

3. Qāḍī ‘Iyāḍ

3.1. Biographical prelude

3.1.1. Life

Notes on Qāḍī ‘Iyāḍ can be found in many medieval Arabic biographical dictionaries.⁶⁷⁴ Biographical information is also abundant in recent works and studies about the man and his oeuvre.⁶⁷⁵ According to his son Muḥammad b. ‘Iyāḍ (d. 575 H/1179 CE), his full name was Abū al-Faḍl ‘Iyāḍ b. Mūsā b. ‘Iyāḍ b. ‘Amrūn⁶⁷⁶ b. Mūsā b. ‘Iyāḍ b. Muḥammad b. ‘Abd Allāh b. Mūsā b. ‘Iyāḍ al-Yaḥṣubī.⁶⁷⁷ His ancestors were of Yemeni origin, more specifically from the Yaḥṣub tribe.⁶⁷⁸ Muḥammad b. ‘Iyāḍ argues that they settled in Kairouan, in Baṣṭa, in al-Andalus,⁶⁷⁹ and later in Fez, before finally settling in Ceuta.⁶⁸⁰ His great-grandfather ‘Amrūn (d. 397 H/1007 CE) was a notable person and a reputed Qur’anic scholar in Fez. He was known to have made the pilgrimage to Mecca eleven times and fought with

674 Two sources are at the top of this list: the biography written by Qāḍī ‘Iyāḍ’s son Muḥammad (d. 575 H/1179 CE), entitled *al-Ta’rīf bi-l-Qāḍī ‘Iyāḍ*, and another extended biographical work by al-Maqqarī (d. 1041 H/1631 CE), *Azhār al-riyāḍ fī akhbār ‘Iyāḍ*. See also Ibn al-Abbār, *al-Mu’jam* (2000), 294; Ibn Khalliqān, *Wafayāt* (1978), III, 483; Ibn Bashkuwāl, *al-Ṣila* (2010), II, 429; Ibn Farḥūn, *al-Dibāj* (1972), II, 46; al-Ḍabbī, *Bughya* (1989), 572; Ibn Kathīr, *al-Bidāya* (2003), XVI, 352.

675 See Hermosilla Llisteri 1978–79, 149–74; al-Turābī 1998; Shawwāt 1999, al-Marri 2000, 20–27, 31–40; *BA* (2009), 404–5; Serrano Ruano 2010; Gómez Rivas 2013, 223–38; Eggen 2018, 87–109.

676 There are slightly modified or shortened versions of his lineage. For instance, Ibn Khallikān uses ‘Umar instead of *‘Amrūn*, whilst Ibn al-Abbār chooses ‘Amr. In addition, both scholars drop the name ‘Abd Allāh. See Ibn Khalliqān, *Wafayāt* (1978), III, 483; Ibn al-Abbār, *al-Mu’jam* (2000), 294.

677 A common nisba “al-Sabī” refers to *Sabta*, i.e., Ceuta, his hometown.

678 Originally from Ḥimyar (the southern region of Yemen). An important tribe from Ḥimyar, the Banū Yaḥṣub, settled in al-Andalus after the conquest in a village called *Qal’at Yaḥsub* and *Qal’at Banū Sa’d*, known now as Alcalá La Real, situated between Granada and Jaén. Qāḍī ‘Iyāḍ’s ancestors likely chose to settle there when they arrived in al-Andalus. See al-‘Umrānī 1983, II, 66–67.

679 The present Baza. A small town in the province of Granada.

680 ‘Iyāḍ, *al-Ta’rīf* (n.d.), 2.

Almanzor⁶⁸¹ (d. 392 H/1002 CE) in his battles. Very little is known about Qāḍī 'Iyāḍ's grandfather and father, but it is clear that his family had a good reputation in Ceutan society.⁶⁸² It is essential to note that Ceuta's distinguished geographical location was a decisive factor for its scientific and economic prosperity. It was a key point on the itinerary of the journey to al-Andalus, to al-Maghrib, to Ifrīqiya and to al-Mashriq for all kinds of persons: scholars, pilgrims, merchants and soldiers. It was the meeting point for scholars travelling from al-Andalus to al-Maghrib or al-Mashriq and vice versa. Over time, it became an important cultural centre.⁶⁸³ Qāḍī 'Iyāḍ was born in this city in the middle of *Sha'bān* 476 H/beginning of January 1084 CE.⁶⁸⁴ Historians and biographers agree that 'Iyāḍ grew up in a noble and disciplined milieu, which made him a well-mannered, educated, humble and clever boy from an early age. His keen interest in learning and seeking knowledge characterised him from childhood. In this respect, the sources agree in praising his genius and capacity for understanding.

'Iyāḍ was received with special care in the Qur'anic school (*al-kuttāb*), especially after his teachers had noticed his intelligence and his willingness to memorise. Before the age of nine, he had already learnt the entire Qur'an by heart, and together with the care and support of his family, he mastered the seven canonical readings (*al-qirā'āt*). 'Iyāḍ studied with the best teachers Ceuta had to offer. His basic academic formation is credited to Abū 'Abd Allāh Muḥammad b. 'Īsā al-Tamīmī⁶⁸⁵ (d. 505 H/1111 CE), with whom he studied all the ḥadīth sciences and *fiqh*.⁶⁸⁶ Another important name in the early and basic formation of 'Iyāḍ is the jurist Ishāq b. Ja'far al-Lawāṭī

681 Abu 'Āmir Muḥammad b. 'Abd Allāh b. Abī 'Āmir al-Ma'āfirī was the *ḥājib* (chamberlain) of the Umayyad Caliph Hishām II (d. 403 H/1013 CE). He was the *de facto* ruler of al-Andalus. See Chalmers, *EF*, http://dx.doi.org/10.1163/1573-3912_islam_SI_M_4936 accessed 16 September 2021.

682 Hermosilla Llisteri 1978, 149.

683 Al-Shawwāṭ argued that, at that time, Ceuta had three main characteristics that distinguished it from any other Maghribi city: it was a fort (*ribāṭ*), a home of knowledge (*dār al-'ilm*) and a home of jihad (*dār al-jihād*). See al-Shawwāṭ 1999, 38–42.

684 While Ibn Farḥūn argues that he was born in 496 H/1103 CE, Ibn Kathīr holds that his birth was in 446 H/1054 CE. Both assertions are wrong since the date given by Muḥammad b. 'Iyāḍ is the same as that written by Qāḍī 'Iyāḍ himself. See Ibn Farḥūn, *al-Dībāj* (1972), II, 46; Ibn Kathīr, *al-Bidāya* (2003), XVI, 352; 'Iyāḍ, *al-Ta'rīf* (n.d.), 3.

685 The judge and *mufti* of Ceuta. See al-Dhahabī, *Siyar* (1992), XIX, 266.

686 'Iyāḍ specifies that he was present with him in all the debates about the *Muwatta'* and the *Mudawwana*. 'Iyāḍ, *al-Ghunya* (1982), 26–44.

(d. 513 H/1119 CE), known as Ibn al-Fāsī,⁶⁸⁷ with whom he studied Mālik's *Muwaṭṭa'* and *al-Mulakhkhaṣ* by al-Qābisī.⁶⁸⁸ It is not coincidental that 'Iyāḍ was eloquent and could accurately examine, discuss and criticise grammatical and linguistic matters since he also had the chance to study with the most renowned linguists in Ceuta, including Abū 'Alī al-Ḥasan b. 'Alī (d. 501 H/1107 CE) and Khalaf b. Yūsuf (d. 532 H/1137 CE).⁶⁸⁹ Growing older and seeing in himself the seed of a prestigious scholar, 'Iyāḍ started to meet and benefit from the Maghribi scholars and some other Mashriqīs who were passing through Ceuta on their journeys.⁶⁹⁰ This golden opportunity seems to have persuaded 'Iyāḍ not to think about his *riḥla* from an early stage. Why not benefit from the continuous traffic of scholars? Only at the age of thirty-one did he decide to embark on his journey.⁶⁹¹ Although his *riḥla* was short (thirteen months), 'Iyāḍ was able to consolidate his knowledge and to come back to Ceuta, on Saturday, 7 *Jumādā II* 508 H/14 November 1114 CE, as a well-established scholar.⁶⁹²

As a preliminary step towards the judgeship, 'Iyāḍ was required to participate in a public debate (*munāzara*) about the *Mudawwana* together with the most renowned jurists of Ceuta. He outperformed them and was consequently appointed to the *shūrā*.⁶⁹³ At the age of thirty-nine, in *Ṣafar* 515 H/May 1121 CE, he was appointed judge of Ceuta and occupied this post over the next sixteen years.⁶⁹⁴ His son Muḥammad underlines that his

687 See 'Iyāḍ, *al-Ghunya* (1982), 119–21.

688 Ibid., 119.

689 See al-Shawwāṭ 1999, 70.

690 The first time Qāḍī 'Iyāḍ met Abū Bakr Ibn al-'Arabī was in Ceuta when he had returned from his Eastern journey. See 'Iyāḍ, *al-Ghunya* (1982), 68.

691 This will be examined in the following pages.

692 'Iyāḍ, *al-Ta'rif* (n.d.), 10; al-Maqqarī, *Azhār* (1939), III, 10.

693 This position appeared in the judicial system in al-Maghrib and al-Andalus precisely during the reign of the prince 'Abd al-Raḥmān b. al-Ḥakam (d. 238 H/852 CE) (r. 206–238 H/821–852 CE), thanks to the efforts of Yaḥyā b. Yaḥyā al-Laythī (d. 234 H/848 CE). *Al-shūrā* was a complementary and necessary structure for the judiciary. It was not only the judges who consulted the jurists on problematic issues but also the Umayyad Amīr, who could consult them on meaningful and ambiguous private or public issues. This post was, therefore, very important and delicate and required jurists who had completed their formation and were known for their virtuousness and straight path. The judges did not appoint jurists to the *shūrā* position; their role was limited to suggesting the names of jurists qualified for this task and presenting them to the Amīr, who had the right to appoint whomever he found better qualified. See Monès 1997, 31–33; al-Harrūs 1997, 187–88.

694 Shawwāṭ 1999, 163; al-Sallābi 2009, 224.

father enjoyed a very good reputation during his judgeship in Ceuta, and as recompense, he was relocated to the judgeship of Granada on 1 *Ṣafar* 531 H/4 November 1136 CE, where he was enthusiastically welcomed.⁶⁹⁵ Nevertheless, his stay in Granada was limited to one year and seven months. According to his son, the Almoravid prince Tāshufīn Ibn 'Alī (d. 539 H/1145 CE) dismissed him due to his extreme strictness and censoriousness.⁶⁹⁶ Qāḍī 'Iyāḍ went back to his homeland where he devoted all his time to teaching and writing and over a period of seven years he composed most of his works.⁶⁹⁷ In 539 H/1145 CE, the young Almoravid *amīr*, Ibrāhīm Ibn Tāshufīn (d. 542 H/1147 CE), again appointed Qāḍī 'Iyāḍ to the judgeship of Ceuta. In the meantime, he continued giving his lessons until the Almohad army defeated the Almoravid army and took Ceuta.⁶⁹⁸ Although 'Iyāḍ played a crucial role against the Almohad revolution,⁶⁹⁹ his direct elimination was not easy due to his popularity and his avoiding the outrage of the people. He was then appointed a judge in a small rural village called *Dāy* in the province of *Tādla*⁷⁰⁰ around 541 H/1146 CE.⁷⁰¹ Through this appointment, which was actually an exile, the Almohads aimed to separate 'Iyāḍ from his entourage and especially from his followers and supporters, and to distance him from the nucleus of the political movement. Moreover, they were sure there would be psychological side effects of such an exile on 'Iyāḍ.⁷⁰² Indeed, after his glorified juridical journey, 'Iyāḍ found himself a rural, exiled judge far from anywhere, which only intensified his feeling of disdain and loneliness and caused him to become ill for three years until he died in 544 H/1149 CE.

Most of the biographies confirm that Qāḍī 'Iyāḍ died on the night of 9 *Jumādā II* 544 H/20 October 1149 CE, as related by his son Muḥammad.⁷⁰³

695 'Iyāḍ, *al-Ta'rīf* (n.d.), 10.

696 Al- Maqqarī, *Azhār* (1939), III, 10; Shawwāt 1999, 165.

697 Shawwāt 1999, 165.

698 Ibid.

699 For more information about 'Iyāḍ's role in his rebellion against the Almohads, see Kassis 1983, 504–14.

700 Also known as *Tādila*. It is a plain in the centre of Morocco between the High and the Middle Atlas. See Colin, *EP*, http://dx.doi.org/10.1163/2214-871X_eil_SIM_5601 accessed 17 September 2021.

701 Al- Maqqarī, *Azhār* (1939), III, 10.

702 Shawwāt 1999, 273.

703 'Iyāḍ, *al-Ta'rīf* (n.d.), 13. Ibn Khallikān and Ibn al-Abbār situate his death two days before the date announced by his son. See Ibn Khallikān, *Wafayāt* (1978), III, 485; Ibn al-Abbār, *al-Mu'jam* (2000), 296.

Yet, all the biographers agree that he died in Marrakesh and that he was buried in the medina, exactly in *bāb aylān*,⁷⁰⁴ except for Ibn Khaldūn, who maintains that he passed away in *Tādla*.⁷⁰⁵ Opinions diverge concerning the cause of his death. On the one hand, Muḥammad b. ‘Iyāḍ affirms that the Almohad ruler asked his father to accompany him on one of his battles, which he did. Yet, when ‘Abd al-Mu’min (d. 558 H/1163CE) saw that ‘Iyāḍ was ill, he permitted him to return home, where he subsequently died. Since this story was told by ‘Iyāḍ’s son, it seems more credible than the others. Muḥammad writes:

Until [the Almohad ruler] left – may God support him – for the battle of *Dukkāla*, accompanied by [Qāḍī ‘Iyāḍ] who fell ill after some time. Hence [the Almohad ruler] gave him the permission to go home, so he came back to the capital (*al-ḥāḍira*), where he remained ill for about eight days. Thereupon he died – may God pardon him – on Friday night, at midnight, of the ninth of *jumādā al-thānī* of the year 544 H, and he was buried there in *bāb aylān* inside the city, may God sanctify his soul, and illuminate his tomb.⁷⁰⁶

In *al-Dībāj*, on the other hand, Ibn Farḥūn asserts that Qāḍī ‘Iyāḍ was poisoned by a Jew and consequently died.⁷⁰⁷ This assertion did not receive the support of the biographers due to lack of proof. Besides, another opinion suggests that ‘Iyāḍ was killed at the orders of the leader of the Almohad revolt, al-Mahdī Ibn Tūmart (d. 524 H/1130 CE), after complaints by the people in his town, who claimed that ‘Iyāḍ was Jewish because they never saw him on Saturdays. In addition, they said that during this time he was writing his magnum opus, *al-Shifā’*.⁷⁰⁸ This possibility was rejected for two reasons: first, Ibn Tūmart died nineteen years before Iyāḍ himself, and second, Iyāḍ composed the *al-Shifā’* earlier than this period and dictated it during his judiciary in Granada.⁷⁰⁹ Al-Nubāhī⁷¹⁰ (d. 792 H/1390 CE) was one of the biographers who pointed the finger of blame

704 Also pronounced *ilān*. It is a neighbourhood in eastern Marrakesh, limited by the Oued Issil.

705 Ibn Khaldūn, *Tārikh* (2000), VI, 308.

706 ‘Iyāḍ, *al-Tā’rif* (n.d.), 13.

707 Ibn Farḥūn, *al-Dībāj* (1972), II, 51.

708 al-Samlāli, *al-I’lām* (1993), IX, 363.

709 Ibid., 362.

710 ‘Alī b. ‘Abd Allāh b. Muḥammad b. Muḥammad b. al-Ḥasan al-Judhāmī al-Mālaqī known as Abū al-Ḥasan was an Andalusī judge and historian.

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at the Almohads when it came to the death of Qāḍī 'Iyāḍ and his teacher Abū Bakr Ibn al-'Arabī. He specified that both scholars faced many trials (*fa-jarat 'alayhimā miḥan*) and suffered from calamities (*wa-aṣābathumā fitan*), especially since they died separated from their homeland (*wa-māta kullun minhumā muḡharraḇ 'an awṭānih*). He adds that there circulated a story that Ibn al-'Arabī was poisoned and 'Iyāḍ strangled to death (*summa Ibn al-'Arabī wa-khuniqa al-Yaḥṣubī*).⁷¹¹

Another version holds that Qāḍī 'Iyāḍ died suddenly in a bath (*ḡammām*) in Marrakesh after a curse pronounced upon him by al-Ghazālī after he had issued a *fatwā* to burn the *Iḡyā'*:

Among the group that condemned (*ankara*) al-Ghazālī and issued a *fatwā* about burning his book were al-Qāḍī 'Iyāḍ and Ibn Rushd. When this reached al-Ghazālī, he cursed the judge ['Iyāḍ], who died suddenly in his bath the same day. It has been said that al-Mahdī [see below] was the one who ordered that he ['Iyāḍ] should be killed after people in his town accused him of being a Jew on account of him not coming out on Saturdays because he was busy working on the *Shifā'*. However, it was because of al-Ghazālī's curse that al-Mahdī killed him.⁷¹²

This version likewise presents a chronological flaw given that Qāḍī 'Iyāḍ died almost forty years after al-Ghazālī's death, i.e., 505 H/1111 CE. Moreover, as proposed by Eggen, although the *fatwā* for the first public burning of the *Iḡyā'* (in 503 H/1109 CE) may have reached al-Ghazālī, 'Iyāḍ was only twenty-seven years old at the time and still a student in Ceuta, and thus very young and far from making decisions or giving legal opinions.⁷¹³

Another version proposes that 'Iyāḍ was killed by the Almohads. In his article *Iyāḍ fī fās*, al-Tāzī holds that talking about 'Iyāḍ in the Almohad period was subject to noticeable censorship. In addition, he speaks of the fear that accompanied every historian or biographer who talked about 'Iyāḍ during the Almohad dynasty. For instance, when Abū al-Qāsim b. al-Maljūm⁷¹⁴ (d. 604 H/1208 CE) describes the exile of 'Iyāḍ, he prudently uses the term *inṣirāf* (leaving) rather than *naḡy*.⁷¹⁵ Qāḍī 'Iyāḍ asked for Abd

711 Al-Nubāhī, *Tārīkh* (1983), 95.

712 Al-Shāḡrānī, *al-Ṭabaqāt* (2005), I, 34.

713 Eggen 2018, 90–91.

714 'Abd al-Raḡīm 'Īsā b. Yūsuf b. 'Alī al-Azdī, known as Ibn al-Maljūm, was a Maghribi traditionist and jurist and a student of Qāḍī 'Iyāḍ.

715 Al-Tāzī 1981, <http://www.habous.gov.ma/daouat-alhaq/item/5495> accessed 17 September 2021.

al-Mu'min's pardon and received it. Nevertheless, he remained a serious threat and challenge to the legitimacy of the Almohad authorities and the validity of their doctrine.⁷¹⁶ Therefore, his perpetual silence could have been the best solution for the Almohads.⁷¹⁷ On balance, the first version, i.e., that of Muḥammad b. 'Iyāḍ, has the spotlight due to its greater plausibility as the testimony of the deceased's son.

3.1.2. *Rihla*

As mentioned in the previous chapter, the *rihla fī ṭalab al-'ilm* (journey in search of knowledge) was not only considered an essential step in the academic career of a scholar but also a fundamental mechanism in the process of transmitting knowledge that was preferably based on direct contact and listening (*samā*) by attending lectures given by the teachers. For the Maghribi and Andalusī scholars, the *rihla* was an eastward journey because, as explained by Makkī, the pilgrimage constitutes the first motive of the *rihla*. This is followed by the motive of education.⁷¹⁸ However, the *rihla* of Qāḍī 'Iyāḍ was not towards the east, but to the north, towards al-Andalus. Gómez-Rivas describes this journey as a novelty since it underscored an important historical development. It created, in fact, "the first large-scale bureaucratic structure in the Far Maghrib by importing cultural and institutional know-how from the north."⁷¹⁹ Gómez-Rivas continues by arguing that Qāḍī 'Iyāḍ paved the way for a process where the southern Maghribi cities such as Ceuta, Fez and Marrakesh started assimilating the Andalusī intellectual and artistic heritage, while al-Andalus was, at the time, under notable military threat and economic pressure from the Christian kingdoms.⁷²⁰

'Iyāḍ took his time in solidifying and improving his intellectual and scientific standing in Ceuta, and once he felt his thoughts were sufficiently expanded, his mind matured, and his knowledge completed, he started planning his trip to al-Andalus.⁷²¹ It is very important to underline that, in

716 Kassis 1983, 511.

717 See Gómez-Rivas 2013, 328–29.

718 Makkī 1968, 5–22. See also, Gómez-Rivas 2015, 325.

719 Ibid.

720 Ibid.

721 A likely important motivation for 'Iyāḍ's journey is that during the Almoravid dynasty, al-Andalus and al-Maghrib became one political entity with its capital in

the period before his *riḥla*, 'Iyāḍ represents himself as an already regionally known scholar and that other scholars and students were interested in learning from him.⁷²² Proof of his scholarly weight is the fact that one of his old teachers, who knew about his *riḥla*, told him that some teachers in al-Andalus (*baḍ' al-ashyākh*) needed him ('Iyāḍ) more than he needed them (*la-huwa aḥwaj ilayk minka ilayh*).⁷²³ Another notable point is the fact that 'Iyāḍ was significantly older than the average scholar setting forth on his journey: he was thirty years old.⁷²⁴ He prepared a detailed plan of his journey and itinerary; his timing and the teachers he met were perfectly studied. 'Iyāḍ received great political and financial support from the Almoravid *amīr*, 'Alī b. Yūsuf Ibn Tāshufīn (d. 537 H/1143 CE), in addition to a letter of recommendation from the *amīr* to the chief justice (*qāḍī al-jamā'a*) of Cordoba, Ibn Ḥamdīn (d. 508 H/1114 CE), asking him to help and support 'Iyāḍ and praising the latter's genius. In addition to this, the assistant to the Almoravid *amīr*, Abū al-Qāsim Ibn al-Jadd⁷²⁵ (d. 515 H/1121 CE), wrote another recommendation letter to Ibn Ḥamdīn in which he praised 'Iyāḍ and especially his intellectual qualities.⁷²⁶

It was mid *Jumādā II* 507 H (3 December 1113 CE) when 'Iyāḍ left Ceuta to cross the Strait of Gibraltar and arrived in al-Andalus.⁷²⁷ After fifteen days, he arrived at his first destination, Cordoba. He was warmly welcomed by many prestigious scholars in the city. He then started attending the *majālis* (courses) with other students, but once the *shuyūkh* noticed his level, they began inviting him to intensified *samā'* sessions in their homes.⁷²⁸ Ibn Ḥamdīn, Ibn 'Attāb⁷²⁹ (d. 520 H/1126 CE) and Ibn al-Ḥājī⁷³⁰ (d. ca. 529 H/1134 CE) are among many other teachers that 'Iyāḍ met

Marrakesh. This political symbiosis undid the geographical and cultural boundaries between *al-jāratayn al-'udwatayn*, which encouraged 'Iyāḍ to set forth toward the north.

722 'Iyāḍ, *al-Ghunya* (1982), 171.

723 'Iyāḍ, *al-Ta'rif* (n.d.), 106.

724 *Ibid.*, 6.

725 Abū al-Qāsim Muḥammad b. 'Abd Allāh b. Yaḥyā b. al-Jadd al-Fihri, known as *al-aḥḍab* (hunchback), was a writer, a judge and a minister. His brother was the jurist Abū Bakr Ibn al-Jadd (d. 586 H/1190 CE).

726 Both letters are found in al-Shak'a 1987, 126–27.

727 His son specifies that it was a Tuesday. Yet, on the calendar, it is a Wednesday. See 'Iyāḍ, *al-Ta'rif* (n.d.), 6.

728 'Iyāḍ, *al-Ghunya* (1982), 48, 59.

729 'Abd al-Raḥmān b. Muḥammad b. 'Attāb b. Muḥsin, Abū Muḥammad al-Qurṭubī was a prominent traditionist and jurist. See de la Puente 2004, *BA*, 430–32.

in Cordoba.⁷³¹ This city occupied the lion's share of 'Iyād's journey; he spent approximately six months there before heading east in *Muḥarram* 25–27 508 H (7–9 July 1114 CE).⁷³² He arrived in Murcia after one week and looked forward to meeting his most important master in ḥadīth,⁷³³ Abū 'Alī al-Ṣadafī.⁷³⁴ His arrival coincided with the escape of al-Ṣadafī, who renounced the judiciary without being officially exempted from it.⁷³⁵ While some students could not wait any longer, 'Iyād, among others, waited for almost two months. When al-Ṣadafī was finally excused, he wrote to 'Iyād telling him the news, apologising for interrupting his journey and asking him to join him.⁷³⁶ 'Iyād was inseparable from his teacher and took advantage of every moment spent with him. Through his teacher, he discovered the *Ṣaḥīḥayn* of al-Bukhārī and Muslim, *al-Mu'talif wa-l-mukhtalif* by al-Dāraquṭnī, as well as other books. Moreover, he received the license to teach all of al-Ṣadafī's narrations.⁷³⁷ The influence of al-Ṣadafī on his scholarly development was important, and he absorbed, in particular, the rudiments of *'ulūm al-ḥadīth*. Muḥammad b. 'Iyād does not mention how long his father stayed in Murcia nor in any of the cities he visited afterwards. Yet, 'Iyād himself, in the list of his teachers, *al-Ghunya*, specifies that he went to Almeria, where he attended the lessons of Ibn Makḥūl⁷³⁸ (d. 513 H/119 CE) and Ibn al-'Arībī⁷³⁹ (d. 508 H/1114 CE). In the same source, 'Iyād testifies that he also visited Granada and Seville, where he again met his teacher Abū Bakr Ibn al-'Arabī and studied with him.⁷⁴⁰

As has been highlighted, thanks to 'Iyād's intelligence, his role in al-Andalus was not only restricted to the reception of knowledge. Many students

730 Abū 'Abd Allāh Muḥammad b. Aḥmad b. Khalaf b. Ibrāhīm b. Lubb al-Tujībī was the *mufīṭī* of al-Andalus and one of its most eminent jurists and judges. Al-Dhahabī, *Siyar* (1992), XIX, 614.

731 'Iyād, *al-Ta'rīf* (n.d.), 7.

732 Ibid.

733 Serrano Ruano 2013, 197.

734 Abū 'Alī Ḥusayn b. Muḥammad b. Firruh b. Muḥammad b. Ḥayyūn b. Sukkara al-Ṣadafī al-Saraqustī, also known as Ibn Sukkara, was an emblematic ḥadīth scholar in al-Andalus. See 'Iyād, *al-Ghunya* (1982), 129–34; Ibn Bashkuwāl, *al-Ṣila* (2010), I, 205; al-Dhahabī, *Siyar* (1992), XIX, 376–78; de la Puente 1998, 77–102; Fierro, *IEI*², http://dx.doi.org/10.1163/1573-3912_islam_SIM_6408 accessed 22 September 2021.

735 'Iyād, *al-Ta'rīf* (n.d.), 8.

736 Ibid.

737 Al-Maqqarī, *Azhār* (1939), III, 9.

738 Abū al-Abbās Aḥmad b. 'Uthmān b. Makḥūl. 'Iyād, *al-Ghunya* (1982), 101.

739 Khalaf b. Khalaf b. Muḥammad al-Anṣārī, known as Ibn al-'Arībī. Ibid., 148.

740 Ibid., 69.

and scholars were eager to meet and learn from him, especially in ḥadīth.⁷⁴¹ During his thirteen-month journey to al-Andalus, 'Iyāḍ completed his basic education, enlarged his intellectual sphere and sharpened his skills, especially in ḥadīth and its sciences,⁷⁴² with thirty-six of the most eminent and revered scholars in al-Andalus.⁷⁴³ He gained the attention of many of his teachers, including Ibn Ḥamdīn⁷⁴⁴ and 'Abd Allāh b. Muḥammad al-Khushanī⁷⁴⁵ (d. 526 H/1131 CE), and undoubtedly left a good impression. His son Muḥammad argues that his father arrived in Ceuta on the night of Saturday 7 *Jumādā II* 508 H/14 November 1114 CE and that he was directly invited to the debate about the *Mudawwana*.⁷⁴⁶

The immediate invitation to the *munāẓara*, followed by his appointment to the *shūrā* and his subsequent promotion to the judgeship, were among other reasons that delayed and accordingly prevented 'Iyāḍ from travelling to the East and performing the pilgrimage. Al-Shawwāt adds to this reason: the political instabilities in al-Maghrib, from the Banū Hilāl and Banū Sulaym invasion of Ifrīqiya⁷⁴⁷ to the Almohad rebellion,⁷⁴⁸ meant the journey to the East constituted a real danger.⁷⁴⁹ Al-Shawwāt continues by arguing that all the scholars whom 'Iyāḍ met in Ceuta and later in al-Andalus satisfied what he aspired to learn. Moreover, 'Iyāḍ compensated for what he might have missed in the East by the *ijāzāt* (licenses) that he received from the most prominent scholars, including al-Māzarī (d.536 H/1141 CE), Abū

741 Ibid., 74; Al-Maqqarī, *Azhār* (1939), III, 10.

742 Shawwāt 1993, 138.

743 Shawwāt 1999, 76.

744 Ibn Ḥamdīn wondered "if there is another person like 'Iyāḍ in al-Maghrib" (*wa-ḥaqqī yā abā al-faḍl, in kunta tarakta bi-l-maghrib mithlaka*). See 'Iyāḍ, *al-Ghunya* (1982), 46; 'Iyāḍ, *al-Ta'rīf* (n.d.), 106.

745 Abū Muḥammad 'Abd Allāh b. Muḥammad b. 'Abd Allāh b. Aḥmad al-Khushanī, known as Ibn Abī Ja'far, was an eminent Mālikī jurist. During his journey to the East, he heard Muslim's *Ṣaḥīḥ* from Abū 'Abd Allāh al-Ḥusayn b. 'Alī al-Ṭabarī. See 'Iyāḍ, *al-Ghunya* (1982), 153–54. Praising 'Iyāḍ, Ibn Abī Ja'far said: "No one coming from al-Maghrib to al-Andalus is more noble than 'Iyāḍ" (*mā waṣala ilaynā min al-Maghrib anbal min 'Iyāḍ*). See 'Iyāḍ, *al-Ghunya* (1982), 153–54.

746 'Iyāḍ, *al-Ta'rīf* (n.d.), 10.

747 While the origin of the Banū Hilāl dates back to 'Āmir b. Ṣa'ṣa'a b. Mu'āwiya b. Bakr. Hawāzin b. Maṣṣūr b. 'Ikrima b. Jaṣfa b. Qays b. Aylān b. Muḍar, the Banū Sulaym descends from Sulaym b. Maṣṣūr b. 'Ikrima b. Jaṣfa b. Qays b. Aylān b. Muḍar. Both tribes lived together in al-Najd. During the Abbasid period, these tribes had to move from Arabia to Egypt, Iraq and Syria. Later, they moved toward the West: Ifrīqiya. For further information, see Idris 1968, 353–69; Schuster 2006, 50–82.

748 See Fierro 2012; Fierro 2000, 132–36; Huici Miranda 1956.

749 Shawwāt 1999, 81–84.

Ṭāhir al-Silafī (d. 576 H/1180 CE) and Abū Bakr al-Ṭurṭūshī (d. 520 H/1126 CE).⁷⁵⁰ From his elected academic formation, one can glean the nature and quality of the works of such a revered scholar as ‘Iyāḍ.

3.1.3. Scholarship

The scholarly accomplishments that Qādī ‘Iyāḍ achieved in his long life placed him at the summit of the leading scholars of his time. This is reflected in his distinguished works in which he excelled in combining many sciences. As proof of this, when browsing through his works, one realises the strength of his arguments, the vastness of his knowledge, the accuracy of his explanations and his mastery of every field he dealt with. ‘Iyāḍ’s extant works cover *fiqh*, grammar, *uṣūl al-dīn*, *kalām*, biography, *nawāzil*, *tafsīr* and particularly *‘ulūm al-ḥadīth*. Since a discussion of all his works would exceed the scope of this study, I have focused on the ḥadīth commentary as the basis of this section.⁷⁵¹

He was described by al-Suyūṭī as the imam of ḥadīth of his time and the most learned in its sciences (*imām ahl al-ḥadīth fī waqtih wa-a’lam al-nās bi-‘ulūmihi*), and designated by Ibn al-Abbār as being the unparalleled ḥadīth scholar; when it came to the attention paid to the *al-ṣinā’ā al-ḥadīthiyya*,⁷⁵² ‘Iyāḍ was a *muḥaddith* par excellence.⁷⁵³ He wrote books on ḥadīth terminology (*muṣṭalah al-ḥadīth*),⁷⁵⁴ prophetic biography (*al-sīra al-nabawiyya*),⁷⁵⁵ the explanation of the more difficult and unclear terms in the traditions (*sharḥ gharīb al-ḥadīth*),⁷⁵⁶ the ḥadīth transmitters (*rijāl al-ḥadīth*)⁷⁵⁷ and ḥadīth commentary (*sharḥ al-ḥadīth*).⁷⁵⁸

750 ‘Iyāḍ, *al-Ghunya* (1982), 64, 65; al-Dhahabī, *Siyar* (1992), XXI, 18.

751 For more information about ‘Iyāḍ’s scholarship, see Shawwāt 1999, 118–54; Gómez-Rivas 2013, 229–32.

752 This is the theoretical knowledge of *‘ulūm al-ḥadīth* and its practical application while writing a book. It is related to topics such as criticism and praise (*‘ilm al-jarḥ wa-l-ta’dīl*), defects of the ḥadīth (*‘ilm al-‘ilal*), categorisation of the ḥadīth according to its authenticity (*‘ilm al-taṣḥīḥ wa-l-taḍwīf*), terminology (*‘ilm al-muṣṭalahāt*), etc. See Muṣṭafā 2017, 135–40; Ḥayyānī 2016; Robson 2010, 351–64; Hallaq 2010, 365–80.

753 See al-Suyūṭī, *Ṭabaqāt* (1983), 470; Ibn al-Abbār, *al-Mu’jam* (2000), 296.

754 *al-Ilmā’ ilā ma’rifat uṣūl al-riwāya wa-taqyīd al-samā’*.

755 *al-Shifā’ bi-ta’rif ḥuqūq al-Muṣṭafā*, which is his magnum opus.

756 *Mashāriq al-anwār ‘alā ṣiḥāḥ al-āthār fī sharḥ gharīb ḥadīth al-Muwaṭṭa’ wa-al-Bukhārī wa-Muslim*.

757 *Tartīb al-madārik wa-taqrīb al-masālik bi-ma’rifat a’lām madhhab Mālik*.

In the latter genre, the initial focus is on the commentary *Ikmāl al-mu'lim fī sharḥ Muslim*. As the title indicates (*ikmāl* means “completion”), this work of Qāḍī 'Iyāḍ sought to rearrange and further develop a pre-existing work elaborated by his teacher al-Māzarī, i.e., *al-Mu'lim bi-fawā'id Muslim*.⁷⁵⁹ In a second position, Qāḍī 'Iyāḍ was inspired by the book *Taqyīd al-muḥmal* by Abū 'Alī al-Ghassānī al-Jayyānī (d. 498 H/1105 CE).⁷⁶⁰ In the introduction to his commentary, 'Iyāḍ pays tribute to the high status of both works and their important contribution to the genre. However, he also asserts that the authors overlooked certain problematic traditions, unclear terms and other sources of confusion. With this in mind, and with the continued insistence of his disciples, Qāḍī 'Iyāḍ decided to take the helm from his teachers and write a complete, comprehensive and detailed commentary.⁷⁶¹ Before undertaking the study of *Ikmāl al-mu'lim*, it is very important to go back to its pillar, i.e., *al-Mu'lim* by al-Māzarī.⁷⁶²

During *Ramaḍān* of the year 499 H/1106 CE, al-Māzarī dedicated his lessons in the main mosque of al-Mahdiyya⁷⁶³ to the study of *Ṣaḥīḥ Muslim*. At the end of this month,⁷⁶⁴ his disciples gave him their notes of his dictations. He added some things, removed others, rearranged the text and named it *al-Mu'lim bi-fawā'id Muslim*.⁷⁶⁵ Initially, he had neither the idea

758 In addition to the commentary used in this study, there is *Bughyat al-rā'id limā taḍammanahu ḥadīth Umm Zar' min al-fawā'id*.

759 Al-Māzarī gave 'Iyāḍ license to transmit his work *al-Mu'lim (ajāza lahu bihi)*. See 'Iyāḍ, *al-Ghunya* (1982), 65.

760 *Taqyīd al-muḥmal wa-tamyīz al-muḥkil fī rijāl al-Ṣaḥīḥayn* is a compilation of the authorities in *al-Ṣaḥīḥayn*. It accurately verifies their names (*asmā*), agnomens (*kunā*) and lineages (*ansāb*), it highlights and corrects mistakes and presents these authorities' origins and tribal affiliations. See al-Ghassānī al-Jayyānī, *Taqyīd al-muḥmal* (2000), 93; Serrano Ruano 2013, 299.

761 'Iyāḍ, *Ikmāl* (1998), I, 71–72.

762 I do not include *Taqyīd al-muḥmal* by al-Ghassānī al-Jayyānī because it is merely an *isnād* work.

763 A town on the eastern coast of Tunisia.

764 *Ramaḍān* of that year fell in June 1106 CE, which implies more hours during the day and, thus, longer sessions or lectures. This leads al-Nayfar to the conclusion that the whole work was dictated during the month of *Ramaḍān*, considering how careful al-Māzarī used to be in his dictation. Al-Māzarī, *al-Mu'lim* (1988), I, 193.

765 In the majority of biographical books (*kutub al-tarājim*), the work is entitled *al-Mu'lim bi-fawā'id Muslim*, as maintained by Ibn Khallikān, Ibn Khaldūn, Ibn 'Imād al-Ḥanbalī, Ibn 'Atīyya and others. Qāḍī 'Iyāḍ instead specified in the biographical work on his teachers, *al-Ghunya*, that he received a licence from al-Māzarī to transmit his work *al-Mu'lim fī sharḥ Muslim*. Qāḍī 'Iyāḍ, *al-Ghunya* (1982), 65; al-Māzarī, *al-Mu'lim* (1988), I, 190–92.

nor the intention to write this work. Still, once he received the students' drafts, he added his corrections and editorial notes and attributed them to himself. Thus, the copying or transcription was mostly contextual and not literal.

Despite being an elaborated and edited version of a dictated text, *al-Mu'lim* has the merit of being considered the fundamental and first commentary on Muslim's *Ṣaḥīḥ* in the Islamic world. While *al-Mufhim fī sharḥ gharīb Muslim*, composed by Abū al-Ḥasan 'Abd al-Ghāfir b. Ismā'īl al-Fārisī⁷⁶⁶ (d. 529 H/1135 CE), paid attention to difficult and unclear terms (*gharīb al- ḥadīth*), Ibn al-Ḥājj's (d. 529 H/1135 CE) work *al-Ījāz wa-l-bayān li sharḥ khuṭbat kitāb Muslim ma'a kitāb al-imān*⁷⁶⁷ was limited to a commentary on the first chapter of the whole *Ṣaḥīḥ* and remained unfinished due to the author's death. 'Abd Allāh b. 'Īsā al-Shaybānī (d.530 H/1136 CE) also passed away before finishing his commentary entitled *Sharḥ Ṣaḥīḥ Muslim*.⁷⁶⁸ Another commentary appeared in the same period as *al-Mu'lim*, namely *al-Irshād* by Ibn Barrajan (d. 536 H/1141 CE).⁷⁶⁹ However, Ibn Barrajan limited his commentary to those traditions containing Qur'anic verses. Finally, Abū al-Qāsim Ismā'īl b. Muḥammad al-Iṣbahānī (d. 530 H/1135 CE) continued the work of his son, who had started commenting on the *Ṣaḥīḥayn*, but passed away before finishing his work.⁷⁷⁰ Despite these works written by al-Māzarī's contemporaries, two main measures judge *al-Mu'lim* as being considered historically the first of its genre: first, it is a complete commentary in terms of covering the text and giving a full explanation and not just a linguistic one, and second, he completed it.

Al-Mu'lim became the base upon which the following commentaries were built and around which they revolved. For almost five centuries, related Maghribi works appeared one after the other in the forms of *ikmāl* (completion), *mukammil* (refinement),⁷⁷¹ *mukhtaṣar* (summary), etc., with

766 Ibn Khallikān, *Wafayāt* (1978), III, 225.

767 Ibn Khayr, *Fihrist* (1998), 165.

768 Ibn Bashkuwāl, *al-Ṣīla* (2010), I, 385.

769 Al-Kattānī al-Fāsī, *Nizām* (n.d.), II, 141.

770 Ḥājjī Khalifa, *Kashf* (1941), II, 558.

771 In the introduction to his commentary, Al-Sanūsī explains the reason behind calling it *mukammil*. He illustrates how he summarised most of the benefits (*fawā'id*) of al-Ubbī's commentary. Then he includes the necessary but not excessive points that had been overlooked by al-Ubbī. Finally, he completes the commentary with his interpretation of the *khuṭba* of Muslim. The main characteristics of his *mukammil*, as he claims, are its briefness, persuasion and absence of redundancy. Al-Sanūsī, *Mukammil* (1910), I, 3.

Ikmāl al-mu'lim bi-fawā'id muslim by Qāḍī 'Iyāḍ being the first subcommentary of this type. Abū 'Abd Allāh Muḥammad b. Ibrāhīm al-Baqqūrī al-Andalusī (d. 707 H/1307 CE) wrote *Ikmāl al-ikmāl*. He was followed by Abū al-Qāsim Sharīf al-Idrīsī al-Sallāwī (d. 780 H/1378 CE) with a work entitled *Ikmāl al-ikmāl 'alā Ṣaḥīḥ Muslim*.⁷⁷² Another commentary entitled *Ikmāl al-ikmāl* was composed by 'Īsā b. Mas'ūd b. Maṣṣūr al-Mankallātī al-Ḥimyarī al-Zawāwī, known as Abū al-Rūḥ (d. 743 H/1342 CE).⁷⁷³ The commentary of the Tunisian Abū 'Abd Allāh Muḥammad b. Khalafa al-Wishtātī al-Ubbī (d. 827 H/1424 CE), entitled *Ikmāl ikmāl al-mu'lim*, is considered very important, extensive and detailed since he gathered al-Māzarī's, Qāḍī 'Iyāḍ's, al-Qurṭubī's and al-Nawawī's material, and finally added his commentary.⁷⁷⁴ An additional commentary related to *al-Mu'lim* is *Mukammil ikmāl al-ikmāl* by Abū 'Abd Allāh Muḥammad b. Yūsuf al-Sanūsī al-Tilimsānī (d. 895 H/1490 CE). *Mukhtaṣar ikmāl al-ikmāl* by 'Īsā b. Aḥmad al-Handīsī al-Bijā'ī (d. aft. 890 H/1485 CE)⁷⁷⁵ is the last work that includes the bulk of al-Māzarī's work and marks the point up to which it played a major role in the development of commentaries on Muslim's *Ṣaḥīḥ*.⁷⁷⁶

According to the introduction to *Ikmāl al-mu'lim*, after many sessions in the study of Muslim's *Ṣaḥīḥ*, Qāḍī 'Iyāḍ's objective was to provide his students with a completed and more detailed commentary of the *Ṣaḥīḥ* in which he would extend his expertise as a traditionist through its scrutiny.⁷⁷⁷ He underlines the pivotal role of *al-Mu'lim* in his commentary. Therefore, as an act of recognition and acknowledgement of its precedence in this genre, he uses the title of *al-Mu'lim*, adding the *ikmāl* (completion) to it, revealing that his commentary is entitled *Ikmāl al-mu'lim bi-fawā'id muslim*.⁷⁷⁸ 'Iyāḍ indicates that, at the beginning, he was hesitant to write his commentary because of the vast advance of *al-ṣinā'a al-ḥadīthiyya* presented in *al-Mu'lim*. He was afraid of not bringing anything new to it and of falling into repeating what had been already said by al-Māzarī. Moreover, and interestingly, he adds another motive that delayed his decision to write the commentary: the judgeship that took up all his time, endurance

772 Makhlūf, *Shajara* (2003), I, 361.

773 Al-Māzarī, *al-Mu'lim*, (1988) I, 205; Ibn Farḥūn, *al-Dibāj*, (1972), 283.

774 Ibid., 351.

775 Known as Ibn al-Shāṭ al-Bijā'ī. See *Mawsū'a* (2014), I, 290.

776 Makhlūf, *Shajara* (2003), I, 303, 351, 361, 384–85; al-Talidī, *Turāth* (1995), 313.

777 'Iyāḍ, *Ikmāl* (1998), I, 71.

778 Ibid., 73.

and interest. Nevertheless, once he had been dismissed, he had no more excuses. He so decided to start building upon al-Māzarī's commentary, correcting some mistakes, adding what had been missed, reorganising the structure and giving it his individual touch.⁷⁷⁹ Since 'Iyāḍ does not mention the date of composing the *Ikmāl*, this statement is very helpful for defining at least the period, which was between *Ramaḍān* 532 H/May1138 CE and 539 H/1145 CE.⁷⁸⁰

As for the methodology adopted in the *Ikmāl*, 'Iyāḍ derives this mainly from that of al-Māzarī in *al-Mu'lim*. Incidentally, in the introduction, 'Iyāḍ clarifies that, on a first level, he includes what has been said by al-Māzarī and after that adds his contribution, where he elaborates and extends the commentary, especially for those issues that were not mentioned or analysed by his predecessor. He says:

We start with the words of al-Māzarī and add to it what was established and followed. And in case there is an addition, we offer more details until finishing it, then we turn to what comes next from his [al-Māzarī's] saying, and we alternate between us. In the *Mu'lim*, there was an advancing and a delaying (*taqdīm wa-ta'khīr*) in the arrangement of a book of Muslim's, therefore, we brought it to its original order. We organised its chapters: one chapter after the other ..., and I investigated [in this commentary] with all my efforts and included strange and unusual (*al-gharā'ib wa-l-'ajā'ib*) things in addition to facts and details that would illuminate all ambiguities.⁷⁸¹

Where 'Iyāḍ has nothing to add beyond al-Māzarī's analysis, he moves to the next point or tradition. In his commentary, he uses and compares different versions of the *Ṣaḥīḥ* to give a wider explanation of the tradition. It is interesting how 'Iyāḍ appears more as a traditionist than a jurist in the *Ikmāl*, since he tends to be brief when presenting jurisprudential issues related to the ḥadīth. Nevertheless, in his explanation of the vocabulary of the ḥadīth, he is very careful with the word structures and the integrity of their meaning and refers to linguists when explaining the meanings of the words. He presents the various linguistic narrations of each word and then evaluates those narrations by responding to the linguistic and grammatical

779 Ibid.

780 Ibid; Shawwāt 1993, 165.

781 'Iyāḍ, *Ikmāl* (1998), I, 73.

origins. In his explanation of the vocabulary of the ḥadīth, he also includes evidence from the Qur'an and examples from other traditions.

The importance of Qāḍī 'Iyāḍ's commentary lies, among other things, or perhaps especially, in its methodological approach. The book starts by analysing the *Ṣaḥīḥ*'s introduction.⁷⁸² After that, each chapter (*kitāb*) is divided into subchapters (*abwāb*), in which 'Iyāḍ introduces the traditions, which are followed by a thorough and clear commentary.

To assess the real value of Qāḍī 'Iyāḍ's contribution to the *Ikmāl*, later commentaries on Muslim's *Ṣaḥīḥ* need to be taken into account together with the intellectual atmosphere in which they arose. The best example is the commentary of Yaḥyā b. Sharaf al-Nawawī (d. 676 H/1277 CE), entitled *al-Minhāj*. 'Iyāḍ's influence can be ascertained on two levels: form and content. As for form, the chapter divisions (*tabwīb*) of Muslim's *Ṣaḥīḥ* are attributed to Yaḥyā b. Sharaf al-Nawawī (d. 676 H/1277 CE).⁷⁸³ Muslim did not divide his book into chapters (*kutub*) and subchapters (*abwāb*),⁷⁸⁴ but rather arranged the traditions following a logic-based and juristic order (*tartīb fiqhī*),⁷⁸⁵ possibly to save space and avoid redundancy. While the oldest copies of the *Ṣaḥīḥ*, for example, the copy of Abū Ishāq al-Ṣirīfaynī (d. 641 H/1242 CE), do not contain the *abwāb*,⁷⁸⁶ the later ones are arranged differently, and these differences vary from place to place and according to the schools of law.⁷⁸⁷ Al-Suyūṭī (d. 911 H/1505 CE) agrees

782 Al-Māzarī has chosen and classified eight sentences and prophetic traditions quoted by Muslim in the introduction to his compilation to have a closer look at them and briefly give his explanation. See al-Māzarī, *al-Mu'lim*, I, 269–75.

783 Al-Mundhirī, *Mukhtaṣar* (1987), 9.

784 In fact, the *kutub* forms part of the process of *tabwīb*, since the *kitāb* is actually a large *bāb* with internal ramifications or subchapters.

785 Āl Ḥumayyid 1999, 40.

786 Salmān 1994, 175.

787 There is, of course, still some ambiguity concerning Qāḍī 'Iyāḍ's assertion that some copies of Muslim were divided into chapters, similarly to al-Bukhārī (*wa-qad waqa'a li-Muslim fī ba'd tarājimihi min ba'd al-riwāyāt mithla tarjamat al-Bukhārī 'alā ḥādihā al-ḥadīth, wa-naṣṣuhu: bāb al-taṭayyub ba'd al-ghuṣl min al-janāba*). See Qāḍī 'Iyāḍ, *Ikmāl* (1998), II, 160. In addition, the eminent traditionist of Cordoba and teacher of Qāḍī 'Iyāḍ, Abū 'Alī al-Ghassānī al-Jayyānī, mentions in his *Taqyīd al-muḥmal* one of the *abwāb* of Muslim: *wa-akhraja Muslim fī bāb tasmiyat al-mawlūd*. See al-Ghassānī al-Jayyānī, *Taqyīd* (2000), 905. The fact that the teacher and his disciple referred to the *abwāb* of Muslim is a strong indication that they were both using the same copy of the *Ṣaḥīḥ*, which employed this structure. In the case of the Maghrib, the best-known copy in circulation there was that of Abū Muḥammad Aḥmad b. 'Alī b. al-Ḥasan b. al-Mughīra b. 'Abd al-Raḥmān al-Qalānīsī (d. fourth century H/tenth century CE). On the other hand, at the same time, the

that Muslim did not divide his book this way and that the division was undertaken by those who came after him. Accordingly, al-Māzarī arranged his commentary into forty-one chapters, two subchapters entitled “*bāb al-qasāma*” and “*bāb al-shir*”, and one independent part called “*al-luqaṭa*”. Later, in *Ikmāl al-Muḥim*, Qāḍī ‘Iyāḍ eliminated eight chapters⁷⁸⁸ from the previous commentary, added twenty new ones,⁷⁸⁹ and divided each chapter into subchapters.

Al-Nawawī essentially followed Qāḍī ‘Iyāḍ’s divisions, excluding five *kuṭub*⁷⁹⁰ and reintegrating “*kitāb qatl al-ḥayyāt wa-ghayrihā*” from al-Māzarī’s commentary. The example in the table below shows the development from al-Māzarī’s arrangement to the work carried out by Qāḍī ‘Iyāḍ and its reception by al-Nawawī.

version of Ibn Sufyān (d. 308 H/920 CE) was gaining ground and had been used by most scholars. Therefore, regardless of whether Muslim arranged his book into *kuṭub* and *abwāb* or not, the role of al-Maghrib is crucial here because it was there that this concept of *tabwīb* first appeared, whether in al-Qalānisi’s version or in a Maghribi ḥadīth commentary.

788 “*Kitāb al-taflīs*”, “*kitāb al-shufa*”, “*kitāb al-sariqa*”, “*kitāb al-qaḍā’ wa-l-shahādāt*”, “*kitāb al-aḥīma*”, “*kitāb al-ṭibb*”, “*kitāb al-ṭā’ūn*” and “*kitāb al-manāqib*”.

789 “*Kitāb al-ḥayā’*”, “*kitāb al-masājid wa-mawāḍi’ al-ṣalāt*”, “*kitāb ṣalāt al-musāfirīn*”, “*kitāb al-jum’a*”, “*kitāb ṣalāt al-īdayn*”, “*kitāb ṣalāt al-istisqā’*”, “*kitāb al-kusūf*”, “*kitāb al-ītikāf*”, “*kitāb al-li’ān*”, “*kitāb al-hibāt*”, “*kitāb al-waṣiyya*”, “*kitāb al-ḥudūd*”, “*kitāb al-aqḍiya*”, “*kitāb al-salām*”, “*kitāb al-alfāz min al-adab*”, “*kitāb al-faḍā’il*”, “*kitāb faḍā’il al-ṣaḥāba*”, “*kitāb al-ilm*”, “*kitāb al-tawba*” and “*kitāb al-janna wa-ṣifat na’imihā wa-ahlihā*”.

790 “*Kitāb al-ṣiyām*”, “*kitāb al-riḍā’*”, “*kitāb al-īṭq*” “*kitāb al-musāqāt*” and “*kitāb al-nadhr*”.

Table 6: The arrangement of *kitāb al-qadar* in *al-Māzarī*, *Qāḍī 'Iyāḍ* and *al-Nawawī's* commentaries on the *Ṣaḥīḥ* of Muslim

<i>Kitāb al-qadar</i> in <i>al-Mu'lim</i> by <i>al-Māzarī</i>	<i>Kitāb al-qadar</i> in <i>Ikmāl al-Mu'lim</i> by <i>Qāḍī 'Iyāḍ</i>	<i>Kitāb al-qadar</i> in <i>al-Minhāj</i> by <i>al-Nawawī</i>
<i>Tahrīr al-Māzarī li-qawlihi: mā min nafs manfūsa illā wa-qad kataba allāh makānahā fī al-janna wa-l-nār...</i>	<i>Bāb kayfiyyat khalq al-ādami fī baṭn ummihi wa-kitābat rizqihī wa-ajalihi wa-'amalihi wa-shaqāwatihi wa-sa'ādatihī</i>	<i>Bāb kayfiyyat khalq al-ādami fī baṭn ummihi wa-kitābat rizqihī wa-ajalihi wa-'amalihi wa-shaqāwatihi wa-sa'ādatihī</i>
<i>Ḥadīth ihtijāj Ādam wa-Mūsā 'alayhimā al-salām wa-izālat mā yarid fī hādhā al-maqām</i>	<i>Bāb ḥijāj Ādam wa-Mūsā 'alayhimā al-salām</i>	<i>Bāb ḥijāj Ādam wa-Mūsā 'alayhimā al-salām</i>
<i>Ḥadīth "latarkabanna sunana man qablakum"</i>	N/A	N/A
<i>Qawluhu: inna qulūba banī Ādam bayn iṣba'ayn min aṣābi' allāh</i>	<i>Bāb taṣrīf Allāh ta'ālā al-qulūb kayfa shā'a</i>	<i>Bāb taṣrīf Allāh ta'ālā al-qulūb kayfa shā'a</i>
N/A	<i>Bāb kullu shay' bi-qadar</i>	<i>Bāb kullu shay' bi-qadar</i>
N/A	<i>Bāb quddira 'alā Ibn Ādam ḥaḍḍuhu min al-zinā wa-ghayruhu</i>	<i>Bāb quddira 'alā Ibn Ādam ḥaḍḍuhu min al-zinā wa-ghayruhu</i>
<i>Ḥadīth "mā min mawlūd illā yūladu 'alā al-fiṭra fa-abawāhu yuhawwidānihi wa-yunaṣṣirānihi wa-yumajjisānihi"</i>	<i>Bāb ma'nā kull mawlūd yūladu 'alā al-fiṭra wa-hukm mawt atfāl al-kuffār wa-atfāl al-muslimin</i>	<i>Bāb ma'nā kull mawlūd yūladu 'alā al-fiṭra wa-hukm mawt atfāl al-kuffār wa-atfāl al-muslimin</i>
<i>Ikhtilāf al-nās fī al-mu-tashābah</i>	N/A	N/A
N/A	<i>Bāb bayān anna al-ājāl wa-l-arzāq wa-ghayruhā lā tazīd wa-lā tanquṣu 'ammā sabaqa bihi al-qadar</i>	<i>Bāb bayān anna al-ājāl wa-l-arzāq wa-ghayruhā lā tazīd wa-lā tanquṣu 'ammā sabaqa bihi al-qadar</i>
N/A	<i>Bāb fī al-amr bi-l-quwwa wa-tark al-'ajz wa-l-isti'āna bi-Llāh wa-tafwīd al-maqādīr li-Llāh</i>	<i>Bāb fī al-amr bi-l-quwwa wa-tark al-'ajz wa-l-isti'āna bi-Llāh wa-tafwīd al-maqādīr li-Llāh</i>

Given this example, the assertion that it was al-Nawawī who arranged the *Ṣaḥīḥ* should be called into question,⁷⁹¹ because this was *a fortiori* a task that had already been carried out by al-Māzarī and then by Qāḍī 'Iyāḍ in al-Maghrib, the results of which were afterwards adopted in al-Mashriq.

Turning now to the level of content, the impact of the *Ikmāl* is immediately perceptible. The analysis I have carried out of al-Nawawī's commentary has shown that the roots of his *sharḥ* are to be found in the *Ikmāl al-Mu'lim*. This can be clearly ascertained in al-Nawawī's own words in the "*kitāb al-īmān*", where he discusses the *ḥadīth* "*man māta wa-huwa ya'lamu anna lā ilāha illā allāh dakhala al-janna*". Al-Nawawī asserts that Qāḍī 'Iyāḍ's painstaking explanation of this *ḥadīth* was highly valuable (*jama'a fih nafā'is*) and that he would be quoting from and abridging Qāḍī 'Iyāḍ's words (*fa-anā anqulu kalāmahu mukhtaṣaran*), following this with his own additions.⁷⁹²

Ikmāl al-mu'lim was first published in al-Mansura by Dār al-Wafā' in 1998. It was an edited and studied version by Yahyā Ismā'īl. The work is divided into nine volumes. I have used the eighth volume in which *Kitāb al-qadar* appears.

3.2. The embryological conceptualisation in Qāḍī 'Iyāḍ's commentary *Ikmāl al-mu'lim*

The embryological material chosen for this section comes from the book/chapter of destiny (*Kitāb al-qadar*) and the first subchapter entitled "the growth of the human in the womb of his mother and his destiny in regard to his livelihood, his deeds, and whether he will be wretched or blessed" (*Bāb kayfiyyat khalq al-ādami fī baṭn ummihi wa-kitābat rizqīhi wa-ajalihi wa-'amalihi wa-shaqāwatihi wa-sā'adatīhi*). In the edition I have used, the text is divided into two parts: an upper part describing the traditions added by the editor and a lower part containing the original commentary.⁷⁹³ After briefly mentioning the traditions, 'Iyāḍ leads the reader to his commentary. For his embryological analysis, 'Iyāḍ uses five traditions. Before

791 Admittedly, this could still have been argued until 1988 or 1998, the dates when *al-Mu'lim* and then *Ikmāl al-mu'lim* were published, thereby making it possible to refute this attribution.

792 Al-Nawawī, *al-Minhāj* (1972), I, 218.

793 In the introduction of *al-Ikmāl*, the editor provides this information. See 'Iyāḍ, *Ikmāl* (1998), I, 55.

enumerating these traditions, it is important to examine the versions of Muslim's *Ṣaḥīḥ* used by Qāḍī 'Iyāḍ in his *Ikmāl* since they could be the origin of some terminological and, accordingly, legal peculiarities in 'Iyāḍ's embryological approach.

3.2.1. The versions of Muslim's *Ṣaḥīḥ* used by Qāḍī 'Iyāḍ

Generally, few researchers have addressed the question of the chains of transmission of Muslim's *Ṣaḥīḥ*. Robson provided valuable background information,⁷⁹⁴ since he followed the lines of transmission of the book through the versions of Ibn Sufyān and al-Qalānisī, depending on *Sharḥ Ṣaḥīḥ Muslim* by Yaḥyā b. Sharaf al-Nawawī (d. 676 H/1277 CE), the *Fihrist* by Ibn Khayr al-Ishbīlī and *Kitāb al-imtā' wa-l-intifā'* by Muḥammad b. Ibrāhīm al-Shalāhī.⁷⁹⁵ While al-Dawrī compared these two authoritative versions,⁷⁹⁶ Khalaf's research focused on the fraudulent versions of the *Ṣaḥīḥ* and analysed the Eastern chains of transmission.⁷⁹⁷ Al-Nayfar, in his preface to *al-Mu'lim*, studied one Western chain of transmission of the *Ṣaḥīḥ* leading to Qāḍī 'Iyāḍ.⁷⁹⁸ Recently, Pavlovitch published a comprehensive and detailed study of Muslim's life and works. He explores aspects of Muslim's biography that had been previously unexplored, elaborates on his contributions to the science of ḥadīth criticism, and examines the transmission history of the *Ṣaḥīḥ* in unprecedented detail.⁷⁹⁹

In his commentary, 'Iyāḍ insists on emphasising the differences between the three main versions of the *Ṣaḥīḥ* that he uses. Al-Julūdī's and al-Kisā'ī's versions (*riwāyāt*) comprise the Eastern version (*al-riwāya al-mashriqiyya*), while al-Qalānisī's version (*riwāya*) represents the Western version (*al-riwāya al-maghribiyya*). After following and scrutinising the chains of transmissions from Muslim to Qāḍī 'Iyāḍ, I have illustrated them

794 Robson 1949, 46–61.

795 The manuscripts of *Kitāb al-imtā' wa-l-intifā'* are available at the Biblioteca Nacional de Madrid under the number DCIII and at the *al-Khizāna al-Āmma bil-l-Ribāṭ* with the number D 3663.

796 Al-Dawrī 2010.

797 Khalaf 2001.

798 The 1988 edition, page 183, contained several mistakes that were corrected in the 1992 edition.

799 Pavlovitch 2023.

in a diagram.⁸⁰⁰ The two principal authoritative transmitters from Muslim are Abū Ishāq Ibrāhīm b. Muḥammad b. Sufyān (d. 308 H/920 CE) and Abū Muḥammad Aḥmad b. 'Alī al-Qalānisī (d. fourth century H/tenth century CE).⁸⁰¹

3.2.1.1. The Eastern version

This version begins with Ibn Sufyān, born in the first half of the third century H in Nishapur. He was a close disciple of Muslim and stayed constantly with him, finishing hearing his *Ṣaḥīḥ* from him in *Ramaḍān* in 257 H/871 CE.⁸⁰² He lived for thirty-seven more years after his teacher's death, which meant many people could hear his narration. Ibn Sufyān's versions were transmitted through two principal disciples: Muḥammad b. 'Īsā Abū Aḥmad al-Julūdī and Abū Bakr b. Ibrāhīm al-Kisā'ī.

a. Muḥammad b. 'Īsā Abū Aḥmad al-Julūdī

Muḥammad b. 'Īsā Abū Aḥmad al-Julūdī was born in Nishapur in 288 H/900 CE into a pious family. He was a scribe/copyist (*warrāq*) and among his town's most eminent Sufi shaykhs.⁸⁰³ Al-Julūdī accompanied his teacher Ibn Sufyān and heard and copied the *Ṣaḥīḥ* from him. Al-Dhahabī places his death on 24 *Dhū al-ḥijja* of the year 368 H/23 July 979 CE,⁸⁰⁴ and Ibn al-Athīr in the same month of the following year 369 H/980 CE.⁸⁰⁵ Al-Julūdī's version was transmitted through three lines.

The first line is that of Abū al-'Abbās Aḥmad b. al-Ḥasan al-Rāzī (d. 409 H/1021 CE), who transmitted the book in Mecca in the year 409 H/1021 CE by reading it to Abū al-'Abbās Aḥmad b. 'Umar al-'Udhri, known as Ibn Dilhāth (d.478 H/1085 CE).⁸⁰⁶ In his turn, and after finishing his *riḥla*, al-'Udhri came back to al-Andalus and began his readings of the *Ṣaḥīḥ* in

800 See Figure 1, Appendix 3.

801 Robson admits that, among the various people who transmitted the *Ṣaḥīḥ* of Muslim, only Ibn Sufyān and al-Qalānisī are recognised as being authoritative. See Robson 1949, 4.

802 Ibn al-Ṣalāh, *Ṣiyāna* (1984), 104.

803 Al-Dhahabī, *Siyar* (1992), XVI, 302.

804 Ibid.

805 Ibn al-Athīr, *al-Kāmil* (1987), VII, 91. This date appears more plausible, since Ibn Khayr argues that Abū Sa'īd 'Umar al-Sijzī received the *Ṣaḥīḥ* from al-Julūdī in 369 H/980 CE. See Ibn Khayr, *Fihrist* (1998), 86.

806 'Iyāḍ, *al-Ghunya* (1982), 36.

Almeria and after that in Valencia, where Abū 'Alī al-Ṣadafī, known as Ibn Sukkara (d. 514 H/1126 CE), assisted at his courses and received this version in 474 H/1086 CE.⁸⁰⁷ Being the principal teacher of Qāḍī 'Iyāḍ, al-Ṣadafī transmitted al-Julūdī's version to him.⁸⁰⁸

The second line is headed by 'Abd al-Ghāfir b. Muḥammad al-Fārisī (d. 448 H/864 CE), who was also born in Nishapur around 350 H/962 CE.⁸⁰⁹ He received the *Ṣaḥīḥ* from his *shaykh*, Muḥammad b. 'Īsā al-Julūdī, in 365 H/977 CE and read it for more than fifty years to many of his disciples. Among these was Abū Muḥammad al-Ḥasan b. Aḥmad al-Samarqandī (d. 491 H/1098 CE), who read it twenty times to his teacher al-Fārisī to get his text approved and its correctness affirmed; subsequently, al-Samarqandī transmitted it to Sufyān b. al-'Āṣī al-Asadī (d.520 H/1132 CE), who transmitted it to Qāḍī 'Iyāḍ in Cordoba.⁸¹⁰ Another transmitter was al-Ḥusayn b. 'Alī al-Ṭabarī (d. 498 H/1110 CE), who received the *Ṣaḥīḥ* from 'Abd al-Ghāfir b. Muḥammad al-Fārisī in Mecca in 439 H/1047 CE,⁸¹¹ and read it to 'Abd Allāh b. Abī Ja'far al-Khushanī (d. 526 H/1132 CE), also in Mecca.⁸¹² After accomplishing his pilgrimage and returning to al-Andalus, al-Khushanī met Qāḍī 'Iyāḍ in Murcia and read the *Ṣaḥīḥ* to him.⁸¹³ Abū al-Faṭḥ Naṣr b. al-Ḥasan b. al-Qāsim al-Tunkutī (d. 486 H/1093 CE) is said to have heard the *Ṣaḥīḥ* from al-Fārisī and transmitted it to Sufyān b. al-'Āṣ al-Asadī.⁸¹⁴

The third line deriving from al-Julūdī's text is ascribed to Abū Sa'īd 'Umar al-Sijzī (d. fourth century H/tenth century CE), who heard the *Ṣaḥīḥ* in Nishapur in 369 H/981 CE,⁸¹⁵ and read it to Abū al-Qāsim Ḥātim b. Muḥammad al-Ṭarābulusī (d. 469 H/1077 CE) in Mecca in 403 H/1015 CE,⁸¹⁶ and to Abū Muḥammad 'Abd Allāh al-Shantajālī (d. 436 H/1048 CE). Both al-Ṭarābulusī and al-Shantajālī transmitted the *Ṣaḥīḥ* to 'Abd al-Raḥmān b. Muḥammad Ibn 'Attāb (d. 520 H/1126 CE) by *ijāza*. Moreover, al-Shantajālī transmitted the text during the six years before his death to several students, among whom was Abū Ḥafṣ al-Hawzanī (d. 460 H/1062

807 Ibn al-Abbār, *Mu'jam* (2000), 118.

808 In 508 H/1114 CE, in Murcia's Mosque. See 'Iyāḍ, *al-Ghunya* (1982), 36.

809 Dhahabī, *Siyar* (1992), XVIII, 19.

810 'Iyāḍ, *Ikmāl* (1998) I, 43.

811 Al-Dhahabī, *Siyar* (1992), XIX, 203.

812 'Iyāḍ, *Ikmāl* (1998) I, 44.

813 Ibid.

814 Ibn 'Asākir, *Tārīkh* (1996), LXII, 32; 'Iyāḍ, *al-Ghunya* (1982), 37.

815 Ibn Khayr, *Fihrist* (1998), 86.

816 Ibid.

CE), who transmitted this version to 'Abd Allāh b. Abī Ja'far al-Khushanī, who then read it to Qāḍī 'Iyāḍ.

b. Abū Bakr b. Ibrāhīm al-Kisā'ī

Abū 'Abd Allāh Muḥammad al-Ḥākim al-Naysabūrī (d. 405 H/1014 CE) reports that, at a very advanced age, Abū Bakr al-Kisā'ī (d. 385 H/987 CE) started reading an old copy of Muslim's *Ṣaḥīḥ* transmitted from Ibn Sufyān. Al-Ḥākim was suspicious and considered this manuscript unreliable, which pushed al-Kisā'ī to confess that, in 308 H/910 CE, his father took him to Ibn Sufyān's *ḥalqāt* (lessons) to hear Muslim's *Ṣaḥīḥ*. Still, when he grew up, he found out that he was neither able to remember what he had heard nor could he find any written notes. Nevertheless, Abū Aḥmad Muḥammad b. 'Īsā al-Julūdī reassured him and told him that he was very young then and had fallen asleep during those sessions, and gave him his own manuscript to copy from, and it was this version that he had been using and reading from.⁸¹⁷ Al-Kisā'ī transmitted his *riwāya* to Abū Muḥammad 'Abd al-Malik b. al-Ḥasan b. 'Abd Allāh al-Ṣiqillī⁸¹⁸ (d. fourth century H/tenth century CE) in 382 H/984 CE in Nishapur,⁸¹⁹ who then passed it to Abū al-Qāsim Ḥātim b. Muḥammad al-Ṭarābulusī. 'Abd al-Raḥmān b. Muḥammad Ibn 'Attāb and Abū 'Alī al-Jayyānī al-Ghassānī received the *Ṣaḥīḥ* from al-Ṭarābulusī.⁸²⁰

3.2.1.2. The Western version

Abū Muḥammad Aḥmad b. 'Alī b. al-Ḥasan b. al-Mughīra b. 'Abd al-Raḥmān al-Qalānisī is the second authoritative transmitter of the *Ṣaḥīḥ* of Muslim and his version is called *riwāyat ahl al-maghrib* because it was widely known there and, as Ibn al-Salāḥ indicates: "I could only hear it [the Qalānisī version] among them [the Maghribis]."⁸²¹ Biographical and historical sources have very little information on al-Qalānisī.⁸²² Abū Fahd al-Sam'ānī (d. 562 H/1166 CE), however, recommends his version and

817 Al-Nayasābūrī, *Su'ālāt* (1988), 73.

818 Ibn Nāṣir al-Dīn, *Rasā'il* (2001), 376; al-Māzarī, *al-Mu'lim* (1988), I, 179.

819 Ibn Khayr, *Fihrist* (1998), 86.

820 Al-Māzarī, *al-Mu'lim* (1988), I, 179.

821 Ibn al-Ṣalāḥ, *Ṣiyāna* (1984), 109.

822 Pavlovitch suggests that al-Qalānisī was born around 245 H/859 CE. See Pavlovitch 2023, 322.

asserts that al-Qalānisī is the best transmitter for Muslim's *Ṣaḥīḥ*.⁸²³ In addition, Abū al-Ḥasan 'Alī b. 'Umar al-Dāraquṭnī (d. 385 H/995 CE) praises al-Qalānisī's *riwāya*.⁸²⁴

It is worth noting that the Western version is incomplete; the part beginning at the first tradition in *bāb fī ḥadīth al-'ifk* in *kitāb al-tawba* until the end of the book, which includes two hundred and sixty-three ḥadīths, is missing and has been replaced by the version of Ibn Sufyān ← al-Julūdī.⁸²⁵ The transmission of al-Qalānisī's version starts with Abū Bakr Aḥmad b. Muḥammad b. Yaḥyā al-Mutakallim al-Ashqar (d. 359 H/970 CE), who had heard the *Ṣaḥīḥ* in Nishapur⁸²⁶ and transmitted it there to Abū al-'Alā' 'Abd al-Wahhāb b. 'Īsā b. 'Abd al-Raḥmān b. 'Īsā Ibn Māhān al-Fārisī al-Baghdādī (d. 387 H/989 CE). Ibn Māhān began his *riḥla* from Baghdad to Damascus, after which he went on to Beirut, Jerusalem and Nishapur, where he met al-Ashqar likely in 353 H/964 CE.⁸²⁷ He then headed for Isfahan and ended his journey in Egypt, where he settled down and read al-Qalānisī's *riwāya* of Muslim's *Ṣaḥīḥ* until he died.⁸²⁸ The chain of the transmission of Muslim's *Ṣaḥīḥ* in al-Maghrib branches from Ibn Māhān as follows:

a. Abū 'Abd Allāh Muḥammad b. Aḥmad b. 'Abd Allāh al-Bājī al-Lakhmī

Al-Bājī al-Lakhmī was born in Seville in 356 H/967 CE into a well-established family of legal scholars. He accompanied his father Aḥmad b. 'Abd Allāh al-Bājī (d. 396 H/1005 CE) during his journey to the East, where he met Ibn Māhān in Egypt and heard the *Ṣaḥīḥ* from him. Qāḍī 'Iyāḍ asserts that the Sevillian Abū Ḥafṣ al-Hawzanī received the text from Abū 'Abd Allāh al-Bājī and transmitted it to Abū 'Abd Allāh al-Khushanī (d. 494 H/1096 CE), and then to his son 'Abd Allāh al-Khushanī, who read it over to Qāḍī 'Iyāḍ in 508 H/1110 CE in Murcia.⁸²⁹ Al-Bājī al-Lakhmī died in 433 H/1041 CE.

823 Al-Sam'ānī, *al-Ansāb* (1988), V, 190.

824 Ibn al-Najjār, *Dhayl* (n.d.), I, 278.

825 Ibn al-Ṣalāḥ, *Ṣiyāna* (1984), 109–10.

826 Al-Sam'ānī, *al-Ansāb* (1988), V, 190.

827 al-Māzarī, *al-Mu'lim* (1988), I, 180.

828 Ibn al-Najjār, *Dhayl* (n.d.), I, 375–78.

829 'Iyāḍ, *al-Ghunya* (1982), 37.

b. Abū 'Abd Allāh Muḥammad b. Yaḥyā b. al-Ḥadhhdhā' al-Tamīmī

Known as Ibn al-Ḥadhhdhā', Abū 'Abd Allāh Muḥammad b. Yaḥyā b. al-Ḥadhhdhā' al-Tamīmī was born in 374 H/958 CE in Cordoba and was among the most important traditionists of al-Andalus. In 372 H/983 CE, he left the peninsula to perform the pilgrimage. He travelled in the East and heard from eminent scholars such as Ibn Māhān. Abū 'Abd Allāh b. Yaḥyā b. al-Ḥadhhdhā' copied Muslim's *Ṣaḥīḥ* from Ibn Māhān and later came back to al-Andalus, where he read it to his son Abū b. 'Umar al-Ḥadhhdhā' (d. 467 H/1074 CE) in 395 H/1004 CE, who in his turn transmitted it to Abū 'Alī al-Ghassānī al-Jayyānī in 465 H/1072 CE.⁸³⁰ Abū 'Abd Allāh b. Yaḥyā b. al-Ḥadhhdhā' al-Tamīmī died in 416 H/1025 in Zaragoza.⁸³¹

c. Ibn al-Rassān

Abū al-Qāsim Aḥmad b. 'Abd Allāh b. 'Alī al-Ma'āfirī al-Qurtubī, known as Ibn al-Rassān, was born in 319 H/931 CE and became a merchant.⁸³² He travelled to perform the pilgrimage and, on his way, met Ibn Māhān in Egypt and received the *Ṣaḥīḥ* from him. He was likely the first to introduce Ibn Māhān's text to al-Andalus, namely in Cordoba in the mosque of Abū 'Ubayda,⁸³³ where he transmitted it to his students, among them Muḥammad Ibn 'Attāb (d. 462 H/1071 CE), Abū 'Abd Allāh b. Yaḥyā b. al-Ḥadhhdhā' al-Tamīmī and his son Abū 'Umar b. al-Ḥadhhdhā'. Ibn al-Rassān died in 403 H/1012 CE.⁸³⁴

Particular and noteworthy are some ḥadīth authorities whose main tool for controlling the quality and determining the authenticity of the traditions, tracing their passage through time and space and reducing the complexity, was the collation. In the following chain of transmission of the *Ṣaḥīḥ* from Muslim to Qāḍī 'Iyāḍ, there are two examples. First is Abū Ḥafṣ al-Hawzanī, who received *riwāyat* al-Julūdī and *riwāyat* Ibn Māhān. The second is Abū 'Alī al-Jayyānī al-Ghassānī, who collated the three versions of al-Julūdī, al-Kisā'ī and Ibn Māhān. As was illustrated by Fück, al-Jayyānī al-Ghassānī also presents a nodal point that is not only present in Muslim's *Ṣaḥīḥ*, for instance, in the chain of transmission of *Ṣaḥīḥ* al-Bukhārī until Shihāb al-Dīn al-Qaṣṭallānī (d. 923 H/1517 CE). He collates the *Ṣaḥīḥ*

830 Ibn Khayr, *Fihrist* (1998), 87.

831 Al-Dhahabī, *Siyar* (1992), XVII, 444.

832 Ibid., XVII, 205.

833 Ibn Bashkuwāl, *al-Ṣila* (2010), 61–62.

834 Al-Dhahabī, *Siyar* (1992), XVII, 205

from four transmitters⁸³⁵ of Muḥammad b. Yūsuf al-Firabrī's (d. 320 H/932 CE) recension and one transmitter⁸³⁶ of Ibrāhīm b. Ma'qil al-Nasafī's recension.⁸³⁷

3.2.2. The embryological conceptualisation in *Ikmāl al-mu'lim*

In this section, the embryological discussion of Qāḍī 'Iyāḍ is based on his commentary on the following prophetic traditions:

1) 'Abd Allāh b. Mas'ūd:

One of you, his creation is gathered in his mother's womb for forty days, after which it becomes a clot of blood (*'alaqa*) likewise. Then it becomes a lump of flesh (*mudgha*) likewise. Later the angel is sent to him, and breathes into him the soul (*rūḥ*), and the angel is ordered to write down four words: his sustenance, his time of death, his deeds and his fortune and misfortune. By Him, besides Whom there is no god, one amongst you acts like the people deserving paradise until between him and paradise there remains but the distance of a cubit, when suddenly the writing of destiny overcomes him and he begins to act like the denizens of hell and thus enters Hell, and another one acts in the way of the denizens of Hell, until there remains between him and hell a distance of a cubit that the writing of destiny overcomes him and then he begins to act like the people of Paradise and enters Paradise.

... This ḥadīth has been reported on the authority of 'Amash with the same chain of transmitters and in the ḥadīth transmitted on the authority of Wakī': "One of you, his creation is gathered in his mother's womb for forty nights" and in the ḥadīth transmitted on the authority of Shu'ba: "Forty nights and forty days." And in the ḥadīth transmitted on the authority of Jarīr and 'Isā: "forty days."

2) Ḥudhayfa b. Asīd:

When the drop of semen (*nufsa*) remains in the womb for forty or forty-five nights, the angel comes and says: oh Lord, will he be fortunated or unfortunated? And both these things would be written. Then the angel

835 They are Yūsuf b. 'Abd Allāh Ibn 'Abd al-Barr (d. 463 H/1071 CE), Aḥmad Abū 'Umar Ibn al-Ḥadhdhā' (d. 467 H/1075 CE), Ḥātim b. Muḥammad Abū al-Qāsim al-Ṭarābulusī (d. 469 H/1077 CE) and 'Abd al-Wāḥid b. Muḥammad b. Mawhib al-Tujībī, known as Ibn al-Qabrī (d. 456 H/1064 CE).

836 He is al-Ḥakam b. Muḥammad al-Judhāmī (d. 447 H/1055 CE).

837 Fück 1938, 80.

says: oh Lord, would he be male or female? And both these things are written. And his deeds and actions, his death, his livelihood; these are also recorded. Then the pages are rolled up and nothing is added and nothing is taken away from it.

3) Ḥudhayfa PCL Ibn Wahb: 'Āmir b. Wāthila heard Ibn Mas'ūd say: "The wretched is the one who is wretched in the womb of his mother and the blessed is the one who has been promised otherwise." [ʿĀmir] then met a man from the companions of the messenger of God, called Ḥuhayfa Ibn Asīd al-Ghifārī, and told him this from what Ibn Mas'ūd had said adding: How is a man wretched without having acted. So, the man [Ḥudhayfa] said: Are you surprised by this? I heard the messenger of God say: "When the semen (*nutfa*) has passed forty-two nights God sends an angel to it and he forms it and creates his ability to hear and see and his skin, flesh and bones and then says: oh Lord, would he be male or female? And your God decides as He desires and the angel then writes down that also and then says: oh Lord, what about his death? And your God decides as He likes it, and the angel writes it down. Then he says: oh God, what about his livelihood? And then God decides as He likes and the angel writes it down, and then the angel gets out with his scroll of destiny in his hand, and nothing is added to it, and nothing is subtracted from it."

... This ḥadīth has been narrated on the authority of 'Abd Allāh b. Mas'ūd through another chain of transmitters.

4) Ḥudhayfa PCL Yaḥyā Ibn Abī Bukayr: Abū al-Ṭufail reported: I visited Abū Sariha Ḥudhayfa b. Asīd al-Ghifārī, he said: I heard with these two ears of mine God's messenger (may peace be upon him) say: The semen (*nutfa*) falls into the womb for forty nights, then the angel *yataṣawwaru 'alayhā*. Zubayr said: "I think that he said who fashions it". Then, the angel says: Oh Lord! Male or female? So, God makes it male or female. Then he says: Oh Lord! Even or uneven? So, God makes it even or uneven. Then he says: Oh Lord! What is his sustenance? What is his time of death? What are his personal characteristics? Then God makes him wretched or blessed.

5) Anas b. Mālik reported directly from God's Messenger (may peace be upon him) that he said:

God, the Exalted and Glorious, has appointed an angel as the caretaker of the womb, and he would say: oh God, it is now a drop of semen; oh God, it is now a clot of blood; oh God, it has now become a lump of flesh, and when God decides to give it a final shape, the angel says:

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oh God, would it be male or female or would he be an evil or a good person? What about his livelihood and his age? And it is all written as he is in his mother's womb.

After briefly mentioning some sections from the five traditions, 'Iyāḍ starts his analysis and discussion. This can be divided into four sections. Notable is the reversed order followed by 'Iyāḍ: he begins at the end and moves backwards through the embryonic timeline. The first section introduces the ensoulment directly into the embryological discussion. In the second section, 'Iyāḍ focuses on the waiting period (*'idda*) and the miscarriage. 'Iyāḍ then steps outside the embryological milieu to pause over a linguistic issue in the ḥadīth in the third section. Finally, in the last and most extensive section, he examines embryogenesis as it appears through the five traditions, with a special focus on the *nutfā* phase.

'Iyāḍ starts the first section in his commentary writing:

The Qāḍī said: the terms of this ḥadīth have been different in distinct positions, but there is no disagreement that the ensoulment is after the one hundred and twentieth day, which is the end of the fourth month and the beginning of the fifth, and this has been empirically proved (*wa-hadhā qad jurriba bi-l-mushāhada*) and is reliable when it comes to judgments related to disputations about affiliation and descentance (*al-istilhāq 'ind al-tanāzu'*) and to the obligation of alimony for pregnant, divorced women. And that is because of the ascertainment of the embryo's movement in the womb.⁸³⁸

Noteworthy is 'Iyāḍ's style in this passage, characterised by its simplicity, conciseness and exemplification. From the beginning of *kitāb al-qadar*, he addresses the ensoulment issue by directly introducing his opinion and then developing his commentary. 'Iyāḍ starts by underlining the diversity of terms and versions of this ḥadīth. It is, indeed, the ḥadīth of ensoulment, known as *ḥadīth nafkh al-rūḥ*. What brought about the debate on the ensoulment in the prophetic tradition is the existence of different variants in addition to the presence of other traditions with different material. In the case of the *Ikmāl*, there is a contradiction between Ibn Mas'ūd's ḥadīth and the narrations of the ḥadīth of Ḥudhayfa Ibn Asīd. The reason behind this contradiction is the apparent meaning of Ibn Mas'ūd's ḥadīth, which shows that the ensoulment and the writing of a person's destiny take place after

838 'Iyāḍ, *Ikmāl* (1998), VIII, 123–24.

the third forty days (i.e., one hundred and twenty days), at the beginning of the fifth month. In contrast, the other tradition shows that this takes place after the first forty days, i.e., around the middle of the second month, without mentioning the ensoulment.

Ignoring the second meaning, 'Iyāḍ argues that the ensoulment occurs only after one hundred and twenty days, accentuating the scholarly consensus on this matter and presenting an argument to consolidate his opinion: the empirical approach, which ranges from direct personal human observation to experiments on animals or the witnessing of textual evidence. The first possibility could be based on direct observation of pregnant women, either by physicians, midwives or by 'Iyāḍ himself. The result, in these cases, is fundamentally based on sense perception (*al-hiss*) and eyewitnessing (*al-mushāhada*), as stated by Ibn Jumay' (d. 594 H/1198 CE).⁸³⁹ As for the second possibility, 'Iyāḍ might have witnessed or talked about experiments on animals whose results were later applied to the human embryological process. In this case, I recall the experiments carried out by 'Arīb Ibn Sa'īd on hens' eggs to follow the embryogenesis. He writes:

And whoever would like to verify the veracity of our affirmation and consider it adequate will have to take twenty eggs or more and lay hens on them (to incubate), and each day, an egg will break and so on, until finishing with all eggs. There, he will see the disposition (or nature) of the hen that is similar to that of the woman and will see how the membranes extend to the navel and that all things that we see happening in the egg occur in the foetus.⁸⁴⁰

The third possibility could be semantic, in a way that the *mushāhada* does not necessarily need to be based upon a physical scientific observation but might rather indicate the witness of other textual evidence. In other words, 'Iyāḍ may have evoked other textual evidence (*shawāhid*) concerning the ensoulment to validate his opinion. Nevertheless, using the verb *jurriba* adds an experimental character to the meaning, which, in my opinion, favours the second possibility. To strengthen the idea that the ensoulment happens after the one hundred and twenty days, 'Iyāḍ gives an example

839 Ghaly included the example of this Egyptian Jewish physician to explain how Ibn Jumay' could verify the Hippocratic conceptualisation of the embryological development. See Ghaly 2014, 184–86.

840 Ibn Sa'īd al-Qurṭubī, *Generación* (1983), 69.

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by connecting the legal rulings for *istilhāq*⁸⁴¹ (admission of paternity) and alimony (*nafaqa*) for pregnant or divorced women, where the ensoulment automatically happens at the end of the fourth/beginning of the fifth months with the movement of the embryo in the mother's belly. This means that the ensoulment causes the movement of the embryo, which creates a demarcation line for the jurists to sentence legal rulings in cases of *istilhāq* and *nafaqa*. Therefore, movement is a sign that the soul has been breathed into the embryo.

Following the discussion on the one hundred and twenty days of embryological development, 'Iyāḍ invokes another supporting example for the argument of the waiting period (*'idda*). This reads as follows:

And it was said: The wisdom behind the period of four months and ten days as a waiting period (*'idda*) for the widow is to enter the fifth [month] and, accordingly, to ascertain the emptiness of the womb (*barā'at al-rahim*) by reaching this time. The addition [of days or nights] from whoever adds (*ziyādat man zād*) to the arrival of the angel that will take place after the addition to the forty days informs us that the angel does not come at the end of the forty days, but after – as he said: three or five or some [days], according to different traditions. And it was not mentioned in any other ḥadīth [that it comes directly at] the end of the fortieth.⁸⁴²

As highlighted, 'Iyāḍ does not comment but rather collates two quotations. The first part of this passage reminds me of a similar text in *Sharḥ mushkil al-āthār* by Abū Ja'far Aḥmad al-Ṭaḥāwī (d. 321 H/933 CE). Regarding the waiting period, the Qur'anic verse Q 2:234 indicates verbatim that a widow should wait four months and ten days after the husband's death without explicitly explaining the reason for this exact period. Hence, the Muslim scholars tried to reach a legal explanation through reasoning. Al-Ṭaḥāwī's commentary runs as follows:

“As for those of you who die and leave widows behind, let them observe a waiting period of four months and ten days. When they have reached the end of this period, then you are not accountable for what they decide for

841 Or recognition of paternity. In Mālikism, only the father's declaration confirms and establishes his paternity, considering the differences in age between father and son/daughter and the local customs. See Ruxton 1916, 207. For further details concerning *istilhāq*, see Sujimon 2003, 117–43; Serrano Ruano 2013, 59–75.

842 'Iyāḍ, *Ikmāl* (1998), VIII, 124.

themselves in a reasonable manner. And Allāh is All-Aware of what you do” (Q 2:234). He said: I said: Why are these ten days added to the four months? He said: Because the soul is breathed in during these ten days. This was taken as evidence by Muḥammad Ibn al-Ḥasan in a case where a man buys a [pubescent] slave whose menstruation has been delayed. He said: If four months and ten days have passed ... He said: Because the soul is breathed during that period [of ten days].⁸⁴³

It seems that ‘Iyāḍ likely adopted this passage from al-Ṭaḥāwī’s commentary and collated it together with Ḥudhayfa Ibn Asīd’s traditions to conclude that the ensoulment does not occur on the one hundred and twentieth day after conception, but rather after this date, and exactly in the following ten days, underlining that none of the traditions contradict this assertion since it is mentioned nowhere in these traditions that the angel comes or the ensoulment happens directly on the last day of the last forty days, i.e., the *mudḡha* phase. ‘Iyāḍ proceeds by including quotations in his commentary. He writes:

It is said that the indication that every state (*ḥāla*) and transition (*intiḡāl*) has a span of forty days and that it passes to the *‘alaqa* only after the forty [days] is the basis for not determining the miscarriage unless it is a clot (*‘alaqa*). Then, [his] mother will be judged to be an *umm walad*, and [accordingly] through [this miscarriage] the waiting periods (*‘idda*) is cleared/expired, and these judgments are not made for the gathered blood. This is the opinion of Ibn al-Qāsim because it could be identified as a miscarriage only after being developed (*takhalluḡih*) into a clot. Ashhab believes (*yarā*) that when the women [midwives] testify that something, being a blood or *‘alaqa* or whatever, is a miscarriage, then it receives the judgment of a miscarriage (*siqt*). And women could only know this after its development (*takhalluḡih*) to *‘alaqa*.⁸⁴⁴

As I have mentioned for *Aḡkām al-qur’ān* in the commentary on Q 22:5,⁸⁴⁵ in the previous passage, ‘Iyāḍ evokes the so-called doctrine of Ibn al-Qāsim, which establishes the miscarriage only through the presence of an *‘alaqa* and, consequently, a slave can only be an *umm walad* if she miscarries an *‘alaqa*. Notwithstanding the terminological absence of the hot-water test,

843 al-Ṭaḥāwī, *Sharḡ* (1994), IX, 486.

844 ‘Iyāḍ, *Ikmāl* (1998), VIII, 124–25.

845 See page 138.

one can observe its importance in identifying the composition of the gathered blood and, accordingly, the legal status of the miscarriage, the slave and the waiting periods (*al-'idda*).⁸⁴⁶ To connect Ibn al-Qāsim's position and that of Ashhab, 'Iyāḍ inserts his view, arguing that a miscarriage can be legally considered a *siqt* only after its formation (*takhalluq*) into a blood clot (*'alaqa*). Hence, the *takhalluq* happens during the second forty days, i.e., the *'alaqa* phase. 'Iyāḍ moves on to the opinion of Ashhab, which is based on the empirical deduction of midwives on blood, *'alaqa* or whatever entity. When these midwives witness that the miscarried entity is a *siqt*, it receives the legal status and rulings of a *siqt*. 'Iyāḍ intervenes again to stress that the midwives cannot identify the *siqt*, except if it has already been formed as an *'alaqa*.

Since he has been talking about blood, Iyāḍ concludes this second part of the commentary with a critique and rejection of the Aristotelian theory of reproduction, according to which the embryo is created from the female menstrual blood that coagulates thanks to the male sperm.⁸⁴⁷ In a metaphor, Aristotle compares this scene with rennet curdling milk. Using the same metaphor, 'Iyāḍ writes:

It contains a refutation of the anatomists (*ahl al-tashrīḥ*), physicians (*wa-[ahl] al-ṭibb*) and naturalists (*wa-l-ṭabā'i'iyyīn*), and whoever believes in what they say; the child rather comes from the menstrual blood and the semen has nothing to do with its creation, except its coagulation (*'aqdih*), such as rennet (*al-infāḥa*) coagulates the milk, and the book of God and the authentic traditions (*aḥādīth*) contradict that.⁸⁴⁸

In this critique, the target of Qāḍī 'Iyāḍ includes anatomists, physicians, naturalists and anyone who follows this theory. The metaphor used can be traced to Epistle 25 (*fī masqaṭ al-nuṭfa*) in the *Rasā'il* of the Ikhwān al-Ṣafā':

Then, the heat of the sperm heats the moisture in the blood, ripening it. That moisture heats up and binds, becoming a blood clot (*'alaqa*), like milk that coagulates from/by rennet (*al-infāḥa*).⁸⁴⁹

846 The term is in the plural to encompass both the death and divorce waiting periods.

847 Aristotle, *GA*, I 20, 729a 11–13; II 3, 737a, 15.

848 'Iyāḍ, *Ikmāl* (1998), VIII, 124–5.

849 Ikhwān al-Ṣafā', *Rasā'il* (1985), 421. This is my own translation.

The Ikhwān al-Ṣafā’ fit to Qāḍī ‘Iyāḍ’s critique as they have also been the target of Ibn al-‘Arabī’s in the commentary on Q 13:8.⁸⁵⁰ Accordingly, the naturalists’ epithet (*al-ṭabā’i’iyyūn*) likely refers to them. Rejecting all these ideas, ‘Iyāḍ recollects that the Qur’anic verses and prophetic traditions contradict these approaches.

Moving forward in commenting on the traditions, this time Qāḍī ‘Iyāḍ pauses on the fourth ḥadīth of the list, which is on the authority of Ḥudhayfa Ibn Asīd, and offers a terminological analysis of one word in the *matn*, i.e., *yatasawwar*. In one of the most enigmatic passages, ‘Iyāḍ writes:

His speech here: “Then, when the drop of semen (*nutfa*) falls into the womb (*raḥim*) for forty nights, then the angel climbs on it (*yatasawwar*), he says: Oh Lord, male or female?” The meaning of *yatasawwar* ‘*alayhā* is: he descends, borrowed from *tasawwaratu al-dār*: I descended into [the house] from above, and *tasawwur* could only be from above.⁸⁵¹

In his study of Ḥudhayfa Ibn Asīd’s tradition in Muslim’s *Ṣaḥīḥ*, Eich demonstrates how the expression *yataṣawwar* ‘*alayhā* does not make sense since the combination between the verb and the preposition is not lexicalised. In addition, Eich considers the *ṣād* ↔ *sīn* exchange as a mistake in the transmission process.⁸⁵²

Commenting on Muslim’s *Ṣaḥīḥ*, al-Nawawī insists on the fact that in all the copies in the Muslim countries (*jami‘ nusakh bilādīnā*),⁸⁵³ *yataṣawwar* uses the letter *ṣād*, except in ‘Iyāḍ’s commentary where it appears with the letter *sīn*.⁸⁵⁴ As highlighted by al-Nawawī, a comparison between the two textual variants of the tradition regarding the terminology shows a slight but significant difference in one letter in the same term. This terminological difference implies a semantic change in the tradition – in a way that the angel of the womb, rather than shaping the *nutfa*, climbs on it. This, consequently, implies a decisive change in the embryological process, precisely in the duration of the tripartite *nutfa-‘alaqa-muḍgha* and in the timing of the ensoulment. On the other hand, when *yataṣawwar* is written with *ṣād*, the probability of associating the shaping of the embryo with forty nights as the total duration of the tripartite *nutfa-‘alaqa-muḍgha* increases. The ensoulment can, accordingly, be put forth after this period of forty nights.

850 See pages 111–112.

851 ‘Iyāḍ, *Ikmāl* (1998), VIII, 125.

852 Eich 2021, 67–68.

853 *Bilādīnā* is an *iḍāfa* case and is generally used to indicate *bilād al-muslimīn*.

854 al-Nawawī, *al-Minhāj* (1972), XVI, 194.

Nevertheless, when *yatasawwar* is written using *sīn*, the controversial debate about the duration of the tripartite *nutfa-ālaqa-mudgha*, in addition to the moment of the embryo's shaping and ensoulment, comes to an end. This is because the angel's mission at this stage would be climbing over the *nutfa*, and there is no suggestion of shaping. At this juncture, a question emerges: where does the *yatasawwar* with *sīn* come from? Is it the authentic term in the ḥadīth, or is it only present in one version of the ḥadīth? Is it possible that Qāḍī 'Iyād might have used it to support his opinion from a jurisprudential point of view?

I suggest two possibilities that might be related to the origin of *yatasawwar* with *sīn*:

- i. It is likely that Qāḍī 'Iyād took this tradition from al-Qalānisi's recension of Muslim's *Ṣaḥīḥ*, known as the Western version. Albeit incomplete, the complete part of this *riwāya* includes the book of destiny (*kitāb al-qadar*). To verify the presence of the term *yatasawwar* in al-Qalānisi's version, I had to go back to the *Mu'lim* by al-Māzarī because a particular characteristic of this commentary is that it points out the differences between the recensions of Muslim's *Ṣaḥīḥ* and, in some cases, between the *Ṣaḥīḥ* and other ḥadīth compilations. Yet, this task was impossible due to the absence of the tradition in the *Mu'lim*.⁸⁵⁵ In fact, al-Māzarī does not seem to have given an explanation for all the traditions but, in most cases, only mentions those that need to be clarified in terms of *'ilm al-ḥadīth riwāya wa-dirāya* (transmitting and knowing prophetic traditions), jurisprudence and its principles, and theology. This, consequently, does not help to confirm or refute the hypothesis. Nevertheless, Eich mentions that the *ṣād* ↔ *sīn* exchange was found in Arabic papyri until the tenth century CE.⁸⁵⁶ I was able to identify a *ṣād* ↔ *sīn* exchange in eleventh-century Ifriqiya in a colophon of *Mukhtṣar al-mudawwana wa-l-mukhtalaṭa* copied by al-Ḥarīth Ibn Marwān⁸⁵⁷ (d. after 428 H/1037 CE).⁸⁵⁸ The copyist announced that he finished

855 Al-Māzarī, *al-Mu'lim* (1988), III, 309–20.

856 Eich 2021, 678.

857 The only information about this copyist is found in *Kitāb al-'umr* by Ḥasan Ḥosnī 'Abd al-Wahāb. Together with his son Yahyā, they always copied manuscripts for the princely treasury for about forty years. Their handwritings were characterised by simplicity and clarity. See 'Abd al-Wahāb 1990, 85–86.

858 It was during the presentation of Miklos Muranyi about the private collections and donations of books in Kairouan that I noted this *ṣād* ↔ *sīn* exchange in a

this copy in *saḡar* of the year 408 H/1017 CE (*wa-faraġha minhu Ḥārith Ibn Marwān bi-khaṭṭ yaḡihi fī saḡar min sanat thamān wa-arba‘ mā‘ā*). The presence of the preposition *min* after the term *saḡar* indicates the relation between it and the later nominal group, which is the year 408 H. Therefore, *saḡar* was meant to be *ṡaḡar* (i.e., the second month in the Islamic calendar).⁸⁵⁹ This *ṡād* ↔ *sīn* exchange might suggest that the recension of al-Qalānisī likely had this variant. Nevertheless, supposing that the *yatasawwar* with *sīn* has its roots in al-Qalānisī’s version, what made Qāḍī ‘Iyāḍ choose it rather than the *yataṡawwar* with *ṡād* present in the other versions, i.e., al-Julūdī and al-Kisāī? Or why did he confine himself to it? His choice is probably not arbitrary because it suits his jurisprudential opinion and the embryological thinking of his milieu, which excludes the shaping after the first forty days and supports it at the end of the third forty days.

- ii. After arguing that, of all the copies found in the Islamic world, the *yatasawwar* with *sīn* appears only in *Ikmāl al-mu‘lim*, al-Nawawī seems to be convinced of the correctness of this version since he suggests that the authentic form could be the *yatasawwar* with *sīn* and that the *sīn* was substituted with *ṡād* in all the copies.⁸⁶⁰ In this regard, a concerning question is immediately raised: could this thinking not be applied the other way around?⁸⁶¹ What if the *yataṡawwar* with *ṡād* in all the copies is the authentic form and in Qāḍī ‘Iyāḍ’s commentary, the *ṡād* was substituted with a *sīn*? This irregularity could have its roots in the phonetic similarity when articulating the two sounds *ṡād* and *sīn*, which would restrict the error to the hearing (*samā*) of the tradition. In other words, Qāḍī ‘Iyāḍ might have misheard the word *yataṡawwar*, as it is also likely that the *muḡaddith* from whom ‘Iyāḍ heard the tradition mispronounced *yataṡawwar*, especially if one takes into consideration the circumstances of the dictation, which would

manuscript’s colophon. I brought up this point during the Q&A session. Muranyi 2022. Please refer to Appendix 4 for more details.

859 Two possibilities can be discussed if the copyist meant to write *saḡar* with *sīn*. In the first case, the copyist wanted to show that he finished copying while travelling. Yet, in Arabic, it is incorrect to say *fī saḡar*; it is instead *‘alā saḡar*. In the second case, *sifr* denotes the book/manuscript. Nevertheless, the presence of the preposition *min* makes no sense.

860 He says “*fa-yuḡtamal an takūn al-ṡād al-wāqi‘a fī nusakh bilādina mubaddalah min al-sīn wa-llāh a‘lam*”. Al-Nawawī, *al-Minhāj* (1972), XVI, 194

861 Ibid.

include the number of students, the proximity to or distance from the traditionist, the noise, etc. In addition, the occurrence of the sounds and, consequently, the letter substitution could be closely related to the plurality of dialects in the Islamic world, not only from one region to another but also within the same geographic area where pronunciation differs from one tribe or community to another.⁸⁶² Whatever the reason might be, the most interesting is the choice of Qāḍī 'Iyāḍ, who insisted on writing and commenting on the *yatasawwar* with *sīn*. This insistence automatically carries another assertion of the role of the angel climbing over the *nutfā* and excluding any possible scenario of shaping the *nutfā*.

Independently of the origin of the *yatasawwar* with *sīn* and its preference over the *yataṣawwar* with *šād*, this section consolidates the first two in the timing of the shaping and accordingly the moment of breathing the soul by closing. In fact, Qāḍī 'Iyāḍ closes the door in front of a possible understanding and interpretation of Ḥudhayfa Ibn Asīd's ḥadīth that the angel would shape the *nutfā* once the forty days after the conception have ended. 'Iyāḍ holds that the role of the angel in this period is concerned only with looking after it.

In the above sections, Qāḍī 'Iyāḍ focuses on the ensoulment and, accordingly, on the determination of the waiting period (*'idda*) and the legal status of miscarriage, in addition to a terminological issue in one tradition. In this section, his focus shifts to embryogenesis in general and to the *nutfā* phase in particular. He starts his analysis by gathering Ibn Mas'ūd's and Ḥudhayfa Ibn Asīd's variants that have not been mentioned with those already on the list,⁸⁶³ in addition to some Qur'anic verses such as Q 40:67 and Q 23:14. He underlines the problematic timing difference of the angel's arrival and consequently the ensoulment between the traditions of Ibn Mas'ūd and Ḥudhayfa b. Asīd that he is supposed to comment on and clarify. He says:

And his saying "Oh Lord, *nutfā*, oh Lord, *mudgha*, oh Lord, *'alaqa*", and in another saying of Ibn Mas'ūd came the explanation (*tafsīr*) of "he is gathered in the womb of his mother": if the *nutfā* drops into the womb (*rahīm*) and God the Exalted wants to create out of it a human being (*bashar*), [the *nutfā*] flies in the skin (*bashar*) of the woman under

862 For instance, Ibn Khaldūn expands on the difference between the urban and Bedouin Arabic dialects. See Larcher 2006, 431–41.

863 The aforementioned list of the five traditions.

every fingernail and hair, then it stays forty nights, then it becomes blood in the womb, and this is its gathering, and this is the time [when] it becomes *‘alaqa* (*kawnuhā*). Besides, his speech in the other ḥadīth: “If the semen (*mā*) of the man outweighs the semen of the woman”, and God’s word is sufficient: “*He is the one who made you out of earth and then out of a drop*” (Q 40:67) and his saying: “*Then we created the drop to a clot of blood*” (Q 23:14). And what remains problematic about this ḥadīth is that in Ibn Mas‘ūd’s ḥadīth the angel asks the questions after the *muḍgha* state and the ensoulment according to what has been said before. His saying: “And then he is ordered with four words/his livelihood and his death”, and in the ḥadīth of Hudhayfa it is mentioned that the angel comes to [the *nutfa*] after settling down in the womb for forty or forty-five [days/nights], and then says: “Oh Lord, wretched or blessed? Male or female?” And also in the other tradition of Ibn Mas‘ūd: “When the *nutfa* passes forty-three [or forty-two days/nights], God sends an angel who shapes it (*yusawwiruhā*) and creates (*khalāqa*) its hearing, sight, skin, meat, and its bones. Then, he says: oh Lord, male or female?” Then, he mentions its death and its sustenance. And in the ḥadīth of Anas: “God has assigned an angel to the *raḥim*, so he says: Oh Lord, *nutfa*, oh Lord, *‘alaqa*, oh Lord, *muḍgha*. Then, if God wants to complete the formation (*khalq*), the angel says: oh Lord, male or female? wretched or blessed?”⁸⁶⁴

At the end of this enumeration of traditions, ‘Iyāḍ deliberates on the role of the angel, which includes three main tasks:

- Accompanying the *nutfa*. The term used for accompanying is *mulāzama*, which expresses a permanent staying with the *nutfa* at this stage and generally with the tripartite *nutfa-‘alaqa-muḍgha*.
- Looking after the *nutfa*, which confirms his choice of the term *yata-sawwar* with *sīn*, especially since he links it with *tasawwaratu al-dār*: “I descended into [the house] from above”. The term *sūr* (house enclosure) and the verb *tasawwara* hold that the *nutfa* is protected within this enclosure and that the angel is overseeing it.
- Being the connecting bridge between what happens in the womb and God, precisely through informing God about the moments of transition from one state to another.

864 ‘Iyāḍ, *Ikmāl* (1998), VIII, 126.

The passage reads as follows:

From all these ḥadīths, it is evident (*yazḥur*) that the angel is responsible for accompanying (*mulāzama*) and taking care of the state of *nutfa* (*ḥāl al-nutfa*), and informing God, concerning the transition through states (*intiḳāl ḥālātihā*), and [God] knows best (*wa-huwa a'lam*). In dealing with the *nutfa*, the angel has moments. One of these [moments] is in its transformation from a *nutfa* to a *'alaqa*, which is the first transition to the pregnancy state (*wa-huwa awwal intiḳāl aḥwālīhā ilā ḥāl al-ḥaml*), and hence, the angel is aware that it is a child. Not every *nutfa* becomes a *walad*; therefore, the scholars argued that it does not have in the [first] forty [days/nights] the judgment of the miscarriage.⁸⁶⁵

In addition to the role of the angel, in the previous paragraph, 'Iyāḍ specifies the first key moment of the angel acting in the womb, i.e., the first embryonic development, the transformation of the *nutfa* into an *'alaqa* or the transition from the *nutfa* phase to the *'alaqa* phase. This moment, according to 'Iyāḍ, is the shift into the state of pregnancy (*ḥāl al-ḥaml*) aligning with the Mālikī consensus and with Ibn al-'Arabī's opinion. Nevertheless, while Ibn al-'Arabī maintains that only a formed lump of flesh (*mudḡha mukhallaqa*) can be a *walad* and the slave consequently acquires the legal status of *umm walad*, 'Iyāḍ considers that the transformation of the *nutfa* into *'alaqa* is the decisive moment where the angel is aware that the unborn is a child (*walad*), accordingly following Mālik, who argues that a slave becomes a mother of a child when the miscarriage is in the stage of *'alaqa* or the next stages.⁸⁶⁶ Why is the transition from the *nutfa* phase to the *'alaqa* phase a decisive moment? Because according to 'Iyāḍ, it is not necessary that every *nutfa* is destined to be a *walad*. To cement his argument, he inserts the opinion of *ahl al-'ilm* (the scholars), who hold that when the *nutfa* is miscarried, it does not receive the legal ruling of miscarriage (*siḳṭ*). Yet, when it comes to the induced miscarriage, Qāḍī 'Iyāḍ seems to be inclined towards none of the opinions and presents a nuanced position where he exposes, on the one hand, the opinion of some scholars who claimed that the embryo in the *nutfa* phase has no legal significance and, accordingly, no legal consequence, and thus it is permissible to abort during the *nutfa* phase and there is no punishment that follows it. At this level, it is likely that 'Iyāḍ associated this opinion

865 Ibid.

866 See Saḥnūn, *al-Mudawwana* (1994), IV, 630.

with 'Alī Abū al-Ḥasan al-Lakhmī (d. 478 H/1085 CE or 498 H/1104 CE), who allows the expulsion of the semen (*nutfa*) during the first forty days and does not attach any legal consequences after that.⁸⁶⁷ On the other hand, 'Iyāḍ presents the opinion of other scholars, who were against any act that disrupts the conception by destroying the sperm (*al-manī'*) and causing its evacuation after being caught in the womb in any way whatsoever. Ibn al-'Arabī, for instance, considers the moment when the womb grasps the semen as being decisive in the conception; therefore, any attempt to interrupt this process is prohibited; *coitus interruptus*, on the contrary, does not affect the formation of the embryo.⁸⁶⁸ Thus, the withdrawal of the sperm in the latter case is permissible. Having dealt with the two opinions, 'Iyāḍ then turns to the determination of the moment when the angel intervenes. He writes:

Some of them believed that [the *nutfa*] has no inviolability (*ḥurma*) and no judgment as to what is meant by in the [first] forty. Others contradicted that. They did not allow the disclosure of destroying the sperm (*al-manī'*) nor the cause of his evacuation after being caught in the *raḥim*, chronologically near or far, unlike the *coitus interruptus* (*ʿazl*) before [the sperm's] arrival into the womb which is, then, the time of the angel's question to his God regarding the gender/sex (*ṣifa*) of His creation (*khalq*), its maintenance, its death and its fortune and misfortune. And this is before its shaping and formation (*taṣwīrih wa-takhalluqih*). Don't you see how he asked: "A male? Or a female?" then it is written, and the books (*al-ṣuḥuf*) are finished. And in the other version: "And your Lord decides as He desires and writes it". And in the ḥadīth of Ibn Mas'ūd, nothing would contradict that because it was mentioned after the ensoulment.⁸⁶⁹

'Iyāḍ connects the womb's grasping of the semen with the arrival of the angel in Ḥudhayfa Ibn Asīd's ḥadīth. In addition, he announces that this moment is the aforementioned key moment of transition from the *nutfa* to the *'alaqa* stage and situates it in the first three traditions of the list, i.e., Ibn Mas'ūd's tradition and two by Ḥudhayfa Ibn Asīd. In the following table, I

867 See al-Rahūnī, *Ḥāshiya* (1978), III, 264. This opinion was adopted by later Maghribi Mālikī scholars, such as the traditionist Abū al-'Abbās al-Qurṭubī and the exegete Abū 'Abd Allāh al-Qurṭubī. See al-Qurṭubī, *al-Mufḥim* (1996), VI, 652; al-Qurṭubī, *al-Jāmi'* (2006), XIV, 316.

868 See Ibn al-'Arabī, *al-Qabas* (1992), II, 763.

869 'Iyāḍ, *Ikmāl* (1998), VIII, 126.

3. Qāḍī 'Iyāḍ

have depicted the role of the angel according to the embryological time in each ḥadīth following the order in 'Iyāḍ's commentary.

Table 7: Role of the angel of the womb determined by time according to different traditions.

Time of the angel's intervention	Role of the angel	Tradition
After the <i>nutfā</i> settles in the womb 40/45 days	-The angel asks whether fortunated or unfortunate and writes it down. -He asks whether male or female and writes it down. -He writes down his deeds, actions, death and livelihood. -The written pages of deeds (<i>ṣuḥuf</i>) are rolled with no addition or subtraction.	Ḥadīth no. 2* Ḥudhayfa b. Asīd.
After the <i>nutfā</i> settles in the womb 42 nights	-The angel arrives and shapes the unborn. -He creates his sense of hearing, sense of sight, his skin, his flesh, his bones. -He asks whether male or female and writes it down. -He asks about his death and writes it down. -He asks about his livelihood and writes it down. -The angel leaves with the <i>ṣahīfa</i> in his hand, and nothing can be added or subtracted.	Ḥadīth no. 3 Ḥudhayfa PCL Ibn Wahb
After the <i>nutfā</i> - ' <i>alaqa-mudgha</i> phases: 120 days	-The angel arrives and breathes the soul into the unborn. -And he writes down his livelihood, death, deeds, fortune, and misfortune.	Ḥadīth no. 1 'Abd Allāh Ibn Mas'ūd

* The ḥadīth numbers correspond to their order on the list. See pages 204–205.

Despite the chronological difference between the three traditions regarding the moment of the angel's intervention and the contrast in the order of the angel's acts, Qāḍī 'Iyāḍ insists on their uniformity. He maintains that the angel arrives at the womb after the first forty days to ask his questions and record the answers in the *ṣuḥuf*, underlining that the unborn's shaping and formation happen afterwards. By the same token, he clarifies that the ensoulment comes after this act despite being mentioned before it in Ibn Mas'ūd's ḥadīth:

Because he said: “and he is ordered” (*wa-yu‘mar*), and the *wāw* does not attribute a position (*rutba*), it, rather, informs – and God knows best – about a state that preceded, and then, the angel acts on [the unborn] at another time, during the shaping (*al-taṣwīr*) and the creation of its hearing, vision, skin, flesh and bone, and whether it is male or female. This happens after it has become a *mudgha* in the third forty, before its complete formation (*tamām khalqihā*) and its ensoulment. Now, the soul is only breathed when its shape (*ṣūra*) is complete.⁸⁷⁰

In Arabic, the conjunctive particle *wāw* generally serves to join two clauses without expressing chronological sequence.⁸⁷¹ Relying on this grammatical definition, ‘Iyāḍ affirms that Ibn Mas‘ūd’s ḥadīth⁸⁷² does not contradict the two others. Thus, the conjunctive particle “and” (*wa*) between the two clauses – “and (*fa*) breathes into him the soul (*rūḥ*), and (*wa*) the angel is ordered to write down four words: his sustenance, his time of death, his deeds and his fortune and misfortune” – does not indicate any order in the embryonic timeline and the order is merely syntactic. The correct chronological and embryonic order would, accordingly, be that the angel is sent to the womb, then he is ordered to write down his sustenance, his time of death, his deeds and fortune and misfortune, and finally, he breathes the soul into the unborn. Nevertheless, ‘Iyāḍ intervenes to add that the angel has another moment where he acts on the unborn. Situated between writing down the four words and breathing the soul, this moment is the unborn’s shaping (*taṣwīr*), creating its hearing, vision, skin, flesh, and bone, and determining whether it is male or female. Yet, the chronological gap between writing down the four words and breathing the soul covers two embryonic stages, i.e., the *‘alaqa* and the *mudgha*. Therefore, and for the sake of accuracy, ‘Iyāḍ specifies that the angel intervenes at the *mudgha* phase, i.e., the third forty days. Concerning the last decisive moment, which is the ensoulment, ‘Iyāḍ underlines the importance of the criterion of the completion of shape (*tamām al-ṣūra*). In this concern, ‘Iyāḍ goes back to solve the issue of the shaping moment present in the third ḥadīth. He writes:

870 ‘Iyāḍ, *Ikmāl* (1998), VIII, 127.

871 The order is due only to the linearity of the sentence. See Ibn Ya‘īsh, *Sharḥ al-mu-faṣṣal* (2001), V, 6–7; Ben Gharbia 2003, 439.

872 The ensoulment ḥadīth.

“When the *nutfa* passes over forty-two [nights], God sends an angel, who shapes it, and creates its hearing, sight, skin, bones and flesh. Then he says: Oh Lord, male or female? Then your God decides what He wants, and [the angel] writes it down, then he says: Oh Lord, his death,” and he mentions his livelihood. It is incorrect to interpret [this ḥadīth] in its apparent terms because it was mentioned that this is what God has decided as He wants, and [the angel] has written it down. This indicates that there is an after, which is the book, as he says: “Then the angel comes out with the book (*ṣaḥīfa*) in his hand.”⁸⁷³

The terms of the third ḥadīth describe how the angel descends to the womb forty-two nights after conception and shapes (*fa-ṣawwarahā*) the *nutfa*, and creates its hearing, sight, skin, bones and flesh. He then (*thumma*) asks about the sex of the unborn, its death and livelihood. The particle *fā*,⁸⁷⁴ contrarily to the *wāw*, indicates order between two clauses, showing that the second happens immediately after the first. As for *thumma*, it marks a substantial time break between the joined clauses. These grammatical assertions may lead the reader to understand that once the angel descends to the womb, he starts shaping the *nutfa* and creating its hearing, etc. After a lapse of time, the angel asks questions and writes down their answers in the *ṣaḥīfa*. Therefore, the shaping and creation of the unborn’s hearing, sight, skin, bones and flesh happen on night forty-two after conception. Qāḍī 'Iyāḍ vehemently rejects this understanding of the apparent meaning of the tradition. As pointed out by Ghaly, 'Iyāḍ does understand and interpret this tradition metaphorically, rather than literally.⁸⁷⁵ Hence, when the angel descends, he does not shape the *nutfa* and create its hearing, sight, skin, bones and flesh; he does this in a written form. In other words, like an architect who designs a graphic and technical representation of the building that he will build, the angel records everything connected to the unborn in the *ṣaḥīfa* before passing to the execution in the other stages. To bolster his understanding and to prove why the proper sense of the tradition requires a metaphorical interpretation, 'Iyāḍ presents three arguments:

873 'Iyāḍ, *Ikmāl* (1998), VIII, 127.

874 “The use of *fā* is restricted to cases where *wāw* connects clauses describing actions closely linked to one another in a temporal or logical sequence. The concepts of ‘sequentiality’ and ‘consequentiality’ are the most appropriate in defining the type of clause relationship reflected by *fā*. The conjunction is used to signal the consequence of a previous action, whether in a temporal chain in which events are linked or in a logical chain of cause and effect.” See Polliack 1997, 117.

875 Ghaly 2014, 168–69.

- The first argument holds that the shaping happens only during the third forty days, i.e., the *mudgha* stage. It reads as follows:

And since the shaping (*taṣwīr*) on the trace of the *nutfa*, at the beginning of the *‘alaqa* and during the second forty does not exist (*ghayr mawjūd*) and is unusual (*lā ma‘hūd*), then, the shaping takes place at the end of the third forty, in the phase of the *mudgha*, as God said: “And certainly did We create man from an extract of clay. Then We placed him as a sperm-drop in a firm lodging. Then We made the sperm-drop into a clinging clot, and We made the clot into a lump [of flesh], and We made [from] the lump, bones, and We covered the bones with flesh” (Q23:12–14). Hence, this is the explanation of what came in [this] ḥadīth, with all deviations of its terms. And the meaning of *nutfa* in this book [related to] its shaping and the creation of its hearing and sight is: he wrote down and what God had decided; based on the evidence of his saying “male or female?” And in the other ḥadīth, “proportioned or not?”⁸⁷⁶

‘Iyāḍ bases this argument on Qur’anic evidence (Q 23:12–14), which gives the broad lines of the embryogenesis. These verses describe the development from one stage to another, including the transformation of the *mudgha* into bones, later covered with flesh. Connecting it with the ḥadīth, ‘Iyāḍ deduces that the shaping and the creating of the hearing, sight, skin, bones and flesh should happen in the *mudgha* stage, insisting that it cannot happen at the end of the *nutfa* stage or during the *‘alaqa* stage. He repeats that the shaping of the *nutfa* happens only on the papers of the book (*ṣaḥīfa*), meaning only in a written form.

- The empirical approach is the second argument introduced by ‘Iyāḍ, who says:

And his saying in the ḥadīth: “And your Lord decides as he desires”, so the entire speech refers to this. And, because [God’s] formation of all organs, masculinisation and femininity were on the same level and at a determinate time. This can be observed in animal embryos. Yet, this observation requires the presence of the outward appearance (*khilqa*) and the proportioning of the shape (*istiwā’*)

876 ‘Iyāḍ, *Ikmāl* (1998), VIII, 127.

al-ṣūra). Afterwards, the angel has its ultimate action: breathing the soul into it. And what was mentioned in the ḥadīth of sending the angel to [the embryo] has an aim – and God knows best what is this aim – He guides him to act in these circumstances and to obey these acts (*li-l-taṣarruf fī hādhihi al-aḥwāl wa-imtithāl hādhihi al-af'āl*). Besides, it is mentioned in the ḥadīth of Anas that [the angel] is charged with the *raḥim* and that he says, “Oh Lord, *nutfa*, oh Lord, *'alaqa*, oh Lord, *mudgha*” and that is the apparent meaning of Ibn Mas'ūd's ḥadīth.⁸⁷⁷

The passage begins with an emphasis on God's will and predestination, a hint to remember that the present commentary belongs to the book of destiny (*kitāb al-qadar*). In addition, 'Iyāḍ argues that the creation of the body members progresses in parallel with the determination of the sex of the unborn. This assertion is provided by empirical evidence from animal embryos, which confirms my hypothesis that 'Iyāḍ might have witnessed or heard about experiments on animals whose results were later applied to human embryology.⁸⁷⁸ In addition to this, 'Iyāḍ evokes two criteria indispensable to the creation of the body members and determination of the sex: displaying human appearance (*khilqa*) and the proportioning of the shape (*istiwā' al-ṣūra*). Together with the criterion for the completion of shape (*tamām al-ṣūra*), these criteria are crucial for the ensoulment. To finish this argument, 'Iyāḍ includes the ḥadīth of Anas to point out that the angel is charged with the womb and his mission is to alternate between receiving the divine orders and executing them at the appropriate moments.

- The last argument starts with including Anas' tradition in the discussion. 'Iyāḍ continues his commentary, saying:

And his saying in the other ḥadīth [Anas' ḥadīth]: “And when God decides to give it a final shape, the angel says: My Lord, would it be male or female? wretched or blessed?” This does not contradict what has been said, and it does not demonstrate that he says so after the *mudgha* stage; it is rather a clause's start (*ibtidā' kalām*) and information about another state (*hāla ukhrā*). [The ḥadīth] first informs about the state of the angel with the *nutfa*, then it informs that if God, the Exalted, wants to show the transformation

877 Ibid., 128.

878 See page 206–07.

of the *nutfa* into a ‘*alaqa* (*idhā arāda izhār khalq al-nutfa ‘alaqa*) and the preservation of its developed from (*ibqā’i atharihā*), as He says: “So decree whatever you are to decree” (Q 20:72). This refers to the transformation of the *nutfa* into a ‘*alaqa* (*takhlīq al-nutfa ‘alaqa*), as it was mentioned. Likewise, follows what has been stated in the livelihood and the death (*al-rizq w-al-ajal*) in his saying: “And your Lord decides as He desires and then, he [the angel] writes down that”. This means that [God] shows that to the angel and commands him to do it and write it because, anyhow, His decision in this matter precedes, and His knowledge about it and His will is advanced, eternal and has no beginning. At this juncture, the ḥadīths agree (*tattafiq al-aḥādīth*) and fit the Qur’anic verse, and there is no dissent nor contradiction between them, and the atheist (*mulḥid*) has nothing to say.⁸⁷⁹

‘Iyāḍ shifts the focus to Anas’ ḥadīth, especially to “and when God decides to give it a final shape, the angel says: My Lord, would it be male or female? wretched or blessed?” because it comes immediately after “oh Lord, *mudgha*”, which might lead to the understanding that these questions are asked in the *mudgha* stage. ‘Iyāḍ notes that the angel starts asking about every stage without diachronic evolution, which means that he starts his questions after the *nutfa* phase and continues with the next questions without an evolution within the embryonic timeline. Hence, the time would be the same when he finishes the questions and writes them down, i.e., after the *nutfa* phase. With recourse to the Qur’anic verse Q 20:72, ‘Iyāḍ shows that the execution (*qaḍā’*) at this level is restricted to listening to the answers and writing them down. Again, ‘Iyāḍ harks back, at the end of his argument, to underline the extent to which the predestination and the knowledge of God present in the traditions and Qur’anic verses leave the non-believer speechless.

Throughout his commentary, ‘Iyāḍ bolstered his approach concerning the issue presented in Ḥudhayfa b. Asīd’s ḥadīth. Grammatically, syntactically and empirically, and using Qur’anic evidence and other traditions, he showed that this tradition should be understood metaphorically and that the shaping and the creation of bones, etc., happen only in the *mudgha* stage. Gathering everything that was said by ‘Iyāḍ about the embryological

879 ‘Iyāḍ, *Ikmāl* (1998), VIII, 128.

development, I present in Appendix 5 an embryonic time scale according to 'Iyāḍ.⁸⁸⁰

Concluding remarks

The preceding analysis has highlighted different findings with regard to the commentary on some traditions from the book of destiny (*kitāb al-qadar*) in Muslim's *Ṣaḥīḥ*. First, 'Iyāḍ demonstrates that the ensoulment happens after the period of one hundred and twenty days, precisely in the ten days following it. Breathing the soul requires, however, three criteria, which include the proportioning of the shape (*istiwā' al-ṣūra*), the appearance of human features and the completion of the shape (*tamām al-ṣūra*). Thanks to the empirical approach, mainly based on experiments on animals whose results were adopted in human embryogenesis, 'Iyāḍ also identifies the movement of the embryo in his mother's belly and associated it with being ensouled. Furthermore, 'Iyāḍ specifies that the transformation of the *nutfā* to the *'alaqa* stage guarantees that the slave acquires the legal status of *umm walad* and that a miscarriage is legally considered a *siqt*. At this point, he assesses the role of the midwives (*qawābil*) in identifying this transformation. Moreover, by confining himself to a variant of ḥadīth in which the term *yatasawwar* is written with *sīn*, and trying to convince, for instance, that Ḥudhayfa Ibn Asīd's tradition should not be understood literally but rather metaphorically, 'Iyāḍ closes the door on the face of any understanding of the shaping and ensoulment being possible after the *nutfā* stage.

880 See Appendix 5, page 234.