dynamics of commentary on the Ṣaḥīḥ.
The Ṣaḥīḥ’s chapter on taʿzīr posed a challenge for early Andalusian Mālikī commentators who sought broad powers in sentencing criminals for offenses without textually stipulated penalties. A wealth of resources and tools were at the disposal of these early jurists who sought to reconcile the ḥadīth with their school’s position. One could avoid ruling on the text on the grounds of its unreliability, or one could concede the authenticity of the text but develop a strategy to read it in ways favorable to the school’s position. As it became virtually impossible to deny the authority of the Ṣaḥīḥ in the Mamluk period, the conversation shifted almost entirely to perfecting strategies that would persuasively reconcile the legal school’s ruling with the guaranteed authority of the Ṣaḥīḥ. Nevertheless, some commentators began to ask whether jurists were imposing a technical meaning onto the text that was not native to it. While Mamluk appointed chief justices could easily dispatch such doubts, the credibility of the traditional schools of law in interpreting the Ṣaḥīḥ was thrown into question amidst an era of Islamic reform in modern South Asia. The Ṣaḥīḥ and its cumulative tradition of commentary was again flexed in favor of opposing views, as commentators appealed to modern audiences through the new medium of print. At each juncture, the dynamic status of the Ṣaḥīḥ as a guarantor of the ḥadīth’s authenticity interacted in complex ways with both the authority of the legal schools and the authority of the cumulative tradition of commentary to open or close certain aspects of the text for those who sought to interpret it in the present.

In Islamic legal traditions, and many non-Islamic legal traditions as well, earlier juridical rulings usually play a significant role in shaping the rulings of later jurists. In the commentary tradition on a ḥadīth in the Ṣaḥīḥ with legal import, however, we saw a mingling of multiple traditions: the opinions of the legal schools as well as the opinions
of notable commentators on the Ṣaḥīḥ. Likewise, the textual traditions of legal schools typically employed standard legal devices such as abrogation (naskh) and analogy (qiyās) to expand or constrain hermeneutic flexibility.\(^{219}\) The commentators on the Ṣaḥīḥ such as Muhallab, Ibn Ḥajar and the numerous commentators who quoted them, deployed additional tools, such as analysis of Bukhārī’s organization and chapter headings.

One should not conclude, however, that a chapter or a ḥadīth in the Ṣaḥīḥ could mean whatever the jurists wanted it to mean at any given point in time. While Muhallab developed and applied unprecedented interpretative techniques to maintain the authority of the Ṣaḥīḥ, he was ultimately constrained by the rulings of his legal school, an institution whose dominance in the region was contingent on a mix of social, historical and political factors. Alternatively, Ḥasan Khān, who lived in a moment in which he could be uncommitted to any one legal school, was nevertheless discursively constrained by the authority and approaches of earlier masters like Ibn Hajar, the local politics of British India, and the varied and at times divided inclinations of multiple Muslim readerships locally and across the globe. Thus, both innovation and continuity over time were exegetical goods constitutive of the commentary tradition on the Ṣaḥīḥ. How both were articulated in the lines of a commentary was contingent on the multiple and sometimes conflicting freedoms and constraints placed on commentators by their present communities and the longue durée of their textual traditions.

\(^{219}\) For fuller discussion of such devices as they relate to hermeneutic flexibility in a legal tradition, see Sadeghi, *The Logic of Law Making in Islam*, 28-9.
Conclusion

In a paradox which it always displaces but never escapes, the commentary must say for the first time what had, nonetheless, already been said, and must tirelessly repeat what had, however, never been said.

— Foucault, “The Order of Discourse”

This dissertation began in al-İmān mosque in Damascus in 2009, in which 'Irqsūsī’s contemporary commentary on the Ṣaḥīḥ had been delivered weekly, live. Al-İmān sat in the shadow of the Ba‘th party headquarters, and its sermons, public lessons on the Ṣaḥīḥ, the Qur’ān and other hadīth collections were widely assumed to be subject to state surveillance. In 2013, the mosque’s political significance became all too apparent when it served as the site for a high profile assassination and massacre during the ongoing Syrian civil war. The case of al-İmān gave rise to a key question driving the first part of my investigation: to what extent was commentary on the Ṣaḥīḥ embedded in the politics and culture of its living communities?

As chapter one illustrated, some commentaries on the Ṣaḥīḥ in the Mamluk period were delivered in the citadel and in the intimate and highly sociable setting of the sultan’s garden with the judicial and political élite present. The fact that Ibn Ḥajar praised the sultan al-Mu‘ayyad Shaykh by name in the first third of his work but omitted his successor Barsbāy in the final two-thirds is but one small indication of an author whose relationship to persons of political power changed over the course of his commentary, a work that was the result of hundreds of sittings, perhaps more than fifteen hundred. Likewise, the competition we observed in commentarial writings, quarrels over unattributed borrowing among other issues, could be linked, in part, to the reality that

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patrons and rivals would have been present in the live sessions. Movement through space, either on account of travel for study or forced migration, and the development of print and digital technologies that allowed students to study hadīth without the need for travel, brought together people, books and ideas from multiple regions into the shared site of the commentary. Established centers of learning, from late Umayyad Cordoba to Mamluk Cairo to colonial era Deoband and Bhopal determined, in part, the conditions under which this transregional exchange of ideas took place. While it may have been assumed that the construction of regional and social identity played a small role in the construction of interpretive authority, chapter two of my investigation documented how markers of ethnic and regional difference, such as elocution and dress, could subtly distinguish the stature of the interpreter in the eyes of his audiences.

But the day-to-day material environs of commentary, and the quarrels among individuals or social groups over that political and economic environment, are only a part, albeit an important part, of the story. It cannot, by itself, explain why the winners of prestigious appointments, wealth, or renown did not always correlate with the revered scholarly authorities of the tradition. More to the point, it cannot, by itself, explain what normative commitments were at stake in commenting on the Sahīh in the first place. After all, commentators were held to have come up short if they sought through their explications group or personal advantage. To paraphrase a distinction articulated by but not unique to Ibn Ḥajar, commentary, properly done, ought to be primarily oriented towards deriving benefit, or istifāda, rather than to pass a test for a teaching appointment. This gave rise to another key question driving the second part of my investigation: what
else, beyond the rewards and punishments of their local political and cultural environments, might be at stake for commentators of the Șahîh?

To be sure, as chapter three made clear, unlocking the “secret essence” of the Șahîh through Bukhârî’s chapter headings circularly justified the very need for professionalized gatekeepers who could choose when and how to unlock it for the uninitiated. And the underdetermined quality of certain puzzling aspects of the Șahîh appeared to give commentators a modicum of control in bringing the normative meaning of the Șahîh in line with their own legal, theological and political interests. But the Șahîh’s “secret essence” would have no claim on audiences’ attention if it were only about constructing the power of those who held the key. The task of disclosing the Șahîh’s “secret essence” was thus also contingent on the debate and evaluation of the reasons audiences’ might expect to find a “secret essence” behind the Șahîh in the first place. Commentators and their audiences alike valued new explanations that could persuasively maintain a fidelity to Bukhârî’s intentions while elucidating new meanings of the text. For Ibn al-Munayyir, certain aspects of the Șahîh could only be fully understood after long periods of time has passed since its original compilation. While it would be easy to conceive of a kind of textual interpretation that claimed to be abstracted from time and circumstance, this genre of commentary strategically deployed narratives of time to open or close aspects of the text. Commentators on the Șahîh were thus motivated and judged in part by their realization of exegetical goods that were defined by and defining of the shared practice of commentary: those which result from an attempt to secure the original authority of the Șahîh while unlocking its application for present and future audiences.
To explore the dynamic link between the passage of time and exegetical goods in greater depth, chapter four offered a study of one point of intersection, commentary on Bukhārī’s chapter on discretionary punishment, in three historical periods. In concert with a range of other legal discourses, commentary on this chapter mediated the extent to which criminalized action could be disciplined, in theory, through lashes, starvation, verbal reprimands and even execution. In addition to these arguments over crime and punishment, a number of interrelated interpretive issues were also at stake: the status of the Ṣaḥīḥ as a guarantor for authentic ḥadīths, the role of Bukhārī’s compilatory organization in shaping the normative meaning of the ḥadīth, the correctness of one recitation of the Ṣaḥīḥ over another, the history of commentarial opinions on the Ṣaḥīḥ, the proper understanding of a ḥadīth’s apparent and implied meanings, the evidentiary weight of authenticated Prophetic ḥadīths against other sources, and the station of traditional legal school techniques and opinions when deriving law from ḥadīths. This chapter showed, moreover, how Muslims scholars debated these issues within the freedom and constraints of their historical moments but also within the freedom and constraints of their textual traditions. While some of these interpretive issues were unique to the commentary tradition on the Ṣaḥīḥ, others might be readily found in other historically extended Islamic legal discourses.

Commentators did not conceive of their explications within the genre of history (tārīkh) but it may still be useful for us to think of commentary (sharḥ) as historiographical. After all, commentators often explained a ḥadīth by chronologically ordering a record of that ḥadīth’s reception among prior scholarly authorities. While this archive of explanations may appear to be a list of opinions passively acquired and
transmitted, a close reading shows how a *hadīth*’s reception history could also be subtly marshaled to construct a narrative about the work’s proper interpretation in the present. In this sense, commentary was neither as simple as resignifying the sayings and practices of the Prophet for present audiences, nor resignifying the *Ṣaḥīḥ* for present audiences. Rather, one of the most productive sites of commentarial construction and deconstruction was the perpetual ordering and reordering of the previous scholarly opinions that had proliferated over time. Ṣiddīq Ḥasan Khān offered a fresh challenge to the legal institutions of his time, but he did so through abridging and re-organizing Ibn Ḥajar’s words. Ibn Ḥajar offered fresh insights into the *Ṣaḥīḥ*’s headings but it was still Bukhārī’s unspoken intentions that Ibn Ḥajar claimed to preserve. Bukhārī, for his part, produced an ingeniously organized compilation, establishing new standards in authenticating *hadīth*, but the central focus of his activity was to transmit those sayings and practices of the Prophet that his most trustworthy and reliable teachers had transmitted to him. This suggests that commentarial discourse may have had as much or more to say about its own transformative pilgrimages from the present to the Prophet and back again than the text upon which it intended to comment. It also suggests that the transmission and maintenance of a prior textual authority and its tradition of interpreters were not only a pre-requisite for but also a medium of commentarial discovery, innovation and normative debate.

This dissertation has attempted to make visible the complex and overlapping causal role of multiple orders of goods in a living tradition, recognizing that they are mutually constitutive while not reducible to one another. In doing so, I have endeavored to thicken as well as to refine our understanding of what was at stake in the arena of commentary on
the *Ṣaḥīḥ*. In complicating and enriching our historical understanding of this tradition, we are also complicating and enriching our present in which the *Ṣaḥīḥ* is still being defined and re-defined by contemporary traditionalists for living audiences. In the spirit of Ibn Ḥajar’s and Nawawī’s endless and unfinished commentaries, however, I will not presume that my own conclusion offers an ending, but merely an introduction to further debate, questions and commentary.
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